

# The City Record

Official Publication of the Council of the City of Cleveland



October the Twenty-Ninth, Two Thousand and Three

**Jane L. Campbell**  
Mayor

**Frank G. Jackson**  
President of Council

**Valarie J. McCall**  
City Clerk, Clerk of Council

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

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Permit No. 1372

# 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.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

City Clerk, Clerk of Council – Valarie J. McCall, 216 City Hall, 664-2840

First Assistant Clerk – Sandra Franklin

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

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

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

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

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

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

**DEPT. OF PUBLIC HEALTH** – Matthew Carroll, Acting Director, Mural Building, 1925 St. Clair Ave.  
**DIVISIONS:** Air Quality – Commissioner  
 Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.  
 Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.  
 Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Ave.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 90

WEDNESDAY, OCTOBER 29, 2003

No. 4690

## CITY COUNCIL

MONDAY, OCTOBER 27, 2003

### The City Record

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City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
Monday, October 27, 2003

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

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

Also present were Mayor Campbell and Chief of Staff Debra M. Jenik, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Draper, N. Ronayne, Hudecek, Williams, Routen, Fumich, Taylor, Sims, C. Ronayne, Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Missionary Kathy McNair of Damascus Road Ministries located at 12905 Lenacrave Avenue, Cleveland, Ohio 44105 in Ward 2. Pledge of Allegiance.

#### MOTION

On the motion of Council Member Lewis, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Cimperman.

#### COMMUNICATIONS

##### File No. 1177-03-A.

Notice of Public Hearing on Ordinance No. 1177-03 was sent to the following property owners:  
Mr. Keving L. Smith  
Mr. John Henry Ball, Jr.  
Mr. Daniel Canzone  
Mr. Robert A. Contorno

##### File No. 1503-03-A.

Notice of Public Hearing on Ordinance No. 1503-03 was sent to the following property owner:  
Bishop Samuel Threats

##### File No. 2114-03.

From the Cleveland Theater District — Report of the Cleveland Theater District Development Corporation's Activities and the Financial Condition for 2002. Received.

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 2115-03.

Re: Transfer of Ownership Application — 5417300 — Mag Restaurant, LLC, upper level and patio, 1071 Front Avenue, first floor. (Ward 13). Received.

##### File No. 2116-03.

Re: New Application — 3993688 — Host English Joint Venture, d.b.a. Cleveland Emporium, 5300 Riverside Drive. (Ward 20). Received.

##### File No. 2117-03.

Re: Transfer of Ownership Application — 7641741 — S. & M. 185, Inc., d.b.a. Back Door Beverage, 568 East 185th Street. (Ward 11). Received.

##### File No. 2118-03.

Re: Transfer of Ownership Application — 8367380 — Somer Day, Inc., d.b.a. Libby's Place, first and second floors and basement front, 4105-07 Clark Avenue. (Ward 14). Received.

#### PLATS

##### File No. 2119-03.

Resubdivision plat for The Montana Townhouse Development. (Ward 5). Received.

Referred to Committees on Public Service and City Planning.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 2120-03**—William Taylor Britt, Sr.

**Res. No. 2121-03**—Hugh Danaceau.

**Res. No. 2122-03**—Gloria Mae Kimble.

**Res. No. 2123-03** — Ivory Jean Hardnick.

**Res. No. 2124-03** — Rev. John D. James.

**Res. No. 2125-03** — Mrs. Jean LeLeva.

#### CONGRATULATION RESOLUTIONS

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

**Res. No. 2126-03**—Our Lady of Mt. Carmel Holy Name Society.

**Res. No. 2127-03**—Joseph Wise.

**Res. No. 2128-03**—Calvin & Beatrice Hunt.

**Res. No. 2129-03**—William J. Reidy.

**Res. No. 2130-03** — Rev. Rick J. Wilberg.

**Res. No. 2131-03**—Commander Marvin Cross.

#### RECOGNITION RESOLUTIONS

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

**Res. No. 2132-03** — The Cleveland Play House.

**Res. No. 2133-03** — Partners In Action.

#### WELCOME RESOLUTION

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

**Res. No. 2134-03** — Simba Maasai Outreach Organization.

**Res. No. 2135-03**—Congresswoman Maxine Waters.

#### FIRST READING EMERGENCY ORDINANCES REFERRED

**Ord. No. 2089-03.**

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

An emergency ordinance authorizing the Director of Port Control to issue rent credits to HMSHost, formerly known as Host International, Inc., under Concession Agreement No. 42575, for improvements to the mall area, Gate C1 area, and the elbow area of Concourse C at Cleveland Hopkins International Airport; and authorizing the Director to enter into an amendment to the Concession Agreement regarding the rent credits.

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

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

**Section 1.** That the Director of Port Control is authorized to enter into an amendment to Concession Agreement No. 42575 ("Amendment") with HMSHost, formerly known as Host International, Inc. ("Host"), to issue rent credits to Host to make the following improvements at Cleveland Hopkins International Airport, all as approved by the Director: (a) flattening of the mall ramp adjacent to the On Stage Restaurant; (b) pulling of electrical,

plumbing and other utilities to the Gate C1 and Concourse C "elbow" areas; (c) refinishing the terrazzo flooring in the mall after the relocation of the merchandise carts; and (d) making any additional, related improvements. The rent credit amount will be equal to the actual cost to make the improvements.

**Section 2.** That the Director of Port Control is authorized to execute any additional documents necessary and appropriate to issue the rent credits.

**Section 3.** That the Amendment shall be prepared by the Director of Law and shall contain any additional terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

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

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

**Ord. No. 2090-03.**

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

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of Lorain Avenue between West 41st Street and West 65th Street; authorizing the Director of Public Service to enter into any agreements relative thereto; determining the method of making the public improvement; authorizing the Director of Public Service to enter into one or more contracts for the making of the improvement; and authorizing the Director to enter into a Local Project Administration agreement with the Ohio Department of Transportation regarding the public 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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio (the "Director of Transportation") to make the following improvements under the plans, specifications and estimates approved by the Director of Transportation: The rehabilitation of Lorain Avenue between West 41st Street and West 65th Street, including resurfacing and necessary base repairs, replacement of curbs, curb ramps, sidewalk, driveway aprons, and appurtenances, as deemed necessary by the Director of Public Service (the "Improvement").

**Section 2.** That the City proposes to cooperate with the Director of Transportation in the cost of the Improvement by assuming and contributing the entire cost and ex-

pense of the Improvement less the amount of funds set aside by the Director of Transportation for the financing of the Improvement. The entire cost of engineering shall be borne by the City of Cleveland.

**Section 3.** That the Director of Public Service is authorized to enter into agreements necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

**Section 4.** That on completion of the Improvement, the City will:

(a) Keep the affected highway open to traffic at all times;

(b) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the Director of Transportation and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the right-of-way;

(d) Place and maintain all traffic control devices according to the Ohio Manual of Uniform Devices under the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

(e) Regulate parking by maintaining existing parking restrictions within the limits of the Improvement.

**Section 5.** (a) That all existing streets and public rights-of-way within the City which are necessary for the Improvement shall be made available therefor.

(b) That in the event any additional right-of-way is required for the Improvement the Director of Public Service will arrange for the acquisition thereof.

(c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvement, that the companies have agreed to make any and all necessary rearrangements in a manner as to be clear of any construction called for by the plans for the Improvement and that the companies have agreed to make necessary rearrangements immediately after notification by the City or the State of Ohio.

(d) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other City-owned utilities and appurtenances which do not comply with the provisions of ODOT Directive No. 38-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that the rearrangements shall be done at such time as requested by the State.

(e) That the construction, reconstruction and rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improve-

ment, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the State.

(f) That the City agrees that the State of Ohio shall be saved harmless from any and all damages or claims for which it is legally liable arising from or growing out of the certification or obligations made or agreed to in this section.

(g) That stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the aforesaid Manual are met.

(h) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded.

**Section 6.** That the Council of the City requests the State to proceed with the Improvement.

**Section 7.** That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of making the Improvement, for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

**Section 8.** That the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

**Section 9.** That the Director of Public Service is authorized to enter into a Local Project Administration Agreement with the Director of Transportation necessary to effect the Improvement and to partially finance the improvement described in Section 1 of this ordinance.

**Section 10.** That the cost of the Improvement shall be paid from Fund Nos. 20 SF 334, 20 SF 342, 20 SF 353, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, and 20 SF 394, and from the fund or funds which are credited the funds received by the Ohio Department of Transportation which are appropriated for this purpose.

**Section 11.** That the Clerk of Council is authorized to transmit to the Director of Transportation three certified copies of this ordinance immediately on the taking effect of this ordinance, and it shall become the basis for proceeding with the Improvement.

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

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

**Ord. No. 2091-03.**  
**By Council Members Johnson, White and Jackson (by departmental request).**

**An emergency ordinance approving the schedule of prices for all the various parts and sections of the West Side Market, according to Section 133.16 of the Codified Ordinances of Cleveland, Ohio, 1976.**

Whereas, Section 133.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1027-2000, passed June 5, 2000, requires the Director of Parks, Recreation and Properties to present a schedule of prices for all the various parts and sections of the West Side Market for the Council's review, approval, and modification; 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 approves the schedule of prices for the various parts and sections of the West Side Market placed in File No. 2091-03-A.

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

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

**Ord. No. 2092-03.**  
**By Council Members Johnson and Jackson (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of food and beverage items, golf-related items, equipment and supplies, and labor and materials necessary to maintain and operate the Highland and Seneca Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties, for a period of 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 Parks, Recreation and Properties is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of food and beverage items, golf-related items, equipment and supplies, and labor and materials necessary to maintain and operate the Highland and Seneca Golf Courses, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 136680)

**Section 3.** That under 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 make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

**Ord. No. 2099-03.**  
**By Council Members Gordon and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Arbor Park Place LLC to provide a grant to partially finance security costs after the redevelopment of the commercial center located at the southwest corner of Longwood Plaza, located at East 40th Street and Quincy Avenue, Cleveland, Ohio.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into a grant agreement with Arbor Park Place LLC to provide a grant to economic development assistance to partially finance security costs after the redevelopment of the commercial center located at the southwest corner of Longwood Plaza, located at East 40th Street and Quincy Avenue, Cleveland, Ohio.

**Section 2.** That the total amount of the grant shall not exceed \$120,000 and shall be disbursed in three phases.

**Section 3.** That the costs of the Phase I of the grant shall not exceed Forty Thousand Dollars (\$40,000) and shall be paid from Fund No. 17 SF 652, which funds are appropriated for this purpose. The costs of Phases II and III of the contract shall not exceed Forty Thousand Dollars (\$40,000) each, and shall be paid from Fund No. 17 SF 652, subject to annual appropriation, Request No. 13039.

**Section 4.** That the Director of Law is authorized to prepare the grant agreement and other documents necessary to complete the transaction.

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

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

**Ord. No. 2100-03.**

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

**An emergency ordinance authorizing the Mayor to place a declaration of covenants and restrictions on City-owned property located at the southwest corner of East 55th and Woodland Avenue.**

Whereas, the City of Cleveland owns certain real property located at the southwest corner of East 55th and Woodland Avenue; and

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

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

**Section 1.** That the Mayor is authorized to place a declaration of covenants and restrictions on City-owned property located at the southwest corner of East 55th and Woodland Avenue.

**Section 2.** That the Declaration of Restrictions shall prohibit the oper-

ation of a grocery store at the East 55th and Woodland Avenue location as long as Dave's Supermarket, Inc., or its subsidiary, operates a grocery store at Longwood Plaza, located at the southwest corner of East 40th and Quincy Avenue, and shall contain other necessary provisions as the Director of Law deems necessary to protect and benefit the City of Cleveland.

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

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

**Ord. No. 2101-03.**

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

**An emergency ordinance to amend Section 11 of Ordinance No. 1978-01, passed December 3, 2001, relating to a loan agreement, an Empowerment Zone Section 108 loan, and an Economic Development Initiative Grant Agreement with New Village Corporation, or its designee, to partially finance the acquisition, predevelopment costs, soft costs, building improvements, and all other associated costs to redevelop the property located on the southwest corner of East 40th and Quincy Avenue.**

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 11 of Ordinance No. 1978-01, passed December 3, 2001, is amended to read as follows:

Section 11. That the terms of both loans and the grant shall be in accordance with the terms as set forth in the Summary contained in File No. 1978-01-B.

**Section 2.** That Section 11 of Ordinance No. 1978-01, passed December 3, 2001, is repealed.

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

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

**FIRST READING EMERGENCY RESOLUTION REFERRED**

**Res. No. 2094-03.**

**By Council Member Cimperman.**

**An emergency resolution declaring it necessary to provide for additional security for the Cleveland Theater District ("District"), cleaning and maintenance of the public right-of-way and Star Plaza within the District, and collective marketing of the District in the City of Cleveland; approving the comprehensive plan of services to be provided by the District; providing for the assessment of the cost and expense of said plan upon the benefited properties within the District; and declaring an emergency.**

Whereas, this Council, through Resolution No. 483-95, adopted June 5, 1995, as amended by Resolution 1746-97, adopted December 15, 1997, created the Cleveland Theater District under Chapter 1710 of the Revised Code, bounded generally on the north by Chester Avenue S.E., on the south by Prospect Avenue S.E., on the east by East 18th Street, and on the west by East 9th Street, Barn Court S.E., and East 12th Street ("District"); and

Whereas, the Cleveland Theater District Development Corporation, an Ohio not-for-profit corporation, was formed in 1997 under Chapters 1702 and 1710 of the Revised Code to govern the District ("Corporation"); and

Whereas, the Corporation has prepared a comprehensive plan for public services to continue to specially benefit property within the District, including providing for additional security within the District, cleaning and maintenance of the public rights-of-way within the District and Star Plaza, and collective marketing of the District ("Plan"); and

Whereas, the owners of sixty percent or more of front footage of property that abuts upon any street, alley, public roadway, place, boulevard, parkway, park entrance, easement, or other existing public improvement within the District, excluding certain property as provided in division (E) of Section 1710.02 of the Revised Code, have signed a petition requesting that the City approve the Plan ("Petition"); and

Whereas, properties within the District will continue to be specially benefited by the services provided under the Plan and will continue to be assessed to pay for the costs of the Plan; now, therefore,

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

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

**Section 1.** That the Petition is approved.

**Section 2.** That it is determined and declared necessary and conducive to the public health, convenience, and welfare of the City of Cleveland and its residents to continue to provide additional security for the District, additional cleaning and maintenance of the public rights-of-way and Star Plaza in the District, and collective marketing of the Dis-

tract for a five-year period commencing after the passage of the ordinance to proceed in this matter.

**Section 3.** That it is determined that the property in the District will continue to be specially benefited by the above described public services and shall be assessed, calculated as the percentage of tax value of the property taken as a percentage of the District as a whole.

**Section 4.** That, except as stated in Section 5 of this ordinance, the Plan of services to be provided by the District, on file in File No. 2094-03-A, is approved under division (B) of Section 1710.06(B) of the Revised Code, at an estimated cost of \$1,600,000.00; and that all conditions for submission of the Plan have been met.

**Section 5.** That any portion of the Plan that duplicates services to be undertaken by the City and any existing or future Tree Assessment District relating to downtown, is expressly not approved and shall be void.

**Section 6.** That the entire cost of the Plan shall be specially assessed by a percentage of the tax value of all lots and lands within the District which the lots and lands are determined to be specially benefited by the Plan in the amount equal to the amount specially assessed against each lot and land. The cost of the Plan shall include the cost of printing, serving, and publishing notices, resolutions, and ordinances, the amount of damages resulting from the Plan assessed in favor of any owner of land affected by the Plan and the interests thereon, the costs incurred in connection with the preparation, levy, and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring any required real estate or interests therein, expenses of legal services, the cost of all labor and materials, and all other necessary expenditures allowed by law.

**Section 7.** That the assessments to be levied shall be paid when levied in five annual installments. The first annual installment of \$300,000.00 shall be payable in cash within 30 days after passage of the City's ordinance of assessment. All cash payments remaining unpaid at the expiration of said 30 days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

**Section 8.** That the second annual installment of \$310,000.00, the third annual installment of \$320,000.00, the fourth annual installment of \$330,000.00, and the fifth annual installment of \$340,000.00 shall each be paid on each of the next four anniversaries of the date of passage of the City's ordinance of assessment. All cash payments remaining unpaid at the expiration of said 30 days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

**Section 9.** That no notes or bonds of the City of Cleveland shall be issued in anticipation of the collection of the special assessments.

**Section 10.** That the Commissioner of Assessment and Licenses is authorized to prepare and file in the Office of the Clerk of Council an estimated assessment under the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessment shall be based on the estimated costs of the Plan, now on file in the Office of the Clerk of Council.

**Section 11.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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

##### Ord. No. 2088-03.

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

**An emergency ordinance authorizing the retention and use of revenue by the general fund from tax remittances collected by Cleveland Public Power during the year 2004, and authorizing Cleveland Public Power to apply up to \$2 million from previously collected tax remittances, and up to \$2 million from revenues generated by an existing charge, to the replacement of copper naphthenate poles in the Cleveland Public Power System.**

Whereas, under Ordinance No. 910-98, passed February 14, 2000, this Council authorized, among other things, that Cleveland Public Power shall receive from the general fund an amount equal to eighty-five percent (85%) of the tax remittances due the City collected by Cleveland Public Power under Section 5727.81 of the Revised Code; and

Whereas, under Ordinance No. 1886-02, passed October 28, 2002, this Council directed that the general fund shall retain all of the tax remittances collected by Cleveland Public Power during 2003; and

Whereas, additional legislative authority is necessary in order for the general fund to retain all such tax remittances collected during calendar year 2004; and

Whereas, Ordinance No. 1886-02 also authorized Cleveland Public Power to apply up to \$1,000,000 from revenues generated by an increase in the incremental charge described in Ordinance No. 910-98, and up to \$1,000,000 of tax remittances collected by Cleveland Public Power under Section 5727.81 of the Revised Code and received by Cleveland Public Power from the general fund prior to January 1, 2003, to the cost in calendar year 2003 of replacing utility poles treated with copper naphthenate in the Cleveland Public Power distribution system; and

Whereas, legislative authority is necessary to authorize Cleveland Public Power to apply up to \$2,000,000 from such incremental charge, and up to \$2,000,000 from such tax remittances, to the cost in calendar year 2004 of replacing the copper naphthenate poles; 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 Ordinance No. 910-98, passed February 14, 2000, as amended by Ordinance No. 1886-02, passed October 28, 2002, the general fund shall retain 100% of the tax remittances collected under Section 5727.81 of the Revised Code during calendar year 2004.

**Section 2.** That, notwithstanding and as an exception to Ordinance No. 910-98, passed February 14, 2000, as amended by Ordinance No. 1886-02, passed October 28, 2002, Cleveland Public Power is authorized to apply up to \$2,000,000 from revenues generated by the increase in the incremental charge described in Ordinance No. 910-98, and up to \$2,000,000 of tax remittances collected by Cleveland Public Power under Section 5727.81 of the Revised Code and received by Cleveland Public Power from the general fund prior to January 1, 2003, to the cost in calendar year 2004 of replacing utility poles treated with copper naphthenate in the Cleveland Public Power distribution system.

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

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

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

##### Ord. No. 2093-03.

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Glenville Development Corporation to provide economic development assistance to partially finance a holiday street beautification project in the Glenville neighborhood.**

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 a grant agreement with Glenville Development Corporation to provide economic



development assistance to partially finance a holiday street beautification project in the Glenville neighborhood.

**Section 2.** That the costs of the grant shall not exceed \$75,000 and shall be paid from Fund No. 17 SF 652, Request No. 103598.

**Section 3.** That the Director of Law is authorized to prepare the grant agreement and other documents as may be appropriate to complete the transaction.

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

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

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

**Ord. No. 2095-03.**

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

**An emergency ordinance to amend Sections 1 and 5 of Ordinance No. 983-03, passed June 10, 2003, relating to the sale of Economic Development Revenue Bonds for the Lower Euclid Avenue Project.**

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 1 and 5 of Ordinance No. 983-03, passed June 10, 2003, are amended to read as follows:

Section 1. Definitions. In addition to the words and terms defined elsewhere in this Ordinance or in the Indenture, the following words and terms as used in this Ordinance shall have the meanings set forth below. Capitalized words and terms not defined in this Section or elsewhere in this Ordinance and used herein shall have the meanings assigned to them in the Indenture, including Exhibit A thereto which is incorporated herein by reference, unless the context or use clearly indicates another meaning or intent:

"238 Euclid" means 238 Euclid, LLC, an Ohio limited liability company, and its successors and assigns.

"238 Euclid Loan Agreement" means the Agreement, to be dated as of the first day of the month in which the Closing Date of the Series 2003A Bonds occurs, by and between the Issuer and 238 Euclid, as amended and supplemented from time to time.

"238 Euclid Project" means the construction and renovation of commercial restaurant and retail facilities, all as more fully described in Exhibit A to the 238 Euclid Loan Agreement.

"318 Euclid" means 318 Euclid, LLC, an Ohio limited liability com-

pany, and its successors and assigns.

"318 Euclid Loan Agreement" means the Agreement, to be dated as of the first day of the month in which the Closing Date of the Series 2003A Bonds occurs, by and between the Issuer and 318 Euclid, as amended and supplemented from time to time.

"318 Euclid Project" means the construction and renovation of commercial restaurant and retail facilities, all as more fully described in Exhibit A to the 318 Euclid Loan Agreement.

"Act" means Chapter 165, Ohio Revised Code, as enacted and amended from time to time pursuant to Section 13 of Article VIII of the Ohio Constitution.

"Agreement" or "Agreements" means the 238 Euclid Loan Agreement, the 318 Euclid Loan Agreement and the OSF Loan Agreement.

"Authorized Denominations" means \$100,000 and any larger denomination constituting an integral multiple of \$1,000, unless otherwise provided in the Final Terms Certificate.

"Bond" or "Bonds" means the Series 2003A and the Series 2003B Bonds.

"Bond Funds" means the Series 2003A Bond Fund and the Series 2003B Bond Fund created under the Indenture.

"Bond Service Charges" means, for any period of time, the principal of (whether at stated maturity, by mandatory sinking fund redemption, or otherwise) and interest, and any premium due on the Bonds for that period or payable at that time, as the case may be.

"Borrower" or "Borrowers" means 238 Euclid, 318 Euclid and OSF, and their lawful successors and assigns, to the extent permitted by the Agreements.

"City" means the City of Cleveland, Ohio.

"Clerk" means the Clerk of the Council of the Issuer.

"Closing Date" means, with respect to any Series of Bonds, the date on which the Bonds of that Series are delivered to the Original Purchaser thereof and payment therefor is made to the Issuer.

"Codified Ordinances" means the Codified Ordinances of the City of Cleveland.

"Council" means the Council of the City of Cleveland, Ohio.

"District" means the real property described in Ordinance No. 2247-02, passed by the Council on December 16, 2002.

"Economic Development Director" means the Director of Economic Development of the City.

"Euclid/Prospect II TIF Fund" means the urban redevelopment tax increment equivalent fund established by the City in Ordinance No. 2247-02 pursuant to Section 5709.43, Ohio Revised Code.

"Final Terms Certificate" means the Series 2003A Final Terms Certificate, the Series 2003B-1 Final Terms Certificate and the Series 2003B-2 Final Terms Certificate.

"Fiscal Officer" means the Director of Finance of the Issuer.

"Holder" or "Holder of a Bond" means the person in whose name a

Bond is registered on the Register for which provision is made in the Indenture.

"Indenture" means the Trust Indenture, between the Issuer and the Trustee, to be dated as of the first day of the month in which the Closing Date of the Series 2003A Bonds occurs, as amended or supplemented from time to time.

"Interest Payment Date" means each June 15 and December 15 commencing December 15, 2003, or such other Interest Payment Date as defined in the applicable Final Terms Certificate.

"Issuer" means the City.

"Law Director" means the Director of Law of the Issuer.

"Loan" means the loan by the Issuer to each Borrower of a portion of the proceeds received from the sale of the various Series of Bonds.

"Loan Payments" means the amounts required to be paid by each Borrower in repayment of the Loan pursuant to the provisions of each respective Agreement.

"Mandatory Redemption Dates" means the Principal Payment Date or Dates on which each Series of Bonds shall be subject to Mandatory Sinking Fund Redemption.

"Mandatory Sinking Fund Redemption Requirements" means, as to the Bonds, the deposits required to be made in respect of the mandatory redemption requirements as set forth in the Indenture.

"Mayor" means the Mayor of the City.

"Nontax Revenues" means all money of the Issuer that is not money raised by taxation, to the extent available, if needed, for deposit in the Bond Fund as provided in the Indenture, including but not limited to the following: (a) charges for services and payments received in reimbursement for services; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures; (d) fees from properly imposed licenses and permits; (e) investment earnings on any funds of the Issuer that are credited to the Issuer's General Fund; (f) proceeds from the sale of assets; (g) rental income; (h) grants from the United States of America and the State of Ohio; (i) gifts and donations; and (j) Project Revenues.

"Ordinance" means this Ordinance providing for the issuance of the Bonds and approving the Agreements, the Indenture and related matters.

"Original Purchaser" means with respect to the Series 2003A Bonds and the Series 2003B-1 Bonds, the City, and with respect to the 2003B-2 Bonds, **Cleveland Development Partnership II, L.P., or its designee.**

"OSF" means OSF Properties, Inc., an Ohio corporation, and its successors and assigns.

"OSF Loan Agreement" means the Agreement, to be dated as of the first day of the month in which the Closing Date of the Series 2003A Bonds occurs, by and between the Issuer and OSF, as amended and supplemented from time to time.

"OSF Project" means the construction of an approximately 550-space parking garage, all as more fully



described in Exhibit A to the OSF Loan Agreement.

"Other Property Excess Service Payments" means Service Payments in excess of \$25,000 in the aggregate derived from property owned by any property owner or its affiliates (other than affiliates of OSF, and its successors and assigns) who has not received proceeds of the Bonds.

"Person" or words importing persons mean firms, associations, partnerships (including without limitation, general and limited partnerships), joint ventures, societies, estates, trusts, corporations, public or governmental bodies, other legal entities, and natural persons.

"Pledged Nontax Revenues" means (i) all Project Revenues, (ii) proceeds of any series of Bonds to be used to pay capitalized interest or otherwise to be available to pay Bond Service Charges, (iii) all money in the Special Funds, and (iv) all income and profit from the investment of the foregoing money.

"Principal Payment Date" means Principal Payment Date as defined in the applicable Final Terms Certificate.

"Projects" means, collectively, the 238 Euclid Project, the 318 Euclid Project and the OSF Project.

"Project Fund" means the Series 2003A Project Fund and the Series 2003B Project Fund as established under the Indenture.

"Project Purposes" means the acquisition, construction, rehabilitation and renovation of real and personal property consisting of commercial facilities for parking, entertainment and retail sales purposes, or any other use which may be permitted by the Act and the Agreements.

"Project Revenues" means (a) the Service Payments (other than the Other Property Excess Service Payments); (b) the Loan Payments, (c) all amounts payable to the Trustee with respect to the principal or redemption price of, or interest on, the Bonds (i) by each Borrower as required under the Agreements and (ii) upon deposit in the Bond Fund from the proceeds of the Bonds, (d) any moneys and investments in each Project Fund, and (e) investment income with respect to any of the foregoing.

"Regular Record Date" means the first day of the calendar month in which an Interest Payment Date occurs.

"Series 2003A Bond Fund" means the Series 2003A Bond Fund established under the Indenture.

"Series 2003A Bonds" means the Series 2003A-1 Bonds and the Series 2003A-2 Bonds.

"Series 2003A Final Terms Certificate" means the certificate or certificates authorized under Section 5 of this Ordinance with respect to the Series 2003A-1 Bonds and the Series 2003A-2 Bonds, to be signed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Series 2003A Bonds and their issuance, sale, and delivery as this Ordinance requires or authorizes to be set forth or determined therein, in substantially the form put on file with the Clerk in connection with this Ordinance in File No. 983-03-A.

"Series 2003A-1 Bonds" means the City of Cleveland, Ohio Economic Development Revenue Bonds, Series 2003A-1 (Lower Euclid Avenue Project).

"Series 2003A-2 Bonds" means the City of Cleveland, Ohio Economic Development Revenue Bonds, Series 2003A-2 (Lower Euclid Avenue Project).

"Series 2003B Bond Fund" means the Series 2003B Bond Fund established under the Indenture.

"Series 2003B Bonds" means the Series 2003B-1 Bonds and the Series 2003B-2 Bonds.

"Series 2003B-1 Final Terms Certificate" means the certificate or certificates authorized under Section 5 of this Ordinance with respect to the Series 2003B-1 Bonds, to be signed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale, and delivery as this Ordinance requires or authorizes to be set forth or determined therein, in substantially the form put on file with the Clerk in connection with this Ordinance in the above-mentioned File.

"Series 2003B-2 Final Terms Certificate" means the certificate or certificates authorized under Section 5 of this Ordinance with respect to the Series 2003B-2 Bonds, to be signed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale, and delivery as this Ordinance requires or authorizes to be set forth or determined therein, in substantially the form put on file with the Clerk in connection with this Ordinance in the above-mentioned File.

"Series 2003B-1 Bonds" means the City of Cleveland, Ohio Economic Development Revenue Bonds, Series 2003B-1 (Lower Euclid Avenue Project).

"Series 2003B-2 Bonds" means the City of Cleveland, Ohio Economic Development Revenue Bonds, Series 2003B-2 (Lower Euclid Avenue Project).

"Service Payments" means the service payments in lieu of taxes made pursuant to the TIF Agreement, to be held in the Euclid/Prospect II TIF Fund.

"Special Funds" means the Special Funds as defined in the Indenture.

"State" means the State of Ohio.

"TIF Agreement" means the Tax Increment Financing Agreement between the City and Lower Euclid Avenue LLC, dated as of December 20, 2002.

"Trustee" means the Trustee as set forth in each Final Terms Certificate, until a successor Trustee shall have become such pursuant to the applicable provisions of the Indenture, and thereafter "Trustee" shall mean the successor Trustee.

The captions and headings in this Ordinance are solely for convenience of reference and do not define, limit, or describe the scope or intent of any provisions or Sections of this Ordinance.

Section 5. Sale of the Bonds. The Fiscal Officer is hereby authorized and directed to negotiate and approve the sale of each Series of Bonds with the Original Purchaser

for such Bonds, at the purchase price established in each Final Terms Certificate, which purchase price shall not be less than the principal amount of each series of Bonds plus accrued interest, and in accordance with the terms and provisions of this Ordinance, and to determine the interest rates on and the aggregate principal amount and principal maturities of the Bonds in order to consummate the sale of the Series 2003A Bonds and the Series 2003B-1 Bonds on or around June 1, 2003, and the Series 2003B-2 Bonds on or around December 1, 2004, subject to the limitations contained in Section 4 hereof. Such approval shall be evidenced by the signing of each Final Terms Certificate by the Fiscal Officer that sets forth and shall set forth the principal amount of and interest rates on the Bonds and the maturity schedule of the Bonds together with any other matters required under this Ordinance. Each Final Terms Certificate shall be incorporated in and form a part of this Ordinance. The Fiscal Officer is also hereby authorized and directed to determine the extent, if any, and manner in which the Issuer's pledge of Nontax Revenues with respect to the Bonds will be subordinated to the pledge of such Revenues with respect to any obligations designated in each Final Terms Certificate as senior to each Series of Bonds.

The agreement of **Cleveland Development Partnership II, L.P., or its designee**, as Original Purchaser to purchase the Series 2003B-2 Bonds shall be evidenced by its signature on the Final Terms Certificate for the Series 2003B-2 Bonds. The Fiscal Officer is authorized to make the necessary arrangements on behalf of the Issuer to establish the date, location, procedure, and conditions for the delivery of each Series of Bonds to each Original Purchaser. That officer is further authorized to take all actions necessary to effect due signing, authentication, and delivery of the Bonds under the terms of this Ordinance and the Indenture.

It is determined that the parameters for the terms of the Bonds, and the sale thereof at private sale, all as provided for in this Ordinance, are in the best interest of and most advantageous for the Issuer and in compliance with all legal requirements.

**Section 2.** That existing Sections 1 and 5 of Ordinance No. 983-03, passed June 10, 2003, are repealed.

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

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

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

**Ord. No. 2096-03.**

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

**An emergency ordinance approving the collective bargaining agreement with Treasurers and Ticket Sellers Union, Local 756; and to amend Section 42 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1801-03, passed October 20, 2003, 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, in accordance with division (B) of Section 4117.10 of the Revised Code, this Council hereby approves the collective bargaining agreement with Treasurers and Ticket Sellers Union, Local 756, which contains the terms set forth in File No. 2096-03-A, for the period from April 1, 2001 through March 31, 2004, which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

<u>Increase</u>	<u>Effective Date of Increase</u>
Three percent (3%)	April 1, 2001
Three and one-half percent (3.5%)	April 1, 2002
Four percent (4%)	April 1, 2003

**Section 2.** That Section 42 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1801-03, passed October 20, 2003, is amended to read as follows:

**Section 42. Part-Time/Seasonal Group**

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

	<b>Minimum</b>	<b>Maximum</b>
1. Box Office Cashier.....	\$ 10.33	\$ 15.49
2. Chaplain.....	\$ 9.34	\$ 11.48
3. Checker.....	\$ 9.34	\$ 9.34
4. Conservation Aide.....	\$ 9.34	\$ 9.34
5. Dentist.....	\$ 13.38	\$ 28.58
6. Head Usher.....	\$ 9.34	\$ 11.35
7. Law Clerk.....	\$ 9.34	\$ 12.48
8. Medical Examiner.....	\$ 21.40	\$ 58.61
9. Organ Tuner.....	\$ 9.63	\$ 25.07
10. Park Maintenance Aide.....	\$ 9.34	\$ 9.34
11. Ranger.....	\$ 9.34	\$ 11.20
12. School Crossing Guard (Per Day).....	\$ 20.50	\$ 26.00
13. Section Supervisor.....	\$ 9.34	\$ 9.34
14. Snow Removal Vehicle Operator.....	\$ 10.40	\$ 15.04
15. Stage Hand.....	\$ 19.11	\$ 27.34
16. Stage Hand Casual.....	\$ 20.60	\$ 27.00
17. Stage Hand - Show Rate (Per Show).....	\$ 64.89	\$ 88.75
18. Student Aide.....	\$ 9.34	\$ 9.34
19. Student Assistant.....	\$ 9.34	\$ 9.34
20. Usher.....	\$ 9.34	\$ 9.34
21. Usher Captain.....	\$ 9.34	\$ 9.34

**Section 3.** That existing Section 42 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1801-03, passed October 20, 2003, is repealed.

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

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

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

**Ord. No. 2097-03.**

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

**An emergency ordinance to name the Cleveland Browns Football Stadium Roadway "Alfred Lerner Way".**

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 Citizens of the City of Cleveland wish to pay special tribute and honor to Mr. Alfred ("Al") Lerner, who will be remembered for bringing our beloved Cleveland Browns Football Team

home again. Mr. Lerner will also be remembered for his humanitarian gifts and kindness to local hospitals and charities. The Cleveland Browns Football Fans and Players will remember him as a "Fan" and one of their own. Therefore, we propose the following:

**Section 2.** That the name of all that portion of of the Cleveland Browns Football Stadium Roadway (width varies) directly bordering the Cleveland Browns Football Stadium on its Southerly perimeter, and running between Relocated Erieside Avenue (70.00 feet wide) and West 3rd Street (99.00 feet wide) be and the same is now named "Alfred Lerner Way".

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

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

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

**Ord. No. 2102-03.**

**By Council Member Jackson.**

**An emergency ordinance to amend Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 230-01, passed February 12, 2001, relating to fees for publications and services.**

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 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 230-01, passed February 12, 2001, is hereby amended to read as follows:

**Section 113.12 Fees for Publications and Services**

(a) The Clerk of Council is hereby authorized to collect the following fees for Codified Ordinance publications reflecting amendments passed by Cleveland City Council through June 10, 2003:

<u>Unit</u>	<u>Cost</u>
Charter	\$ 7.03
Part I, Administrative Code	\$ 28.10
Part II, Health Code	\$ 17.04
Part III, Land Use Code, Planning and Housing	\$ 14.94
Part III, Zoning Code	\$ 10.40
Part III, Land Use Code, Housing Code	\$ 14.25
Part III, Land Use Code, Fire Prevention Code	\$ 19.60
Building Code	\$ 10.40
Part IV, Traffic Code	\$ 14.37
Part V, Municipal Utilities and Services Code	\$ 28.10
Part VI, Offenses and Business Activities Code	\$ 19.75
 <u>Complete Set</u>	
Complete Set	\$323.12

A Complete set of the Codified Ordinances includes the Charter and all Parts, the General Index, User's Guide, tabbed dividers, and binder.

(a) The Clerk of Council shall charge one dollar (\$1.00) for each certification and five cents (\$0.05) per page for copies of ordinances, resolutions, reports, communications, and other documents.

(b) The Clerk of Council shall annually publish a supplement to the Codified Ordinance publication provided that the first supplement to the Codified Ordinance publication reflecting amendments passed by Cleveland City Council through June 10, 2003 shall be printed in 2005 and shall incorporate all legislative changes enacted by Cleveland City Council during the time period of June 11, 2003 and December 31, 2004.

(c) All fees specified herein are net and any sales tax or postage, if applicable, shall be in addition to the fees set forth herein.

(d) All fees collected in accordance with division (a) of this Section shall be deposited into a special revenue fund and such funds shall be used only for costs associated with reviewing, compiling, updating, indexing, printing, and/or codifying the Codified Ordinances and any supplements to the Codified Ordinances, including any costs associated with alternative formats and internet accessibility.

**Section 2.** That existing Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 230-01, passed February 12, 2001, is hereby repealed.

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

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

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

**Ord. No. 2103-03.**

**By Council Members Cimperman, Jones, White, Reed, Britt, Scott, Conwell, Polensek, Rybka, Cintron, Gordon, O'Malley, Zone, Westbrook, Brady, Sweeney and Dolan.**

**An emergency ordinance amending the Title and Sections 1 and 2 of Ordinance No. 1034-03 passed June 2, 2003, as amended by Ordinance No. 1114-03, passed June 10, 2003, and as amended by Ordinance No. 1574-03, passed August 13, 2003 as it relates to the Cleveland Fire Fighters Memorial Fund for Cleveland Fire Fighters' Memorial Relocation/Enhancement Project through the use of Ward(s) 13, 1, 2, 3, 6, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Title and Sections 1 and 2 of Ordinance No. 1034-03 passed June 2, 2003, as amended

by Ordinance No. 1114-03, passed June 10, 2003, and as amended by Ordinance No. 1574-03, passed August 13, 2003 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Parks, Properties and Recreation to enter into an agreement with the **Cleveland Fire Fighters Memorial Fund for Cleveland Fire Fighters' Memorial Relocation/Enhancement Project through the use of Ward(s) 13, 1, 2, 3, 6, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 Neighborhood Equity Funds.**

Section 1. That the Director of Parks, Properties and Recreation is authorized to enter into an agreement with the **Cleveland Fire Fighters Memorial Fund for the Cleveland Fire Fighters' Memorial Relocation/Enhancement Project** for the public purpose of creating a sculpture that describes the profession of fire fighting to City of Cleveland residents through the use of Ward(s) **1, 2, 3, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 Neighborhood Equity Funds.**

Section 2. That the cost of said contract shall be in an amount not to exceed **\$16,500** and shall be paid from Fund No. 10 SF 166.

**Section 2.** That the Title and Sections 1 and 2 of Ordinance No. 1034-03 passed June 2, 2003, as amended by Ordinance No. 1114-03, passed June 10, 2003, and as amended by Ordinance No. 1574-03, passed August 13, 2003 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.

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

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

**Ord. No. 2104-03.****By Council Member Johnson.**

**An emergency ordinance authorizing the Director of Community Development Department to enter into an agreement with the Buckeye Area Development Corporation for the Buckeye Area Housing Rehabilitation Program through the use of Ward 4 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development Department is authorized to enter into an agreement with the Buckeye Area Development Corporation for the Buckeye Area Housing Rehabilitation Program for the public purpose of rehabilitating homes in the Buckeye area for City of Cleveland residents through the use of Ward 4 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$80,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

**Ord. No. 2105-03.****By Council Member White.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Custom Enrichment Center for the Corlett Empowerment Program through the use of Ward 2 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement effective October 3, 2003 to May 30, 2004 with the Custom Enrichment Center for the Corlett Empowerment Program for the public purpose of providing a social support program for Cleveland school children and their parents through the use of Ward 2 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$47,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

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

**Res. No. 2098-03.****By Council Members Dolan, Sweeney, O'Malley and Polensek.**

**An emergency resolution declaring Mayo County, Parish of Achill, Ireland, a sister city of the City of Cleveland.**

Whereas, Achill Parish, located in County Mayo, Ireland, is known for its striking beauty and is home to one of the world's finest fishing regions; and

Whereas, over 85% of the 250,000 Irish in Greater Cleveland trace their ancestral origins to the Parish of Achill; and

Whereas, many of the Mayo County, Achill Parish Irish originally settled in "Irish bend", along the Cuyahoga River, south of Detroit and east of West 25th Street; and

Whereas, representatives of the City of Cleveland and Mayo County, Achill Parish have expressed interest in an active exchange of culture, tourism, business and education opportunities; and

Whereas, such exchange would serve to support the development and growth of both communities, to deepen the relationship that has existed between the communities for the past 200 years, and to expand and enhance knowledge and understanding between the communities; and

Whereas, the leaders of Cleveland and the Mayo County Council, Achill Parish, have expressed an interest in working toward establishing a permanent sister city relationship between their communities; and

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

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

**Section 1.** That this Council hereby declares Mayo County, Achill Parish, Ireland, a sister city of the City of Cleveland.

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

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

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

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

**Res. No. 2106-03.****By Council Member Brady.**

**An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 13429 Lakewood Heights Boulevard.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Cheer-Up, Inc., 13429 Lakewood Heights Boulevard, Cleveland, Ohio 44107, Permanent Number 1410123 to 2 Wolves, Inc., 13429 Lakewood Heights Boulevard, Cleveland, Ohio 44107, Permanent Number 9116441; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Cheer-Up, Inc., 13429 Lakewood Heights Boulevard, Cleveland, Ohio 44107, Permanent Number 1410123 to 2 Wolves, Inc., 13429 Lakewood Heights Boulevard, Cleveland, Ohio 44107, Permanent Number 9116441; and requests the Director of Liquor Control to set a hearing for said application in accordance with pro-

visions 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 adoption.

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

**Res. No. 2107-03.**

**By Council Member Brady.**

**An emergency resolution objecting to the stock transfer of ownership of a D5 Liquor Permit to 3349 West 117th Street, 1st Floor.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a stock transfer of ownership of a D5 Liquor Permit to 3349 Fidelity, Inc., 3349 West 117th Street, 1st Floor, Cleveland, Ohio 44111, Permanent Number 8918565; 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 D5 Liquor Permit to 3349 Fidelity, Inc., 3349 West 117th Street, 1st Floor, Cleveland, Ohio 44111, Permanent Number 8918565; 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 adoption.

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

**Res. No. 2108-03.**

**By Council Member Johnson.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 8805 Buckeye Road and repealing Resolution No. 923-03, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 8805 Buckeye Road by Resolution No. 923-03 adopted by the Council on May 19, 2003; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 8805 Buckeye Road be and the same is hereby withdrawn and Resolution No. 923-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

**Res. No. 2109-03.**

**By Council Member Reed.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3918 East 140th Street and repealing Resolution No. 1692-02, objecting to said renewal.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to 3918 East 140th Street by Resolution No. 1692-02 adopted by the Council on August 14, 2002; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to 3918 Co., DBA East 140th Street Market, 3918 East 140th Street, Cleveland, Ohio 44128, Permanent Number 8917046, be and the same is hereby withdrawn and Resolution No. 1692-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 2110-03.**

**By Council Member Brady.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 11824 Lorain Avenue and repealing Resolution No. 2053-03, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 11824 Lorain Avenue by Resolution No. 2053-03 adopted by the Council on October 20, 2003; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a C1 Liquor Permit to 11824 Lorain Avenue be and the same is hereby withdrawn and Resolution No. 2053-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

**Res. No. 2111-03.**

**By Council Member Brady.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 4200 West 130th Street and repealing Resolution No. 1737-03, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 4200 West 130th Street by Resolution No. 1737-03 adopted by the Council on September 8, 2003; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a C1 Liquor Permit to 4200 West 130th Street be and the same is hereby withdrawn and Resolution No. 1737-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

**Res. No. 2112-03.**

**By Council Member White.**

**An emergency resolution withdrawing objection to a New C2 Liquor Permit at 3790 East 116th Street (aka 3790 Martin Luther King, Jr. Drive) and repealing Resolution No. 1566-03, objecting to said permit.**

Whereas, this Council objected to a New C2 Liquor Permit to 3790 East 116th Street (aka 3790 Martin Luther King, Jr. Drive) by Resolution No. 1566-03 adopted by the Council on August 13, 2003; and

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

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

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

**Section 1.** That objection to a New C2 Liquor Permit to 3790 East 116th Street (aka 3790 Martin Luther King, Jr. Drive) be and the same is hereby withdrawn and Resolution No. 1566-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

**Res. No. 2113-03.**

**By Council Member Reed.**

**An emergency resolution withdrawing objection to a New C2 Liquor Permit at 14510 Kinsman Avenue and repealing Resolution No. 843-03, objecting to said permit.**

Whereas, this Council objected to a New C2 Liquor Permit to 14510 Kinsman Avenue, by Resolution No. 843-03 adopted by the Council on May 12, 2003; and

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

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

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

**Section 1.** That objection to a New C2 Liquor Permit to 14510, Inc., DBA Kinsman Sunoco, 14510 Kinsman Avenue, Cleveland, Ohio 44120, Permanent Number 6549670, be and the same is hereby withdrawn and Resolution No. 843-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

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

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

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 1510-03.**

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6914 Superior Avenue to 6920 Superior LLC.

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

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

**Ord. No. 1690-03.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with AirSports Aviation, LTD for the lease of office space at Burke Lakefront Airport, for the Department of Port Control.

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

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

**Ord. No. 1692-03.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Circadian Knight Corp. dba TOP GUN for the lease of office space at Burke Lakefront Airport, for the Department of Port Control.

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

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

**Ord. No. 1693-03.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with American Flyers, Inc. for the lease of office space at Burke Lakefront Airport, for the Department of Port Control.

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

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

**Ord. No. 1694-03.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with T & G Flying Club, Inc. for the lease of office space at Burke Lake-

front Airport, for the Department of Port Control.

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

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

**Ord. No. 1804-03.**

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 808-03, passed June 10, 2003, relating to the Director of Public Service entering into one or more requirement contracts for Leach packer parts, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

**Ord. No. 1889-03.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of electrical motors and pumps, including attachments, parts, and equipment, and labor and materials necessary to repair electric motor and pumps, for the Division of Property Management, Department of Parks, Recreation and Properties, for a period not to exceed two years.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

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

**Ord. No. 1969-03.**

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with E.J. Ward, Inc. for spare replacement parts for the fuel control terminals and for telephone consultation needed to maintain the terminals, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

1. In the title, strike line 9 in its entirety and insert "Service."

2. In Section 1, line 5, strike "not to exceed" and insert "of one or"; in Section 1, at the end, add "The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms."

Amendments agreed to.

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

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

**Ord. No. 1970-03.**

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

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

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

**Ord. No. 1971-03.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to repair, rebuild and replace hydraulic cylinders, pumps, motors, valves, fuel injectors, drive shafts gear boxes and trailers, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

**Ord. No. 1972-03.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair and maintain generators, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

**Ord. No. 1973-03.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of automotive paint and supplies, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

**Ord. No. 1974-03.**

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

An emergency ordinance authorizing the purchase by one or more

requirement contracts of remanufactured vehicle transmissions, including installation, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

**Ord. No. 1975-03.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary for the repair of vehicle frames and vehicle alignments, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

**Ord. No. 1976-03.**

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

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

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

**Ord. No. 1977-03.**

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Finley Fire Equipment Co., Inc. for Pierce fire apparatus parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

1. In the title, strike lines 7 and 8 in their entirety and insert "Department of Public Service."

2. In Section 1, line 6, strike "not to exceed" and insert "of one or"; in Section 1, at the end, add "The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms."

Amendments agreed to.

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



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

**Ord. No. 1978-03.**

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts with Maltese Fire Equipment Co. for the purchase of Duplex cab and chassis fire apparatus parts and LTI and Grumman fire apparatus parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

1. In the title, strike line 9 in its entirety and insert "Service."

2. In Section 1, lines 5 and 6, strike "not to exceed" and insert "of one or"; in Section 1, at the end, add "The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms."

Amendments agreed to.

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

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

**Ord. No. 1979-03.**

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with APO Holdings, Inc. for Ingersoll Rand air compressor parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

1. In the title, strike line 8 in its entirety and insert "Service."

2. In Section 1, line 5, strike "not to exceed" and insert "of one or"; in Section 1, at the end, add "The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms."

Amendments agreed to.

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

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

**Ord. No. 1980-03.**

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Hertz Equipment Rental Corporation for Sullivan air compressor parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

1. In the title, strike line 8 in its entirety and insert "Service."

2. In Section 1, line 6, strike "not to exceed" and insert "of one or"; in Section 1, at the end, add "The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms."

Amendments agreed to.

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

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

**Ord. No. 1981-03.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of Ford vehicle parts, including installation, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

**MOTION**

By Council Member Jones, seconded by Council Member Cimperman and unanimously carried that the absence of Council Member Patricia J. Britt, be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 8:45 p.m. to meet on Monday, November 10, 2003, in the Council Chambers.



Clerk of Council

**THE CALENDAR**

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

NONE

2458

**BOARD OF CONTROL**

October 15, 2003

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 15, 2003, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Henry Guzman, Director, Office of Equal Opportunity.

**Resolution No. 614-03.**

By Director Baker.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Boise Cascade Office Products, Inc. under Contract No. 57586, for the purchase of office supplies for the various divisions of City government, authorized by Ordinance No. 1069-02, passed October 7, 2002, and Board of Control Resolution No. 768-02 adopted December 4, 2002 is approved.

Subcontractor

Percentage Work

Integrated Business Supply (FBE)	20.0% — \$47,500.00
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Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

**Resolution No. 615-03.**

By Director Baker.

Be it resolved, by the Board of Control of the City of Cleveland, that all bids received on August 27, 2003, for the purchase of: an estimated quantity of labor and materials necessary to maintain Group V High Volume Copiers, including usage, Operational Supplies and Equipment pursuant to authority of Ordinance No. 886-03 passed by the Council of the City of Cleveland on June 2, 2003 be and the same are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

**Resolution No. 616-03.**

By Director Baker.

Be it resolved, by the Board of Control of the City of Cleveland, that all bids received on August 27, 2003 for the purchase of: Group IV High Volume Photocopiers, pursuant to authority of Ordinance No. 885-03 passed by the Council of the City of Cleveland on June 2, 2003 be and the same are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 617-03.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Great Lakes Towing Company for an estimated quantity of fire-boat rehabilitation, all items, including option 1, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on September 4, 2003, pursuant to the authority of Ordinance No. 1169-03, passed by the Council of the City of Cleveland on July 16, 2003, which on the basis of the estimated quantity would amount to One Hundred Two Thousand Eight Hundred Seventy and 00/100 Dollars (\$102,870.00) (1%-10 days) is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130088 which shall be certified against such contract in the sum of One Hundred Two Thousand Eight Hundred Seventy and 00/100 Dollars (\$102,870.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 618-03.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Able Contracting Group, Inc. for an estimated quantity of labor and materials necessary to repair and install fencing at various facilities (all items) for the Division of Water Pollution Control, Department of Public Utilities, for a period of one (1) year beginning with the later date of execution of a contract, received on the 1st day of October 2003, pursuant to the authority of Ordinance No. 1150-03, passed July 16, 2003, which on the basis of the estimated quantity would amount to Fifty One Thousand Fifty Seven and 50/100 Dollars (\$51,057.50) (Net) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the

immediate purchase as the initial amount of such contract of the following:

Requisition No. 137353 which shall be certified against such contract in the sum of Twenty-Five Thousand Dollars (\$25,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 619-03.**

By Director Mok.

Resolution by the Board of Control of the City of Cleveland, that all bids received on March 12, 2003, for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, Sound Attenuation improvements, Islamic Mosque, all items, for Cleveland Hopkins International Airport, Department of Port Control, pursuant to the authority of Ordinance Nos. 930-95, 469-98 and 327-2000, passed by the Council of the City of Cleveland on June 19, 1995, May 18, 1998 and June 12, 2000 be and the same hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 620-03.**

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to Ordinance No. 838-02 passed by the Council of the City of Cleveland on June 10, 2002, the firm of Ralph Tyler Companies is hereby selected upon the nomination of the Director of Public Service from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Public Service as the firm of engineers ("Engineer") to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City in order to provide the professional services necessary for emergency HVAC and electrical design work at the Cleveland House of Corrections.

Be it further resolved, that the Director of Public Service hereby is authorized to enter into a written contract with Ralph Tyler Companies based upon its proposal dated May 1, 2003, which contract shall be prepared by the Director of Law and shall include such additional provisions as he deems necessary to benefit and protect the public interest.

The fees for services to be performed under the contract authorized hereby shall not exceed Thirty Three Thousand and no/100 Dollars (\$33,000.00).

Be it further resolved, that the employment of the following sub-consultant by Ralph Tyler Companies is hereby approved:

Dynatech Consulting Engineers (MBE) — \$12,000 — (36.3%)

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 621-03.**

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that the bid of Perk Co., Inc. for Underground Duct Installation Items #1 through 9 for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on August 20, 2003, pursuant to the authority of Ordinance No. 371-03 passed March 24, 2003, which on the basis of the estimated quantities would amount to Three Hundred Sixty-six Thousand Eight Hundred Seventeen Dollars and Fifty Cents (\$366,817.50) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a 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. 139701 which shall be certified against such contract in the sum of Sixty Thousand Nine Hundred Dollars (\$60,900.00).

Said 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.

Be it further resolved, that the employment of the following sub-contractors by Perk Co., Inc. for the contract authorized herein is approved:

<u>Subcontractor</u>	<u>Percentage</u>	<u>Amount</u>
M-Tech Corp. (MBE)	16.28%	—\$59,700.00
Cuyahoga Supply (FBE)	5.22%	— \$19,150.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 622-03.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of The Cleveland Ignition Co., Inc. for an estimated quantity of various automotive and truck parts, items: 1 (A, B), 4 (A, B, C), and 5 (A, B, C), for the Division of Motor Vehicle Maintenance, Depart-

ment of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on August 27, 2003, pursuant to the authority of Ordinance No. 806-03, passed by the Council of the City of Cleveland on June 10, 2003, which on the basis of the estimated quantity would amount to One Hundred Fifty Three Thousand and no/100 Dollars (\$153,000.00) (2% 10th Prox.) 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. 130080**

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

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.  
Nays: None.  
Absent: None.

**Resolution No. 623-03.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Lakefront Automotive Parts, Inc. for an estimated quantity of various automotive and truck parts, items: 36 (A, B) and 46, 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 August 27, 2003, pursuant to the authority of Ordinance No. 806-03, passed by the Council of the City of Cleveland on June 10, 2003, which on the basis of the estimated quantity would amount to Seventy Thousand and no/100 Dollars (\$70,000.00) (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. 130081**

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

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Rou-

ten, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 624-03.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Servco Products, Inc. for an estimated quantity of various automotive and truck parts, item: 39, 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 August 27, 2003, pursuant to the authority of Ordinance No. 806-03, passed by the Council of the City of Cleveland on June 10, 2003, which on the basis of the estimated quantity would amount to Thirty Thousand and no/100 Dollars (\$30,000.00) (1% 10 Days) 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. 130083**

which shall be certified against such contract in the sum of Five Thousand and no/100 Dollars (\$5,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 625-03.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of TruckPro, Inc. for an estimated quantity of various automotive and truck parts, items: 2, 10, 12, 13, 14(A, C), 19, 20(B), 21(B, C), 27, 29, 35 and 44, 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 August 27, 2003, pursuant to the authority of Ordinance No. 806-03, passed by the Council of the City of Cleveland on June 10, 2003, which on the basis of the estimated quantity would amount to One Hundred Fifty Eight Thousand and no/100 Dollars (\$158,000.00) (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. 130084**

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.

Be it further resolved, that the employment of the following subcontractor by TruckPro, Inc. is hereby approved:

**Subcontractor**

**Percentage Amount**

Poly Services, Inc. (MBE)	3.8% — \$6,000.00
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Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 626-03.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Admiral Truck Parts, Inc. for an estimated quantity of various automotive and truck parts, items: 7 (A-E), 9, 11 (A, B), 15, 17 (A, B, C), 21 (A), 23 (A, B), 28, 32, 33, 34, 37 and 38, 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 August 27, 2003, pursuant to the authority of Ordinance No. 806-03, passed by the Council of the City of Cleveland on June 10, 2003, which on the basis of the estimated quantity would amount to Two Hundred Thirty Seven Thousand and no/100 Dollars (\$237,000.00) (2% 10 Days) 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. 130079**

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.

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 627-03.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Perkins Motor Services, Ltd. for an estimated quantity of various automotive and truck parts, items: 6 (A-E), 8, 16, 18, 20 (A), 22

(A, B), 25, 26, 30, 31, 43, 45, 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 August 27, 2003, pursuant to the authority of Ordinance No. 806-03, passed by the Council of the City of Cleveland on June 10, 2003, which on the basis of the estimated quantity would amount to Two Hundred Twenty Nine Thousand and no/100 Dollars (\$229,000.00) (2.5% 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. 130082

which shall be certified against such contract in the sum of Thirty Thousand and no/100 Dollars (\$30,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 628-03.**

By Director Draper.

Resolved by the Board of Control of the City of Cleveland that the bid of Kone Inc. for an estimated quantity of labor and materials necessary to service and maintain elevators for Third District Police Station and Police Headquarters for the Department of Public Safety, for the period of one (1) year with a one-year option to renew, received on the 17th day of September, 2003, pursuant to the authority of Ordinance No. 1008-03, passed June 10, 2003, which on the basis of the estimated quantity would amount to Twenty-Eight Thousand Three Hundred Twenty and 00/100 Dollars (\$28,320.00), 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: 121718 as specified, which shall be certified against such contract in the sum of Seven Thousand Eighty and 00/100 Dollars (\$7,080.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto,

Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 629-03.**

By Director Ronayne.

Resolved by the Board of Control of the City of Cleveland that the bid of Simplex Grinnell LP for the following: Fire Alarm Service various City buildings (All Items) for the Division of Property Management, Department of Parks, Recreation and Properties received on the 16th day of July 2003, pursuant to the authority of Ordinance No. 299-01, passed April 9, 2001, which on the basis of the order quantity would amount to \$77,000.00 is hereby approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into contract for such items.

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 630-03.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 117-31-014 under said Land Reutilization Program; and

Whereas, Ordinance No. 1230-03 passed September 22, 2003, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Tony H. Smith, Sr. has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1230-03 passed September 22, 2003, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Tony H. Smith, Sr. for the sale and development of Permanent Parcel No. 117-31-014, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 631-03.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 104-19-037 under said Land Reutilization Program; and

Whereas, Ordinance No. 1508-03 passed September 22, 2003, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Helen Wilson has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1508-03 passed September 22, 2003, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Helen Wilson for the sale and development of Permanent Parcel No. 104-19-037, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 632-03.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 105-32-081 under said Land Reutilization Program; and

Whereas, Ordinance No. 1513-03 passed September 22, 2003, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Josephine M. Copley has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1513-03 passed September 22, 2003, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Josephine M. Copley for the sale and development of Permanent Parcel No. 105-32-081, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby deter-

mined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 633-03.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 006-10-101 under said Land Reutilization Program; and

Whereas, Ordinance No. 1516-03 passed September 22, 2003, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Cleveland Housing Network, Inc. has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1516-03 passed September 22, 2003, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Cleveland Housing Network, Inc. for the sale and development of Permanent Parcel No. 006-10-101, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 634-03.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 127-11-011 under said Land Reutilization Program; and

Whereas, Ordinance No. 692-03 passed September 22, 2003, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Love Center Interdenominational Church has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of

Ordinance No. 692-03 passed September 22, 2003, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Love Center Interdenominational Church for the sale and development of Permanent Parcel No. 127-11-011, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 635-03.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 107-09-095 under said Land Reutilization Program; and

Whereas, Ordinance No. 1512-03 passed September 22, 2003, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Queen E. Kizer has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1512-03 passed September 22, 2003, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Queen E. Kizer for the sale and development of Permanent Parcel No. 107-09-095, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 636-03.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 139-17-034 under said Land Reutilization Program; and

Whereas, Ordinance No. 1514-03, passed September 22, 2003, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Mt. Pleasant Now Development Corporation has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1514-03 passed September 22, 2003, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Mt. Pleasant Now Development Corporation for the sale and development of Permanent Parcel No. 139-17-034, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 637-03.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 009-21-017 under said Land Reutilization Program; and

Whereas, Ordinance No. 930-03 passed June 10, 2003, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Jamie Marquardt and Deborah Marquardt have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 930-03 passed June 10, 2003, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Jamie Marquardt and Deborah Marquardt for the sale and development of Permanent Parcel No. 009-21-017, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

**Resolution No. 638-03.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No(s), 106-07-077, 106-07-078 and 106-07-079 under said Land Reutilization Program; and

Whereas, Ordinance No. 1509-03 passed September 22, 2003, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Stephanie Hunter has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1509-03 passed September 22, 2003, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Stephanie Hunter for the sale and development of Permanent Parcel No(s), 106-07-077, 106-07-078 and 106-07-079, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent, of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

**Resolution No. 639-03.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 111-11-002 under said Land Reutilization Program; and

Whereas, Ordinance No. 222-02 passed August 14, 2002, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Frances Shelby has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 222-02 passed August 14, 2002, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and

on behalf of the City of Cleveland with Frances Shelby for the sale and development of Permanent Parcel No. 111-11-002, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1,000.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

**Resolution No. 640-03.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 104-15-040, 104-15-041, 104-16-057, 104-17-023, 104-19-014, 104-17-068, 104-17-133, 104-17-134, 104-17-135, 104-17-136, 104-17-140, 104-17-141, 104-17-154, 104-17-164, 104-17-173, 104-20-049, 104-20-050, 104-21-040, 104-21-041, 104-21-043, 104-21-044, 104-21-045, 104-21-046, 107-06-090, 104-23-044, 104-23-045, 104-23-046, 104-24-036, 105-28-048, 105-28-093, 105-29-050, 105-33-018, 105-33-019, 105-33-119, 105-33-135, 106-01-001, 106-01-002, 106-01-093, 106-01-096, 106-06-069, 106-06-071, 106-07-095, 106-10-031, 106-10-032, 106-10-076, 106-11-006, 106-11-007, 106-11-008, 106-11-009, 106-18-001, 106-19-018, 106-19-019, 106-20-028, 106-20-037, 106-20-038, 106-21-046, 106-22-105, 106-22-106, 106-22-115, 106-22-116, 106-22-157, 106-22-162, 106-23-098, 106-23-099, 106-23-133, 107-06-034, 107-06-035, 107-06-089, 107-08-004, 107-08-005, 107-09-125, 107-12-014, 107-12-014, 107-12-050, 107-12-051, 107-06-090, 104-17-066, 104-17-067, 106-20-036, 106-22-068, 107-09-127 under said Land Reutilization Program; and

Whereas, Ordinance No. 1511-03 passed September 22, 2003, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Consortium for Economic and Community Development Inc. or designee has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1511-03 passed September 22, 2003, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Consortium for Economic and Community Development Inc. or designee for the sale and development of Permanent Parcel Nos. 104-15-040, 104-15-041, 104-16-057, 104-17-023, 104-19-014, 104-17-068, 104-17-133, 104-17-134, 104-17-135, 104-17-136, 104-17-140, 104-17-141, 104-17-154, 104-17-164, 104-17-173, 104-20-049, 104-20-050, 104-21-040, 104-21-041, 104-21-043, 104-21-044, 104-21-045, 104-21-046, 107-06-090, 104-23-044, 104-23-045, 104-23-046, 104-24-036, 105-28-048, 105-

28-093, 105-29-050, 105-33-018, 105-33-019, 105-33-119, 105-33-135, 106-01-001, 106-01-002, 106-01-093, 106-01-096, 106-06-069, 106-06-071, 106-07-095, 106-10-031, 106-10-032, 106-10-076, 106-11-006, 106-11-007, 106-11-008, 106-11-009, 106-18-001, 106-19-018, 106-19-019, 106-20-028, 106-20-037, 106-20-038, 106-21-046, 106-22-105, 106-22-106, 106-22-115, 106-22-116, 106-22-157, 106-22-162, 106-23-098, 106-23-099, 106-23-133, 107-06-034, 107-06-035, 107-06-089, 107-08-004, 107-08-005, 107-09-125, 107-09-126, 107-12-014, 107-12-050, 107-12-051, 107-06-090, 104-17-066, 104-17-067, 106-20-036, 106-22-068, 107-09-127 as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100 each, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

**Resolution No. 641-03.**

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 27-01, passed May 14, 2001, as amended by Ordinance No. 2409-A-01, passed January 14, 2002, 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 City-owned property no longer needed for public use, and located within and part of the Euclid-Prospect II Community Development Plan, Treatment Area Block 3 Site B, also known as Permanent Parcel Numbers 101-26-045 and 101-26-070, to MRN Limited Partnership; and

Whereas, said Ordinance No. 27-01, as amended by Ordinance No. 2409-A-01, provided that the consideration to be paid for said parcels shall be at a price not less than the fair market value; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 27-01, passed by the Council of the City of Cleveland on May 14, 2001, as amended by Ordinance No. 2409-A-01, passed by the Council of the City of Cleveland on January 14, 2002, the Commissioner of Purchases and Supplies is hereby directed to sell City-owned property no longer needed for public use, and located within and part of the Euclid-Prospect II Community Development Plan, Treatment Area 3 Block B, also known as Permanent Parcel Numbers 101-26-045 and 101-26-070, to MRN Limited Partnership. The consideration to be paid for Permanent Parcel Number 101-26-045 shall be Eight Thousand Dollars (\$8,000.00) and the consideration to be paid for Permanent Parcel Number 101-26-070 shall be Two Hundred Fifty-five Thousand Dollars (\$255,000.00), which amounts are not less than 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, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

**Resolution No. 642-03.**

By Director Hudecek.

Whereas, pursuant to the Land Reutilization Program, the City has acquired Permanent Parcel No. 007-24-002 located on Barber Avenue in Ward 14; and

Whereas, pursuant to Ordinance 1547-90, passed by the Council of the City of Cleveland on April 8, 1991, this Board of Control adopted Resolution No. 592-03 on October 1, 2003 authorizing the sale of said parcel to Nael D. Shehadeh, now, therefore, Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 592-03, adopted by this Board of Control on October 1, 2003, is hereby amended by correcting the parcel number to read 007-24-002 "southerly part".

Be it further resolved that all other provisions of said Resolution No. 529-03 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Baker, Acting Directors Brown, Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Jordan, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

REYNALDO GALINDO,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, NOVEMBER 10, 2003**

**9:30 A.M.**

**Calendar No. 03-276:** 9300 Woodland Avenue (Ward 4)

Coleman Trucking c/o Mark Coleman, owner, and Sam Kash, tenant, appeal to change the use of an existing approximate 32' x 20' service station building situated on a 100' x 140' parcel located in a Semi-Industry District on the southeast corner of East 93rd Street and Woodland Avenue at 9300 Woodland Avenue; the proposed change of use being subject to the Industrial Districts Regulations of Sections 345.03(c)(2) where an auto repair is required to be 100' from a residential district and the proposed use abuts a residential district at the rear and subject to the requirements of Specific Uses Regulated in Sections 347.08(a)(b)(c) where trash areas and containers shall not be visible from a public street or lots designated for residential purpose and shall be screened and that trash shall be stored in non-combustible airtight containers with adequate vehicular access for pick up provided; and contrary to Section 352.10 of the Landscaping and Screening Requirements, where no landscaping is proposed along either East 93rd Street or Woodland Avenue and 6' landscape strips are required between the parking lot and the street; and subject to the provisions of Section 349.07 in the Off-Street Parking and Loading Requirements, where parking spaces, driveways and maneuvering areas shall be striped and properly graded for drainage, and accessory off-street parking spaces shall be provided with wheel or bumper guards and dimensions of curb cuts be clearly shown; and an adequate site plan that is legible, drawn to scale with property lines being clearly indicated and use areas identified is required as stated in Section 334.20 of the Codified Ordinances.

**Calendar No. 03-277:** 9410 Way Avenue (Ward 2)

Londell Edwards, owner, previously appealed to install a 45' high telecommunications tower to the rear of a 2 1/2-story single family house on a 50' x 100' parcel in a Two-Family District and was denied by the Board on June 30, 2003; appellant now appeals to have a 30' high telecommunications tower instead and to be located on the south side of Way Avenue at 9410 Way Avenue; said installation being contrary to the Wireless Telecommunications Facilities Regulations, where a 30' high telecommunications tower is proposed where none is permitted in a Residential District as stated in Section 354.08(a) of the Codified Ordinances.

**Calendar No. 03-278:** 1012 Fairfield Avenue (Ward 13)

Leah Sanford, owner, appeals to construct a wooden, 20' x 21' roof deck addition to an existing garage and a 4'-2" x 24' wooden bridge that connects it to an existing

dwelling, and all situated on a 32' x 91' parcel located in a Multi-Family District on the north side of Fairfield Avenue at 1012 Fairfield Avenue; said construction being contrary to the Height Regulations of Section 353.05 where the maximum height allowed for an accessory building is a mean height of 15' and an overall height of 16' is provided; and contrary to the provisions of Area Requirements in Section 355.04(a) where the maximum gross floor area allowed is 50% of the lot size, or 1,456 s/f, and a total of 2,090 s/f is proposed; and contrary to Sections 357.08 of Yards and Courts, a rear yard of 20' is required and there is none provided behind the existing garage and an interior side yard of 2' is proposed where no interior side yard shall be less than 3' from the property line as stated in Section 357.09 of the Codified Ordinances.

**Calendar No. 03-286:** 3587 East 104th Street (Ward 2)

Debra Dowd, owner, appeals to install 84' linear feet of 4' high chain link fence at the front and side yards of a one family dwelling on a 35' x 90' parcel located in a Single-Family District on east side of East 104th Street at 3587 East 104th Street; the proposed chain link fence being contrary to the Fence Regulations where in residential districts only ornamental fences shall be installed in actual front yards as stated in Sections 358.04(c)(1) of the Codified Ordinances.

**Calendar No. 03-287:** 2207 East 33rd Street (Ward 5)

Cellie Pittman, owner, appeals under Section 329.01(e) from a Violation Notice issued September 30, 2003 by the Building and Housing Department for failure to comply with the Residential Districts Requirements, where access and maintenance of accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces and be surfaced with concrete, asphalt or similar surfacing material, and maintained in good condition, free of debris and trash as stated in Section 337.18 of the Codified Ordinances.

**Calendar No. 03-293:** 1859 West 25th Street (Ward 14)

Heil Block, Inc. c/o Jeff Allison, owner, appeals to change the use of an existing two-story, brick mixed use building from 6 dwelling units and 3 stores to 3 dwelling units, 1 store and 1 bar situated on an approximate 66' x 157' irregular shaped parcel in a General Retail Business District on the southeast corner of Bridge Avenue and West 25th Street at 1859 West 25th Street; said change of use being contrary to the Off-Street Parking and Loading Requirements where no parking spaces are proposed and 18 parking spaces are required as stated in Section 349.04 of the Codified Ordinances.

**Calendar No. 03-298:** 6512 Hubbard Avenue (Ward 12)

Eric Jones, owner, appeals to erect a 20' x 28' two-story, frame expansion to an existing 1 1/2-story



frame, one family dwelling on a 35' x 50' parcel located in a Semi-Industry District on the south side of Hubbard Avenue at 6512 Hubbard Avenue; said expansion being subject to the Industrial Districts Regulations of Section 345.03(b) where no dwelling house in a Semi-Industry District shall be located within 200' of the boundary of adjoining General or Unrestricted Industry Districts and the proposed abuts a General Industry District and contrary to the Yards and Courts Requirements in Sections 357.09(b)(2), where no building shall be erected less than 10' from a main building on an adjoining lot and a minimum interior side yard may not be less than 3' and 2' is provided, and subject to the regulations of Nonconforming Uses where expansion or change of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

### REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 27, 2003

At the meeting of the Board of Zoning Appeals on Monday, October 27, 2003, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 03-269:** 6720 St. Clair Avenue

Jane Prijatelj appealed to install 51' linear feet of 6' high ornamental fence at the front of a patron parking lot of a one-story commercial building in a Local Retail Business District.

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

Horizon Construction Company Ltd. appealed to erect a 15'-11" x 37' three-story, one family townhome in a Residence Office District.

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

Horizon Construction Company Ltd. appealed to erect a 19.3' x 39.2' three-story, one family townhome in a Residence Office District.

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

Horizon Construction Company Ltd. appealed to erect a 24.73' x 58.74' three-story, one family townhome in a Residence Office District.

**Calendar No. 03-283:** 1409 West 110th Street

Horizon Construction Company, Ltd. appealed to erect a 20' x 40' three-story, one family townhome in a Residence Office District.

**Calendar No. 03-284:** 1407 West 110th Street

Horizon Construction Company, Ltd. appealed to use an approximate 28' x 65' L-shaped lot as accessory parking for individual residential parking spaces in a Two-Family District.

**Calendar No. 03-208:** 3715 Highland Road

David Hinz appealed to construct a 22' x 40' two-story attached garage to the rear of a two-story dwelling on a 40' x 444' parcel in a Single-Family District.

The following appeals were **Denied**:

**Calendar No. 03-264:** 7125 Deveny Avenue

John J. Jarosz appealed to rebuild an 8' x 10' shed on the easterly side and at the rear of a four dwelling unit building in a Two-Family District.

**Calendar No. 03-200:** 3809 Pearl Road

Zion Pentecostal Temple appealed to change the use of a one-story video store building into a church on a corner parcel located in a Local Retail Business District.

The following appeals were **Postponed**:

**Calendar No. 03-265:** Appeal of Northeast Ohio Telephone, Inc. postponed to November 17, 2003.

**Calendar No. 03-267:** 3906 Clinton Avenue postponed to November 24, 2003.

**Calendar No. 03-223:** 1900 Train Avenue postponed to November 24, 2003.

**On Monday, October 27, 2003, in Executive Session:**

The following appeals were heard by the Board on Monday, October 20, 2003, and said decisions were approved and adopted in Executive Session on Monday, October 27, 2003:

The following appeals were **Approved**:

**Calendar No. 03-261:** 3505 Archwood Avenue

Rick Jaworski appealed to erect a 9' high x approximately 12' wide wooden arbor over the existing driveway at the east side of a two-family dwelling in a Two-Family District.

**Calendar No. 03-150:** 2087 West 7th Street

Sutton Builders appealed to construct a 20' x 48' three-story, one family residence with a 20' x 20' detached garage in a Multi-Family District.

**Calendar No. 03-178:** 2154 West 6th Street

Michael McBride appealed to construct a 19' x 47' three-story, one family residence with an attached garage in a Multi-Family District.

**Calendar No. 03-189:** 10300 Union Avenue

Jeffrey Kirkman, Jr. appealed to expand a 44' x 55' one-story party center into a 44' x 106' party center building in a Local Retail Business District.

**Calendar No. 03-248:** 1233 West 67th Street

Halle, Inc. appealed to construct a parking lot for 15 cars on a 50' x 110' parcel in a General Industry District.

**Calendar No. 03-249:** 1229 West 67th Street

Hallie, Inc. appealed to erect a 2100 s/f single family townhouse unit on a 20' x 110' parcel in a General Industry District.

**Calendar No. 03-250:** 1227 West 67th Street

Hallie, Inc. appealed to erect a 2100 s/f single family townhouse unit on a 20' x 110' parcel in a General Industry District.

The following appeals were **Denied**:

**Calendar No. 03-259:** 764 Brayton Avenue

Elizabeth Webb appealed to use a 30' x 56.5' vacant lot as a parking lot for two motor vehicles and one tow truck in a Two-Family District.

**Calendar No. 03-262:** 14005 Triskett Road

Brandi Reesey appealed to install 80' linear feet of 6' high wooden privacy fence along the side street property line of a two-family dwelling in a Two-Family District.

**Calendar No. 03-263:** 4689 State Road

C.F.A.M. LLC appealed to modify a variance and alter a plan conditionally granted on April 29, 2002 to expand a parking lot at the rear of a tavern in a Local Retail Business District.

**Calendar No. 03-233:** Appeal of Fuad D. Jaser

Fuad D. Jaser appealed from the suspension of a City of Cleveland Hack License issued March 19, 2003.

EUGENE CRANFORD, JR.,  
Secretary

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

Re: Report of the Meeting of  
October 22, 2003

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

\* \* \*

#### **Docket A-95-03.**

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

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to submit plans to the Department of Building and Housing and obtain

permits, and to grant the Appellant three (3) months in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-96-03.**

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

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

\* \* \*

**Docket A-97-03.**

RE: Appeal of Beal Bank SSB, Mortgagee of the Two & One/half Story Residential Property located on the premises known as 6710 Hough Avenue from a VACATE ORDER/ 30 DAY CONDEMNATION ORDER — MS/NOTICE OF VIOLATION — EXTERIOR MAINTENANCE/YARD of the Commissioner of the Department of Building and Housing, dated July 18, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action, the docket will be rescheduled November 5, 2003.

\* \* \*

**Docket A-99-03.**

RE: Appeal of Richard Davet, Owner of the Two & One/half Story Frame Residential Property located on the premises known as 833 East 150th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Commissioner of the Department of Building and Housing, dated July 22, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-99-03 has been POSTPONED; to be rescheduled for November 5, 2003.

\* \* \*

**Docket A-107-03.**

RE: Appeal of Joseph Freund & Ruben Freund, Owner of the Property located on the premises known as 3339 West 65th Street from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 28, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-107-03 has been POSTPONED; to be rescheduled for November 5, 2003.

**Docket A-113-03.**

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

BE IT RESOLVED, a motion is in order at this time to grant the variance with the provision that the new residential area be sprinkled and that the one-hour separation from the existing area does not change the fire character of the existing area; that a variance is granted to utilize the conforming windows in all suites, meaning the living room window and a suite with a smaller non-complying bedroom window to be used as the access opening with signage on the nonconforming window indicating that it is nonconforming; that the standpipe can be a Class 1 wet standpipe with 2-1/2 inch Fire Department connections only; that the existing elevator can continue to be used for all occupants of the building; and that hardwired battery backup smoke alarms be installed in all units and a fire alarm system be installed throughout. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley. Nays: Mr. Saunders.

\* \* \*

**Docket A-115-03.**

RE: Appeal of the Bernard Group, Owner of the Property located on the premises known as 2070 West 25th Street from an ADJUDICATION ORDER of the Commissioner of the Department of Building and Housing, dated September 3, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action, the docket will be rescheduled for November 5, 2003.

\* \* \*

**Docket A-116-03.**

RE: Appeal of Debra Anthony, Owner of the Two & One/half Story Frame Residential Property located on the premises known as 16 Lake Front Walk from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Commissioner of the Department of Building and Housing, dated September 3, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-116-03 has been POSTPONED; to be rescheduled for November 5, 2003.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Saab and seconded by Mr. Bradley for Approval and Adoption of the Resolutions as presented by

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

A-137-02—Accurate Plating Company.

A-71-03—2720 Van Aken Boulevard, LLC.

A-94-03—Florine B. Anthony.

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

\* \* \*

**APPROVAL OF MINUTES:**

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

October 8, 2003

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

\* \* \*

EUGENE CRANFORD, JR.,  
Secretary

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

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

**Mercedes Cotner Committee Room 217  
City Hall, Cleveland, Ohio  
On Wednesday, November 12, 2003  
1:30 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, November 12, 2003, at 1:30 P.M., to consider the following ordinance now pending in the Council:

**Ord. No. 1891-03.**

By Council Member Zone.

An ordinance to change the zoning of property on West 67th Street south of Father Caruso Drive from General Industry to RA-2 Townhouse District (Map Change No. 2085, Sheet No. 1).

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

JOSEPH C. CIMPERMAN,  
Chairman  
Committee on City Planning

October 29, 2003 and November 5, 2003

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

**WEDNESDAY, NOVEMBER 5, 2003**

**Glenville Recreation Center Playground Improvements**, for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 1114-02, passed by the Council of the City of Cleveland, June 17, 2002.

THERE WILL BE A REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, OCTOBER 30, 2003 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

October 22, 2003 and October 29, 2003

**THURSDAY, NOVEMBER 6, 2003**

**Pipe Repair Couplings**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25, of the Codified Ordinances of Cleveland, Ohio, 1976. THERE WILL BE A **MANDATORY** PRE-BID MEETING; THURSDAY, OCTOBER 30, 2003 AT 10:30 A.M., DIVISION OF WATER DISTRIBUTION & MAINTENANCE, PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

UTION & MAINTENANCE, PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

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

**Rehabilitation of Western Avenue (West 117th Street to West Blvd.)**, for the Division of Engineering & Construction, Department of Public Service, as authorized by Ordinance No. 481-02, passed by the Council of the City of Cleveland, May 18, 2002.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, OCTOBER 30, 2003 AT 2:00 P.M., CITY HALL, CONFERENCE ROOM 518, 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

October 22, 2003 and October 29, 2003

**FRIDAY, NOVEMBER 7, 2003**

**To Repair and/or Replace Water, Sewer, and Gas Lines Damaged By Pole Replacement**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1151-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **MANDATORY** PRE-BID MEETING; THURSDAY, OCTOBER 30, 2003 AT 2:00 P.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

October 22, 2003 and October 29, 2003

**WEDNESDAY, NOVEMBER 12, 2003**

**Two (2) Pole Dinkeys (Trailers)**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, NOVEMBER 4, 2003, AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49th STREET, BUILDING #1, CLEVELAND, OHIO 44105.

**One (1) Yard Crane — New or Used**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, NOVEMBER 4, 2003 AT 3:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49th STREET, BUILDING #1, CLEVELAND, OHIO 44105.

October 22, 2003 and October 29, 2003

**THURSDAY, NOVEMBER 13, 2003**

**Flame Resistant Clothing**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 220-01, passed by the Council of the City of Cleveland, March 30, 2001.

THERE WILL BE A **MANDATORY** PRE-BID MEETING; FRIDAY, NOVEMBER 7, 2003 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

**Cleaning & Maintaining the Scale Pits at Ridge Road Transfer Station/Ridge Road Scale House**, for the Division of Waste Collection, Department of Public Service, as authorized by Ordinance No. 1167-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, NOVEMBER 5, 2003 AT 2:00 P.M., DIVISION OF WASTE COLLECTION, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

October 22, 2003 and October 29, 2003

**FRIDAY, NOVEMBER 14, 2003**

**Clean-Up and Securing of Sites**, for Various Divisions, Department of Building and Housing, as authorized by Ordinance No. 773-03, passed by the Council of the City of Cleveland, June 2, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, NOVEMBER 5, 2003 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Outdoor Lighting Program (Material & Installation)**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1154-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **MANDATORY** PRE-BID MEETING; THURSDAY, NOVEMBER 6, 2003 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 22, 2003 and October 29, 2003

**WEDNESDAY, NOVEMBER 12, 2003**

**Various Size Front-End Loaders and Roll-Off Containers**, for the Division of Waste Collection and Disposal, Department of Public Service as authorized by Ordinance No. 1257-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, NOVEMBER 7, 2003 AT 10:00 A.M., DIVISION OF WASTE COLLECTION, 5600 CARNEGIE AVE., CLEVELAND, OHIO 44103.

October 29, 2003 and November 5, 2003

**THURSDAY, NOVEMBER 13, 2003**

**Waste Collection Facility Site Improvements Charles V. Carr-South Bldg., E. 55th Street & Carnegie Ave.,** for the Division of Architecture, Department of Public Service as authorized by Ordinance No. 833-02, passed by the Council of the City of Cleveland, June 3, 2002.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, NOVEMBER 6, 2003 AT 10:00 A.M., CHARLES V. CARR CENTER, 5600 CARNEGIE AVE., CLEVELAND, OHIO 44103.

October 29, 2003 and November 5, 2003

**FRIDAY, NOVEMBER 14, 2003**

**Keys, Locks & Hardware,** for the Various Divisions, Department of Finance, as authorized by Ordinance No. 890-03, passed by the Council of the City of Cleveland, June 2, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, NOVEMBER 6, 2003 AT 11:30 A.M., 601 LAKESIDE AVE., CONFERENCE ROOM 104, CLEVELAND, OHIO 44114.

**Gutter Broom Sets and Coreless Tube Brooms,** for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 369-03, passed by the Council of the City of Cleveland, March 24, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, NOVEMBER 6, 2003 AT 10:00 A.M., 601 LAKESIDE AVE., ROOM 26, CLEVELAND, OHIO 44114.

October 29, 2003 and November 5, 2003

**WEDNESDAY, NOVEMBER 19, 2003**

**High Pressure Power Washers,** for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 1257-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, NOVEMBER 10, 2003 AT 10:00 A.M., DIVISION OF WASTE COLLECTION, 5600 CARNEGIE AVE., CLEVELAND, OHIO 44103.

**Roll-Off-Haul-All Carrier Body & Tow Body,** for Various Divisions, Department of Finance as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, NOVEMBER 10, 2003 AT 3:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH ST., BUILDING #1, CLEVELAND, OHIO 44105.

October 29, 2003 and November 5, 2003

**THURSDAY, NOVEMBER 20, 2003**

**Cold Mix,** for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 364-03, passed by the Council of the City of Cleveland, March 24, 2003. THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, NOVEMBER 11, 2003 AT 10:30 A.M., DIVISION OF STREETS, ROOM 26, 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

**Curb Bumpers and Plow Blades,** for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 362-03, passed by the Council of the City of Cleveland, March 24, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, NOVEMBER 11, 2003 AT 11:00 A.M., DIVISION OF STREETS, ROOM 26, 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

October 29, 2003 and November 5, 2003

**THURSDAY, NOVEMBER 20, 2003**

**SS1 Tack Coat,** for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 430-03, passed by the Council of the City of Cleveland, May 12, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, NOVEMBER 11, 2003 AT 11:30 A.M., DIVISION OF STREETS, ROOM 26, 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

October 29, 2003 and November 5, 2003

### ADOPTED RESOLUTIONS AND ORDINANCES

**Res. No. 2053-03.**

**By Council Member Brady.**

**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 11824 Lorain Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from PTP Dream Investments, Inc., DBA Variety Beverage, 11824 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 7107955 to Checkered Flag Beverage and Pizza LTD., 11824 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 1414147; and

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

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

Whereas, the place for which the permit is sought has not conformed

to the building, safety or health requirements of the governing body of this County or City; and

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from PTP Dream Investments, Inc., DBA Variety Beverage, 11824 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 7107955 to Checkered Flag Beverage and Pizza LTD., 11824 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 1414147; 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 October 20, 2003.

Effective October 22, 2003.

**Res. No. 2054-03.**

**By Council Member Britt.**

**An emergency resolution withdrawing objection to a New C1 and C2 Liquor Permit at 8927 Cedar Avenue and repealing Resolution No. 1125-03, objecting to said permit.**

Whereas, this Council objected to a New C1 and C2 Liquor Permit to 8927 Cedar Avenue by Resolution No. 1125-03 adopted by the Council on June 9, 2003; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit based upon and pursuant to a cooperation agreement by and through City Council Representative, Patricia J. Britt and Applicant, Larry C. Gaines, DBA Larry Gaines Florist, 8927 Cedar Avenue, Cleveland, Ohio

44106, Permanent Number 2999771, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to a New C1 and C2 Liquor Permit to 8927 Cedar Avenue be and the same is hereby withdrawn and Resolution No. 1125-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted October 20, 2003.

Effective October 22, 2003.

**Res. No. 2055-03.**

**By Council Member Coats.**

**An emergency resolution withdrawing objection to the renewal of a C1, C2 and D6 Liquor Permit at 16601 Euclid Avenue and repealing Resolution No. 1297-03, objecting to said renewal.**

Whereas, this Council objected to a C1, C2 and D6 Liquor Permit to 16601 Euclid Avenue, by Resolution No. 1297-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Roosevelt Coats and Applicant, Ahmad Sliman, President of Hymie Enterprises, Inc., 16601 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4101794, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to a C1, C2 and D6 Liquor Permit to Hymie Enterprises, Inc., 16601 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4101794, be and the same is hereby withdrawn and Resolution No. 1297-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 20, 2003.

Effective October 22, 2003.

**Res. No. 2056-03.**

**By Council Member Lewis.**

**An emergency resolution withdrawing objection to a New C1 and C2 Liquor Permit at 8802 Superior Avenue and repealing Resolution No. 1132-03, objecting to said permit.**

Whereas, this Council objected to a New C1 and C2 Liquor Permit to 8802 Superior Avenue by Resolution No. 1132-03 adopted by the Council on June 9, 2003; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit based upon and pursuant to a cooperation agreement by and through City Council Representative, Fannie M. Lewis and Applicant, Issa Abuhamdeh, President of 8802 Superior Hawk, Inc., DEB 8802 Superior Food Market, 8802 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 2455399-0005, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to a New C1 and C2 Liquor Permit to 8802 Superior Avenue be and the same is hereby withdrawn and Resolution No. 1132-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted October 20, 2003.

Effective October 22, 2003.

**Res. No. 2057-03.**

**By Council Member Polensek.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 15929 Saranac Road and repealing Resolution No. 1678-02, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 15929 Saranac Road, by Resolution No. 1678-02 adopted by the Council on August 14, 2002; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement signed October 17, 2003, by and through City Council Representative, Michael D. Polensek and Applicants, Theodora Petrick, President of DeBear, Inc.; Cleveland Blount; and Sadie Blount, 15929 Saranac Road, Cleveland, Ohio 44110, Permanent Number 1998937, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to a D1, D2, D3, D3A and D6 Liquor Permit to DeBear, Inc., 15929 Saranac Road, Cleveland, Ohio 44110, Permanent Number 1998937, be and the same is hereby withdrawn and Resolution No. 1678-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 20, 2003.

Effective October 22, 2003.

**Res. No. 2058-03.**

**By Council Members Polensek, Conwell, Scott and Zone.**

**An emergency resolution strongly urging the Cleveland Municipal School District, the Cleveland Browns and the Plain Dealer to reopen discussions for the purpose of reinstating the historic Charity Game to compete for the High School City Football Title in Cleveland.**

Whereas, the Charity Game was the Cleveland Public School Football Championship played between the north and south Senate football champions for the City Title; and

Whereas, the Charity Game was played for many years here in Cleveland at the old Stadium on Thanksgiving Day;

Whereas, the Charity Game has not been played for a number of years; and

Whereas, reinstating the Charity Game would build confidence, character and support for our high school athletes and for the Cleveland Public School's athletic programs and would draw Greater Clevelanders to downtown Cleveland; and

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

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

**Section 1.** That this Council hereby strongly urges the Cleveland Municipal School District, the Cleveland Browns and the Plain Dealer to reopen discussions for the purpose of reinstating the historic Charity Game to compete for the High School City Football Title in Cleveland.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to Barbara Byrd-Bennett, CEO, Cleveland Municipal School District, Alex Macheske, CEO and President of the Cleveland Plain Dealer and Randolph D. Lerner, Owner, Cleveland Browns.

**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 October 20, 2003.

Effective October 22, 2003.

**Ord. No. 1864-01.**  
**By Council Members Jackson, Cimperman, Lewis and Patmon (by departmental request).**

**An emergency ordinance to amend Sections 367.12, 367.13 and 367.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, by various ordinances, relating to statement of authorized use of dwelling building or structure and notice of violation, fee; for disbursal of funds from escrow agent; and penalties, and to enact new Section 367.111 of these codified ordinances relating to definitions.**

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 following sections of the Codified Ordinances of Cleveland, Ohio, 1976

Section 367.12, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Section 367.13, as amended by Ordinance No. 1528-01, passed August 15, 2001, and

Section 367.99, as amended by Ordinance No. 1006-03, passed June 10, 2003

are hereby amended to read, respectively, as follows:

**Section 367.12 Statement of Authorized Use of Dwelling Building or Structure and Notice of Violation; Fee**

(a) No person, agent, firm or corporation shall sell, by land contract or otherwise, any interest in any dwelling building or structure, as defined in Section 363.04 of five or more units, without furnishing the buyer, prior to the sale, (i) a current certificate of occupancy or a statement from the Department of Building and Housing describing the authorized use of the dwelling under the ordinances of the City, (ii) a copy of any outstanding notice or order from the City, including any notice of violation or outstanding notice of the City's intention to demolish or effectively board, and, when an escrow has been established, depositing in escrow prior to delivery of possession or transfer of title a statement from the buyer acknowledging the receipt of these documents. However, a statement signed by both the seller and the buyer describing the fact that the property being transferred does not contain a dwelling building or structure may be deposited in escrow instead of the documents regarding use required herein.

(b) An application to provide the statement required by this section shall be accompanied by a fee of forty dollars (\$40.00).

(c) No person, agent, firm or corporation shall enter into a contract for the sale of a one, two, three or four unit dwelling building or structure, as defined in Section 363.04,

without furnishing to the purchaser a Certificate of Disclosure addressing the condition of the property, which Certificate shall be in a form prescribed by the Director of Building and Housing. No real estate agent, escrow agent or seller shall sell or transfer a one, two, three or four unit dwelling building or structure without furnishing to the purchaser information required by the Certificate of Disclosure described above. If the purchaser does not receive any portion of the Certificate of Disclosure to be completed by the City prior to sale, the purchaser may rescind the purchase contract for the sale of the property prior to the sale of the property.

(d) A request for a Certificate of Disclosure shall be accompanied by a nonrefundable fee of sixty dollars (\$60.00).

**Section 367.13 Disbursal of Funds from Escrow Agent**

No person, firm or corporation acting in the capacity of an escrow agent in any real estate transaction involving the sale of a dwelling building or structure situated in the City shall disburse any funds unless the provisions of Section 367.12 have been met.

**Section 367.99 Penalty**

(a) Whoever violates any provision of this Housing Code for which no other penalty is provided or any rule or regulation promulgated thereunder or fails to comply with this Housing Code or with any written notice or written order issued thereunder, or whoever refuses to permit entry by the Housing Inspector at a reasonable hour, and whoever interferes with, obstructs, hinders or delays such housing inspector while attempting to make such inspection shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for the first offense, and for a second or subsequent offense shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or imprisoned for not more than six months or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

Whoever causes or permits the continuation of any violation of this Code or any rule or regulation promulgated hereunder or fails to comply with this Housing Code or with any written notice or written order issued hereunder, subsequent to conviction therefor shall be liable for further prosecution, conviction and punishment upon the same order or notice without the necessity of issuing a new order or notice, until full compliance has been had on such order or notice upon which the original conviction was had.

(b) Whoever violates Section 367.11 shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each offense thereof.

(c) Whoever violates Section 367.12 or 367.13 shall be guilty of a misdemeanor of the first degree.

(d) Whoever violates Section 371.01 shall receive a mandatory fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00) or imprisoned for not more than six

months or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

(e) Whoever violates Sections 369.13, 369.14, 369.15, 369.16, 369.17, 369.18, 369.19, 371.05, 371.07, 371.10 or 371.13 or Section 369.08 as a first offense shall be fined not more than one hundred dollars (\$100.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Whoever violates Sections 392.02, 392.03, 392.04, 392.05 or 392.06 is subject to the penalty established in Section 392.99 of these Codified Ordinances. In addition to any other means of enforcement provided for in these Codified Ordinances by statute, Sections 392.02, 392.03, 392.04, 392.05 or 392.06 may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Rules of Criminal Procedure, provided that the offense is a minor misdemeanor.

(f) Whoever violates Section 369.08 as a second offense of that section shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty (30) days or both. Whoever violates Section 369.08 as a third or subsequent offense of that section shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months, or both.

(g) A court of competent jurisdiction may require whoever is convicted of or pleads guilty to a violation of this Housing Code to pay to the City's Department of Building and Housing, fees for inspections of violation that have not been remedied, which fee is described in Sections 367.08 and 3105.26, and the expenses or costs incurred under the provisions for demolition or boarding contained in the Housing Code.

(h) The Director of Building and Housing shall consult with the Councilperson of each ward about the enforcement of the provisions of this section in their particular ward and shall provide the Councilperson of each ward with a written weekly report listing the violations of this section in their particular ward.

(i) Authority to enforce the above listed misdemeanors through issuance of a citation shall expire and shall be of no further force and effect two (2) years after the effective date of this section.

**Section 2.** That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976

Section 367.12, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Section 367.13, as amended by Ordinance No. 1528-01, passed August 15, 2001, and

Section 367.99, as amended by Ordinance No. 1006-03, passed June 10, 2003

are hereby repealed.

**Section 3.** That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 367.111 to read as follows:

**Section 367.111 Definitions**

For purposes of Sections 367.12 and 367.13 of these codified ordinances, the following definitions apply:

(a) *Appraiser.* A person who makes an appraisal of property to determine a just and true valuation.

(b) *Buyer.* A party in a real property transaction who buys or purchases real property or who contracts to buy or purchase real property. Buyer includes the grantee, vendee or purchaser in a real property transaction.

(c) *Escrow Agent.* A person with whom the seller deposits the deed and other documents or items regarding the sale of real property until specified conditions are met.

(d) *Loan Originator.* A person who negotiates or arranges a mortgage loan between a person who makes or funds mortgage loans and a buyer; or who issues a commitment for a mortgage loan to a buyer; or who places, assists to place, or finds a mortgage loan for a buyer. A loan originator also includes a person who makes or funds mortgage loans.

(e) *Mortgage Broker.* As defined in division (G) of Section 1322.01 of the Revised Code, a person who holds him, her, or itself out as being able to assist a buyer in obtaining a mortgage and charges or receives from either the buyer or lender money or other valuable consideration readily convertible into money for providing this assistance; or a person who solicits financial and mortgage information from the public, provides that information to a mortgage broker and charges or receives from the mortgage broker money or other valuable consideration readily convertible into money for providing the information; or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

(f) *Real Estate Agent.* A person licensed by Chapter 4735 of the Revised Code to represent another in a real estate transaction.

(g) *Seller.* A party in a real property transaction who sells, transfers or grants real property or who contracts to sell, transfer or grant real property. Seller includes the grantor, vendor, or transferor in a real property transaction. The seller is the transferring agent if there is no escrow agent involved in the transaction.

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

Passed October 20, 2003.  
Effective October 22, 2003.

**Ord. No. 557-03.**

**By Council Member Scott.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9811 South Boulevard to Glenville Development Corporation or designee.**

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

lands situated within the City of Cleveland; and

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 109-07-010, as more fully described below, to Glenville Development Corporation or designee.

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

P. P. No. 109-07-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 183 in B. Schatzinger's Superior Park Subdivision No. 2 of part of Original One Hundred Acre Lot Nos. 376 and 377, as shown by the recorded plat in Volume 37 of Maps, Page 5 of Cuyahoga County Records and being 50 feet front on the Northerly side of South Boulevard, N.E., and extending back of equal width, 120 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.

Passed October 20, 2003.  
Effective October 22, 2003.

**Ord. No. 777-03.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located in the rear of 8816 Harkness Road to Jacqueline Nicholson.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 104-18-048, as more fully described below, to Jacqueline Nicholson.

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

P. P. No. 104-18-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 1 in Charles A. Ferguson's Re-Subdivision of part of Original One Hundred Acre Lot No. 392, as shown by the recorded plat in Volume 15 of Maps, Page 23 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southwesterly line of Harkness Avenue, N.E., at its intersection with the Southeasterly line of said Sublot No. 1; thence Southwesterly along said Southeasterly line of Sublot No. 1, 64.81 feet to its point of intersection with the Northeasterly line of Sublot No. 21 in the W.F. Brunner Trustee's Re-Allotment, as shown by the recorded plat in Volume 13 of Maps, Page 16 of Cuyahoga County Records, said point being the principal place of beginning; thence Northwesterly along the Northwesterly prolongation of the Northeasterly line of said Sublot No. 21, to its intersection with the Northwesterly line of said Sublot No. 1 in said Charles A. Ferguson Re-Subdivision; thence Southwesterly along said Northwesterly line of Sublot No. 1, to the most Westerly corner thereof; thence Southeasterly along the Southwesterly line of said Sublot No. 1, 33.78 feet to the most Southerly corner thereof; thence Northeasterly along the Southeasterly line of Sublot No. 1, 80



feet to the principal place of beginning, 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.

Passed October 20, 2003.  
Effective October 22, 2003.

**Ord. No. 786-03.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1272 East 90th Place to Virginia Ervin Greene.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No(s). 107-11-039, as more fully described below, to Virginia Ervin Greene.

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

P. P. No. 107-11-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 27 in the New Park Subdivision of part of Original One Hundred Acre Lot No. 384, as shown by the recorded plat in Volume 24 of Maps, Page 26 of Cuyahoga County Records, and being 32 feet front on the Westerly side of East 90th Place (formerly Nansen Street), and extending back of equal width 100 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 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.

Passed October 20, 2003.  
Effective October 22, 2003.

**Ord. No. 936-03.**

**By Council Member Zone.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4705-15 Clinton Avenue to James Maher and Judy Maher.**

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). 002-13-037, as more fully described below, to James Maher and Judy Maher.

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

P. P. No. 002-13-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 33 and part of Sublots Nos. 32 and 34 in Jacob Perkins Subdivision of part of Original Brooklyn Township Lots Nos. 50 and 51 as shown by the recorded plat in Volume 1 of Maps, Page 19 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southerly line of Clinton Avenue, N.W., at the Northwesterly corner of land conveyed to Helen C. Mugridge and Edwin R. Mugridge by deed dated September 26, 1951 and recorded in Volume 7405, Page 297 of Cuyahoga County Records; Thence Westerly along the Southerly line of Clinton Avenue, N.W., 73 feet 11 inches to the Northeasterly corner of land conveyed to Kareem T. Salem and Sophie Salem by deed dated January 13, 1953 and recorded in Volume 8017, Page 55 of Cuyahoga County Records; Thence Southerly along the Easterly line of land so conveyed to Kareem T. Salem and Sophie Salem, 158 feet 9 inches to the Northerly line of Vine Court, N.W.; Thence Easterly along the Northerly line of Vine Court, N.W., 68 feet 11 inches to the Southwesterly corner of land conveyed to James W. Massinghill and Rosa Lee Massinghill by deed dated April 9, 1958 and recorded in Volume 9074, Page 276 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed to James V. and Rosa Lee Massinghill, 67 feet to the Northwesterly corner thereof; Thence Easterly along the Northerly line of land so conveyed to James W. and Rosa Lee Massinghill, 5 feet to the Southwesterly corner of land conveyed to Helen C. and Edwin R. Mugridge, as aforesaid; Thence Northerly along the Westerly line of land conveyed to Helen C. and Edwin R. Mugridge, 91 feet nine inches to the place of beginning, be the same more or less, but subject to all legal highways.

Easement recorded in Volume 2610, Page 379 of Cuyahoga County Records. 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.

Passed October 20, 2003.

Effective October 22, 2003.

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**Ord. No. 1229-03.**

**By Council Member Cintron.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2087 West 45th Street to Patricia Zayas and Edwin Zayas.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 006-20-047, as more fully described below, to Patricia Zayas and Edwin Zayas.

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

P. P. No. 006-20-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 22 in Taylor and Hoyt's Subdivision of part of Original Brooklyn Township Lot Nos 48 and 49, now in said City. Said Sublot No. 22 has a frontage of 40 feet on the Easterly side of Taylor Street (now West 45th Street) and extends back of equal width 131-6/12 feet deep as per plat of said Subdivision recorded in Volume 1 of Maps, Page 20 of Cuyahoga County Records, be the same more less, but subject to all legal highways.

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.

Passed October 20, 2003.

Effective October 22, 2003.

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**Ord. No. 1504-03.**

**By Council Member Cimperman.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Superior Avenue to Nazez Brek and Sami N. Abosalah.**

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio

Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-14-054, as more fully described below, to Nazez Brek and Sami N. Abosalah.

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

P. P. No. 104-14-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 11, 12 and 13 in Marianne B. Sterling's Re-Allotment of M.M. Spangler's Subdivision of part of Original One Hundred Acre Lot No. 343 as shown by the recorded plat of said Re-Allotment in Volume 4 of Maps, Page 10 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 59th Street (formerly Rockford Street) at its point of intersection with the Northerly line of Superior Avenue, N.E., (formerly Superior Street) 80 feet wide; thence Easterly along said Northerly line of Superior Avenue N.E., about 95.60 feet to a point at the Southwest corner of land conveyed by Fred A. Niebes and Nettie N. Niebes to the City of Cleveland by deed dated September 29, 1906 and recorded in Volume 1059, Page 445 of Cuyahoga County Records; which point is also the intersection of the Westerly line of East 60th Street with the Northerly line of Superior Avenue; thence Northerly along the Westerly line of land so conveyed to the City of Cleveland, about 116 feet to the Northerly line of said Sublot No. 11; thence Westerly along the Northerly line of said Sublot Nos. 11, 12 and 13 about 96.79 feet to said Easterly line of East 59th Street; thence Southerly along said Easterly line of East 59th Street about 115 feet to the place of beginning, 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.

Passed October 20, 2003.  
Effective October 22, 2003.

**Ord. No. 1505-03.**

**By Council Member Cimperman.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 19th Street to Ward A. Hines, 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 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). 004-01-059 and 004-01-060, as more fully described below, to Ward A. Hines, Jr.

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

P. P. No. 004-01-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 49 in Averell and Bradford's Grove Allotment of part of Original Brooklyn Township Lot No. 70, as shown by the recorded plat in Volume 6 of Maps, Page 4 of Cuyahoga County Records, said part of Sublot No. 49 is bounded and described as follows:

Beginning at a point in the Westerly line of West 19th Street, 60 feet wide, distant Northerly, measured along said Westerly line, 19.78 feet from the Southeasterly corner of said Sublot No. 49; thence Westerly

parallel with the Southerly line of said Sublot No. 49, a distance of 100.00 feet to a point in the Easterly line of West 20th Place; thence Northerly along the Easterly line of West 20th Place distance of about 20.29 feet to the Northwesterly corner of said Sublot No. 49; thence Easterly along the Northerly line of said Sublot No. 49; a distance of 100.00 feet to a point in the Westerly line of West 19th Street; thence Southerly along the Westerly line of West 19th Street, a distance of about 20.29 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 004-01-060

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 50 in the Averill and Bradford Allotment of part of Original Brooklyn Township Lot No. 70, as shown by the recorded plat in said Allotment in Volume 6 of Maps, Page 4 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the West side of West 19th (formerly Smith Street) at the Northwest corner of land formerly owned by Edward Greene; thence North along the West line of West 19th Street 38 feet; thence West at right angles 100 feet to the East line of an alley; thence south along the East line of said alley 38 feet; thence East at right angles 100 feet 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.

Passed October 20, 2003.  
Effective October 22, 2003.

**Ord. No. 1507-03.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5613 Whittier Avenue to Raymond P. Nicholson and Vivian B. Nicholson.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 104-18-072 and 104-18-073, as more fully described below, to Raymond P. Nicholson and Vivian B. Nicholson.

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

P. P. No. 104-18-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 98 in Luther Moses Allotment of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Whittier Avenue, N.E., (formerly Sixth Street) and extending back between parallel lines 180 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 104-18-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 97 in Luther Moses Subdivision of part of Original 100 Acre Lot No. 340, as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records and being 40 feet front on the Northerly side of Whittier Avenue, Formerly Sixth Avenue, and extending back of equal width 180 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also 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.

Passed October 20, 2003.

Effective October 22, 2003.

**Ord. No. 1517-03.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with the Greater Cleveland Fire Fighters Credit Union, Inc. to provide for a ten year sixty percent tax abatement for personal and real property improvements to construct a new facility in the Emerald Corporate Park in the Cleveland Area Enterprise Zone.**

Whereas, under Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") under Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics in Section 5709.61(A) of the Revised Code and certified the area as an "Urban Jobs and Enterprise Zone" under Chapter 5709 of the Revised Code; and

Whereas, the Greater Cleveland Fire Fighters Credit Union, Inc. (the "Enterprise") has proposed to construct a new facility located in the Emerald Corporate Park in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City it would be at a competitive disadvantage operating at this location if taxes on real and personal property improvements were not abated; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

**Section 1.** That this Council approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten year sixty percent (60%) tax abatement for personal and real property improvements as an incentive to construct a facility in the Emerald Corporate Park in the Cleveland Area Enterprise Zone; the abatement shall be subject to annual review of the Tax Incentive Review Council. That the Agreement shall also provide that the Greater Cleveland Firefighters Credit Union located at 2300 St. Clair Avenue shall remain open and operating as a credit union for the ten-year term of the tax abatement or the City shall require repayment of the amount of the taxes that would have been payable had the property not been exempt from taxation.

**Section 3.** That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 1517-03-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

**Section 4.** That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and the funds are appropriated for the purposes listed in Chapter 5709 of the Revised Code. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 5.** That the Director of Law shall prepare and approve the agreement and that the agreement shall contain the terms and provisions the director deems necessary to protect the City's interest.

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

Passed October 20, 2003.

Effective October 22, 2003.

**Ord. No. 1709-03.**

**By Council Member Conwell.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair Avenue to Clara Trotter and Manuel Trotter.**

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. 111-01-009, as more fully described below, to Clara Trotter and Manuel Trotter.

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

P. P. No. 111-01-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublots Nos. 63 and 64 in L.M. Southern's Victoria Park Allotment of a part of Original One Hundred Acre Lot No. 363, as shown by the recorded plat of said Allotment in Volume 23 of Maps, Page 4 of the Cuyahoga County Records. Said Sublot No. 63 has a frontage of 51-05/100 feet on the Northerly side of St. Clair Avenue N.E., and extends back 134-59/100 feet on the Easterly line, 144-90/100 feet on the Westerly line, and has a rear line of 50 feet, as appears by said plat. Said Sublot No. 64 has a frontage of 51-05/100 feet on the Northerly side of St. Clair Avenue N.E., and extends back 124-90/100 feet on the Easterly line, 135-21/100 feet on the Westerly line, and has a rear line of 50 feet, as appears by said plat, and the same more or less, but subject to all legal highways.

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.

Passed October 20, 2003.  
Effective October 22, 2003.

**Ord. No. 1710-03.**  
**By Council Member Gordon.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3924 West 21st Street to Cleveland Housing Network, Inc.**

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed 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. 009-02-082, as more fully described below, to Cleveland Housing Network, Inc.

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

P. P. No. 009-02-082  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 19 in Curtiss Ambler and Pixley's Subdivision of part of Original Brooklyn Township Lot No. 74 as shown by the recorded plat in Volume 21 of Maps, Page 12 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 21st Street and extending back 100 feet on the Southerly line which is also the Northerly line of Kenneth Avenue, S.W., 100 feet on the Northerly 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 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.

Passed October 20, 2003.  
Effective October 22, 2003.

**Ord. No. 1711-03.**  
**By Council Member Lewis.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6311 Hough Avenue to Crystal M. Jones.**

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. 104-21-030, as more fully described below, to Crystal M. Jones.

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

P. P. No. 104-21-030  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot Nos. 115 and 116 and the Westerly part of Sublot No. 117 in the Park Realty Company's Re-Subdivision of Sublot Nos. 16 to 35 and 50 to 65 inclusive and a part of Sublot Nos. 36 and 66 in Johnson, Bates and Stones Subdivision of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat of said Re-Subdivision in Volume 26 of Maps, Page 30 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the Southwesterly corner of said Sublot No. 115 on the Northerly line of Hough Avenue N.E. (60 feet wide); thence Northerly, along the Westerly line of Sublot No. 115, 109.92 feet to the Northwesterly corner thereof; thence Easterly, along the Northerly lines of Sublot Nos. 115, 116 and 117 about 94.57 feet to a point; thence Southerly, in a direct line 109.91 feet to a point in the Northerly line of said Hough Avenue, N.E. said point being Easterly, measured along said Northerly line of Hough Avenue, N.E. 94.97 feet from the place of beginning; thence Westerly, 94.97 feet to the place of beginning, 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.

Passed October 20, 2003.  
Effective October 22, 2003.

**Ord. No. 1802-03.**  
**By Council Members Reed, Con-**  
**well, Britt, Zone and Jackson (by**  
**departmental request).**

**An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to perform an assessment on the feasibility of implementing a 311 Citizen Contact Response System and a Reverse 911-type Interactive Community Notification 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 Finance is authorized to employ by contract or contracts 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 perform an assessment on the feasibility of implementing a 311 Citizen Contact Response System and a Reverse 911-type Interactive Community Notification System.

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

**Section 2.** That the cost of contract or contracts authorized shall be paid from Fund Nos. 52 SF 001, 54 SF 001, 58 SF 001, and 11 SF 006, Request No. 100361.

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

Passed October 20, 2003.  
 Effective October 22, 2003.

**Ord. No. 1850-03.**  
**By Council Members Reed and**  
**Jackson (by departmental request).**

**An emergency ordinance to amend Section 6 of Ordinance No. 76-03, passed March 24, 2003, relating to authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Youth Services for the Juvenile Accountability Incentive Block Grant Programs and to enter into contracts with various entities necessary 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 Section 6 of Ordinance No. 76-03, passed March 24, 2003, is amended to read as follows:

Section 6. That the Director of Public Safety is authorized to enter into one or more contracts for the implementation of the program as described in the application contained in the file with the following agencies in the following amounts:

Police Athletic League	\$15,000.00
Berea Children's Home Assessments	4,812.00
Berea Children's Home MST	7,040.00
Berea Children's Home Community Mental Health	8,236.79
Berea Children's Home Sub Abuse Group Couns.	1,904.00
Berea Children's Home Sub Abuse Indiv. Couns.	2,007.21
Partnership For A Safer Cleveland	40,000.00

**Section 2.** That existing Section 6 of Ordinance No. 76-03, passed March 24, 2003, is repealed.

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

Passed October 20, 2003.  
 Effective October 22, 2003.

**Ord. No. 1853-03.**  
**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1770 Crawford Road to Laverne Carter and James Carter.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-03-032, as more fully described below, to Laverne Carter and James Carter.

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

P. P. No. 119-03-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 10 in the Subdivision made by Eliza Hough and the heirs of Oliver Hough of part of Original One Hundred Acre Lots Nos. 391 and 392, as shown by the recorded plat in Volume 3 of Maps, Page 21 of Cuyahoga County Records bounded and described as follows:

Beginning at a point in the Northwesterly line of Crawford Road, N.E., 38.01 feet Southwesterly from its intersection with the Northerly line of said Sublot; thence Westerly 126.78 feet to a point 30.87 feet Southerly from the Northerly line of said Sublot; thence Southerly 35.68 feet to the Northerly line of Brookline Avenue, N.E., (formerly Crawford Place), said Northerly line of Brookline Avenue, N.E., running parallel with and 90 feet Northerly from the Southerly line of said Sublot No. 10 which Southerly line is also the Southerly line of said Original Lot No. 391; thence Easterly along the Northerly line of said Brookline Avenue, N.E. 101.66 feet to the Northwesterly line of Crawford Road, N.E.; thence Northeasterly along said Northwesterly line, 43.64 feet to the place of beginning, said premises are also known as a part of Sublot No. 21 in a proposed Subdivision intended to be made by F.B. Fox, be the same more or less, but subject to all legal highways.

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.

Passed October 20, 2003.  
 Effective October 22, 2003.

**Ord. No. 1854-03.****By Council Member Britt.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 100th Street to Fairfax Renaissance Development Corporation.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 121-18-134, 121-18-135, 121-18-136 and 121-18-129, as more fully described below, to Fairfax Renaissance Development Corporation.

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

P. P. No. 121-18-134

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 57 in Jane Sayle and others' Subdivision of part of Original One Hundred Acre Lot No. 409 as shown by the recorded plat in Volume 14 of Maps, Page 5 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 100th Street (formerly Streater Avenue) and extending back if equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 121-18-135

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 59 in Jane Sayle and others' Subdivision of part of Original One Hundred Acre Lot No. 409 as shown by the recorded plat in Volume 14 of Maps, Page 5 of Cuyahoga County Records. Said Sublot No. 59 has a frontage of 40 feet on the Easterly side of East 100th Street (formerly Streater Avenue) and extends back between parallel lines 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 121-18-136

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 60 in the Jane Sayle and others' Subdivision of part of Original One Hundred Acre Lot No. 409, as shown by the recorded plat in Volume 14 of Maps, Page 5 of Cuyahoga County Records, and being 40 feet front

on the Easterly line of East 100th Street and extending back between parallel lines 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 121-18-129

Parcel No. 1  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 58 in Jane Sayle and others' Subdivision of part of Original One Hundred Acre Lot No. 409, as shown by the recorded plat in Volume 14 of Maps, Page 5 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 100th Street, (formerly Streater Avenue) and extending back of equal width 125 feet deep, 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.

Passed October 20, 2003.

Effective October 22, 2003.

**Ord. No. 1855-03.****By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6101 White Avenue to Greater Cleveland Habitat for Humanity, Inc.**

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

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 104-17-053, as more fully described below, to Greater Cleveland Habitat for Humanity, Inc.

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

P. P. No. 104-17-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 97 in White Manufacturing Company's Allotment of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records, and being 45 feet front on the Northerly side of White Avenue, N.E., and extending back between parallel lines 144 feet deep on the Easterly line, 144 feet deep on the Westerly line, which is also along the Easterly line of East 61st Street, 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.

Passed October 20, 2003.

Effective October 22, 2003.

**Ord. No. 2045-03.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Cleveland State University to provide an assessment of neighborhood community development activities.**

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 one or more contracts with Cleveland State University to provide an assessment of neighborhood community development activities.

**Section 2.** That the costs of the contract or contracts authorized shall not exceed \$75,000 and shall be paid from Fund Nos. 14 SF 028 and 14 SF 029, Request No. 125751.

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

Passed October 20, 2003.

Effective October 22, 2003.

**Ord. No. 2050-03.**

**By Council Member Jackson.**

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

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

Whereas, this convention includes educational sessions on issues and concerns affecting local governments; and

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

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

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

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

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

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

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

Passed October 20, 2003.

Effective October 22, 2003.

**Ord. No. 2051-03.**

**By Council Member Brady.**

**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Westown Community Development Corporation for their Beacon Light Safety program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 19 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with Westown Community Development Corporation for their Beacon Light Safety program in order to carry out the public purpose of providing educational programming of the residents of the City of Cleveland through the use of Ward 19 Neighborhood Equity Funds.

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

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

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

Passed October 20, 2003.

Effective October 22, 2003.

**Ord. No. 2052-03.**

**By Council Member Cimperman.**

**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with St. Clair Superior Neighborhood Development Association for their Business District Greenspace Improvement program in order to carry out the public purpose of beautification through the use of Ward 13 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with St. Clair Superior Neighborhood Development Association for their Business District Greenspace Improvement program in order to carry out the public purpose of beautification through the use of Ward 13 Neighborhood Equity Funds.

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

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

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

Passed October 20, 2003.

Effective October 22, 2003.

**Ord. No. 2059-03.**

**By Council Members Conwell and Scott.**

**An emergency ordinance amending Section 1. of Ordinance No. 828-03, passed May 12, 2003 as it pertains to the Senior Computer Literacy program through the use of Wards 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 Section 1. of Ordinance No. 828-03, passed May 12, 2003 is hereby amended to read as follows:

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement effective from May 12, 2003 to December 31, 2003 with the Northeastern Neighborhood Development Corporation for providing a Senior Computer Literacy program in order to carry out the public purpose of providing educational programming through the use of Wards 8 and 9 Neighborhood Equity Funds.

**Section 2.** That Section 1. of Ordinance No. 828-03, passed May 12, 2003 is hereby repealed.

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

Passed October 20, 2003.

Effective October 22, 2003.



**Ord. No. 2060-03.**  
**By Council Member Conwell.**  
**An emergency ordinance amending Section 1. of Ordinance No. 232-02, passed February 11, 2002 as it pertains to the At Risk Youth and Family Services Program through the use of Ward 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 Section 1. of Ordinance No. 232-02, passed February 11, 2002 is hereby amended to read as follows:

Section 1. That the Director of Community Development Department is authorized to enter into an agreement effective from September 1, 2002 to December 31, 2003 with the CCCS/St. Martin de Porres Family Center for the At Risk Youth and Family Services Program for the public purpose of providing after

school activities for disadvantaged youth residing in the City of Cleveland through the use of Ward 9 Neighborhood Equity Funds.

**Section 2.** That Section 1. of Ordinance No. 232-02, passed February 11, 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 October 20, 2003.  
 Effective October 22, 2003.

**COUNCIL COMMITTEE MEETINGS**

**Monday, October 27, 2003  
 11:00 a.m.**

**Employment, Affirmative Action and Training Committee:** Present in

Employment: Lewis, Chair; Conwell, Vice Chair; Cintron, Coats, Reed, Polensek. *Authorized Absence:* Johnson.

**2:00 p.m.**

**Finance Committee:** Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Coats, Gordon, O'Malley, Reed. *Authorized Absence:* Britt.

**Wednesday, October 29, 2003  
 10:00 a.m.**

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

**1:30 p.m.**

**Public Utilities Committee:** Present in Public Utilities: Coats, Chair; Brady, Cintron, Jones, Polensek, Sweeney, Westbrook, Zone. *Authorized Absence:* O'Malley, Vice Chair.

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O—Ordinance; R—Resolution; F—File

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