

# The City Record

Official Publication of the City of Cleveland

May the First, Two Thousand and Two

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

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# DIRECTORY OF CITY OFFICIALS

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

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

Clerk of Council - Ruby F. Moss, 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 - Richard F. Horvath, Acting Director, Galen L. Schuerlein, Acting Chief Counsel, Room 106  
Karen E. Martinez, Law Librarian, Room 100

DEPT. OF FINANCE - Robert H. Baker, Director, Room 104;  
Frank Badalamenti, Manager, Internal Audit

DIVISIONS: Accounts - Shareen Jackson, Commissioner, Room 19  
Assessments and Licenses - Dedrick Stephens, Commissioner, Room 122  
City Treasury - Algeron Walker, Treasurer, Room 115  
Financial Reporting and Control - Joel Nacion, Acting Controller, Room 18  
Information Systems Services - Cleo Henderson, Commissioner, 1404 E. 9th St.  
Purchases and Supplies - Myrna Branche, Commissioner, Room 128  
Printing and Reproduction - Michael Hewitt, Commissioner, 1735 Lakeside Avenue  
Taxation - Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES - Darnell Brown, Acting Director, 1201 Lakeside Avenue

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

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

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

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

DEPT. OF PUBLIC HEALTH - \_\_\_\_\_, Acting Director, Mural Building, 1925 St. Clair Avenue

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

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

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

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

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

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

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

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

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

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

DEPT. OF ECONOMIC DEVELOPMENT - Christopher P. Warren, Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS - Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

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WEDNESDAY, MAY 1, 2002

No. 4612

## CITY COUNCIL

MONDAY, APRIL 29, 2002

### The City Record

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**RUBY F. MOSS**

Clerk of Council  
216 City Hall

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

#### MONDAY

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

### WEDNESDAY—Alternating

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

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

### WEDNESDAY—Alternating

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
Monday, April 29, 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, Gordon, Johnson, Lewis, Polensek, Reed, Rybka, Scott, Sweeney, Westbrook, White, Zone.

Also present were Mayor Campbell, Acting Director Horvath, Chief Assistant Director of Law Langhenry, Director Baker, Acting Director Brown, Director Ricchiuto, Director Draper, Acting Director Glending, Director Hudecek, Director Romero, Director Warren, Director Ronayne, Director Guzman, Director Barnes, and Chief Tame. Rodney Jenkins, Executive Assistant to the Mayor, Margreat A. Jackson, Legislative Affairs Liaison, Director McCall, John Goersmeyer, Assistant Press Secretary were also present.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Wesley I. Reid, Pastor of Lee Memorial A.M.E. Church, located at 10512 Bryant Avenue in Ward 8. Pledge of Allegiance.

### MOTION

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

### COMMUNICATIONS

#### File No. 746-02.

From the Richard E. Jacobs Groups, Inc. — re: Auditor's Reports for the following:

- Public Square North Community Urban Redevelopment Corp.
- Mall A Community Urban Redevelopment Corp.
- Memorial Park Garage Community Urban Redevelopment Corp. Received.

#### File No. 747-02.

From the Department of Parks, Recreation and Properties — re: C.E. 189.03 Written Notification Requirements. Received.

#### File No. 748-02.

From the City of Parma — certified copy of Resolution No. 149-02 re: Ohio Bicentennial Flag. Received.

### FROM DEPARTMENT OF LIQUOR CONTROL

#### File No. 749-02.

Re: Transfer of Ownership Application — 88596050005 — Theatrical Grill, Inc., 711-15 Vincent Avenue. (Ward 13). Received.

#### File No. 750-02.

Re: Transfer of Ownership Application — 1360576 — Center Group LLC, d.b.a. Rahrenheit, 1st floor south and basement, 2417 Professor Avenue. (Ward 13). Received.

#### File No. 751-02.

Re: Transfer of Ownership Application — 1914755 — Dandoul, Inc., d.b.a. Fulton Beverage, 3335 Fulton Road. (Ward 14). Received.

### STATEMENT OF WORK ACCEPTED

#### File No. 752-02.

From the Department of Public Utilities re: Contract No. PI 54085, Demolition of various Non-Operative Stations Project, completed and accepted February 28, 2002. Received.

#### File No. 753-02.

From the Department of Public Utilities re: Contract No. 54103, Southeastern Maintenance and Service Facility, completed and accepted February 1, 2002. Received.

### CONDOLENCE RESOLUTION

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

**Res. No. 754-02**—Marcia F. Henderson.

**CONGRATULATION RESOLUTIONS**

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

**Res. No. 755-02**—Herman Doerfer.

**Res. No. 756-02**—Bishop J. Delano Ellis II & Pastor Sabrina J. Ellis.

**COMMEMORATION RESOLUTION**

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

**Res. No. 757-02**—27th Anniversary of the Fall of Saigon.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 758-02.**

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

An emergency ordinance to amend the title of Ordinance No. 2367-01, passed March 11, 2002, and to supplement said ordinance by adding new Sections 4, 5 and 6; and to renumber existing Section 4 to new Section 7, relating to the public improvement of constructing the Nottingham Chemical Project, rehabilitating the discharge headers for the Nottingham finished water pump station and remediating erosion affecting the Nottingham Water Plant in portions of the Euclid Creek Reservation, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

**Section 1.** That the title of Ordinance No. 2367-01, passed March 11, 2002, is hereby amended to read as follows:

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a Water Supply Revolving Loan Account loan to finance portions of the Nottingham Chemical Project; determining the method of making the public improvement of constructing the Nottingham Chemical Project, rehabilitating the discharge headers for the Nottingham finished water pump station and remediating erosion affecting the Nottingham Water Plant in portions of the Euclid Creek Reservation, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

**Section 2.** That the existing title of Ordinance No. 2367-01, passed March 11, 2002, is hereby repealed.

**Section 3.** That Ordinance No. 2367-01, passed March 11, 2002, is hereby supplemented by adding new Sections 4, 5, and 6 thereof, to read, respectively, as follows:

**Section 4.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing the Nottingham Chemical Project, rehabilitating the discharge headers for the Nottingham finished water pump station and remediating erosion affecting the Nottingham Water Plant in portions of the Euclid

Creek Reservation (the "Improvement"), for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the Improvement.

**Section 5.** That the Director of Public Utilities is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the Improvement provided however, that each separate trade and each distinct component part of said Improvement may be treated as a separate Improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said Improvement.

**Section 6.** That the cost of said Improvement hereby authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, from the fund or funds to which are credited the proceeds of the sale of future waterworks revenue bonds issued for this purpose, and from the fund or funds to which are credited the loan proceeds received pursuant to the authority of Ordinance No. 2367-01, passed March 11, 2002, Request No. 114463.

**Section 4.** That Section 4 of Ordinance No. 2367-01, passed March 11, 2002, is hereby renumbered to new "Section 7".

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

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

**Ord. No. 759-02.**

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

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a grant from the U.S. Environmental Protection Agency for the Water Security Grant; and authorizing the said Director to employ consultants to provide professional services necessary to develop and perform a security assessment, planning and vulnerability assessment of publicly-owned drinking water facilities.

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to apply for and accept a grant in the amount of \$115,000, from the U.S. Environmental Protection Agency, to conduct the Water Security Grant, for the purposes set forth in the application and according thereto; that the Director of Public Utilities

is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 759-02-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**Section 3.** That the Director of Public Utilities is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to develop and perform a security assessment, planning and vulnerability assessment of publicly-owned drinking water facilities.

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

**Section 4.** That the costs for such services herein contemplated shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance and are hereby appropriated for this purpose.

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

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

**Ord. No. 760-02.**

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

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain the lifting equipment on one plate truck, for the Division of Water Pollution Control, 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 hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one

year for the necessary items of labor and materials necessary to repair and maintain the lifting equipment on one plate truck in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water Pollution Control, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 109102)

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

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

**Ord. No. 761-02.**  
**By Councilmen Westbrook and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Port Control to enter into a requirement contract with Siemens Building Technologies, Inc. for the purchase of labor and materials necessary to continue to maintain, repair and expand the building automation system at Cleveland Hopkins International Airport, Department of Port Control.**

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

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

**Section 1.** That it is hereby determined that the within services are non-competitive and cannot be secured from any source other than Siemens Building Technologies, Inc. Therefore, the Director of Port Control is hereby authorized to make a written requirement contract with Siemens Building Technologies, Inc. for labor and materials necessary to continue to maintain, repair and expand the building automation system at Cleveland Hopkins International Airport, Department of Port Control.

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

initial purchase thereunder, which purchase, together with all subsequent purchases shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 113515)

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

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

**Ord. No. 762-02.**  
**By Councilmen Sweeney and Jackson (by departmental request).**

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

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of plow blades and curb bumpers in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 106880)

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

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

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

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

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

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of emulsion and purging solution, and labor and materials necessary to maintain emulsion equipment in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 106881)

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

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

**Ord. No. 764-02.**  
**By Councilmen Sweeney and Jackson (by departmental request).**

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

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of gutter broom sets and tube and gutter brooms in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 106879)

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

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

**Ord. No. 765-02.**  
**By Councilmen Sweeney and Jackson (by departmental request).**  
**An emergency ordinance authorizing the purchase by requirement contract of cold mix material, for the Division of Streets, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of cold mix material in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate

contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 106878)

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

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

**Ord. No. 766-02.**  
**By Councilmen Sweeney and Jackson (by departmental request).**

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

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of SSI tack coat in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

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

requisition against such contract duly certified by the Director of Finance. (RL 106877)

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

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

**Ord. No. 767-02.**  
**By Councilmen Sweeney and Jackson (by departmental request).**

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

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of guard rail elements, posts, end wings, and hardware in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 106876)

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

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

**Ord. No. 768-02.**  
**By Councilmen Britt and Jackson**  
**(by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to lease property known as 23600 Mercantile Road, from Mercantile Associates for a term not to exceed one year, for the public purpose of leasing space to store goods necessary for the operation of the Cleveland House of Corrections.**

Whereas, the City of Cleveland requires certain space located at 23600 Mercantile Road, in Beechwood, Ohio, including the exclusive use of ten parking spaces, and the non-exclusive use of common parking and loading areas, for the public purpose of leasing space to store goods necessary for the operation of the Cleveland House of Corrections; and

Whereas, Mercantile Associates has proposed to lease said space to the City of Cleveland; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is authorized to lease from Mercantile Associates certain space more fully described as follows: approximately 5,400 square feet of space located at 23600 Mercantile Road, Beechwood, Ohio, including the exclusive use of ten parking spaces, and the non-exclusive use of common parking and loading areas ("Premises").

**Section 2.** That the term of the lease authorized by this ordinance shall not exceed one year, and shall include authority to the Director of Public Health to cancel this lease upon a 60-day notice, prior to the one year term, by written notification to Mercantile Associates.

**Section 3.** That the rent for the lease authorized by this ordinance shall be a base rate of \$3,000 per month, exclusive of utilities. The City of Cleveland shall also pay 5.4% of the cost of the Common Area Maintenance expenses for 23500-23600 Mercantile Road.

**Section 4.** That the lease may authorize the City to make improvements to the lease premises under terms to be determined by the parties consistent with the public purpose or purposes of leasing space to store goods necessary for the operation of the Cleveland House of Corrections.

**Section 5.** That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

**Section 6.** That the costs of the lease shall be paid from Fund No. 17 SF 684, Request No. 103553.

**Section 7.** That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

**Section 8.** That the Director of Public Health and the Director of Law, and other appropriate City officials, are authorized to execute

such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

**Section 9.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 769-02.**  
**By Councilmen Britt and Jackson**  
**(by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 2002-03 Center Point/Student Assistance/Drug Prevention Program; and to enter into contract for the lease of facilities needed to implement the program.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$497,884, and any other funds as they become available during the grant term, from the Alcohol and Drug Addiction Services Board of Cuyahoga County, to conduct the 2002-03 Center Point/Student Assistance/Drug Prevention Program, for the purposes set forth in the summary and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the summary for said grant.

**Section 2.** That the summary for said grant, File No. 769-02-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$15,000, to be paid from Fund No. 01-500500-639905, is hereby approved in all respects.

**Section 3.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is hereby authorized to lease a facility for the implementation of the grant. The term of the lease shall not exceed the grant period and shall be payable from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance.

That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the purposes of the grant. That the lease may provide for the City's payment of appropriate utility

and other operating costs of the leased premises.

That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

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

**Section 4.** That the costs of the lease authorized herein shall be paid from the fund or funds to which are credited the proceeds of the grant accepted pursuant to this ordinance and from the cash match identified above.

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

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

**Ord. No. 770-02.**  
**By Councilmen Reed and Jackson**  
**(by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Federal Bureau of Justice Assistance, for the Bulletproof Vest Partnership Grant, and authorizing the Director of Public Safety to enter into requirement contract for the purchase of equipment necessary to implement the grant.**

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 Safety is hereby authorized to apply for and accept a grant in the amount of \$309,324.00, from the Federal Bureau of Justice Assistance, to conduct the Bulletproof Vest Partnership Grant, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 770-02-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$309,324.00, from Fund No. 10 SF 025, is hereby approved in all respects.

**Section 3.** That the Director of Public Safety shall have the authority to extend the term of the grant if said extension does not involve an increase in the dollar amount of the grant specified above.

**Section 4.** That the Director of Public Safety is hereby authorized

to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant term for the necessary items of equipment necessary to implement the grant, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Finance. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

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

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

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

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

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

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

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of small equipment, including but not limited to, chain saws, pole pruners, leaf blowers, edgers, outside vacuums, drills, lawnmowers and spraying equipment, in the estimated sum of \$48,350.00, with one option exercisable by the Director of Parks, Recreation and Properties, to renew for an additional one-year consecutive term, and cancellable upon thirty days written notice by said Director, to be purchased by the Commissioner of Purchases and

Supplies upon a unit basis for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 107073)

**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 Parks, Recreation and Properties 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.

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

**Ord. No. 772-02.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety, Division of EMS for the Domestic Preparedness Grant; and to enter into contract with St. Vincent Charity Hospital to implement the grant.**

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 Safety is hereby authorized to apply for and accept a grant in the amount of \$120,000.00, from the Ohio Department of Public Safety, Division of EMS, to conduct the Domestic Preparedness Grant, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant;

and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 772-02-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**Section 3.** That the Director of Public Safety shall have the authority to extend the term of the grant if said extension does not involve an increase in the dollar amount of the grant specified above.

**Section 4.** That the Director of Public Safety is hereby authorized to enter into contract with St. Vincent Charity Hospital for training necessary to implement the grant. Said contract shall be paid from the fund or funds to which are credited the proceeds of the grant accepted pursuant to this ordinance and are hereby appropriated for this purpose.

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

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

**Ord. No. 773-02.**

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

**An emergency ordinance to amend Section 1 of Ordinance No. 360-02, passed April 1, 2002, relating to a contract with City Year to perform community service work and to collaborate with various nonprofit agencies.**

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

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

**Section 1.** That Section 1 of Ordinance No. 360-02, passed April 1, 2002, is hereby amended to read as follows:

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract with City Year to perform community service work and to collaborate with non-profit agencies, in an amount not to exceed **\$100,000.00**, payable from Fund No. 01-700401-638000, Request No. 106782.

**Section 2.** That existing Section 1 of Ordinance No. 360-02, passed April 1, 2002, is hereby repealed.

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

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



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

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

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

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

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

**Section 1.** That Section 1 of Ordinance No. 361-02, passed April 1, 2002, is hereby amended to read as follows:

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to enter into an agreement with Neighborhood Centers Association to implement educational, recreational and cultural programs in various school buildings during evening hours in accordance with the recommendations and pilot program proposed by the Committee of the Cleveland Summit on Education, in an amount not to exceed **\$150,000**, payable from Fund No. 01-700401-638000, Request No. 106784.

**Section 2.** That existing Section 1 of Ordinance No. 361-02, passed April 1, 2002, is hereby repealed.

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

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

**Ord. No. 775-02.**

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

**An emergency ordinance authorizing the Director of Aging to expend Community Development Block Grant funds for the Senior Homeowners Assistance Program (SHAP) and the CHORE Program.**

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

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

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

**Section 1.** That Community Development Block Grant funds in the amount of One Hundred Twenty-Five Thousand Dollars (\$125,000.00) from Fund No. 14 SF 028, Request No. 104697, are hereby appropriated for costs of the Department of Aging associated with conducting the Senior Homeowners Assistance Program ("SHAP") and the CHORE Program in conjunction with the Community Development Block Grant Program.

**Section 2.** That, prior to expending funds hereunder, the Director of Aging and the Director of Community Development shall enter into a memorandum of understanding for this program.

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

**Ord. No. 776-02.**

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

**An emergency ordinance authorizing the Directors of Community Development and the Consumer Affairs to expend Community Development Block Grant funds for fair housing services.**

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

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

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

**Section 1.** That Community Development Block Grant funds are hereby appropriated for costs of the Department of Consumer Affairs for fair housing services.

**Section 2.** That the Director of Consumer Affairs is hereby authorized to enter into contracts with outside agencies for the purpose of providing fair housing services in conjunction with the Community Development Block Grant Program.

**Section 3.** That prior to expending funds hereunder the Director of Community Development shall enter into a Memorandum of Understanding with the Director of the Consumer Affairs for the purposes described in Sections 1 and 2 above.

**Section 4.** That the aggregate cost of the expenditure and the contracts authorized in Sections 1 and 2 shall be in an amount not to exceed \$100,000.00 and shall be paid from Fund No. 14 SF 028 Request No. 104696.

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

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

**Ord. No. 777-02.**

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

**An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 1972-01, passed December 3, 2001, relating to a contract with Bingham Building Limited Partnership for the acquisition and rehabilitation of the Bingham Building.**

Whereas, this ordinance constitutes an emergency measure provid-

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

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

**Section 1.** That the title and Sections 1 and 2 of Ordinance No. 1972-01, passed December 3, 2001, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Directors of Economic Development and Community Development to enter into a contract with **Bingham Building Limited Partnership** to provide economic development assistance to partially finance the acquisition and rehabilitation of the Bingham Building, and all other associated costs necessary to redevelop the property, located in Cleveland, Ohio.

**Section 1.** That the Directors of Economic Development are hereby authorized to enter into a contract with **Bingham Building Limited Partnership** to provide economic development assistance to partially finance the acquisition and rehabilitation of the Bingham Building, and all other associated costs necessary to redevelop the property located in Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Summary contained in File No. **1972-01-B.**

**Section 2.** That the existing title and Sections 1 and 2 of Ordinance No. 1972-01, passed December 3, 2001, are hereby repealed.

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

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

**Ord. No. 778-02.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts to provide for the demolition, removal or the boarding up of structures within the City of Cleveland.**

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

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

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

**Section 1.** That the Director of Community Development is hereby authorized to enter into one or more contracts for the demolition, removal or the boarding up of structures within the City of Cleveland.

**Section 2.** That the cost of said contract or contracts shall be in an amount not to exceed \$1,822,000.00 and shall be paid from Fund No. 14 SF 028 RL 104694.

**Section 3.** That the Director of Community Development is authorized to accept monies in repayment under said program and to utilize

said repayments and other program income in a revolving fund for making additional expenditures under this program, and such funds are hereby appropriated for that purpose.

**Section 4.** That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of fees under the City's Demolition/Board Up Program.

**Section 5.** That the Director of the Department of Community Development is hereby authorized to enter into forbearance agreements with any recipient of a validly existing loan, administered by the City under the City's Demolition/Board Up Program.

**Section 6.** That the Director of Community Development is hereby authorized to collect from persons or entities from whom the City is collecting demolition costs an amount equal to any amount spent for services related to collection of demolition cost, such as title searches, credit bureau reports, and document filing fees. Any funds collected shall be deposited into Fund No. 14.

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

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

**Ord. No. 779-02.**

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

**An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Community Development to expend Community Development Block Grant funds for the operation of the Project Clean Program.**

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

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

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

**Section 1.** That Community Development Block Grant funds in the amount of Five Hundred Thousand Dollars (\$500,000.00) from Fund No. 14 SF 028 Request No. 104695 are hereby appropriated for costs of the Department of Parks, Recreation and Properties for the operation of the Project Clean Program.

**Section 2.** That prior to expending funds hereunder the Director of Community Development shall enter into a Memorandum of Understanding with the Director of Parks, Recreation and Properties for the purposes described in Section 1 above.

**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, Parks, Recreation and Properties, Finance, Law; Committees on Community and Economic Development, Public Parks, Property and Recreation, Finance.

**Ord. No. 780-02.**

**By Councilman Jackson.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 59th, 68th, 69th, 70th Streets to Greater Cleveland Habitat for Humanity, Inc.**

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. 118-22-041 as more fully described below, to Greater Cleveland Habitat for Humanity, Inc.

**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. 118-22-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 46 in Coleman and Van Tine's Allotment of part of Original One Hundred Acre Lot No. 335 the plat of which is recorded in Volume 17 of Maps, Page 8 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Easterly line of East 70th Street, S.E. 274 feet West from the West line of East 71st Street, and parallel therewith at a point in said East line 207.92 feet North from the North line of Central Avenue; thence East as right angles 134 feet; thence North 40 feet; thence West 134 feet to the East line of East 70th Street; thence South along the East line 40 feet to the place of beginning, 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. 118-22-064 as more fully described below to Greater Cleveland Habitat for Humanity, Inc.

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

P. P. No. 118-22-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 97 in Coleman and Van Tine's Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 17 of Maps, Page 8 of Cuyahoga County Records, and forming a parcel of land 40 feet front on the Westerly side of East 70th Street (formerly Irvington Street) and extending back 138.49 feet deep on the Northerly line, 138.56 feet deep on the Southerly line and having a rear line of 40 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 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. 118-23-027 as more fully described below, to Greater Cleveland Habitat for Humanity, Inc.

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

P. P. No. 118-23-027

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 66 in James H. and Harriet Clark's Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat of said Allotment in Volume 9 of Maps, Page 17 of Cuyahoga County Records. Said Sublot No. 66 has a frontage of 40 feet on the Easterly side of East 68th Street (formerly Harriet Avenue) and extends back between parallel lines 126 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 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. 118-23-042 as more fully described, to Greater Cleveland Habitat for Humanity, Inc.

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

P. P. No. 118-23-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11 in Payne, Clark's Allotment of part of Original One Hundred Acre Lot No. 335 as shown by the recorded plat in Volume 11 of Maps, Page 33 of Cuyahoga County Records, and being 40.17 feet front on the Easterly side of East 69th Street, 139.3 feet deep on the Northerly line, 139.25 feet deep on the Southerly line and 40.17 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 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. 118-23-068 as more fully described below, to Greater Cleveland Habitat for Humanity, Inc.

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

P. P. No. 118-23-068

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 72 in Coleman and Van Tine's Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 17 of Maps, Page 8 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 70th Street (formerly Irvington Street) and extending back of equal width 134 feet, as appears by said plat.

Also subject to all zoning ordinances, if any.

**Section 11.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-28-029 as more fully described below, to Greater Cleveland Habitat for Humanity, Inc.

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

P. P. No. 118-28-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 233 in W.S. Chamberlain Allotment of a part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat of said Allotment in Volume 6 of Maps, Page 14 of Cuyahoga County Records and being 50 feet front on the Westerly side of East 59th Street (formerly First Avenue) and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 13.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-064 as more fully described below, to Greater Cleveland Habitat for Humanity, Inc.

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

P. P. No. 118-29-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 45 in W.S. and M.W. Chamberlain's Allotment of part of Original One Hundred Acre Lot Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 59th Street, extending back of equal width, 160 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 15.** That all documents necessary to complete the conveyance authorized by this ordi-

nance 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 16.** 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 17.** 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 18.** 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. 781-02.**

**By Councilman Jackson.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2533 and 2537 East 55th Street; 5511 Haltnorth Court to Akram T. Mustafa.**

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). 124-05-048, 124-05-049, 124-05-053, as more fully described below, to Akram T. Mustafa.

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

P. P. No. 124-05-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11 in B. Lied's Subdivision of part of Lot No. 21 in Bomford and Butler's Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat of said Subdivision in Volume 12 of Maps, Page 17 of Cuyahoga County Records, said Sublot No. 11 has a frontage of 40 feet on the Easterly side of East 55th Street and extends back between parallel lines 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-05-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 10 in B. Subdivision of a part of Original One Hundred Acre Lot No. 331, as shown by the recorded plat in Volume 12 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 55th Street (formerly Willson Avenue) and extending back of equal width 150 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-05-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 5, B. Lieds Subdivision of North one-half of Lot No. 21 of Bomford and Butler's Subdivision of part of Original One Hundred Acre Lot No. 331 Newburgh Township as shown by the recorded plat in Volume 12 of Maps, Page 17 of Cuyahoga County Records and being 47.42 feet front on the Easterly side of East 55th Street and extending back of equal width 150 feet deep along the Northerly line of Haltnorth Court, S.E. (40 feet wide), 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 inter-

ests 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. 782-02.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1306 East 84th Street to Annie B. Frazier.**

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). 106-06-102, as more fully described below, to Annie B. Frazier.

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

P. P. No. 106-06-102

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 62 and 63 in J.H. Wade's Subdivision of part of Original One Hundred Acre Lot No. 383 as shown by the recorded plat of said Subdivision in Volume 27 of Maps, Page 17, Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 84th Street (formerly Van Ness Avenue) at a point 37' Southerly measured along said Westerly line from its point of intersection with the Southerly line of Superior Avenue, N.E., thence Southerly along the Westerly line of East 84th Street 37'; thence Westerly along a line parallel with the Southerly line of said Sublot Nos. 62 and 63, 102' to the Westerly line of said Sublot No. 62; thence Northerly along the Westerly line of said Sublot No. 62, 32' to a point 32 50'/100' Southerly measured along said Westerly line of

Sublot No. 62 from the Southerly line of Superior Avenue, N.E.; thence Easterly in a straight line to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

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

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

**Ord. No. 783-02.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1441 East 84th Street to Johnnie M. Ross.**

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 Ordina-

nances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-07-111, as more fully described below, to Johnnie M. Ross.

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

P. P. No. 106-07-111

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

Beginning at a point in the Easterly line of East 84th Street, N.E., (formerly Van Ness Avenue) which is 140 feet Northerly measured along said Easterly line from the Northerly line of Wade Park Avenue, N.E.; thence Northerly, along the Easterly line of East 84th Street, 40 feet; thence Easterly and parallel with Northerly line of Wade Park Avenue, N.E., 102 feet to a point; thence Southerly and parallel with the Easterly line of East 84th Street, 40 feet; thence Westerly on a line parallel with the Northerly line of Wade Park Avenue, N.E., 102 feet to the place of beginning, and being further known as the Southerly 40 feet of Parcel No. 178 and all of Parcel No. 56 in L.M. Southern's Proposed Wade Park Avenue Allotment of a part of Original One Hundred Acre Lots Nos. 383 and 391.

**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. 784-02.****By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8005 Melrose Avenue, N.E. to Laverne and Arthur Nixon, Jr.**

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). 106-19-046, as more fully described below, to Laverne and Arthur Nixon, Jr.

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

P. P. No. 106-19-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 10 feet of Sublot No. 17 and the Easterly 25 feet of Sublot No. 18 in G.P. Geib's and others Allotment of part of Original One Hundred Acre Lots Nos. 342 and 391, as shown by the recorded plat in Volume 17 of Maps, Page 8 of Cuyahoga County Records and together forming a parcel of land 35 feet front on the Northerly side of Melrose Avenue N.E., about 116.37 feet deep on the Easterly line, about 116.565 feet deep on the Westerly line and 35 feet wide in the rear, as appears by said plat.

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. 785-02.****By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1779 East 68th Street to Angila Stepp.**

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). 118-05-076, as more fully described below, to Angila Stepp.

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

P. P. No. 118-05-076

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 5 in Frank L. Cody Building Company's Subdivision of part of Original One Hundred Acre Lot No. 338 as shown by the recorded plat in Volume 22 of Maps, Page 25 of Cuyahoga County Records and being 38 feet front on the Easterly side of East 68th Street (formerly Kirk Street) and extending back between parallel lines 60 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 3.** That all documents necessary to complete the con-

veyance 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. 786-02.****By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1872 East 69th Street to Arnold Lamar Wright.**

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). 118-05-070, as more fully described below, to Arnold Lamar Wright.

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

P. P. No. 118-05-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 8 in Frank L. Cody Building Company's Subdivision of part of Original One Hundred Acre Lot No. 338, as shown by the recorded plat in Volume 22 of Maps, Page 25 of Cuyahoga County Records, and being 35.89 feet front on the Westerly side of East 69th Street, and extending back 61.54 feet on the Northerly line 61.42 feet on the Southerly line, and having a rear line of 35.93 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

**Ord. No. 787-02.**

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

**An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Mt. Sinai Health Care Foundation for the Mt. Sinai Health Care Foundation Program to develop and prepare a strategic plan of delivery services for the Department of Aging.**

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 Aging is hereby authorized to apply for and accept a grant in the amount of \$59,500.00, from the Mt. Sinai Health Care Foundation, to conduct the Mt. Sinai Health Care Foundation Program to develop and prepare a strategic plan of delivery services for the Department of Aging, for the purposes set forth in the summary and according thereto; that the Director of Aging is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the summary for said grant.

**Section 2.** That the summary for said grant, File No. 787-02-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

#### **FIRST READING EMERGENCY RESOLUTIONS REFERRED**

**Res. No. 788-02.**

**By Councilman Coats.**

**An emergency resolution supporting SBC Ameritech's long distance application with the Ohio Public Utilities Commission in order to increase competition in the marketplace, provide consumers with savings and spur new investment and services across the state.**

Whereas, the Cleveland City Council wants to promote public policies which will increase jobs and promote more choices in communications; and

Whereas, SBC Ameritech's entrance into the long distance market in Ohio will bring a strong competition in the long distance market in Ohio; and

Whereas, with the passage of the Telecommunications Act of 1996, the State of Ohio made fundamental changes in the telecommunications markets with more local competition; and

Whereas, the FCC will review SBC Ameritech's long distance application 90 days after filing to determine compliance with the Telecommunications Act of 1996; and

Whereas, other long distance providers charge monthly minimum fees to consumers, regardless of whether a long distance call is made or not, which monthly fees are burdensome to low-income consumers or those on fixed incomes; and

Whereas, more than 100 companies are currently authorized to provide local and long distance telephone services and SBC Ameritech is the only company currently prohibited from carrying long distance calls; and

Whereas, SBC Ameritech employs more than 10,000 Ohio residents including 7,000 members of the Communications Workers of America as well as from other unions and entry into the long distance market will increase job opportunities; 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 supports SBC Ameritech's long distance application to the Ohio Public Utilities Commission in order to increase competition in the marketplace, provide consumers with savings and spur new investment and services across the state.

**Section 2.** That the Clerk of Council be and is hereby directed to transmit certified copies of this resolution to the appropriate members of the Ohio Public Utilities Commission.

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

**Res. No. 789-02.**

**By Councilman Zone (by request).**

**An emergency resolution declaring the intention to vacate a portion of Aspen Court N.W.**

Whereas, this Council; is satisfied that there is good cause to vacate a portion of Aspen Court N.W. as hereinafter described; and

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

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

**Section 1.** That it hereby declares its intention to vacate that portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being all that portion of Aspen Court N.W. (14.00 feet wide), extending Easterly from the Easterly line of West 61st Street (30.00 feet wide), to that portion of Aspen Court N.W. vacated by the Council of the City of Cleveland by Ordinance Number 1316-56, passed on June 26, 1956.

**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.

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

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

**Ord. No. 790-02.**

**By Councilmen Britt, Conwell and Scott.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with University Circle Incorporated for the Parade the Circle Celebration event through the use of Ward 6, 8 and 9 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with University Circle Incorporated for the Parade the Circle Celebration event for the public purpose of providing art and cultural education for Cleveland residents through the use of Wards 6, 8 and 9 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$15,000 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 791-02.**

**By Councilman Jackson.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Toni Cummings)**

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 mobile peddling upon the 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 at the northwest corner of East 80th Street and Kinsman Road: Toni Cummings.

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

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

**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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 792-02.**

**By Councilman Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract without competitive bidding with Oracle Corporation for computer database software maintenance and support services for the Cleveland Integrated Justice Information System for a period not to exceed one year, for the Cleveland Municipal Court.**

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

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

**Section 1.** That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Oracle Corporation. Therefore, the Director of Finance, on behalf of Cleveland Municipal Court, is hereby authorized to make a written contract with said Oracle Corporation upon the basis of their proposal dated April 18, 2002, for computer database software maintenance and support services for the Cleveland Integrated Justice Information System for a period not to exceed one year, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Cleveland Municipal Court.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 086, Request No. 101143.

**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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 793-02.**

**By Councilman Johnson.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 4. (David Aikens)**

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 mobile peddling upon the 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 4; 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 4 at 3055 Martin L. King Drive: David Aikens.

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

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

**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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 794-02.**

**By Councilman Johnson.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Full Gospel Evangelistic Center to stretch a banner on Martin Luther King Drive in front of the church, for the period from August 15, 2002 to August 17, 2002, inclusive, publicizing "Soulnie" (a Revival and evangelistic picnic).**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Full Gospel Evangelistic Center to install, maintain and remove a banner across Martin Luther King Drive (pole #655091 and #45763), for the period from April 15, 2002 to April 17, 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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

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

**Res. No. 795-02.**

**By Councilman Cimperman.**

**An emergency resolution urging the Cleveland Board of Education to continue its evaluation of proposed school closures to prevent the closure of Tremont Elementary School and to reevaluate the proposed closure of Kentucky Elementary School in Ward 13.**

Whereas, in late March, the Cleveland Board of Education announced the proposed closure of a number of schools throughout the City of Cleveland; and

Whereas, Cleveland City Council was greatly concerned about the impact of the proposed school closures on our neighborhoods; and

Whereas, subsequent to the announcement by the Cleveland Board of Education, members of Council held a public hearing with Barbara Byrd Bennett, CEO of the School District, and other school administrators to gain an understanding of the rationale and process surrounding the proposed school closures; and

Whereas, since that initial hearing before Cleveland City Council, there have been a number of productive meetings to determine the most effective manner to educate our children in their neighborhood schools while dealing with the economic and administrative constraints facing the School District; and

Whereas, residents of Ward 13 with children attending Tremont and Kentucky Elementary Schools are hopeful that the Cleveland Board of Education will act fairly and reasonably in dealing with the sensitive issue of school closures; and

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

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

**Section 1.** That this Council of the City of Cleveland urges the Cleveland Board of Education to continue its reevaluation of proposed school closures to prevent the closure of Tremont Elementary School and to act fairly, judiciously and reasonably in its consideration of the proposed closure of Kentucky Elementary Schools in Ward 13.

**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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 796-02.**

**By Councilman Jackson.**

**An emergency resolution ratifying the amendment to Section V. of the Council Member Business Expenditure Policies and Procedures manual relating to Councilmanic Aides.**

Whereas, Council adopted the Council Member Business Expenditure Policies and Procedures manual dated March 30, 1998; and

Whereas, Council desires to amend Section V. thereof relating to Councilmanic Aides; and

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

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

**Section 1.** That this Council of the City of Cleveland hereby ratifies the amendment to Section V. of the Council Member Business Expenditure Policies and Procedures manual as found in File No. 796-02-A.

**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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 797-02.**

**By Councilman Jackson.**

**An emergency resolution recognizing and acknowledging the establishment of "Drug Court Month" during the month of May, 2002.**

Whereas, drug courts provide the focus and leadership for community-wide, anti-drug systems, bringing together criminal justice, treatment, education and other community partners in the fight against drug abuse; and

Whereas, drug court programs combine intensive judicial supervision, mandatory substance abuse treatment and drug testing and escalating sanctions and incentives in order to break the cycle of drug addiction and it concomitant crime; and

Whereas, judges, prosecutors, defense attorneys, treatment and rehabilitation professionals, law enforcement and corrections personnel, researchers and educators have had a profound impact through hard work and commitment to their communities; and

Whereas, the drug court movement has grown from 12 original drug courts in 1994 to over 1,200 drug courts that are in operation or in the planning stages; and

Whereas, Cleveland City Council is supportive of the establishment of "Drug Court Month" during the month of May, 2002 to recognize and acknowledge the hard work and dedication of those working to make Cleveland's drug court a successful mechanism in dealing with drug related offenses; and

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

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

**Section 1.** That this Council of the City of Cleveland recognizes and acknowledges the establishment of "Drug Court Month" during the month of May, 2002 to recognize and acknowledge the hard work and dedication of those practitioners and participants working to make Cleveland's drug court a successful mechanism in reducing drug usage and crime.

**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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 798-02.**

**By Councilman Lewis.**

**An emergency resolution objecting to the stock transfer of ownership of a C1 and C2 Liquor Permit to 5816 Superior Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a stock transfer of ownership of a C1 and



C2 Liquor Permit to Haddi Liquor & Beverage, Inc., DBA Qasem Save More, 5816 Superior Avenue, Cleveland, Ohio 44103; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the stock transfer of ownership of a C1 and C2 Liquor Permit to Haddi Liquor & Beverage, Inc., DBA Qasem Save More, 5816 Superior Avenue, Cleveland, Ohio 44103, 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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

## SECOND READING EMERGENCY ORDINANCES

### Ord. No. 282-02.

By Councilman Cintron.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3512 Walton Avenue to AFFORD.

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

### Ord. No. 415-02.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 221-01, passed April 9, 2001, relating to the acquisition and renovation of a vacant commercial building into a community center to create employment positions for Cleveland residents through the use of Ward 8 Neighborhood Equity Funds.

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

### Ord. No. 475-02.

By Councilmen Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the State of Ohio Department of Development to conduct the State Home Weatherization Assistance Program; and to enter into contract with various organizations, individual landlords, tenants and contractors for the purpose of providing weatherization assistance to low-income City residents through the State Home Weatherization Assistance Program.

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

### Ord. No. 531-02.

By Councilmen Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a contract with the United States Department of Agriculture, Animal and Plant Health Inspection Service and Wildlife Services for the purpose of conducting operational control activities to reduce wildlife hazards to aircraft operating at Burke Lakefront and Cleveland Hopkins International Airports.

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

### Ord. No. 532-02.

By Councilmen Westbrook and Jackson (by departmental request).

An emergency ordinance to amend Section 2 of Ordinance No. 328-2000, passed June 12, 2000, relating to the purchase by requirement contract of labor and materials necessary to clean and maintain oil/water separators, sewers, electrical vaults and associated appurtenances, including test and dispos-

al of waste materials, for the various divisions of the Department of Port Control.

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

### Ord. No. 533-02.

By Councilmen Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to clean and maintain oil/water separators, sewers, electrical vaults and associated appurtenances, including testing and disposal of waste materials, for the various divisions of the Department of Port Control.

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

1. In the title, line 4, and in Section 1, line 5, after "clean" insert ", inspect, repair".

Amendment agreed to.

## SECOND READING EMERGENCY RESOLUTION

### Res. No. 547-02.

By Councilmen Gordon and Jackson (by departmental request).

An emergency resolution supporting the Board of Cuyahoga County Commissioners Clean Ohio Revitalization grant application to the Ohio Department of Development.

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

## THIRD READING EMERGENCY ORDINANCES PASSED

### Ord. No. 1913-01.

By Councilmen Jackson, Cintron, O'Malley, Cimperman and Patmon (by departmental request).

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

Read third time. Passed. Yeas 19. Nays 0.

### Ord. No. 223-02.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program

and located at East 80th Street and Preble; East 81st Street to KINBESS, LLC.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 224-02.**

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

An emergency ordinance determining the method of making the public improvement of constructing Phase I improvements to the Woodhaven Development Project, and authorizing the Directors of Community Development, Public Service and Public Utilities to enter into contract for the making of such improvement.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 280-02.**

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

An emergency ordinance authorizing the acquisition of certain easement interests from Cleveland Assets, LLC for the public purpose of pedestrian sidewalk crossing and passage located on and within the new FBI field office property, for the Department of Public Service.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 283-02.**

By Councilman Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2239 and 2234 East 55th Street to Kelly Rice.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 386-02.**

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

An emergency ordinance determining the method of making the public improvement of constructing and repairing catch basins and manholes citywide and authorizing the Director of Public Utilities to enter into a public improvement requirement contract for the making of such improvement.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 479-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract or contracts of for the transfer and disposal of solid waste, for the Division of Waste Collection and Disposal, Department of Public Service.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 483-02.**

By Councilman O'Malley.

An emergency ordinance authorizing the City of Cleveland to enter into an agreement with the City of Parma regarding uses and districts across common boundaries when applying zoning laws.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 534-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of contingency services for the disposal of municipal solid waste, for the Division of Waste Collection and Disposal, Department of Public Service.

Read third time. Passed. Yeas 19. Nays 0.

**THIRD READING EMERGENCY RESOLUTION ADOPTED**

**Res. No. 292-02.**

By Councilman O'Malley (by request).

An emergency resolution declaring the intention to vacate a portion of Concord Court S.W.

Read third time. Adopted. Yeas 19. Nays 0.

**MOTION**

By Council Member Cintron and seconded by Council Member Rybka and unanimously carried that the absence of Council Member Joseph T. Jones and Council Member Michael C. O'Malley be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 8:15 p.m. to meet at the Call of the Chair.



Clerk of Council

**THE CALENDAR**

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

**ORDINANCES**

**Ord. No. 282-02.**

By Councilman Cintron.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3512 Walton Avenue to AFFORD.

**Ord. No. 415-02.**

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 221-01, passed April 9, 2001, relating to the acquisition and renovation of a vacant commercial building into a community center to create employment positions for Cleveland residents through the use of Ward 8 Neighborhood Equity Funds.

**Ord. No. 475-02.**

By Councilmen Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the State of Ohio Department of Development to conduct the State Home Weatherization Assistance Program; and to enter

into contract with various organizations, individual landlords, tenants and contractors for the purpose of providing weatherization assistance to low-income City residents through the State Home Weatherization Assistance Program.

**Ord. No. 531-02.**

By Councilmen Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a contract with the United States Department of Agriculture, Animal and Plant Health Inspection Service and Wildlife Services for the purpose of conducting operational control activities to reduce wildlife hazards to aircraft operating at Burke Lakefront and Cleveland Hopkins International Airports.

**Ord. No. 532-02.**

By Councilmen Westbrook and Jackson (by departmental request).

An emergency ordinance to amend Section 2 of Ordinance No. 328-2000, passed June 12, 2000, relating to the purchase by requirement contract of labor and materials necessary to clean and maintain oil/water separators, sewers, electrical vaults and associated appurtenances, including test and disposal of waste materials, for the various divisions of the Department of Port Control.

**Ord. No. 533-02.**

By Councilmen Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to clean, **inspect, repair** and maintain oil/water separators, sewers, electrical vaults and associated appurtenances, including testing and disposal of waste materials, for the various divisions of the Department of Port Control.

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

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

**Section 1.** That the Director of Port Control is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to clean, **inspect, repair** and maintain oil/water separators, sewers, electrical vaults and associated appurtenances, including testing and disposal of waste materials in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 113522)

**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.

**RESOLUTION**

**Res. No. 547-02.**

By Councilmen Gordon and Jackson (by departmental request).

An emergency resolution supporting the Board of Cuyahoga County Commissioners Clean Ohio Revitalization grant application to the Ohio Department of Development.

**BOARD OF CONTROL**

April 24, 2002

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

Present: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Absent: None.

Others: Myrna Branche, Purchases and Supplies.

Kathy Velkoff, Acting Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

**Resolution No. 222-02.**

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 159-02, adopted by the Board on April 3, 2002, approving Professional Electric Products Co. d.b.a. PEPCO for 12 and 2.4 KV Transformers, item nos. 41, 52, 54, 61, 65, 66, 80, 84, 85, 86, 89, 105 thru 110, 132 thru 136, 139, 141, 142, 144 thru 148, 150, 151, 153, 154, 155, 244, 246, 247, 250 thru 258 and 260, is amended by deleting the Requisition No. "103281" and substituting the Requisition No. "103283".

Be it further resolved that all other provisions of said Resolution No. 159-02 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 223-02.**

By Acting Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Board of Control Resolution No. 82-01, adopted February 14, 2001, pursuant to Ordinances Nos. 552-2000, passed June 19, 2000, and, 1234-2000, passed July 17, 2000, approving Anthony Allega Cement Contractors, Inc., for the public improvement of new Runway 5L-23R (6L-24R) Stage I, for the Division of Cleveland Hopkins International Airport, Department of Port Control, the employment of the following subcontractors for the above-mentioned public improvement project is hereby approved:

Subcontractors

<u>MBE/FBE</u>	<u>Description</u>
Kenmore Construction Company 700 Home Avenue Akron, Ohio 44310 N/A	Asphalt paving
Frank & Fric, Inc. 7919 Old Rockside Road Independence, Ohio 44131 N/A	Sheet Metal Contractor

Siemens Building Technologies, Inc. 7680 Hub Parkway Valley View, Ohio 44125 N/A	Temperature Controls Contractor
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Fulton & Associates Balancing Company 29251 Anderson Road Wickliffe, Ohio 44092 N/A	Air & Water Balancing Contractor
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Shippers Highway Express 4965 Neo Parkway Cleveland, Ohio 44128 N/A	Rigging Services Contractor
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Northeast Ohio Trenching Services, Inc. P.O. Box 25589 Garfield Hts., Ohio 44125 N/A	Excavation Contractor
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Mac Mechanical Corporation 1441 Dille Road Euclid, Ohio 44117-1405 FBE	Fire Protection Contractor
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Superior Industrial Insulation Company 3380 West 137th Street Cleveland, Ohio 44111 N/A	Insulation Contractor
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Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.  
Nays: None.  
Absent: None.

**Resolution No. 224-02.**

By Acting Director Konicek.

Be it resolved by Board of Control of the City of Cleveland that the bid of Cyngier Systems Management, Inc., for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, HVAC/Electrical Construction, Contract "D-02-2", all items, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on December 5, 2001, pursuant to the authority of Ordinance No. 930-95, passed on June 10, 1995, Ordinance No. 469-98, passed on May 18, 1998, and Ordinance No. 327-00, passed on June 12, 2000, upon a unit basis for the improvement, in the aggregate amount of \$641,919.75, is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into a contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors by Cyngier Systems Management, Inc. for the public improvement of the Phase 2 Continuation of the Residential Sound Insulation Program, HVAC/Electrical Construction, Contract "D-02-2", hereby is approved:

General Construction (MBE)	\$9,645.00
Steward Supply (MBE)	\$36,587.00
M&M Berger & Associates (FBE)	\$19,258.00

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 225-02.**

By Acting Director Konicek.

Be it resolved by Board of Control of the City of Cleveland that the bid of S&L Specialty Contracting, Inc., for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, General Construction, Contract "D-02-1", all items, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on December 5, 2001, pursuant to the authority of Ordinance No. 930-95, passed on June 19, 1995, Ordinance No. 469-98, passed on May 18, 1998, and Ordinance No. 327-00 passed on June 12, 2000, upon a unit basis for the improvement, in the aggregate amount of \$1,420,036.94, is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into a contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors by S&L Specialty Contracting, Inc. for the public improvement of the Phase 2 Continuation of the Residential Sound Insulation Program, General Construction Contract "D-02-1", hereby is approved:

MAP International  
(MBE) \$430,000.00

Designer Walls  
(FBE) \$142,000.00

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 226-02.**

By Acting Director Konicek.  
Be it resolved by Board of Control of the City of Cleveland and that the bid of Koch Corporation, for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, General Construction, Contract "C-02-1", all items, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on December 5, 2001, pursuant to the authority of Ordinance No. 930-95, passed on June 19, 1995, Ordinance No. 469-98, passed on May 18, 1998, and Ordinance No. 327-00 passed on June 12, 2000, upon a unit basis for the improvement, in the aggregate amount of \$1,153,323.00, is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into a contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractor by Koch Corporation for the public improvement of the Phase 2 Continuation of the Residential Sound Insulation Program, General Construction Contract "C-02-1", hereby is approved:

General Construction  
(MBE) \$345,997.00

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 227-02.**

By Acting Director Konicek.  
Be it resolved by Board of Control of the City of Cleveland that the bid of Gene's Refrigeration, Inc., for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, HVAC/Electrical Construction, Contract "C-02-2", all items, for the Division of Cleveland Hopkins International Airport, Department of Port Control received on December 5, 2001, pursuant to the authority of Ordinance No. 930-95, passed on June 19, 1995, Ordinance No. 469-98, passed on May 18, 1998, and Ordinance No. 327-00, passed on June 12, 2000, upon a unit basis for the improvement, in the aggregate amount of \$556,829.25, is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into a contract for said improvement with said bidder.

Be it further resolved that the employment of the following sub-

contractor by Gene's Refrigeration, Inc. for the public improvement of the Phase 2 Continuation of the Residential Sound Insulation Program, HVAC/Electrical Construction, Contract "C-02-2" hereby is approved:

Cahlk Electric, Inc.  
\$180,000.00

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 228-02.**

By Director Ricchiuto.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of City Auto Frame Service, Inc. for an estimated quantity of frame repair and wheel alignments (all items), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on February 6, 2002, pursuant to the authority of Ordinance No. 371-01, passed by the Council of the City of Cleveland on April 9, 2001, which on the basis of the estimated quantity would amount to Forty One Thousand Seven Hundred Fifty and no/100 Dollars (\$41,750.00) (Net) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 105786  
which shall be certified against such contract in the sum of Forty Thousand and no/100 Dollars (\$40,000.00).

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 and which, does not in total exceed \$95,000.00.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 229-02.**

By Director Ricchiuto.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Custom Clutch Joint and Hydraulics, Inc. for an estimated quantity of hydraulic pumps, motors and valve repair, items 2, 4, 9 and 19, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on December 21, 2001, pursuant to the authority of Ordinance No. 379-01,

passed by the Council of the City of Cleveland on April 9, 2001, which on the basis of the estimated quantity would amount to Nineteen Thousand and no/100 Dollars (\$19,000.00) (2%-10 Days-Net 30) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 105698  
which shall be certified against such contract in the sum of Ten Thousand and no/100 Dollars (\$10,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract and which, together with all other contracts entered into pursuant to the above mentioned ordinance, does not in total exceed \$280,000.00.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 230-02.**

By Director Ricchiuto.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Baron Hydraulics, Co. for an estimated quantity of hydraulic pumps, motors and valve repair, items 1, 3, 5-8, 10-18, 20 and 21, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on December 21, 2001, pursuant to the authority of Ordinance No. 379-01, passed by the Council of the City of Cleveland on April 9, 2001, which on the basis of the estimated quantity would amount to Fifty Six Thousand and no/100 Dollars (\$56,000.00) (2%-10 Days-Net 30) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 105697  
which shall be certified against such contract in the sum of Ten Thousand and no/100 Dollars (\$10,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract and which, together with all other contracts entered into pursuant to the above mentioned ordinance, does not in total exceed \$280,000.00.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 231-02.**

By Director Draper.

Whereas, by its Resolution No. 779-01, adopted October 24, 2001, pursuant to Ordinance No. 1656-99, passed December 6, 1999, this Board of Control approved the conditional bid of Agilent Technologies, Inc. as the lowest and best for the purchase of autosampler; and

Whereas to ensure that the City can make payment for the delivery of the autosampler upon its completion later in 2002, it is necessary to use year 2000 rather than year 1999 Local Law Enforcement Block Grant funds; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 779-01, adopted October 24, 2001, affirming and approving the bid of Agilent Technologies, Inc. as the lowest and best for the purchase of autosampler, for the Division of Police, Department of Public Safety, hereby is amended by deleting "Ordinance No. 1656-99, which was passed by Cleveland City Council on December 6, 1999" and inserting "Ordinance No. 497-01, passed by the Cleveland City Council on May 21, 2001."

Be it further resolved that all other provisions of said Resolution No. 823-01 not expressly amended hereby shall remain in full force and effect.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 232-02.**

By Director Draper.

Whereas, by its Resolution No. 777-01, adopted October 24, 2001, pursuant to Ordinance No. 1656-99, passed December 6, 1999, this Board of Control approved the conditional bid of Agilent Technologies, Inc. as the lowest and best for the purchase of gas chromatograph mass selective system; and

Whereas to ensure that the City can make payment for the delivery of the gas chromatograph mass selective system upon its completion later in 2002, it is necessary to use year 2000 rather than year 1999 Local Law Enforcement Block Grant funds; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 777-01, adopted October 24, 2001, affirming and approving the bid of Agilent Technologies, Inc. as the lowest and best for the purchase of gas chromatograph mass selective system, for the Division of Police, Department of Public Safety, hereby is amended by deleting "Ordinance No. 1656-99, which was passed by Cleveland City Council on December

6, 1999" and inserting "Ordinance No. 497-01, passed by the Cleveland City Council on May 21, 2001."

Be it further resolved that all other provisions of said Resolution No. 823-01 not expressly amended hereby shall remain in full force and effect.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 233-02.**

By Director Draper.

Resolved by the Board of Control of the City of Cleveland that the bid of Schwarz Uniform Corporation for an estimated quantity of ike jackets, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on January 11, 2002, pursuant to the authority of Ordinances No. 1265-01, which was passed by Cleveland City Council on June 19, 2001, which on the basis of the estimated quantity would amount to Thirty One Thousand, One Hundred Twenty Two Hundred and 00/100 Dollars (\$31,122.00) (0%-10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No: 102670  
as specified,

which shall be certified against such contract in the sum of Thirty One Thousand, One Hundred Twenty Two Hundred (\$31,122.00).

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 234-02.**

By Director Draper.

Resolved by the Board of Control of the City of Cleveland that the bid of Atwell's Police and Fire Equipment Company for an estimated quantity of ballistic vests, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on April 5, 2002, pursuant to the authority of Section 135.06 of the C.O. of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Two Hundred Fifty Nine Thousand, Five Hundred, and 00/100 Dollars (\$259,500.00) (0%-

30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No: 1191047

as specified,  
which shall be certified against such contract in the sum of Thirty Seven Thousand, Three Hundred Sixty Eight 00/100 Dollars (\$37,368.00).

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 235-02.**

By Director Draper.

Resolved by the Board of Control of the City of Cleveland that the bid of SBC Ameritech for an estimated quantity of item 1 thru 9, Pen-based Computer Network Infrastructure, for the Division of EMS, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on September 29, 1999, pursuant to the authority of Ordinance No. 1954-98, which was passed by Cleveland City Council on December 14, 1998, which on the basis of the estimated quantity would amount to Twenty-Two Thousand, Eight Hundred Thirty Nine and 00/100 Dollars (\$22,839.00) (2%-30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No: 121605

as specified,  
which shall be certified against such contract in the sum of Twenty-Two Thousand, Eight Hundred Thirty Nine and 00/100 Dollars (\$22,839.00).

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 236-02.**

By Acting Director Glending.

Resolved, by the Board of Control of the City of Cleveland that the bid of Kone, Inc. for an estimated quantity of elevator and escalator maintenance for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, for the period of eighteen (18) months beginning on the date of execution of a contract, received on the 26th day of December 2001, pursuant to the authority of Ordinance No. 621-01 passed June 11, 2001, which on the basis of the estimated quantity would amount to Ninety Nine Thousand, Two Hundred Seventy and XX/100 Dollars (\$99,270.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract or such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 120025**

which shall be certified against such contract in the sum of Sixteen Thousand, Five Hundred Forty Five and XX/100 Dollars (\$16,545.00).

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 estimate quantity, as may be ordered under subsequent requisitions separately certified against said contract, and which together with all other contracts entered into under said ordinance does not exceed a total of \$150,000.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.

Absent: None.

**Resolution No. 237-02.**

By Acting Director Glending.

Be it resolved by the Board of Control of the City of Cleveland, that Resolution No. 762-01, adopted by the Board of Control of the City of Cleveland on October 17, 2001 is hereby rescinded.

Be it further resolved, that all bids received on September 7, 2001, for the purchase of ball diamond clay for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, pursuant to authority of Ordinance No. 547-01, passed April 9, 2001, are hereby rejected.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.

Absent: None.

**Resolution No. 238-02.**

By Acting Director Glending.

Whereas, pursuant to the authority of Ordinance No. 1728-01, passed March 11, 2002, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is autho-

rized, by and at the direction of the Board of Control, to sell three City-owned parcels no longer needed for public use, described herein and located on the north side of Branch Avenue between West 11th Street and West 14th Street, also known as Permanent Parcel Numbers 004-21-034, 004-21-035, 004-21-036 to Stephen A. Torkar, Karen E. Bull, Jerome E. and Gladys I. Wallace, respectively; and

Whereas, said Ordinance No. 1728-01 provided that the consideration to be paid for said parcels shall be at a price not less than the fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1728-01, passed by the Council of the City of Cleveland on March 11, 2002, the Commissioner of Purchases and Supplies is hereby directed to sell three City-owned parcels no longer needed for public use, described therein and located on the north side of Branch Avenue between West 11th Street and West 14th Street, also known as Permanent Parcel Numbers 004-21-034, 004-21-035, 004-21-036 to Stephen A. Torkar, Karen E. Bull, Jerome E. and Gladys I. Wallace, respectively. The considerations to be paid for said parcels are hereby fixed at Four Hundred Dollars (\$400.00), One Hundred Dollars (\$100.00) and Two Hundred Dollars (\$200.00), respectively, which amounts are determined to be not less than the fair market value.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deeds of the City of Cleveland conveying said parcels which documents shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.

Absent: None.

**Resolution No. 239-02.**

By Acting Director Glending.

Whereas, pursuant to the authority of Ordinance No. 1727-01, passed December 10, 2001, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell certain City-owned property no longer needed for public use, described therein and located at the southwest corner of West 11th Street and Abbey Avenue, also known as Permanent Parcel Number 004-09-065 to the Jane A. Clark Trust; and

Whereas, said Ordinance No. 1727-01 provided that the consideration to be paid for the property shall be at a price not less than the fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1727-01, passed by the Council of the City of Cleveland on December 10, 2001, the Commissioner of Purchases and Supplies is hereby directed to sell cer-

tain City-owned property no longer needed for public use, described therein and located at the southwest corner of West 11th Street and Abbey Avenue, also known as Permanent Parcel Number 004-09-065 to the Jane A. Clark Trust. The consideration to be paid for said property is hereby fixed at One Thousand Eight Hundred Dollars (\$1,800.00) which amount is determined to be not less than the fair market value.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.

Absent: None.

**Resolution No. 240-02.**

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 287-02, passed by the Council of the City of Cleveland on March 4, 2002, the Director of Community Development is authorized to enter into contracts with various individuals and/or families for assistance in the financing of housing being acquired in the City of Cleveland in order to improve the economic and general well-being of the people of the City of Cleveland; and

Whereas, the City has established a Housing Advisory Board to review the City's comprehensive affordable housing strategy and various housing assistance programs; and

Whereas, the Housing Advisory Board has reviewed and approved the proposed mortgage loan and/or grant assistance to home buyers program; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 287-02, passed by the Council of the City of Cleveland on March 4, 2002, this Board of Control hereby approves Five Thousand Dollars (\$5,000.00) as the amount of the Mortgage Loan to John P. Flynn, 17626 Wildwood Lane, Cleveland, Ohio 44119, as approved by the Housing Advisory Board on February 27, 2001 and ratified on March 20, 2001.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.

Absent: None.

**Resolution No. 241-02.**

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 287-02, passed by the Council of the City of Cleveland on March 4, 2002, the Director of Community Development is authorized to enter into contracts with various individuals and/or families for assistance

in the financing of housing being acquired in the City of Cleveland in order to improve the economic and general well-being of the people of the City of Cleveland; and

Whereas, the City has established a Housing Advisory Board to review the City's comprehensive affordable housing strategy and various housing assistance programs; and

Whereas, the Housing Advisory Board has reviewed and approved the proposed mortgage loan and/or grant assistance to home buyers program; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 287-02, passed by the Council of the City of Cleveland on March 4, 2002, this Board of Control hereby approves Five Thousand Dollars (\$5,000.00) as the amount of the Mortgage Loan to Eugene Cranford Jr., 17622 Wildwood Lane, Cleveland, Ohio 44119, as approved by the Housing Advisory Board on February 27, 2001 and ratified on March 20, 2001.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 242-02.**

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 287-02, passed by the Council of the City of Cleveland on March 4, 2002, the Director of Community Development is authorized to enter into contracts with various individuals and/or families for assistance in the financing of housing being acquired in the City of Cleveland in order to improve the economic and general well-being of the people of the City of Cleveland; and

Whereas, the City has established a Housing Advisory Board to review the City has comprehensive affordable housing strategy and various housing assistance programs; and

Whereas, the Housing Advisory Board has reviewed and approved the proposed mortgage loan and/or grant assistance to home buyers program; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 287-02, passed by the Council of the City of Cleveland on March 4, 2002, this Board of Control hereby approves Five Thousand Dollars (\$5,000.00) as the amount of the Mortgage Loan to John R. Petralia, 17635 Wildwood Lane, Cleveland, Ohio 44119, as approved by the Housing Advisory Board on February 27, 2001 and ratified on March 20, 2001.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 243-02.**

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 287-02, passed by the Council of the City of Cleveland

on March 4, 2002, the Director of Community Development is authorized to enter into contracts with various individuals and/or families for assistance in the financing of housing being acquired in the City of Cleveland in order to improve the economic and general well-being of the people of the City of Cleveland; and

Whereas, the City has established a Housing Advisory Board to review the City's comprehensive affordable housing strategy and various housing assistance programs; and

Whereas, the Housing Advisory Board has reviewed and approved the proposed mortgage loan and/or grant assistance to home buyers program; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 287-02, passed by the Council of the City of Cleveland on March 4, 2002, this Board of Control hereby approves Five Thousand Dollars (\$5,000.00) as the amount of the Mortgage Loan to Gwendolyn Abbott, 17637 Wildwood Lane, Cleveland, Ohio 44119, as approved by the Housing Advisory Board on February 27, 2001 and ratified on March 20, 2001.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 244-02.**

By Director Baker.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 527-02, passed by the Council of the City of Cleveland on April 1, 2002, the firm of Deloitte & Touche LLP is hereby selected upon the nomination of the Director of Finance from a list of professional certified public accountants determined after a full and complete canvass by said Director as the firm to be employed by contract for the purpose of supplementing the regularly employed staff of the department in order to provide professional services necessary to complete the City's Financial Statements for the Year 2001 Comprehensive Annual Financial Report.

Be it further resolved that the Director of Finance is hereby requested to enter into a written contract with Deloitte & Touche LLP based upon its proposal dated April 12, 2002, which contract shall be prepared by the Director of Law, shall provide that the compensation shall not exceed \$75,000.00 and shall contain such other terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Ciaccia, Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Warren, 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.

ANNE BLOOMBERG,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, MAY 13, 2002**

**9:30 A.M.**

**Calendar No. 02-74:** 5021 Pearl Road (Ward 16)

Don Petruzzi, d.b.a. Don's Chevrolet, owner, appeals to install a 56' high pole sign with a 640 sq. ft. illuminated cabinet on the west side of an irregular shaped acreage parcel in addition to an existing free-standing business identification sign all located in a General Retail Business District on the east side of Pearl Road at 5021 Pearl Road; said installation being contrary to the Sign Regulations where a free standing sign is proposed for a 56' height with a 640 sq. ft. cabinet and the maximum height of a free-standing sign permitted is 25' with a 50 sq. ft. cabinet as stated in Section 350.15(b) of the Codified Ordinances.

**Calendar No. 02-75:** 1866 West 44th Street (Ward 13)

D. Celeste, owner, appeals to construct a 20' x 60' two-story, one family dwelling unit on a 30' x 135' parcel located in a Two-Family District on the west side of West 44th Street at 1866 West 44th Street; said construction being contrary to the Off-Street Parking and Loading Requirements of Section 349.01, where 1 parking space is required and 0 are proposed and contrary to the Area Requirements of Section 355.04, where the minimum lot area required is 4,800 sq. ft. and 4,065 sq. ft. is proposed and contrary to the yards and Courts Requirements, where the proposed building is 6' and 9' from a main building on an adjoining lot and no building shall be constructed less

than 10' from a main building on an adjoining lot as stated in Section 357.09(2)(a) of the Codified Ordinances.

**Calendar No. 02-76:** 6202 St. Clair Avenue (Ward 13)

McGregor Development, owners c/o Timothy Evans, agent, appeal to convert a former first floor retail space of an approximate 49' x 120'-6" two-story retail building into 7 new apartment units, all situated on a 58' x 150' corner parcel located in a Local Retail Business District on the southeast corner of Norwood Road and St. Clair Avenue at 6202 St. Clair Avenue; said conversion being contrary to the Area Requirements of Section 355.04, where the gross floor area permitted is 9,225 sq. ft. and 18,144 sq. ft. is proposed and contrary to the Business District Requirements of Section 343.18 (c), where driveways in a Retail District must be 15' from the property line and 6' is proposed and contrary to the Nonconforming Use Requirements, where an expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

**Calendar No. 02-77:** 13511 Union Avenue (Ward 3)

Burger King Corporation, owner, and Hugh Kidd, Mt. Pleasant Development Corporation c/o Chris Auvil, agent, appeal to construct a 43,000 sq. ft. three-story, 39 unit elderly housing complex located in split zoning between General Retail Business and Semi-Industry Districts and situated on an acreage parcel on the north side of Union Avenue at 13511 Union Avenue; said construction being contrary to the Area Requirements of Section 355.04, where area regulations in "B" and "C" districts (gross floor area) may not exceed 1/2 the lot area or 28,000 sq. ft. and 50,400 sq. ft. is proposed and contrary to the Fence Regulations, where an unspecified fence is shown and any fence located parallel to a driveway within 15' of an intersection with the street cannot exceed 4' in height and all portions of the fence above 2 1/2' must be 75% open as stated in Section 358.03 of the Codified Ordinances.

**Calendar No. 02-78:** 3620 Superior Avenue (Ward 13)

Judy Chin, owner, appeals to change the use of an approximate 74' x 156' area of the 2nd floor of an existing 52' x 156' factory building all situated on a 66' x 165' parcel located in a Semi-Industry District on the south side of Superior Avenue at 3620 Superior Avenue; said change of use being contrary to the Industrial District Requirements of Section 345.03(c)(3), where amusement such as a billiard parlor requires Board of Zoning Appeals approval to exempt from the requirement that noise be effectively prevented from being audible at a 50' distance and contrary to the Specific Use Requirements, where a Two-Family District is located 200' from the proposed use and amusement and recreation uses such as billiard parlors are not permitted within 500' of a Residential District as stated in Section 347.12 of the Codified Ordinances.

**Calendar No. 02-83:** 3593-3609 East 65th Street (Units 1-4) (Ward 12)

Broadway Area Housing and Slavic Village Development Corporation, owners c/o Matthew Solomon, agent, appeal to construct an approximate 48' x 88' two-story frame 4 unit townhouse building all situated on an approximate 160' x 200' parcel located in a Local Retail Business District on the northeast corner of Osmond Avenue and East 65th Street at 3593-3609 East 65th Street; said construction being contrary to the Area Requirements, where the maximum gross floor area proposed is 7,648 sq. ft. and the maximum gross floor area permitted is 6,000 sq. ft. as stated in Section 355.04 of the Codified Ordinances.

**Calendar No. 02-84:** 3593-3609 East 65th Street (Units 5-8) (Ward 12)

Broadway Area Housing and Slavic Village Development Corporation, owners c/o Matthew Solomon, agent, appeal to construct an approximate 48' x 88' two-story, frame 4 unit townhouse building all situated on an approximate 160' x 200' parcel located in a Local Retail Business District on the northeast corner of Osmond Avenue and East 65th Street at 3593-3609 East 65th Street; said construction being contrary to the Area Requirements, where the maximum gross floor area proposed is 7,648 sq. ft. and the maximum gross floor area permitted is 6,800 sq. ft. as stated in Section 355.04 of the Codified Ordinances.

**Calendar No. 02-100:** 3430 Rocky River Drive (Ward 21)

Congregation of St. Joseph, owner c/o Mary Schrader, agent, appeal to install a 130' high meteorological tower for a period of six months to be on the northwesterly portion of an acreage parcel located in a One-Family District on the east side of Rocky River Drive at 3430 Rocky River Drive; said installation being contrary to the Height Regulations, where the proposed height is 130' and the established height district permitted in the One-Family District is 35' as stated in Section 353.01 of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, APRIL 29, 2002**

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

The following appeals were **Approved**:

**Calendar No. 02-61:** 1062 East 185th Street

John Keck, owner, appealed to maintain 98 linear feet of 8' high barbed wire fence on the north and east of a 65' x 110' parcel in a Local Retail Business District.

**Calendar No. 02-64:** 17808 Rosecliff Road

Paul Kirsch, owner, appealed to construct an "L" shaped wooden deck and ramp to the rear of a dwelling house in a One-Family District.

**Calendar No. 02-66:** 1432 East 45th Street

Center Star Construction Inc., owner, appealed to construct a one-story, frame dwelling house in a Multi-Family District.

**Calendar No. 02-36:** 492-494 East 148th Street

Carletha Walker, owner, appealed to change the use of a two and one-half dwelling house from a two dwelling unit to a three dwelling unit in a Two-Family District.

The following appeals were **Denied**:

**Calendar No. 02-62:** 4916 Tillman Avenue

Meade M. Shank, owner, appealed to install a gravel driveway to access a garage in a Two-Family District.

**Calendar No. 02-63:** 3541 East 144th Street

Michelle Teamer, owner, appealed to establish use of a two-story brick dwelling house as a type "a" day care in a Two-Family District.

The following appeals were **Withdrawn**:

**Calendar No. 02-34:** 10202 Lorain Avenue

BP Exploration & Oil, Inc., owner, appealed to demolish an existing service station and construct a 40' x 80' one-story sales building, canopy, pump stations and 22 parking spaces in a General Retail Business District.

**Calendar No. 02-65:** 7901 St. Clair Avenue

Jimmie Richard, owner, appealed to change the use of a two-story, two dwelling unit and store building into two dwelling units and a nightclub building located in Semi-Industry and General Industry Districts.

**On Monday, April 29, 2002, in Executive Session:**

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

The following appeals were **Approved**:

**Calendar No. 02-59:** 1609-1611 East 30th Street

Asia Plaza Company, owner, appealed to construct a 60' x 160' parking lot with 14 parking spaces in a Two-Family District.

**Calendar No. 02-60:** 13416 Eaglesmere Avenue

Clifford Hayes, owner, appealed to enclose an 8' x 16' one-story front porch of a two dwelling house in a Two-Family District.

EUGENE CRANFORD, JR.,  
Secretary



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

Re: Report of the Meeting of April 24, 2002

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

\* \* \*

**Docket A-25-02.**

RE: Appeal of Lewis G. Robinson, Owner of the Two & One/half Story Frame Residential Property located on the premises known as 11703 Oakview Avenue from a VACATE ORDER/30 DAY CONDEMNATION — MS of the Commissioner of the Division of Building and Housing, dated February 11, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 11703 Oakview Avenue to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher. Yeas: Messrs. Denk, Saunders, Saab, Gallagher, Bradley. Nays: None.

\* \* \*

**Docket A-28-02.**

RE: Appeal of Shaker North, Ltd., Owner of the Commercial Masonry Property located on the premises known as 12701 Shaker Boulevard from a NOTICE OF VIOLATION — ELEVATOR CODE of the Commissioner of the Division of Building and Housing, dated June 27, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action required by the Board at this time, noting that the Division of Building and Housing will Withdraw the appeal.

\* \* \*

**Docket A-33-02.**

RE: Appeal of Jason A. Cope, Owner of the Two & One/half Story Frame Residential Property located on the premises known as 3868 East 57th Street from a 30 DAY CONDEMNATION ORDER — MS of the Commissioner of the Division of Building and Housing, dated February 26, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 3868 East 57th Street to the Division of Building and Housing for supervision and any required further action, with the understanding that the Appellant is proceeding with upgrades to the property. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab. Yeas: Messrs. Denk, Saunders, Saab, Gallagher, Bradley. Nays: None.

Yeas: Messrs. Denk, Saunders, Saab, Gallagher, Bradley. Nays: None.

**Docket A-34-02.**

RE: Appeal of Pavco, Inc., Owner of the Property located on the premises known as 8100 Grand Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Commissioner of the Division of Building and Housing, dated February 20, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant seventeen (17) weeks in which to obtain permits and abate the violations with enforcement of the specifics given by the Fire Prevention Bureau, including maintenance of sprinklered areas, monitoring, and other safety measures. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Saab, Gallagher, Bradley. Nays: None.

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**Docket A-36-02.**

RE: Appeal of Altegra Credit Company, Mortgagee of the Two & One/half Story Residential Property located on the premises known as 13613 Caine Avenue from a 30 DAY CONDEMNATION ORDER — MS of the Commissioner of the Division of Building and Housing, dated February 12, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION ORDER — MS and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three (3) months in which to obtain permits and abate the violations, with the provision that the property must be secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the 30 DAY CONDEMNATION ORDER — MS and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by August 8, 2002. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Saab, Gallagher, Bradley. Nays: None.

\* \* \*

**Docket A-38-02.**

RE: Appeal of Scott Pickering, Owner of the Property located on the premises known as 1526 West 25th Street from a NOTICE OF VIOLATION — FIRE CODE of the Commissioner of the Division of Building and Housing, dated February 12, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-38-02 has been POSTPONED; to be rescheduled for May 8, 2002.

**Docket A-41-02.**

RE: Appeal of Cuyahoga Lorain Corp., Owner of the Property located on the premises known as 10131 Elk Avenue from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing, dated October 1, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to find no reason presented to lift the CONDEMNATION ORDER, and to REMAND the property at 10131 Elk Avenue to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Saab, Gallagher, Bradley. Nays: None.

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**Docket A-44-02.**

RE: Appeal of James Ryan, Owner of the Two Family Residential Property and Proposed Swimming Pool located on the premises known as 14928 Cardinal Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing, dated April 1, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to be installed as indicated on the drawing. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Saab, Gallagher, Bradley. Nays: None.

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**Docket A-55-02.**

RE: Appeal of Dan G. Palmer, Owner of the Residential Property on the premises known as 3231 West 100th Street from a NOTICE FOR PERMISSION TO ENTER ADJOINING PROPERTY (3227 West 100th Street) of the Commissioner of the Division of Building and Housing, dated April 5, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to enforce the PERMIT and to state specifically that the date will be this Friday, which is the 26th of April, and that the hours is stated in the Codified Ordinances of the City of Cleveland. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Saab, Gallagher, Bradley. Nays: None.

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**Docket A-58-02.**

RE: Appeal of Leroy Decembly, d.b.a. M. D's Coiffeur Boutique, Owner Property located on the premises known as 13921 Kinsman

Road from a ORDER TO VACATE of the Commissioner of the Division of Building and Housing, dated April 2, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 13921 Kinsman Road to the Division of Building and Housing for supervision and any required further action, and for immediate VACATE of the property. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Saab, Gallagher, Bradley. Nays: None.

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**Docket A-59-02.**

RE: Appeal of Thomas Ungrady Jr., Owner of the Single Family Residential Property and Existing Swimming Pool located on the premises known as 18219 Landseer Road from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing, dated April 13, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to remain where it has been installed for sometime, noting the general acceptance of it by the neighborhood and the security of the double fencing, and to waive the late filing fees. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Saab, Gallagher, Bradley. Nays: None.

\* \* \*

**Docket A-62-02.**

RE: Appeal of Jacobs Investment Management Co., Inc., Owner of the Two Family Residential Property located on the premises known as 2000 Sycamore Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing, dated April 17 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled for May 8, 2002.

\* \* \*

**Docket A-66-02.**

RE: Appeal of Martin L. Keefer, Owner of the Two Family Residential Property and Proposed Swimming Pool located on the premises known as 3444 West 50th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing, dated April 1, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to be

installed as indicated, noting the letter of concurrence from the adjacent neighbor. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Saab, Gallagher, Bradley. Nays: None.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- A-9-99—Shirley A. Russell.
A-18-02—Darryl DeFranco.
A-27-02—Jessie Williams.
A-29-02—United Truck/Car Wash Co., Inc.

Yeas: Messrs. Denk, Saunders, Saab, Gallagher. Nays: None. Not Voting: Mr. Bradley.

\* \* \*

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

- L-1-02—Eugene Greger.
A-15-02—Mohammed Salisu Shoaga.
A-32-02—Werner G. Smith, Inc.
A-48-02 to A-53-02—Alta Social Settlement House.

Yeas: Messrs. Denk, Saunders, Saab, Gallagher. Nays: None. Not Voting: Mr. Bradley.

\* \* \*

**APPROVAL OF MINUTES:**

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

April 10, 2002

Yeas: Messrs. Denk, Saunders, Saab, Gallagher. Nays: None. Not Voting: Mr. Bradley.

\* \* \*

EUGENE CRANFORD, JR., Secretary

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

900

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

THURSDAY, MAY 9, 2002

Ridge Road Transfer Station Landscaping Design, for the Department of Public Service, as authorized by Ordinance No. 318-99, passed by the Council of the City of Cleveland, March 29, 1999.

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

THERE WILL BE A PRE-BID MEETING AT 10:00 A.M. ON THURSDAY, MAY 2, 2002, AT THE RIDGE ROAD TRANSFER STATION, 3727 RIDGE ROAD, CLEVELAND, OHIO 44114.

Pool Chemicals, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 356-01, passed by the Council of the City of Cleveland, April 1, 2002.

Purchase of an Atomic Absorption Spectrometer for Blood Analysis, for the Division of Environment, Department of Public Health, as authorized by Ordinance No. 536-02, passed by the Council of the City of Cleveland, April 10, 2002.

April 24, 2002 and May 1, 2002

**WEDNESDAY, MAY 15, 2002**

**Quicklime**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

**Police Solo Motorcycles**, for the Division of Motor Vehicle Maintenance, Department of Public Safety, as authorized by Ordinance No. 497-01, passed by the Council of the City of Cleveland, May 21, 2001.

April 24, 2002 and May 1, 2002

**THURSDAY, MAY 16, 2002**

**Biological Testing Media and Appurtenances**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.28 of the Codified Ordinances of Cleveland, Ohio, 1976.

**Aluminum Traffic Signs**, for the Division of Traffic Engineering and Parking, Department of Public Service, as authorized by Ordinance No. 2082-01, passed by the Council of the City of Cleveland, December 10, 2001.

April 24, 2002 and May 1, 2002

**WEDNESDAY, MAY 22, 2002**

**Purchase of Laboratory Equipment, Testing, and Analytical Services; Biological and Chemical Testing Supplies, Apparatus and Appurtenances**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.28 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A MANDATORY PRE-BID MEETING AT 11:00 A.M. ON TUESDAY, MAY 7, 2002, AT THE CARL B. STOKES BUILDING, 1201 LAKESIDE AVE., 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

April 24, 2002 and May 1, 2002

**WEDNESDAY, MAY 15, 2002**

**Grinding of Pavement**, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 355-02, passed by Council of the City of Cleveland, April 1, 2002.

May 1, 2002 and May 8, 2002

**THURSDAY, MAY 16, 2002**

**Paper**, for the Division of Printing and Reproduction, Department of Finance, as authorized by Ordinance No. 2078-01, passed by Council of the City of Cleveland, April 4, 2002.

May 1, 2002 and May 8, 2002

**WEDNESDAY, MAY 22, 2002**

**Residential Sound Insulation Program (RSIP) 2002 Group I-02**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 469-98.

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

THERE WILL BE A MANDATORY PRE-BID MEETING IN THURSDAY, MAY 9, 2002 AT 12:00 NOON IN THE MAIN CONFERENCE ROOM AT C & S ENGINEERING OF OHIO, INC., 20445 EMERALD PKWY., SUITE 100, CLEVELAND, OHIO 44135.

**90 Cases of Larvicide Briquettes**, for the Division of Environment, Department of Public Health, as authorized by Ordinance No. 537-02 passed by Council of the City of Cleveland, April 8, 2002.

May 1, 2002 and May 8, 2002

**THURSDAY, MAY 23, 2002**

**Manhole Risers**, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 476-02, passed by Council of the City of Cleveland, April 8, 2002.

**The Trapping of Wild Animals (Skunks, Opossums, Raccoons, Ground Hogs and Cats)**, for the Division of Environment, Department of Public Health, as authorized by Ordinance No. 535-02, passed by Council of the City of Cleveland, April 8, 2002.

May 1, 2002 and May 8, 2002

**WEDNESDAY, MAY 29, 2002**

**Manholes, Castings & Grating**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

May 1, 2002 and May 8, 2002

**THURSDAY, MAY 30, 2002**

**Misc. Line and Street Lighting Materials-Pre Conduit and Fittings**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 126.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A MANDATORY PRE-BID MEETING ON THURSDAY, MAY 16, 2002 AT 10:00 A.M. AT CLEVELAND PUBLIC POWER, LOCATED AT 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.

May 1, 2002 and May 8, 2002

**FRIDAY, JUNE 7, 2002**

**Storage Area Network Implementation**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2365-01, passed by Council of the City of Cleveland, April 4, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING ON THURSDAY, MAY 23, 2002 AT 10:00 A.M., LOCATED AT THE 4TH FLOOR ATRIUM CONFERENCE ROOM, PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVE., CLEVELAND, OHIO.

THERE WILL ALSO BE A MANDATORY SITE SURVEY ON THURSDAY, MAY 23, 2002 AT 1201 LAKESIDE AVE. AND A MANDATORY SITE SURVEY MAY 23, 2002 AT SITE.

May 1, 2002 and May 8, 2002

**FRIDAY, JUNE 14, 2002**

**Lan Network Infrastructure Cabling**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1958-01, passed by Council of the City of Cleveland, March 11, 2002 and Ordinance No. 1950-01, passed by Council of the City of Cleveland, February 11, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING ON WEDNESDAY, MAY 15, 2002 AT 8:00 A.M. TO 5:00 P.M., LOCATED AT THE 1st FLOOR AUDITORIUM ROOM, PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVE., CLEVELAND, OHIO.

MANDATORY SITE SURVEYS WILL BE HELD FROM FRIDAY, MAY 17 THRU FRIDAY, MAY 24, 2002, DETAILS WILL BE PROVIDED AT THE PRE-BID MEETING.

May 1, 2002 and May 8, 2002

**Local Area Network Equipment**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1958-01, passed by Council of the City of Cleveland, February 11, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING ON WEDNESDAY, MAY 15, 2002 AT 8:00 A.M. TO 5:00 P.M., LOCATED AT THE 1st FLOOR AUDITORIUM ROOM, PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVE., CLEVELAND, OHIO.

MANDATORY SITE SURVEYS WILL BE HELD FROM FRIDAY, MAY 17 THRU FRIDAY, MAY 24, 2002, DETAILS WILL BE PROVIDED AT THE PRE-BID MEETING.

May 1, 2002 and May 8, 2002

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 740-02.**  
**By Councilman Brady.**  
**An emergency resolution objecting to the transfer of ownership of a C1 and C2X Liquor Permit to 10500 Madison Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2X Liquor Permit from Permit No. 6155921 Gamil S. Morgan, 10500 Madison Avenue, Cleveland, Ohio

44102 to Permit No. 5413068, Madison Avenue Mini Mart, Inc., Mikes Food Market, 10500 Madison Avenue, Cleveland, Ohio 44102; 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 transfer of ownership of a C1 and C2X Liquor Permit from Permit No. 6155921, Gamil S. Morgan, 10500 Madison Avenue, Cleveland, Ohio 44102 to Permit No. 5413068, Madison Avenue Mini Mart, Inc., Mikes Food Market, 10500 Madison Avenue, Cleveland, Ohio 44102 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 April 22, 2002.  
Effective April 25, 2002.

**Res. No. 741-02.**

**By Councilman Britt.**

**An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit to 8302 Cedar Avenue and repealing Resolution No. 1579-01 objecting to said renewal.**

Whereas, this Council objected to the renewal of a C1 Liquor Permit to 8302 Cedar Avenue by Resolution No. 1579-01 adopted by Council on August 15, 2001; and

Whereas, this Council wishes to withdraw its objection to the above renewal and hereby consents to said renewal pursuant to the Cooperation Agreement by and through Patricia J. Britt and Devious McDade, President, DE & TS Maxwell Cutrate, 8302 Cedar Avenue, Permit No. 2068613, and executed by Susan M. Bungard, Assistant Director of Law; and

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

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

**Section 1.** That objection to the C1, Liquor Permit to 8302 Cedar Avenue be and the same is hereby withdrawn and Resolution No. 1579-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted April 22, 2002.  
Effective April 25, 2002.

**Res. No. 742-02.**

**By Councilman Dolan.**

**An emergency resolution urging the FCC to allow local governments to regulate cable modem services, and asking the Law Director to file comments with the FCC in its rule-making proceeding.**

Whereas, Adelphia Cleveland has a franchise with the City of Cleveland for the provision of cable television and related services over its cable system in the City, and said franchise contains requirements for Adelphia's use of the rights-of-way of the City, and requires payment of a franchise fee for the provision of any services offered over Adelphia's system located in the right-of-way; and

Whereas, pursuant to its obligation set forth in Ordinance No. 1729-2000, passed October 16, 2000, Adelphia is constructing an upgrade of its Cable System, which must be completed by June 1, 2003, and Adelphia is required under said Cable Transfer Ordinance to offer cable modem service to its subscribers in the City within 120 days of completing and activating portions of its System Upgrade as it is completed; and

Whereas, cable modem service provides high speed access to the Internet over cable system facilities; and

Whereas, the Federal Communications Commission (FCC) issued a Declaratory Ruling and Notice of Proposed Rulemaking on March 15, 2002 (GN Docket No. 00-185, and CS

Docket No. 02-52), in which the FCC seeks comments on its declared policy that cable modem service is an interstate information service and not a cable service, and the FCC is also seeking comments on the issues, among others, of: whether the FCC should preclude state and local governments from regulating cable modem service, including access and franchise requirements and the payment of franchise fees on revenues from cable modem service; whether the FCC should require cable operators to contribute to the Universal Service Fund on the revenues from cable modem service to promote cable modem use among low income consumers; and whether the FCC should allow local governments to impose consumer protection requirements and customer service standards on the provision of cable modem service; and

Whereas, the City of Cleveland has the obligation and desire to protect consumers in the City in the provision of all services offered by the City's franchisee Adelphia Cleveland in the City through its use of the public right-of-way, and its franchise requires Adelphia to pay fees on revenues from all services, including cable modem services; now therefore

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

**Section 1.** That this Council urges the FCC not to preclude state and local authorities from regulating cable modem services and facilities, including access requirements, franchise requirements and franchise fees; rather the FCC must act to protect the right and obligation of state and local governments to regulate the rights-of-way in order to protect the health and safety of their citizens, to provide non-discriminatory access to the rights-of-way, and to charge reasonable fees to cover the costs of maintaining the rights-of-ways and protect the public interest in the services offered through use of the rights-of-ways. In addition, this Council urges the FCC to permit local franchising authorities to impose consumer protection requirements and reasonable measures in consumers' interests. Finally, this Council urges the FCC to require cable operators to contribute to the universal service fund based on revenues from cable modem services.

**Section 2.** That this Council strongly urges the Director of Law to file comments consistent with this Resolution in the FCC rule-making proceeding (CS Docket No. 02-52) regarding the appropriate regulatory treatment for broadband access to the Internet over cable facilities within the time allowed by the FCC's March 15, 2002 Notice.

**Section 3.** That upon its adoption by City Council the Clerk of Council shall provide copies of this Resolution to the following: Mayor Campbell, the Director of Law, the FCC, and Adelphia Cleveland.

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

Adopted April 22, 2002.  
Effective April 25, 2002.

**Res. No. 743-02.**  
**By Councilmen Jackson, Conwell and Jones.**

**An emergency resolution urging the United States Congress to recognize the constitutional right of the citizens of the District of Columbia to have full representation in the United States House of Representatives and the U.S. Senate.**

Whereas, Washington City, Washington County and Georgetown were merged into Washington, District of Columbia in 1871; and

Whereas, the District of Columbia is treated as a state in over 500 federal laws; and

Whereas, the 570,000 citizens of the District of Columbia pay approximately \$5 billion annually in local tax revenues, plus \$2.5 billion in federal taxes; and

Whereas, Washington D.C.'s local budget is paid for by its own local taxpayers despite the fact that 41% of its land is used by the federal government and cannot be taxed, and services provided to the federal government are not reimbursed except under extraordinary circumstances; and

Whereas, the congressional delegate who represents the District of Columbia has the same responsibilities and the same privileges as other members of the United States House of Representatives but cannot vote on the House floor, and further, the District of Columbia does not have any representation in the United States Senate; and

Whereas, the United States Congress can override any local ordinance or resolution passed by the District of Columbia City Council; and

Whereas, this Council of the City of Cleveland strongly believes that the disenfranchisement of the citizens of this nation's capitol is contrary to the spirit of liberty and democracy upon which the United States was founded; and

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

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

**Section 1.** That this Council of the City of Cleveland supports the full rights of citizenship for the residents of the District of Columbia and urges the members of Congress to grant the residents of the District of Columbia the right to elect representatives to both houses of the United States Congress.

**Section 2.** That the Clerk of Council is hereby requested to transmit a copy of this resolution to President Bush and the members of the Cleveland area congressional delegation.

**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 April 22, 2002.  
 Effective April 25, 2002.

**Res. No. 744-02.**

**By Councilman Jones.**  
**An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit to 4060 Lee Road and repealing Resolution No. 1341-99, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C1 Liquor Permit to 4060 Lee Road by Resolution No. 1341-99 adopted by Council on July 14, 1999; and

Whereas, this Council wishes to withdraw its objection to the above renewal and hereby consents to said renewal pursuant to the Cooperation Agreement by and through Joseph T. Jones and Thae Taye, President, Ossie, Inc., dba Lee-Harvard Shell, 4060 Lee Road, Cleveland, Ohio 44128, Permit No. 6591675-0005, and executed by Susan M. Bungard, Assistant Director of Law; and

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

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

**Section 1.** That objection to the C1 Liquor Permit to 4060 Lee Road be and the same is hereby withdrawn and Resolution No. 1341-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted April 22, 2002.  
 Effective April 25, 2002.

**Res. No. 745-02.**

**By Councilman Polensek.**  
**An emergency resolution withdrawing objection to the renewal of a C1, C2 and D6 Liquor Permit to 15521 St. Clair Avenue and repealing Resolution No. 1630-01, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C1, C2 and D6 Liquor Permit to 15521 St. Clair Avenue by Resolution No. 1630-01 adopted by Council on August 15, 2001; and

Whereas, this Council wishes to withdraw its objection to the above renewal and hereby consents to said renewal pursuant to the Cooperation Agreement by and through Michael Polensek and Balwinder Singh, Manager, Convenient Food Mart, Inc., dba Convenient Food Mart #3100, 15521 St. Clair Avenue, Cleveland, Ohio 44110, Permit No. 1709285, and executed by Susan M. Bungard, Assistant Director of Law; and

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

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

**Section 1.** That objection to the C1, C2 and D6 Liquor Permit to 15521 St. Clair Avenue be and the same is hereby withdrawn and Resolution No. 1630-01, containing said objection, be and the same is hereby

repealed and that this Council consents to the immediate renewal thereof.

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

Adopted April 22, 2002.  
 Effective April 25, 2002.

**Ord. No. 1866-01.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into contract with Maximus for enhancements to the PeopleSoft system.**

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

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

**Section 1.** That the Director of Community Development is hereby authorized to enter into contract with Maximus for professional services necessary to provide enhancements to the PeopleSoft system for transfer of financial and program-related data from the PeopleSoft system to Community Development's CDBG database, in the total sum of \$100,000.00, payable from Fund No. 14 SF 025, Request No 104682, for the Department of Community Development.

**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 April 22, 2002.  
 Effective April 25, 2002.

**Ord. No. 1951-01.**

**By Councilmen O'Malley and Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to enter into contract with one or more computer software vendors to provide SCADA system software, SCADA system software upgrades, and support software necessary to operate the SCADA software system, including implementation, if necessary, for the Divisions of Water and Cleveland Public Power, 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 hereby authorized to enter into contract, with one or more computer software vendors or one or more firms of computer software vendors, in accordance with the Charter and the Codified Ordinance

nances of Cleveland, Ohio, 1976, for the purchase of SCADA system software, SCADA system software upgrades, and support software necessary to operate the SCADA software system, including implementation, if necessary, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Water and Cleveland Public Power, Department of Public Utilities. The Director of Public Utilities is further authorized to enter into licenses necessary for the use of any such software.

**Section 2.** That the cost of such contract or contracts herein contemplated shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, 58 SF 001, and from the funds or subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds and specified for this purpose, Request No. 102112.

**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 April 22, 2002.  
Effective April 25, 2002.

**Ord. No. 2357-01.**  
**By Councilmen O'Malley and Patmon (by departmental request).**  
**An emergency ordinance authorizing the purchase by requirement contract of paper products, for the Divisions of Water and Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of paper products, 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 Divisions of Water and Cleveland Public Power, Department of Public Utilities. 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 two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall 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 114468)

**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 April 22, 2002.  
Effective April 25, 2002.

**Ord. No. 2359-01.**  
**By Councilmen O'Malley and Patmon (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Utilities to enter into a first amendment to Contract No. 52690 with Datamatics for the purchase of additional labor and materials necessary to upgrade the Datamatics system used for Water Division customer account services, for the Division of Water, 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 it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Datamatics. Therefore, the Director of Public Utilities is hereby authorized to enter into a first amendment to Contract No. 52690 for additional labor and materials necessary to upgrade the Datamatics system used for Water Division custom account services.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 114467.

**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 April 22, 2002.  
Effective April 25, 2002.

**Ord. No. 2362-01.**  
**By Councilmen O'Malley and Patmon (by departmental request).**  
**An emergency ordinance authorizing the purchase by contract of one enclosed cab diesel engine tractor, including snow removal equipment, for the Division of Water, 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 hereby authorized to make written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the fol-

lowing items: one enclosed cab diesel engine tractor, including snow removal equipment made in the United States of America, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis, for the Division of Water, Department of Public Utilities.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 114466.

**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 April 22, 2002.  
Effective April 25, 2002.

**Ord. No. 126-02.**  
**By Councilmen Westbrook and Polensek (by departmental request).**  
**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain and replace interior plants and exterior site landscaping, for the various divisions of the Department of Port Control, for a period not to exceed one year.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of labor and materials necessary to maintain and replace interior plants and exterior site landscaping, 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 the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall 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 109742)

**Section 3.** That the Director of Port Control shall notify the Chairman of the Aviation and Transportation Committee of City Council if the expenditures under the contract authorized by this ordinance exceed \$200,000.00.

**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 April 22, 2002.  
Effective April 26, 2002.

**Ord. No. 127-02.**

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

**An emergency ordinance authorizing the purchase by requirement contract of unarmed security guard services, for the various divisions of the Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year, with an option to renew for an additional one year term, at the discretion of the Director of Port Control, of the necessary items of unarmed security guard services, including those security services necessary to support all FAA-mandated access control requirements, 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 the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year, with an option to renew for an additional one year 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 said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 109747)

**Section 3.** That the bid specifications for the contract authorized by this ordinance shall contain, in addition to any other provisions deemed necessary by the Director of Law or the Director of Port Control, the following provisions:

(1) The Contractor shall conduct, in conformance with FAA regulations, at Contractor's sole expense, a minimum five (5) year employment background investigation of any employee providing services under the contract;

(2) The Contractor shall ensure that all security guards assigned to perform duties under this contract

are registered by the State of Ohio in accordance with the provisions of Ohio Revised Code Section 4749.06, have been issued written certification by the State of Ohio, and have received a minimum of two hundred forty (240) hours of certified Ohio Peace Officers Training; and

(3) The Contractor shall conduct annual in-service training for a minimum of eight (8) hours, at Contractor's sole expense, for all security guards providing services under this contract.

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

Passed April 22, 2002.  
Effective April 25, 2002.

**Ord. No. 346-02.**

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

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair pump stations, for the Division of Water Pollution Control, 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 hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to repair pump stations in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water Pollution Control, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 109050)

**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 April 22, 2002.  
Effective April 25, 2002.

**Ord. No. 347-02.**

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

**An emergency ordinance to amend Section 2 of Ordinance No. 414-2000, passed May 15, 2000, relating to a requirement contract for labor and materials necessary to repair and maintain combination sewer and catch basin cleaners, including appurtenances, 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 Section 2 of Ordinance No. 414-2000, passed May 15, 2000, is hereby amended to read as follows:

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the 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 contract authorized herein shall not exceed \$210,000.00.

**Section 2.** That existing Section 2 of Ordinance No. 414-2000, passed May 15, 2000, is hereby repealed.

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

Passed April 22, 2002.  
Effective April 25, 2002.

**Ord. No. 528-02.**

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

**An emergency ordinance authorizing the purchase by requirement contract of diesel fuel, for the Division of Cleveland Public Power, 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 hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of diesel fuel in the estimated sum of \$400,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all

items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 115941)

**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 Public Utilities 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 April 22, 2002.  
Effective April 25, 2002.

**Ord. No. 539-02.**  
**By Councilmen Johnson and Jackson (by departmental request).**  
**An emergency ordinance authorizing the purchase by requirement contract of various types of electric motors and pumps, including labor and materials necessary to repair and maintain existing motors and pumps, for the Division of Property Management, Department of Parks, Recreation and Properties, for a period not to exceed one year; and to amend Section 2 of Ordinance No. 2055-98, passed December 14, 1998.**

Whereas, Ordinance No. 2055-98, passed December 14, 1998, authorized the purchase by requirement contract of various types of electric motors and pumps; and

Whereas, it is the desire of this Council to authorize the Director of Parks, Recreation and Properties to enter into a new contract as described in Sections 1 and 2 of this ordinance, and also to raise by \$20,000 the cap imposed by Ordinance No. 2055-98 on the existing contract; 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 Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for

the period of one year of the necessary items of various types of electric motors and pumps, including labor and materials necessary to repair and maintain existing motors and pumps, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Property Management, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall not exceed \$75,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 109590)

**Section 3.** That Section 2 of Ordinance No. 2055-98, passed December 14, 1998, is hereby amended to read as follows:

Section 2. The cost of said contract shall not exceed \$245,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

**Section 4.** That Section 2 of Ordinance No. 2055-98, passed December 14, 1998, is hereby repealed.

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

Passed April 22, 2002.  
Effective April 25, 2002.

**Ord. No. 734-02.**  
**By Councilman Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Tobacco Free Sport — Play It Clean (Walk) on May 31, 2002, sponsored by the Cuyahoga County Tobacco Control Coalition.**

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 Tobacco Free

Sport — Play It Clean, sponsored by the Cuyahoga County Tobacco Control Coalition, on May 31, 2002, beginning at the Bob Feller statue at Jacobs Field and proceeding north on E. 9th Street to the Rock and Roll Hall of Fame and Museum, turn left onto Erieside Avenue and proceed past the Rock Hall and the Great Lakes Science Center after which, enter the Cleveland Browns Stadium and proceed to the Dawg Pound, 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 April 22, 2002.  
Effective April 25, 2002.

**Ord. No. 735-02.**  
**By Councilman Cintron.**  
**An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with M. Rivera Construction for the rehabilitation of the FL Thompson Building through the use of Ward 14 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into an agreement with M. Rivera Construction for rehabilitation of the FL Thompson Building located at 3101 W. 25th Street, Cleveland, Ohio, for the public purpose of creating and retaining jobs in the City of Cleveland through the use of Ward 14 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$65,611.83 and shall be paid from Fund No. 10 SF 166.

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

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

Passed April 22, 2002.  
Effective April 25, 2002.



**Ord. No. 736-02.**

**By Councilman Jackson (by departmental request).**

**An emergency ordinance to amend Sections 5 and 38 of Ordinance No. 469-02, passed April 1, 2002, relating to compensation for various classifications.**

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

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

**Section 1.** That Sections 5 and 38 of Ordinance No. 469-02, passed April 1, 2002, are hereby amended to read, respectively, as follows:

**Section 5. Secretary of Civil Service Commission, Secretaries to Director, Secretary to Director of Department of Port Control, Assistant Directors of Finance and Executive Assistants to the Mayor**

That the salary of the Secretary of the Civil Service Commission, the salary of the Secretary to each Director of a Department, the salary of the Assistant Director of Finance and the salaries of four Executive Assistants to the Mayor shall be fixed by the Mayor in accordance with the following schedule:

	<b>Minimum</b>	<b>Maximum</b>
1. Four Executive Assistants to the Mayor.....	\$35,410.47	\$129,625.37
2. Special Assistant to the Mayor.....	\$20,410.00	\$ 82,698.56
3. Secretary to Directors of Departments.....	\$36,590.39	\$124,000.00
4. Secretary of the Civil Service Commission.....	\$25,011.85	\$ 77,235.32
5. Secretary to Director of Department of Port Control.....	\$41,312.22	\$128,635.07
6. Assistant Director of Finance.....	\$36,590.39	\$124,000.00
7. Assistant Director of Finance for Technology.....	\$36,590.39	\$124,000.00

**Section 38.** That the appointing authority shall fix the salaries in the following classifications in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. City Comptroller.....	\$42,758.15	\$120,096.28
2. City Treasurer.....	\$42,758.15	\$110,858.11
3. Chief Technology Officer.....	\$45,000.00	\$135,000.00
4. Commissioner of Accounts.....	\$40,314.82	\$115,043.98
5. Commissioner of Administrative Services - Community Development.....	\$40,314.82	\$115,043.98
6. Commissioner of Architecture.....	\$42,758.15	\$128,635.07
7. Commissioner of Assessments and Licenses.....	\$40,314.82	\$106,194.45
8. Commissioner of Building and Housing.....	\$45,201.46	\$127,674.68
9. Commissioner of Burke Airport.....	\$40,314.92	\$106,194.45
10. Commissioner of Cleveland Hopkins International Airport.....	\$42,758.15	\$128,635.07
11. Commissioner of Cleveland Public Power.....	\$45,201.46	\$127,674.68
12. Commissioner of Convention Center.....	\$45,201.46	\$113,868.17
13. Commissioner of Emergency Medical Services.....	\$42,758.15	\$120,096.28
14. Commissioner of Engineering and Construction.....	\$45,201.46	\$127,674.68
15. Commissioner of Environment.....	\$42,758.15	\$120,096.28
16. Commissioner of Health.....	\$45,021.46	\$127,674.68
17. Commissioner of House of Corrections.....	\$40,314.82	\$106,194.45
18. Commissioner of Information Systems Services.....	\$52,734.82	\$127,674.68
19. Commissioner of Motor Vehicle Maintenance.....	\$40,314.82	\$115,043.98
20. Commissioner of Neighborhood Development.....	\$40,314.82	\$106,194.45
21. Commissioner of Neighborhood Revitalization.....	\$42,758.15	\$110,858.11
22. Commissioner of Neighborhood Services.....	\$42,758.15	\$110,858.11
23. Commissioner of Park Maintenance and Properties....	\$42,758.15	\$128,635.07
24. Commissioner of Parking Facilities.....	\$40,314.82	\$115,043.98
25. Commissioner of Printing and Reproduction.....	\$40,314.82	\$115,043.98
26. Commissioner of Property Management.....	\$45,201.46	\$127,674.68
27. Commissioner of Purchases and Supplies.....	\$42,758.15	\$110,858.11
28. Commissioner of Recreation.....	\$42,758.15	\$128,635.07
29. Commissioner of Research/Planning and Development.....	\$40,314.82	\$115,043.98
30. Commissioner of Streets.....	\$40,314.82	\$115,043.98
31. Commissioner of Traffic Engineering and Parking.....	\$42,758.15	\$110,858.11
32. Commissioner of Utilities Engineering.....	\$42,758.15	\$106,194.45
33. Commissioner of Utilities Fiscal Control.....	\$40,314.82	\$106,194.45
34. Commissioner of Waste Collection and Disposal.....	\$40,314.82	\$115,043.98
35. Commissioner of Water.....	\$45,201.46	\$150,000.00
36. Commissioner of Water Pollution Control.....	\$40,314.82	\$115,043.98
37. Income Tax Administrator.....	\$42,758.15	\$120,096.28
38. Manager of Internal Audit.....	\$40,314.82	\$106,194.45

**Section 2.** That Sections 5 and 38 of Ordinance No. 469-02, passed April 1, 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 April 22, 2002.

Effective April 24, 2002.

**Ord. No. 737-02.**  
By Councilmen Jackson, Lewis and Reed.

An emergency ordinance to repeal Sections 659.01 through 659.06 and 659.99 and 178.181 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, enacted by Ordinance No. 372-02 passed March 4, 2002, and Section 178.07 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, as amended by Ordinance No. 2353-93 passed February 14, 1994 and Ordinance No. 372-02 passed March 4, 2002, and to supplement the Codified Ordinances of the City of Cleveland, 1976 by enacting new Sections 659.01 through 659.06 and 659.99 and Section 178.181 thereof, relating to predatory lending, and to amend Section 178.07 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by Ordinance No. 2353-93 passed February 14, 1994 and Ordinance No. 372-02 passed March 4, 2002.

Whereas, many citizens from lower and moderate income neighborhoods in the City of Cleveland have been unable to access legitimate financing for home purchases and renovations, allowing predatory lenders to thrive; and

Whereas, these predatory lenders are charging exorbitant fees and interest rates and are persuading citizens to incur mortgage debt in excess of their needs or ability to pay, often through fraudulent means; and

Whereas, many senior citizens and homeowners in the City of Cleveland are targeted by unethical home improvement contractors, mortgage brokers, mortgage lenders and finance companies engaging in predatory lending practices that result in foreclosure and/or stripping the home of equity; and

Whereas, it is the intent and purpose of this Chapter to protect the citizens of Cleveland and its neighborhoods from lending practices which strip hard earned equity from city residents and contribute to the problem of vacant and abandoned houses by making loans that families cannot afford to repay; and

Whereas, it is the additional intention of this Chapter to further protect the citizens of Cleveland by:

(a) collecting and making available to the public information necessary for city residents to protect themselves against predatory lending practices; and

(b) preventing the lenders engaged in predatory lending and those persons providing referrals and services to those lenders from enjoying the privilege of doing business with the City of Cleveland; and

(c) preventing predatory lenders and those persons providing referrals and services to those lenders from taking advantage of city programs designed to encourage home ownership and home repair; 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 Sections 659.01 through 659.06 and 659.99 and 178.181 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, enacted by Ordinance No. 372-02 passed March 4, 2002, are hereby repealed.

**Section 2.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 659.01 through 659.06 and Section 659.99 and Section 178.181 thereof, to read as follows:

#### Chapter 659

#### PREDATORY LENDING

##### Section 659.01 Definitions

(a) "Affiliate" means any entity that controls, is controlled by, or is under common control with another entity, as the term "control" is defined under the Bank Holding Company Act, 12 U.S.C. §§ 1841 — 1849, including any successors in interest or alter egos.

(b) "Annual percentage rate" means the annual percentage rate for the loan calculated according to the provisions of the federal Truth in Lending Act (15 U.S.C. §1601 et. seq.), and the regulations promulgated thereunder by the Federal Reserve Board (as said Act and regulations are amended from time to time).

(c) "Business Entity" means any individual, domestic corporation, foreign corporation, association, syndicate, joint stock company, partnership, joint venture, or unincorporated association, including any parent company, subsidiary, exclusive distributor or company affiliated therewith, engaged in a business or commercial enterprise.

(d) "City" means the City of Cleveland, its departments, boards and commissions.

(e) "Points and Fees" means:

(1) All items required to be disclosed under sections 226.4(a) and 226.4(b) of Title 12 of the Code of Federal Regulations, as amended from time to time, except the interest rate or time-price differential;

(2) Subject to the exclusions provided in this section, all charges for items listed under section 226.4(c)(7) of Title 12 of the Code of Federal Regulations, as amended from time to time, but only if the lender receives direct or indirect compensation in connection with the charge or the charge is paid to an affiliate of the lender; otherwise the charges are not included within the meaning of the phrase "points and fees"; and

(3) All compensation paid directly or indirectly to a mortgage broker, including a broker that originates a loan in its own name in a tablefunded transaction, not otherwise included in divisions (1) or (2) of this section.

"Points and fees" shall not include any charges or fees excluded by paragraphs (c) through (e) of Regulation Z of the Truth in Lending Act, section 226.4 of Title 12 of the Code of Federal Regulations; however, notwithstanding the foregoing, any fees for preparing loan-related documents, such as deeds, mortgages, and reconveyance or settlement documents shall be included in the definition of "points and fees".

(f) "Predatory loan" means a loan that is secured by owner-occupied residential real property located within the City of Cleveland on which there is situated a dwelling for not more than four families, a condominium unit, or a cooperative unit, if:

(1) at any time over the life of the loan, the annual percentage rate of the loan equals or exceeds by more than four and one half (4 1/2) percentage points but less than or equal to eight (8) percentage points in the case of a first lien mortgage, or equals or exceeds by more than six and one half (6 1/2) percentage points but less than or equal to ten (10) percentage points in the case of a junior mortgage, the yield on Treasury securities having comparable periods of maturity to the loan maturity as of the fifteenth day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor; and

(2) that was made under circumstances that involve any of the following acts or practices or that contains any of the following loan terms:

A. "Loan Flipping". "Flipping" a loan means the refinancing of an existing loan secured by owner-occupied residential real estate in the City of Cleveland on which there is situated a dwelling for not more than four families, a condominium unit, or a cooperative unit when:

i. More than 50% of the prior debt refinanced bears a lower interest rate than the new loan unless the advisability and appropriateness of the new loan is certified by a counselor employed by a housing counseling agency approved by the Department of Housing and Urban Development;

ii. The borrower's payment of prepaid finance charges and closing costs reduces the interest rate but it will take more than five (5) years for the borrower to recoup the transactions costs; or

iii. A mortgage is refinanced that originated, or was subsidized or guaranteed by or through a state, tribal or local government, or non-profit organization, which bears either a below-market interest rate, or has nonstandard payment terms beneficial to the borrower, such as payments that vary with income, are limited to a percentage of income, or where no payments are required under specified conditions, and where, as a result of the refinancing, the borrower will lose one or more of the benefits of the mortgage, unless the borrower has received counseling from a certified housing counseling agency regarding such refinancing and the borrower and current holder of the loan consent in writing to the refinancing.

B. "Balloon Payments". A loan that contains a scheduled payment that is more than twice as large as the average of earlier scheduled payments or which contains a provision that gives the lender, in its sole discretion, the right to accelerate the indebtedness in the absence of the default of the borrower. The term "balloon payment" shall not apply to any loan with a maturity of less than one year, if the purpose of the loan is a "bridge" loan connected with the acquisition or construction of a dwelling intended to become the consumer's principal dwelling.

C. "Negative Amortization". Terms under which the outstanding principal balance will increase at any time over the course of the loan because the regular periodic pay-

ments do not cover the full amount of interest due.

D. "Points and Fees". The financing of points and fees in excess of four (4) percentage points of the total loan amount if the loan amount is \$16,000 or greater, or \$800 if the loan amount is less than \$16,000.

E. "Increased Interest Rate". A loan that provides for an interest rate applicable after default that is higher than the interest rate that applies before default.

F. "Advance Payments". A loan which includes terms under which more than two periodic payments required under the loan are consolidated and paid in advance from the loan proceeds provided to the borrower.

G. "Mandatory Arbitration". A loan which contains a mandatory arbitration clause that limits in any way the right of the borrower to seek relief through a court of law or equity.

H. "Prepayment Penalties". A loan under which a borrower must pay a prepayment penalty for paying all or part of the principal before the date on which the principal is due. Any method of computing a refund of unearned scheduled interest is a prepayment penalty if it is less favorable to the consumer than the actuarial method, as "actuarial method" is defined in division (A) of Section 1349.25 of the Revised Code. The term "prepayment penalties" shall not include prepayment penalties imposed in accordance with the Home Ownership and Equity Protection Act of 1994, 15 U.S.C.A. 1639 (c)(2), as amended, and the regulations adopted thereunder by the federal reserve board, as amended.

I. "Financing of Credit Insurance". The financing of single premium credit life, credit disability, credit unemployment, or any other life or health insurance, directly or indirectly, into one or more loans.

J. "Lending Without Home Loan Counseling". Except in conformity with the provisions of division (b)(1)(B) of Section 659.02, failing to receive notice from a counselor employed by a housing counseling agency approved by the Department of Housing and Urban Development that the borrower has received counseling on the advisability of the loan transaction and the appropriateness of the loan for the borrower based upon the information provided by borrower and lender to the counselor at the time counseling is provided to the borrower.

K. "Lending Without Due Regard to Repayment". Except in conformity with the provisions of division (b)(1)(B) of Section 659.02, making, issuing or originating a loan without reasonable belief at the time the loan is consummated that the borrower or borrowers (when considered collectively in the case of multiple borrowers) will be able to make the scheduled payments to repay the obligation based upon a consideration of their current and expected income, current obligations, employment status, and other financial resources (other than the borrower's equity in the dwelling which secures repayment of the loan). A borrower shall be presumed to be able to make the scheduled payments to repay the obligation if,

at the time the loan is consummated, or at the time of the first rate adjustment in the case of a lower introductory interest rate (i) the borrower's scheduled monthly payments on the loan (including principal, interest, taxes, insurance and assessments), combined with the scheduled payments for all other debt, do not exceed 50% of the borrower's documented and verified monthly gross income, and (ii) provided that the borrower has sufficient "residual income" as defined in the guidelines established in 38 C.F.R. §36.4337(e) and VA form 26-6393 to pay essential monthly expenses after paying the scheduled payments and any additional debt.

L. The payment by a lender to a contractor on a home improvement contract from the proceeds of a loan, other than:

i. by an instrument payable to the borrower or borrowers;

ii. by an instrument payable jointly to the borrower and the contractor, provided however that no more than 30% of the total proceeds of the loan shall be disbursed to the contractor at the time of closing; or

iii. at the election of the borrower, by a third party escrow agent in accordance with terms established in a written agreement signed by the borrower, the lender and the contractor before the date of payment.

However, "predatory loan" shall not include a loan that is made primarily for a business purpose unrelated to the residential real property securing the loan.

(g) "Home Improvement Contractor" means any person who engages in the business of making home improvements, and who undertakes or offers to undertake or agrees to perform any home improvement, whether or not such person is registered, or subject to the licensing and registration requirements of Chapter 3107 of the Codified Ordinances of the City of Cleveland, and whether or not such person is a general contractor.

#### **Section 659.02 Predatory Lending Practices Prohibited**

(a) Prohibited Conduct.

Subject to the limitations of division (b) of this section:

(1) Issuing Predatory Loans. No person or business entity shall make, issue, or arrange a predatory loan, or assist others in doing so. A person who, when acting in good faith, fails to comply with this division will not be deemed to have violated this division if the person establishes that the compliance failure was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid such errors, and within 60 days after the discovery of the compliance failure and prior to the institution of any action under this Chapter or the receipt of written notice of compliance failure, the borrower is notified of the compliance failure, appropriate restitution is made, and whatever adjustments are necessary are made to the loan to either, at the choice of the borrower, (i) make the predatory loan satisfy the requirements of this Chapter, or (ii) change the terms of the loan in a manner beneficial to the borrower so that the loan will no longer be

considered a predatory loan subject to the provisions of this Chapter. Examples of a bona fide error include clerical, calculation, computer malfunction and programming, and printing errors. An error of legal judgment with respect to a person's obligations under this Chapter is not a bona fide error.

(2) Lending Without Home Loan Counseling. No person or business entity shall make, issue or arrange, or assist others in making, issuing or arranging, any loan that is secured by owner-occupied residential real property located within the City of Cleveland on which there is situated a dwelling for not more than four families, a condominium unit, or a cooperative unit in which either:

A. the annual percentage rate at consummation will exceed by more than eight (8) percentage points for first lien loans, or by more than ten (10) percentage points for subordinate-lien loans, the yield on Treasury securities having comparable periods of maturity to the loan maturity as of the fifteenth day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor; or

B. the total points and fees payable by the consumer at or before loan closing will exceed the greater of eight (8) percent of the total loan amount, or \$400; the \$400 figure shall be adjusted annually on January 1 by the annual percentage rate change in the consumer price index that was reported on the preceding June 1, unless that person or business entity first receives notice from a counselor employed by a housing counseling agency approved by the Department of Housing and Urban Development that the borrower has received counseling on the advisability of the loan transaction and the appropriateness of the loan for the borrower based upon the information provided by borrower and lender to the counselor at the time counseling is provided to the borrower.

(3) Payments to Home Improvement Contractors. A home improvement contractor may not receive directly and solely from the lender, the proceeds of a loan that is secured by owner-occupied residential real property located within the City of Cleveland on which there is situated a dwelling for not more than four families, a condominium unit, or a cooperative unit, in which the annual percentage rate of the loan equals or exceeds by more than four and one half (4 1/2) percentage points in the case of a first lien mortgage, or equals or exceeds by more than six and one half (6 1/2) percentage points in the case of a junior mortgage, the yield on Treasury securities having comparable periods of maturity to the loan maturity as of the fifteenth day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor.

(4) Incorporating Governmental Financial Assistance Funds. All persons shall be barred from promoting, utilizing, packaging, or in any other way incorporating funds from any of the programs administered by the City in combination with any predatory loan. Any contract, lease,

grant or other agreement entered into by the City with any person or business entity shall contain a provision requiring that the person or business entity, in the administration of governmental housing assistance funds, abide by the provisions of this division as though its administration of such funds was directly subject to the provisions of this division.

(b) Activities of Certain Financial Institutions Exempted.

(1) Division (a) of this section is not applicable in the following circumstances:

A. With respect to a lender duly licensed as may be required under State law, solely because of the presence of a loan provision described in divisions (f)(2)(B), (C) or (H) of Section 659.01, provided that such provision(s) are made in conformity with the requirements of federal law pursuant to the Alternative Mortgage Transaction Parity Act, 12 U.S.C. §3803 and provided that any such loan is not otherwise predatory as defined in division (f) of Section 659.01; or

B. In the case of a loan made pursuant to the Ohio's Mortgage Loan Act, R.C. §1321.51 et. seq., solely because the loan contains any provision authorized by such act, provided that any such loan is not otherwise predatory as defined in division (f) of Section 659.01.

(2) Divisions (a)(1) and (a)(2) of this section are not applicable with respect to a State chartered bank, bank and trust company, savings bank, private bank, national bank, or a State or federally chartered savings and loan association, a federally chartered savings bank, a State or federally chartered credit union.

(3) This section shall apply to affiliates of the entities enumerated in division (b)(2) of this section, except insofar as such affiliates are themselves one of those financial institutions.

Section 659.03 Notice to Customers of Home Improvement Loans

(a) No person or business entity that funds a home improvement loan shall fail to furnish the notice described in this section. At least three (3) business days prior to closing, every lender who funds a home improvement loan shall furnish a notice along with any home improvement loan for any work to be performed on owner-occupied residential real estate located within the City of Cleveland on which there is situated a dwelling for not more than four families, a condominium unit, or a cooperative unit. Said notice shall be furnished as a separate document, printed in 16 point font, with the signature line at the top of the page, and shall be in substantially the same form as the following, as may be amended from time to time by the Department of Consumer Affairs:

IMPORTANT NOTICE TO CUSTOMERS OF HOME IMPROVEMENT CONTRACTORS

If you need a loan to pay for home improvements:

BE CAREFUL. A lender will probably want to take a mortgage on your house.

You should not borrow more than you can afford or more than you

need. The loan you are being offered may be a predatory loan. You may be eligible for a different loan which charges significantly less interest or fees. Be very cautious about consolidating your debt with a home mortgage. Beware that if you default on this loan you could lose your house! In certain cases, it is now the law in Cleveland that before you sign a home loan you must receive housing counseling assistance.

For the name, address and phone number of a housing counseling or legal services agency in your neighborhood, turn this notice over to see the list of agencies printed on the reverse side.

I received this notice on this date: \_\_\_\_\_ (date) \_\_\_\_\_ signature of home owner(s)

(b) For purposes of division (a) of this section, a "home improvement loan" shall not include a loan commonly known as a "home equity line of credit".

Section 659.04 Certification of Compliance to be Recorded

No lender or, if applicable, mortgage broker, shall fail to submit the certification of compliance to the Cuyahoga County Recorder's Office as described in this section. At the time of recording a mortgage on owner-occupied residential real property located in the City of Cleveland on which there is situated a dwelling for not more than four families, a condominium unit, or a cooperative unit, the lender and, if applicable the mortgage broker, shall submit a certification of compliance to the Cuyahoga County Recorder's Office for recording along with the mortgage instrument and deed. It is not necessary to record a certificate of compliance for a loan that is made primarily for a business purpose unrelated to the residential real property securing the loan. The certification of compliance shall be substantially in the following form and shall comply with any formatting requirements promulgated from time to time by the Cuyahoga County Recorder's Office.

CERTIFICATION

The undersigned lender and mortgage broker certify, that to the best of our knowledge, information and belief, the attached mortgage, described below, entered into between \_\_\_\_\_ (name of lender) and \_\_\_\_\_ (name of borrower) on \_\_\_\_\_ (date of execution) for the property located at \_\_\_\_\_ (street address of property) contains the following characteristics and terms:

Type of mortgage: Purchase Money Non-purchase Money (circle one)

First Mortgage Junior Mortgage (circle one)

a. The annual percentage rate of the loan at closing is \_\_\_\_\_

b. The applicable Treasury Rate (i.e., the yield on Treasury securities having comparable periods of maturity to the loan maturity as of the fifteenth day of the month immediately preceding the month in

which the application for the extension of credit is received by the creditor) is \_\_\_\_\_

c. The total loan amount is \_\_\_\_\_

d. The total amount of points and fees (as defined in division (e) of Section 659.01) is \_\_\_\_\_

e. The percentage of points and fees (calculated according to the equation d/(c-d)x100) financed is \_\_\_\_\_

f. The borrower has or has not (circle one) received housing counseling. A notice of housing counseling is or is not (circle one) attached to this certification.

g. The mortgage does or does not (circle one) violate any provisions of Chapter 659 of the Codified Ordinances of the City of Cleveland, 1976.

Date: \_\_\_\_\_ Mortgage Lender Name and Title of Officer Address Telephone Number Cleveland Bus. Privilege Lic. No. Mortgage Broker Name and Title of Officer Address Telephone Number State of Ohio Registration No.

I, [lender], have filled out each blank space of this document and have given it to the customer and it is true and accurate.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

I, [mortgage broker], have filled out each blank space of this document and have given it to the customer and it is true and accurate.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

I, [borrower], have received and reviewed with the contractor a copy of this document.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Section 659.05 Enforcement.

The Director of Consumer Affairs is hereby charged with the enforcement of this Chapter. The Director shall promulgate such rules, regulations and procedures as he or she may deem necessary to aid in the administration and enforcement of the provisions of this Chapter. For the purpose of enforcement of the provisions of this Chapter, the Director shall maintain a listing of those business entities that have been determined to make predatory loans under this Chapter and shall regularly distribute this listing to all City departments. This listing shall also be made available to the public free of charge by request of the Department of Consumer Affairs. The Director shall also maintain a list of HUD-certified housing

counseling agencies and shall make such list available upon request. The Director of the Department of Consumer Affairs may make findings with respect to predatory loans and lenders who make such loans based on recommendations made by a Consumer Advisory Council.

**Section 659.06 Severability**

If any clause, sentence, paragraph or part of this Chapter, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Chapter nor the application of such clause, sentence, paragraph or part to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and to the persons or circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Chapter would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

**Section 659.99 Penalties.**

(a) Whoever violates Section 659.02 is guilty of a misdemeanor of the first degree. Each day in which a borrower is assessed with interest on the principal loan amount of a predatory loan shall constitute a separate offense.

(b) Whoever violates Section 659.03 or Section 659.04 is guilty of a misdemeanor of the fourth degree.

(c) (1) No person or business entity shall be awarded a contract with the City if the person or business entity or any of its affiliates makes predatory loans or violates Section 1349.27 of the Revised Code. Every contract with the City shall contain a provision requiring that the person or business entity with which the City is contracting must certify that neither the person or business entity nor any of its affiliates has made predatory loans or has violated Section 1349.27 of the Revised Code. Nothing in this section shall affect the validity of any contract entered into in connection with any debt obligations issued by or on behalf of the City, regardless of whether the contract was awarded in compliance with this section. Any other contract awarded in violation of this section shall be voidable at the option of the City.

(2) The Finance Director may suspend the ineligibility of a person or business entity in order to allow execution of a contract with the person or entity upon written application by the head of the City department affected by the proposed contract, setting forth facts sufficient in the judgment of the Finance Director to establish:

A. that the public health, safety or welfare of the City requires the goods or services of the person or business entity; and

B. that the City is unable to acquire the goods or services at comparable price and quality, and in sufficient quantity from another source or other sources.

**Section 178.181 Deposits and Investments in Institutions Practicing Predatory Lending Prohibited**

(a) (1) Neither the Director of Finance nor the City Treasurer shall keep any City funds on deposit in any bank or other financial institution that makes predatory loans, or that has an affiliate that, or is an affiliate of a bank or other financial institution that, makes predatory loans.

(2) Neither the Director of Finance nor the City Treasurer shall keep any City funds on deposit in any bank or other financial institution that violates Section 1349.27 of the Revised Code, or that has an affiliate that, or is an affiliate of a bank or other financial institution that, violates Section 1349.27 of the Revised Code.

(b) (1) Neither the Director of Finance nor the City Treasurer shall allow City monies to remain invested, or hereafter make investments in, stocks, securities, or other obligations of any business entity that makes predatory loans, or has an affiliate that, or is an affiliate of a bank or other financial institution that, makes predatory loans.

(2) Neither the Director of Finance nor the City Treasurer shall allow City monies to remain invested, or hereafter make investments in, stocks, securities, or other obligations of any business entity that violates Section 1349.27 of the Revised Code, or has an affiliate that, or is an affiliate of a bank or other financial institution that, violates Section 1349.27 of the Revised Code.

(c) (1) Neither the Director of Finance nor the City Treasurer shall allow City monies to remain invested, or hereafter make investments in, securities collateralized by any interest in loans originating or purchased by any business entity that makes predatory loans, or has an affiliate that, or is an affiliate of a bank or other financial institution that, makes predatory loans.

(2) Neither the Director of Finance nor the City Treasurer shall allow City monies to remain invested, or hereafter make investments in, securities collateralized by any interest in loans originating or purchased by any business entity that violates Section 1349.27 of the Revised Code, or has an affiliate that, or is an affiliate of a bank or other financial institution that, violates Section 1349.27 of the Revised Code.

(d) The divestiture required by divisions (b) and (c) shall be completed within six (6) months of receipt by the City Treasurer of notice from the Director of Finance or the Director of Consumer Affairs that a business entity makes predatory loans, or has an affiliate that, or is an affiliate of a bank or other financial institution that, makes predatory loans. During the six (6) month period, the City Treasurer shall make regular reports to the City Council concerning the progress of divestiture. If, prior to expiration of the six (6) month time limit for divestiture, the Finance Director or City Treasurer determines that completion of divestiture within the six (6) month time limit will necessitate substantial losses to the City then the City Treasurer shall request

from City Council an extension of time within which to complete divestiture.

(e) As used in this section, the terms "predatory loan" and "affiliate" shall have the same meanings as set forth in Section 659.01 of the Codified Ordinances of the City of Cleveland, 1976.

**Section 3.** That Section 178.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2353-93 passed February 14, 1994 and Ordinance No. 372-02 passed March 4, 2002 is amended to read as follows:

**Section 178.07 Affidavit**

The affidavit required by division (a)(6) of Section 178.05 shall be in the following form and shall contain the information herein required:

STATE OF OHIO  
COUNTY OF CUYAHOGA  
SS:AFFIDAVIT OF INTENT

I, \_\_\_\_\_, a duly-authorized representative of \_\_\_\_\_, being first sworn, depose and say as follows:

1. That for the purpose of becoming an eligible depository for active deposits of the City of Cleveland, the undersigned affiant states that it will develop lending and financing opportunities and make "best efforts" to undertake a defined lending program of committed action in support of residential and commercial development in Cleveland's neighborhoods.

Affiant states that such best efforts shall include, but are not limited to:

A. The presence of identifiable trained personnel in real estate with sole responsibility and lending authority and a clearly defined focus on "neighborhood development" finance as defined in Section 178.04 of the Codified Ordinances of Cleveland, Ohio, 1976.

B. Cooperation with and support of non-profit neighborhood development organizations in the successful implementation of "neighborhood development" finance, through vehicles such as grants, below-market financing and equity investments.

C. A willingness to participate in the financing of publicly-subsidized neighborhood development projects.

D. A commitment to affirmatively market and make available banking services throughout Cleveland's neighborhoods.

E. The cooperative establishment of investment services through incentive programs such as linked deposits and compensating balance transactions.

2. Further, the affiant certifies that neither it, nor any of its affiliates, (i) will make predatory loans as defined in Chapter 659 of the Codified Ordinances of the City of Cleveland, Ohio, 1976; (ii) will violate Section 1349.27 of the Revised Code.

3. Further, the affiant agrees to submit the information required in Section 178.05 of the Codified Ordinances of Cleveland, Ohio, 1976, to the Director of Finance on an annual basis.

4. Further, the affiant agrees to submit statements and information of such affirmative participation as required in this affidavit which has occurred within the annual review period.

**Section 4.** That existing Section 178.07 as amended by Ordinance No. 2353-93, passed February 14, 1994 and Ordinance No. 372-02 passed March 4, 2002, is hereby repealed.

**Section 5.** All institutions and City departments effected by this Ordinance shall have sixty (60) days from the effective date of this Ordinance to implement procedures by which to fully comply with Sections 659.03 and 659.04. All other sections of this Ordinance are enforceable from the effective date.

**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 April 22, 2002.  
Effective April 25, 2002.

**Ord. No. 738-02.**  
**By Councilman Lewis.**  
**An emergency ordinance consenting and approving the issuance of a permit for the New Day in Hough Walk, Race and Parade on May 11, 2002, sponsored by a New Day in Hough Committee.**

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 a Walk, Race and Parade, sponsored by a New Day in Hough Committee, on May 11, 2002, assembling at Thurgood Marshall Recreation Center, go west on Hough Avenue to East 79th Street, north on East 79th to Lexington, west on Lexington to East 66th Street, south on East 66th Street to

Hough, east on Hough to Thurgood Marshall and the Parade route also assembling at Thurgood Marshall Recreation Center, from Thurgood Marshall, west on Hough Avenue to East 71st Street, north on East 71st Street to Linwood, east on Linwood to East 79th Street, south on East 79th Street to Hough Avenue, east on Hough Avenue to Thurgood Marshall, 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 April 22, 2002.  
Effective April 25, 2002.

**Ord. No. 739-02.**  
**By Councilman Reed.**  
**An emergency ordinance amending Section 2 of Ordinance 609-02, passed April 1, 2002 as it relates to the support of the Adult Basic Landscape Training Program through the use of Ward 3 Neighborhood Equity Funds.**

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

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

**Section 1.** That Section 2 of Ordinance No. 609-02, passed April 1, 2002 is amended to read as follows:

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$14,125 and shall be paid from Fund No. 10 SF 166.

**Section 2.** That Section 2 of Ordinance No. 609-02, passed April 1, 2002 is hereby repealed.

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

Passed April 22, 2002.  
Effective April 25, 2002.

**COUNCIL COMMITTEE MEETINGS**

**Monday, April 29, 2002**

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

**Tuesday, April 30, 2002**

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

**Legislative Committee: 1:30 p.m.** — Present: White, Chairman; Scott, Vice Chairman; Dolan, Westbrook, Rybka. Excused: Gordon, Johnson.

**Wednesday, May 1, 2002**

**City Planning Committee: 1:00 p.m.** — Present: Cimperman, Chairman; Conwell, Scott, Lewis, Westbrook. Excused: Rybka, Vice Chairman; O'Malley.

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