

The City Record

Official Publication of the City of Cleveland

October the Second, Two Thousand and Two

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Frank G. Jackson

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

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

MAYOR - Jane L. Campbell
 Rodney Jenkins, Executive Assistant
 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

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

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

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

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

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

DEPT. OF PUBLIC HEALTH - Matthew Carroll, Acting Director, Mural Building, 1925 St. Clair Avenue
DIVISIONS: Correction - Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Road
 Environment - Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
 Health - Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Avenue

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

DEPT. OF PARKS, RECREATION & PROPERTIES - James Glending, Acting Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.
DIVISIONS: Convention Center & Stadium - James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
 Parking Facilities - Dennis Donahue, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.

Park Maintenance and Properties - Richard L. Silva, Commissioner, Public Auditorium - E. 6th & Lakeside.
 Property Management - Tom Nagle, Commissioner, East 49th & Harvard
 Recreation - Michael Cox, Commissioner, Room 8
 Research, Planning & Development - Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT - Linda M. Hudecek, Director, 3rd Floor, City Hall.
DIVISIONS: Administrative Services - Terrence Ross, Commissioner.
 Building & Housing - Robert Vilkas, Commissioner, 5th Floor, City Hall.
 Neighborhood Services - Louise V. Jackson, Commissioner.
 Neighborhood Development - Sharon Dumas, Commissioner.

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

DEPT. OF ECONOMIC DEVELOPMENT - Steven Sims, Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS - Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 89

WEDNESDAY, OCTOBER 2, 2002

No. 4634

CITY COUNCIL

MONDAY, SEPTEMBER 30, 2002

The City Record

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VALARIE J. McCALL

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

The following Committees are subject to the Call of the Chairman:
Rules Committee: Jackson, Chairman; O'Malley, Reed, Sweeney.
Personnel and Operations Committee: Gordon, Chairman; Britt, Cimperman, Coats, Scott.
Mayor's Appointment Committee: Coats, Chairman; Cintron, Reed, Pierce Scott, Westbrook.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, September 30, 2002.
The meeting of the Council was called to order, The President, Frank G. Jackson, in the Chair.

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

Also present were Mayor Campbell and Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Draper, Hudecek, Romero, Sims, Guzman, Fumich, Taylor, Ronaye and Wilson, Acting Directors Carrol and Glending. Rodney Jenkins, Executive Assistant, David McGuirk, Executive Assistant, Craig Tame, Executive Assistant, Timothy Mueller, Executive Assistant, Terrell Cole, Erik Janas, Celeste Glasgow, Press Secretary and Margreat A. Jackson, Legislative Affairs Liaison, and Jeffrey D. Johnson, Special Assistant were also present.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Reverend Jesse Harris, Pastor of Tabernacle Baptist Church, located at 2042 West 26th Street in Ward 14. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1914-02.

From the Apartment Investment and Management Company re: AIMCO Antioch, L.L.C. general partner purchasing a multi-family residential development. Received.

File No. 1915-02.

From the Department of Public Utilities re: Notice to Council of Subsidiary Agreements, West Park/Lydian Avenue Sewer Project. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1916-02.

Re: New Application — 0215328 — Angelle Unlimited Corp., d.b.a. Neighborhood Market, 11108 Primrose Avenue. (Ward 9). Received.

File No. 1917-02.

Re: Transfer of Ownership Application — 5418152 — Magdy, Inc. Mary Ann Rabin, Trustee in Bankruptcy, 3691 West 105th Street. (Ward 19). Received.

File No. 1918-02.

Re: Transfer of Ownership and Location Application — 2977644 — G. L. M. R., Inc., d.b.a. Thursdays, 12820 Brookpark Road. (Ward 20). Received.

File No. 1919-02.

Re: Stock Transfer Application — 2705316 — Fiam Enterprises, Inc., d.b.a. Friendly Food Mart, 4050 West 140th Street, first floor and basement E/S. (Ward 21). Received.

OATH OF OFFICE

File No. 1920-02.

Lorna Wisham — Director of Community Relations — oath of office. Received.

STATEMENT OF WORK ACCEPTED

File No. 1921-02.

From the Department of Parks, Recreation and Properties re: Contract PI# 58505, Halloran Park Aquatic Playground & Site Improvement. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1946-02—Charles J. Bradley.

Res. No. 1953-02 — Jacqueline Pendleton Ford.

Res. No. 1954-02 — Arthur B. McBride.

Res. No. 1955-02—Nora Hill.

CONGRATULATION RESOLUTIONS

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

Res. No. 1956-02—Nevenka Bosiljevec.

Res. No. 1957-02 — Slovene Home for the Aged.

Res. No. 1958-02 — Evelyn Collins Mickel.

Res. No. 1959-02 — Knights of Columbus, Cleveland Council No. 733.

Res. No. 1960-02—Ramah Junior Academy.

RECOGNITION RESOLUTIONS

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

Res. No. 1961-02 — Green Grove Baptist Church, Annual Youth Celebration.

Res. No. 1962-02 — Society of Ohio Archivists.

WELCOME RESOLUTION

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

Res. No. 1963-02—Willie L. Brown, Jr.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1922-02.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to perform a PeopleSoft optimization study, and a City financial management assessment, including making recommendations for alternatives for long-term solutions to the City's financial management requirements.

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 a PeopleSoft optimization study, and a City financial management assessment, including making recommendations for alternatives for long-term solutions to the City's financial management requirements.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Finance from a list of qualified consultants

available for such employment as may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract 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 costs for the services contemplated shall be paid from Fund Nos. 10 SF 165, 11 SF 006, 52 SF 001, 54 SF 001, 58 SF 001 and 60 SF 001, RL 100372.

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

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

Ord. No. 1923-02.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to develop and conduct functional training and technical training on the PeopleSoft Financial Management 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 develop functional training and technical training on the PeopleSoft Financial Management System, and conduct such functional training and technical training for all City employees using PeopleSoft Financial Management System in the performance of their job to a level of proficiency required to perform their jobs.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Finance from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling such a list. The compensation to be paid for such 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 costs for such services contemplated shall be paid from Fund Nos. 10 SF 165, 11 SF 006, 52 SF 001, 54 SF 001, 58 SF 001 and 60 SF 001, Request No. 100373.

Section 3. That this ordinance is declared to be an emergency mea-

sure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1924-02.

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

An emergency ordinance authorizing the purchase by contract or contracts of a character generator, for the Office of Cable Television, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one character generator, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Office of Cable Television, Department of Public Utilities.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 50 SF 001, Request No. 113356.

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

Ord. No. 1925-02.

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

An emergency ordinance to amend Section 451.20 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1684-76, passed June 29, 1976, relating to truck zones.

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 451.20 of the Codified Ordinances of Cleveland, Ohio, 1976, is hereby amended to read as follows:

Section 451.20 Truck Zones

(a) No person shall stop, stand or park any vehicle other than a commercial car in any place marked as a truck zone during the hours when such zone is reserved for loading purposes.

(b) No person shall stop, stand or park a commercial car for any pur-

pose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a truck zone during the hours when the provisions applicable to truck zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty minutes.

(c) No person shall stop, stand or park any vehicle for any purpose or length of time other than for the expeditious unloading of materials or pickup and loading of materials in any place where there is a physically recessed area from the street provided for the purpose of such unloading and delivery of pickup and loading of materials, and which area has been posted for loading and unloading. In no case shall the stop for loading and unloading exceed **two hours**.

Section 2. That Section 451.20 of the Codified Ordinances of Cleveland, Ohio, 1976, is hereby repealed.

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

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

Ord. No. 1926-02.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 302-02, passed February 25, 2002, as amended by Ordinance No. 1423-02, passed July 17, 2002; and to amend the title, and Sections 1 and 2 of Ordinance No. 1137-02, passed June 17, 2002, relating to the Director of Economic Development entering into one or more contracts and agreements with Bellaire Puritas Development Corporation for various projects.

Whereas, Bellaire Puritas Development Corporation has established a real estate holding company, BPDC Building, Ltd.; and

Whereas, Bellaire Puritas Development Corporation wishes to change the borrower/recipient to BPDC Building, Ltd.; 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 title and Section 1 of Ordinance No. 302-02, passed February 25, 2002, as amended by Ordinance No. 1423-02, passed July 17, 2002, are amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with **BPDC Building, Ltd.** to further the public purpose creating or preserving jobs and employment opportunities to preserve the economic welfare of the State, by eradicating blight through the use of Ward 20 Neighborhood Equity funds.

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with **BPDC Building, Ltd.** using Ward 20 Neighborhood Equity Funds, for the acquisition of certain property which is determined by this Council to further the public purpose of creating or preserving jobs and employment opportunities to preserve the economic welfare of the State, by eradicating blight through the use of Ward 20 Neighborhood Equity funds.

Section 2. That the existing title and Section 1 of Ordinance No. 302-02, passed February 25, 2002, as amended by Ordinance No. 1423-02, passed July 17, 2002, are repealed.

Section 3. That the title and Sections 1 and 2 of Ordinance No. 1137-02, passed June 17, 2002, are amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a contract and a grant agreement with **BPDC Building, Ltd.** to provide economic development assistance to partially finance the acquisition and renovation, including site improvements of real property located at 14701 Puritas Avenue, Cleveland, Ohio.

Section 1. That the Director of Economic Development is authorized to enter into a loan agreement with **BPDC Building, Ltd.** to provide economic development assistance to partially finance the acquisition and renovation, including site improvements of real property located at 14701 Puritas Avenue, Cleveland, Ohio (the "Improvement").

Section 2. That the Director of Economic Development is authorized to enter into a grant agreement with **BPDC Building, Ltd.** to provide economic development assistance to partially finance the above-described Improvement.

Section 4. That the existing title and Sections 1 and 2 of Ordinance No. 1137-02, passed June 17, 2002, are repealed.

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.

Ord. No. 1927-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Section 108 loan and an Economic Development Initiative Grant Agreement with Solomon Enterprises Ltd. to provide economic development assistance to partially finance the acquisition of property and the construction of a building for a barber college, and all other costs associated to redevelop the property located at Permanent Parcel Nos. 103-24-077 and 103-24-078 and the adjacent area, 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 an Empowerment Zone Section 108 loan with Solomon Enterprises Ltd. to provide economic development assistance to partially finance the acquisition of property and the construction of a building for a barber college, and all other costs associated to redevelop the property located at Permanent Parcel Nos. 103-24-077 and 103-24-078 and the adjacent area, Cleveland, Ohio (the "Improvement").

Section 2. That the Director of Economic Development is authorized to enter into a grant agreement with Solomon Enterprises Ltd. to receive Economic Development Initiative Grant funds to partially finance the above-described Improvement.

Section 3. That the terms of the loan and grant shall be in accordance with the terms set forth in the Summary contained in File No. 1927-02-A.

Section 4. That the costs of the contract shall not exceed a loan amount of \$152,000 and a grant amount of \$38,000. The loan shall be paid from Fund No. 18 SF 001 and 18 SF 003 and the grant shall be paid from Fund No. 18 SF 003, Request No. 124002.

Section 5. That the Director of Economic Development is authorized to accept collateral as set forth in the Summary contained in the file referenced in this ordinance in order to secure repayment of the loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 6. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 18 SF 002.

Section 7. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 18 SF 004.

Section 8. That the Director of Law is authorized to prepare the contract and other documents as may be appropriate to complete the transaction.

Section 9. 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. 1928-02.
By Council Members Jackson, Gordon and Cimperman (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Solomon Enterprises Ltd. to provide for a ten year sixty percent abatement for certain real property improvements as an incentive to acquire property and construct a building for a barber college at Permanent Parcel Nos. 103-24-077 and 103-24-078 and the adjacent area, and all other associated costs with the construction of a new building, located in the Cleveland Area Enterprise Zone.

Whereas, pursuant to 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") pursuant to 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 set forth in Section 5709.61(A) of the Revised Code and certified the area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, Solomon Enterprises Ltd. (the "Enterprise") has proposed to acquire property and construct a building for a barber college at Permanent Parcel Nos. 103-24-077 and 103-24-078 and the adjacent area, Cleveland, Ohio; and

Whereas, the Enterprise has certified to the City that, but for abatement of real property improvements the Enterprise would be at a competitive disadvantage by operating at this location; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason 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, such assistance being immediately necessary or such 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%) abatement for certain real property improvements as an incentive to acquire property and to construct a building for a barber college at Permanent Parcel Nos. 103-24-077 and 103-24-078 and the adjacent area, and for all other associated costs with the construction of a new building; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms set forth in the

Summary contained in File No. 1928-02-A. The terms of the file notwithstanding, the terms of the tax abatement 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 set forth 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 as 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.

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

Ord. No. 1929-02.
By Council Members Cimperman, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with New Village Corporation to provide for a ten year sixty percent abatement for certain real property improvements as an incentive to assist with the build-out of the commercial/retail space for a Family Dollar store in the Fries & Schuele Building located at 1920-36 West 25th Street.

Whereas, pursuant to 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") pursuant to 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 set forth in Section 5709.61(A) of the Revised Code and certified the area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, New Village Corporation (the "Enterprise") has proposed to build-out the commercial/retail space for a Family Dollar store in the Fries & Schuele Building located at 1920-36 West 25th Street; and

Whereas, the Enterprise has certified to the City that, but for abatement of real property improvements the Enterprise would be at a competitive disadvantage by operating at this location; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason that its enactment is a necessary prerequisite to providing immediate assistance to cre-

ate and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such 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%) abatement for certain real property improvements as an incentive to assist with the build-out of the commercial/retail space for a Family Dollar store in the Fries & Schuele Building located at 1920-36 West 25th Street; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms set forth in the Summary contained in File No. 1929-02-A. The terms of the file notwithstanding, the terms of the tax abatement 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 set forth 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 as 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.

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

Ord. No. 1930-02.
By Council Members Sweeney, Gordon, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4751 Grayton Road to SYSCO Food Services of Cleveland, Inc.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 029-08-002, as more fully described below, to SYSCO Food Services of Cleveland, Inc.

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

P. P. No. 029-08-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Rockport Township Section No. 4, bounded and described as follows:

Beginning on the Westerly line of a parcel of land conveyed to Roy C. Blackman and Norma M. Blackman by deed dated December 9, 1943, and recorded in Volume 5652, Page 360 of Cuyahoga County Records, at an iron pin distant South 1°-17'-31" West measured along said Westerly line 23.25 feet from an iron pipe at its intersection with the center line Grayton Road, S.W. (60 feet wide), said iron pipe being the Northwesterly corner of said parcel so conveyed to Roy C. Blackman and Norma M. Blackman as aforesaid; thence South 0°-21'-15" West along the Westerly line of said parcel so conveyed, 115.86 feet to a point in the Northwesterly corner of the C. and D. Southwest Subdivision II of a part of Original Rockport Township Section No. 4 as shown by the recorded plat in Volume 184, Page 72 of Cuyahoga County Records, said point being also the Northwesterly corner of Sublot No. 17 in said Subdivision; thence South 29°-49'-15" East along the Northeasterly line of said Sublot No. 17, 136.05 feet to a point therein, said point being at the Southeasterly corner of Sublot No. 16 in said Subdivision; thence North 46°-08'-29" East along the Northwesterly line of said Sublot No. 16, 214.04 feet to a point in the Southerly line of said parcel of land so conveyed to Roy C. and Norma M. Blackman; thence North 87°-07'-51" West, along said land so conveyed to Blackman 135.11 feet to a stone found; thence North 65°-38'-25" West 53.97 feet to an iron pin; thence North 33°-18'-30" West 67.68 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of

Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

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

Ord. No. 1931-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a development agreement or agreements with SYSCO Food Services of Cleveland, Inc.; to amend a Development Agreement with Cleveland Business Park, Ltd.; and authorizing the Commissioner of Purchases and Supplies to convey real property to SYSCO Food Services of Cleveland, Inc.

Whereas, SYSCO Food Services of Cleveland, Inc. proposes to develop a 330,000 square foot food distribution and warehousing facility in, and relocate 600 jobs to, land owned by the City of Cleveland in Cleveland Business Park, north of Cleveland Hopkins International Airport, a portion of which land is subject to the Development Agreement described below; and

Whereas, pursuant to the authority of Ord. No. 1242-95, passed March 4, 1996, the City of Cleveland, entered into a Development Agreement with Cleveland Business Park, Ltd., City Contract No. 56093, for the development of a business park located north of Cleveland Hopkins Airport; and

Whereas, pursuant to the Development Agreement, Cleveland Business Park, Ltd. acquired development rights in portions of the land proposed for development by SYSCO; and

Whereas, the City of Cleveland will now sell a portion of the land subject to the Development Agreement with Cleveland Business Park, Ltd. to SYSCO Food Services of Cleveland, Inc. in order to relocate 600 jobs to Cleveland and improve the City's tax base; and

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a development agreement or agreements with SYSCO Food Services of Cleveland, Inc. (SYSCO); and to amend the development agreement with Cleveland Business Park, Ltd., City Contract No. 56093, authorized by Ord. No. 1242-95 passed March 4, 1996, and/or their designees, relating to real property owned or hereafter acquired by the City of Cleveland and located north of Cleveland Hopkins Airport, which property is more fully described in File No. 1931-02-A.

Section 2. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, subject to any needed approval of the conveyance by the Federal Aviation Administration (FAA) and subject to any needed approval of the release of the real property to be conveyed by the Trustee for the Airport Revenue Bonds, the Commissioner of Purchases and Supplies is authorized to convey the real property now owned or hereafter acquired by the City, to SYSCO Food Services of Cleveland, Inc., or its designee, which is determined to be no longer needed for public use, at a price not less than fair market value as determined by the Board of Control, as is more fully described in the above referenced file.

Section 3. That the conveyance 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 necessary provisions which shall protect the parties as their respective interest shall require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 4. That the development agreement with SYSCO and the amendment to City Contract No. 56093 authorized herein shall include escrow instructions, which may include consideration from sale proceeds to Cleveland Business Park, Ltd., or its designee, for its development rights in the property conveyed herein.

Section 5. That the development agreement authorized herein shall include provisions requiring SYSCO to construct a 330,000 sq. ft. food distribution facility within 24 months of taking title to the property conveyed herein, and to bear the cost of removing all improvements and infrastructure on said property; and may include provisions concerning the relocation and reconstruction of Maplewood Park.

Section 6. That the development agreement with SYSCO and the amendment to City Contract No. 56093 authorized herein shall contain such other terms and conditions as the Director of Law, Director of Port Control, and Director of Economic Development deem necessary and appropriate to protect the interests of the City of Cleveland.

Section 7. That the City acknowledges, states and affirms, pursuant to Article IX of the Trust Indenture from the City of Cleveland to the Cleveland Trust Company, as trustee, dated November 1, 1976, as amended, that the City desires and requests that the land described in the above referenced file heretofore subject to the Trust Indenture be

released and removed from all obligations under the Trust Indenture.

Section 8. That the Director of Port Control is authorized to apply to the Trustee for release of land described in the above referenced file that is subject to the Trust Indenture and necessary for the development described herein.

Section 9. That the Mayor, the Director of Law, the Director of Finance, the Director of Port Control, the Director of Economic Development, the Director of Public Service and the Director of Parks, Recreation and Properties are authorized to take such other actions and to execute and deliver such other agreements, instruments and certificates related to the agreements and documents described in this ordinance.

Section 10. 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, Port Control, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Aviation and Transportation, City Planning, Finance.

Ord. No. 1932-02.

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 SYSCO Food Services of Cleveland, Inc. to provide for a ten year seventy-five percent abatement for certain real property improvements and tangible personal property as an incentive to develop a food service warehousing and distribution facility in the Cleveland Business Park.

Whereas, pursuant to 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") pursuant to 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 set forth in Section 5709.61(A) of the Revised Code and certified the area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, SYSCO Food Services of Cleveland, Inc. (the "Enterprise") has proposed to construct a food service warehousing and distribution facility in the Cleveland Business Park; and

Whereas, the Enterprise has certified to the City that, but for abatement of real property improvements and tangible personal property the Enterprise would be at a competitive disadvantage by operating at this location; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason 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, such assistance being immediately necessary or such 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 seventy-five percent (75%) abatement for certain real property improvements and tangible personal property as an incentive to assist with the construction of a food service warehousing and distribution facility in the Cleveland Business Park; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms set forth in the Summary contained in File No. 1932-02-A. The terms of the file notwithstanding, the terms of the tax abatement 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 set forth 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 as 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.

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

Ord. No. 1938-02.

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

An emergency ordinance to amend Section 2 of Ordinance No. 1374-02, passed August 14, 2002, relating to a requirement contract of rock salt and chemical deicer, for the Division of Streets, Department of Public Service.

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

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

Section 1. That Section 2 of Ordinance No. 1374-02, passed August 14, 2002, is amended to read as follows:

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 106875)

Section 2. That existing Section 2 of Ordinance No. 1374-02, passed August 14, 2002, is repealed.

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

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

Ord. No. 1939-02.

By Council Members Johnson, Gordon, Cimperman and Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 93rd Street to United Glorius Church of God.

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). 126-14-018, 126-14-019, 126-14-020 and 126-14-021, as more fully described below, to United Glorius Church of God.

Section 2. That the real property is more fully described as follows:

P. P. No. 126-14-018

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 144, 145 and 146 in Hamilton and Wyman's Allotment of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Westerly side of East 93rd Street (formerly Oakdale Street) at a point 99 feet Northerly

from the Southeasterly corner of said Sublot No. 144; thence Westerly with the Southerly line of said Sublot Nos. 144, 145 and 146 about 110 feet 9 1/4 inches to the Westerly line of said Sublot No. 146; thence Northerly along the Westerly line of said Sublot No. 146, 35 feet 7 inches to the Southerly line of Cumberland Avenue, S.E., (formerly Charles Street), thence Easterly along the Southerly line of Cumberland Avenue, S.E., 110 feet 9 1/4 inches to the Westerly line of East 93rd Street; thence Southerly along Westerly line of East 93rd Street 35 feet 3 inches to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-14-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 144, 145 and 146 in Hamilton and Wyman's Subdivision of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Westerly side of Oakdale Street (now East 93rd Street) at a point 66 feet Northerly from the Southeast corner of said Sublot No. 144; thence Westerly parallel with the Southerly line of said Sublot Nos. 144, 145, and 146, about 110 feet 3-1/10 inches to the Westerly line of Sublot No. 146; thence Northerly, along the Westerly line of said Sublot No. 146, 33 feet; thence Easterly, parallel with the Southerly line of said Sublot Nos. 144, 145 and 146 about 110 feet 3-1/10 inches to the Westerly line of Oakdale Street (now East 93rd Street); thence Southerly, along the Westerly line of Oakdale Street (now East 93rd Street) 33 feet to the place of the beginning, as shown in Volume 5, Page 22 of Cuyahoga County Records of Maps, be the same more or less, but subject to all legal highways.

P. P. No. 126-14-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 144, 145 and 146 in Hamilton and Wyman Allotment of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Westerly line of East 93rd Street (formerly Oakdale Street), at a point 33 feet Northerly from the Southeasterly corner of Sublot No. 144; thence Westerly parallel with the Southerly line of Sublot Nos. 144, 145 and 146 about 110 feet 3-1/10 inches to the Westerly line of Sublot No. 146; thence Northerly along said Westerly line 33 feet; thence Easterly parallel with the Southerly line of said Sublot Nos. 144, 145 and 146 about 110 feet 3-1/10 inches to the Westerly line of East 93rd Street; thence Southerly along the Westerly line of East 93rd Street, 33 feet to the place of the beginning, be the same more or less, but subject to all legal highways.

P. P. No. 126-14-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 144, 145 and 146 in

Hamilton and Wyman Allotment of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and bounded and described as follows:

Beginning at the intersection of the Westerly line of East 93rd Street, (formerly Oakdale Street), with Northerly line of a 12 foot alley, which beginning point is also the Southeast corner of said Sublot No. 144; thence Westerly along the Northerly line of said alley 110 feet 3-1/10 inches to the Southwest corner of said Sublot No. 146; thence Northerly along the Westerly line of said Sublot No. 146, 33 feet, thence Easterly parallel with the Northerly line of said alley to the Westerly line of East 93rd Street, thence Southerly, along the Westerly line of East 93rd Street, 33 feet to the place of the beginning, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 1940-02.

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

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

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

Whereas, real property acquired under the City's Land Reutilization

Program is acquired, held, administered and disposed 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. 104-20-016 as more fully described below, to Oriana House, Inc.

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

P. P. No. 104-20-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and bounded and described as follows, to wit: And known as being Sublot No. 42 in Johnson, Bates and Ston's Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat of said Subdivision in Volume 8 of Maps, Page 24 of Cuyahoga County Records. Said Sublot No. 42 forms a parcel of land having a frontage of 50 feet on the Northerly side of Hough Avenue, N.E., and extending back between parallel lines 200 feet to the Southerly line of Belvidere Avenue, N.E., as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-20-111 as more fully described below to Oriana House, Inc.

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

P. P. No. 104-20-111

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 11 in Johnson, Bates and Stone's Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 8 of Maps, Page 24 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Westerly line of said Sublot No. 11, which point bears Southerly, measured along said Westerly line, 106.92 feet from the Northwesterly corner thereof in the Southerly line of Quimby Avenue, N.E., (60 feet wide); thence Easterly along a line parallel with the Southerly line of Quimby Avenue, N.E., as aforesaid, 49.99 feet to a point in the Easterly line of said Sublot; thence Southerly along the Easterly line of said Sublot No. 11, 18.46 feet to a point; thence Westerly along a line parallel with the Southerly line of Quimby Avenue, N.E., as aforesaid, 49.99 feet to the Westerly line of said Sublot; thence Northerly along the Westerly line of said Sublot No. 11, 18.46 feet to the

place of beginning, according to a survey by Bauer Surveys Company and dated September 23, 1947, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-20-121 as more fully described below, to Oriana House, Inc.

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

P. P. No. 104-20-121

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

Beginning at a point in the Southerly line of Quimby Avenue, N.E., 60 feet wide, at the Northeast corner of Sublot No. 10; thence Southerly along the Easterly line of Sublot No. 10, 55.48 feet to a point; thence Westerly parallel with the Southerly line of Quimby Avenue, N.E., 49.99 feet to a point in the Westerly line of said Sublot No. 10; thence Northerly along said Westerly line of Sublot No. 10, 55.48 feet to a point in the Southerly line of Quimby Avenue, N.E., which point is the Northwesterly corner of said Sublot No. 10; thence Easterly along the Southerly line of Quimby Avenue, N.E., 49.99 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-20-122 as more fully described, to Oriana House, Inc.

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

P. P. No. 104-20-122

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

Commencing at a point in the Southerly line of Quimby Avenue, N.E., 60 feet wide, at the Northeast corner of Sublot No. 10; thence Southerly along the Easterly line of Sublot No. 10, 55.48 feet to a point and the principal place of beginning; thence Southerly along the Easterly line of Sublot No. 10, 18.66 feet to a point; thence Westerly parallel with the Southerly line of Quimby Avenue, 49.99 feet to a point in the Westerly line of Sublot No. 10; thence Northerly along said Westerly line of Sublot No. 10, 18.66 feet to a point; thence Easterly parallel with the Southerly line of Quimby Avenue 49.99 feet to the Easterly line of Sublot No. 10 and the principal place of beginning, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-20-123 as more fully described below, to Oriana House, Inc.

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

P. P. No. 104-20-123

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

Beginning at a point in the Southerly line of Quimby Avenue, N.E., 60 feet wide at the Northeast corner of Sublot No. 10; thence Southerly along the Easterly line of Sublot No. 10 74.14 feet to a point and the principal place of beginning; thence Southerly along the Easterly line of Sublot No. 10, 18.82 feet to a point; thence Westerly parallel with the Southerly line of Quimby Avenue, N.E., 49.99 feet to a point in the Westerly line of Sublot No. 10; thence Northerly along said Westerly line of Sublot No. 10, 18.82 feet to a point; thence Easterly parallel with the Southerly line of Quimby Avenue, N.E., 49.99 feet to the Easterly line of Sublot No. 10 and the principal place of beginning as appears by the survey of Harold A. Brown, Registered Surveyor, No. 2066, dated August 21, 1950, be the same more or less, but subject to all legal highways.

Right of Way Easement in Volume 997, Page 493 of Cuyahoga County Records. For conditions, see record.

Also subject to all zoning ordinances, if any.

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

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

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

Section 14. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

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

Ord. No. 1941-02.

By Council Members Sweeney, Gordon, Cimperman and Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Gilmore Avenue to Lillian Flores.

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). 023-14-023, as more fully described below, to Lillian Flores.

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

P. P. No. 023-14-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2001 in the Ford Realty Company's Liberty Subdivision No. 5 of part of Original Rockport Township, Section No. 10, as shown by the recorded plat in Volume 67 of Maps, Page 34 of Cuyahoga County Records and being 40 feet front on the Southerly side of Gilmore Avenue, S.W. 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.

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

Ord. No. 1942-02.
By Council Members White, Gordon, Cimperman and Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Caine Avenue to Pentecostal Determine Church of God.

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). 128-17-130, 138-17-131 and 138-17-150, as more fully described below, to Pentecostal Determine Church of God.

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

P. P. No. 138-17-130

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 84 in the Caine Realty Company's Miles-Corlett Allotment of part of Original One Hundred Acre Lot No. 470, as shown by the recorded plat in Volume 43 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Southerly line of Caine Avenue, S.E., and extending back between parallel lines 125 feet deep as appears by said plat, but subject to all legal highways.

P. P. No. 138-17-131

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being parts of Sublot Nos. 47, 48 and 83 in the Caine Realty Company's Miles Corlett Allotment of part of Original One Hundred Acre Lot No. 470 as shown by the recorded plat in Volume 43 of Maps, Page 25 of Cuyahoga County Records and bounded and described as follows:

The Beginning point is on the Southerly line of Caine Avenue, S.E., at the Northwesterly corner of said Sublot No. 83, Course 1: Thence South along the West line of said Sublot No. 83, 28 feet to the Northeast corner of said Sublot No. 47, Course 2: Thence North 84°-17' West along the Northerly line of said Sublot No. 47, 50.37 feet; Course 3: Thence South 00°-03'-20" East along the Northerly prolongation of the West wall of a brick building and along the West wall of said brick building, 73.01 feet to the South line of said Sublot No. 48, Course 4: Thence East along said South line of Sublot No. 48, 50 feet to the Southeast corner of said Sublot No. 48, in the West line of Sublot No. 83, Course 5: thence South along said West line of Sublot No. 83, 33.97 feet to the Southwest corner of said Sublot No. 83, Course 6: Thence South 74°-06'-10" East along the Southerly line of said Sublot No. 83, 35.71 feet to the Southeast corner of said Sublot No. 83, Course 7: Thence North 15°-53'-50" East along the Easterly line of said Sublot No. 83, 65 feet to the Southeast corner of a parcel of land conveyed by Lucreata Van Curen to Lillian Soffen by deed dated January 12, 1959 and recorded in Volume 8465, Page 347 of Cuyahoga County Deed Records, Course 8: Thence North 74°-06'-10" West along the Southerly line of land conveyed to Lillian Soffen as aforesaid, 38 feet to the Southwest corner thereof, Course 9: Thence North 4°-35'-10" East along the Westerly line of said Lillian Soffen's land 61.19 feet to said Southerly line of Caine Avenue, S.E.; thence Westerly along said Southerly line of Caine Avenue, S.E., 21.31 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 138-17-150

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 83 in the Miles-Corlett Allotment of part of Original One Hundred Acre Lot No. 470, as shown by the recorded plat in Volume 43 of Maps, Page 25 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Southwesterly line of Caine Avenue, 50 feet Northwesterly from its intersection with the Southeasterly line of said Sublot No. 83; thence Southeasterly along the Southwesterly line of Caine Avenue as aforesaid 50 feet to its intersection with the Southeasterly line of said Sublot No. 83; thence Southwesterly along the Southeasterly line of said Sublot No. 83, 60 feet to a point; thence Northwesterly on a line parallel with the Southwesterly line of Caine Avenue 38 feet to a point; thence Northerly in a direct line of the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance

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

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

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

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

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

FIRST READING ORDINANCE REFERRED

Ord. No. 1933-02.

By Council Member Sweeney.

An ordinance to change the zoning of properties bounded by Maplewood Avenue, West 192nd Street, Forestwood Avenue, and West 198th Street to a Semi-Industry District, a "C" area district, and a "2" height district. (Map Change No. 2059, Sheet No. 13)

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

Section 1. That the Use, Area and Height Districts of lands bounded and described as follows:

Beginning on the centerline of Maplewood Avenue S.W. at its intersection with the centerline of West 192nd Street; thence northerly along the centerline of West 192nd Street to its intersection with the centerline of Forestwood Avenue S.W.; thence westerly and southwesterly along the centerline of Forestwood Avenue S.W. to its intersection with the centerline of West 198th Street; thence southerly along the centerline of West 198th Street to its intersection with the centerline of Maplewood Avenue S.W.; thence easterly along the centerline of Maplewood Avenue S.W. to the place of the beginning;

and as outlined in red on the map hereto attached, be and the same is hereby changed to a Semi-Industry use district, a "C" area district, and a "2" height district.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map

Change No. 2059, Sheet No. 13, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Referred to Directors of City Planning Commission, Law; Committee on City Planning.

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 1934-02.

By Council Member Sweeney (by request).

An emergency resolution declaring the intention to vacate portions of Forestwood Ave., Midvale Ave. West 192nd St., West 194th St., West 198th St., and West 202nd St.

Whereas, this Council; is satisfied that there is good cause to vacate portions of Forestwood Avenue, Midvale Avenue, West 192nd Street, West 194th Street, West 198th Street and West 202nd Street, as hereinafter described, and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being all that portion of:

Forestwood Avenue S.W. (70.00 feet wide) and its associated turnouts extending Westerly and Southwesterly from the Northerly prolongation of the Easterly line of West 192nd Street to the Northerly line of Midvale Avenue S.W. (50.00 feet wide).

Midvale Avenue S.W. (50.00 feet wide) and its associated turnouts extending Westerly from the Easterly line of the C. & D. Southwest Subdivision as shown by the recorded plat in Volume 174, Page 34, of Cuyahoga County Records to the Westerly line of West 202nd Street.

West 192nd Street. (width varies) and its associated turnouts extending Northerly from the Northerly line of Maplewood Avenue S.W. ((width varies) to the Southerly line of Forestwood Avenue S.W. (70.00 feet wide).

West 194th Street. (50.00 feet wide) and its associated turnouts extending Northerly from the Southerly line of the C. & D. Southwest Subdivision as shown by the recorded plat in Volume 174 of Maps, Page 34 of Cuyahoga County Records to the Northerly line of said C. & D. Southwest Subdivision.

West 198th Street. (50.00 feet wide) and its associated turnouts extending Northerly from the Southerly line of the C. & D. Southwest subdivision as shown by the recorded plat in Volume 174 of Maps, Page 34 of Cuyahoga County map records to the Northerly line of said C. & D. Southwest Subdivision.

West 202nd Street. (50.00 feet wide) and its associated turnouts extending Southerly from the Northerly line of Midvale Avenue

S.W. (50.00 feet wide) to its Southerly terminus.

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

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

Res. No. 1935-02.

By Council Members Coats, Jackson, Conwell and Pierce-Scott.

An emergency resolution urging the federal government to provide adequate funding to regional political subdivisions and local governments to enable these entities to comply with the combined sewer overflow mandates established by the federal government.

Whereas, the federal government and the United States Environmental Protection Agency have enacted laws and regulations that mandate regional political subdivisions and local governments to address combined sewer overflow issues;

Whereas, this mandate is not coupled with funding necessary to ensure compliance with the combined sewer overflow requirements established by the federal government; and

Whereas, many regional political subdivisions and local governments are struggling to provide basic services in this challenging economic time; and

Whereas, many regional political subdivisions and local governments are forced to consider utility rate increases in order to fund the federal government's combined sewer overflow mandates; and

Whereas, proposed utility rate increases, in many instances, exceed the rate of inflation; and

Whereas, such rate increases, if approved, would place an unreasonable burden on consumers of utility services; and

Whereas, it is the opinion of this Council that the federal government should provide funding necessary for regional political subdivisions and local governments to comply with the combined sewer overflow mandates established by the federal government; 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 urges the federal government to provide adequate funding to regional political subdivisions and local governments to enable these entities to comply with the combined sewer overflow mandates established by the federal government.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congressman Dennis Kucinich, Congresswoman Stephanie Tubbs-Jones, Congressman Steven LaTourette, Congressman Sherrod Brown, and Congressman Ralph Regula.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives

the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Res. No. 1944-02.

By Council Member Coats. An emergency resolution urging President Bush, the U.S. Senate and the U.S. House of Representatives to allocate more federal funds to the Clean Water Act for storm water management projects.

Whereas, the Northeast Ohio Regional Sewer District ("NEORS") is commencing a \$1.2 billion improvement to the storm water management system in Cuyahoga County; and

Whereas, the NEORS has proposed to significantly raise the sewer rates of the citizens of Cleveland in order to pay for this improvement; and

Whereas, in the absence of increased federal funding under the Clean Water Act to defray a portion of the cost of these improvements, the sewer ratepayers least able to pay increased sewer use costs will be asked to pay a significant rate increase; and

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

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

Section 1. That this Council urges President Bush, the U.S. Senate and the U.S. House of Representatives to allocate more federal funds to the Clean Water Act for storm water management projects, including the \$1.2 billion storm water management program proposed by the NEORS.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to President Bush, Senator Voinovich, Senator DeWine and the members of the congressional delegation representing 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.

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1936-02.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of computer hardware, software, and associated peripherals and equipment, for the Division of Information Systems Services, Department of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years subject to the requirements of this ordinance for the necessary items of computer hardware, software, associated peripherals and equipment, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. The Director of Finance shall have authority to enter into one or more requirement contracts with a term of two (2) years when there is a financial advantage to the City entering into one or more requirements with a term of two (2) years in lieu of entering into a contract or contracts with a term of one (1) year. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for a contract or contracts with a term of two (2) years and the bids received for a contract or contracts with a term of one (1) year. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision

is made for the requirements for the entire term.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 100374)

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 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1937-02.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Service to cause payment to the City of Brook Park for the cost of Brook Park grinding and resurfacing that portion of West 130th Street that is in the City of Cleveland; and authorizing an agreement relative to that 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 this Council authorizes payment to the City of Brook Park of the City of Cleveland's share for the cost of Brook Park grinding and resurfacing that portion of West 130th Street that is in the City of Cleveland, from Fund No. 11 SF 401, Request No. 123320.

Section 2. That the Director of Public Service is authorized to enter into an agreement with the City of Brook Park authorizing it to make the improvement and authorizing Cleveland to make the payment.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1943-02.

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

An emergency ordinance approving the collective bargaining agreement with Cleveland Police Patrolmen's Association (C.P.P.A.) Civilian Personnel; and to amend Section 10 of Ordinance No. 469-02, passed April 1, 2002, relating to compensation for various classifications.

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

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

Section 1. That, in accordance with division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with Cleveland Police Patrolmen's Association (C.P.P.A.) Civilian Personnel set forth in File No. 1943-02-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 10 of Ordinance No. 469-02, passed April 1, 2002, is amended to read as follows:

Section 10. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

| | Minimum | Maximum |
|--|----------------|--------------------|
| 1. Bilingual Communication Specialist..... | \$22,882.82 | \$33,184.81 |
| 2. Police Radio Dispatcher..... | \$22,885.90 | \$36,334.54 |
| 3. Police Safety Aide..... | \$19,409.04 | \$25,867.90 |
| 4. Safety Telephone Operator..... | \$21,266.04 | \$28,094.97 |

Section 3. That existing Section 10 of Ordinance No. 469-02, passed April 1, 2002, is repealed.

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 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1945-02.**By Council Member Coats.**

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Lutheran Housing Corporation which will be acting as the City's agent in carrying out a Home Repair Program for the public purpose of providing home repair assistance to Cleveland residents through the use of Ward 10 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 Lutheran Housing Corporation which will be acting as the City's agent in carrying out a Home Repair Program for the public purpose of providing home repair assistance to Cleveland residents through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$40,000 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 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1947-02.**By Council Member Westbrook.**

An emergency ordinance amending Section 4 of Ordinance No. 1017-02, passed May 20, 2002 as it relates to the Clark Commons public landscaping improvement project through the use of Ward 18 Neighborhood Equity Funds.

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

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

Section 1. That Section 4 of Ordinance No. 1017-02, passed May 20, 2002 is hereby amended to read respectively as follows:

Section 4. That the cost of said contract shall be in an amount not to exceed \$31,500 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 4 of Ordinance No. 1017-02, passed May 20, 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.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1949-02.**By Council Member Britt.**

An emergency ordinance consenting and approving the issuance of a permit for the American Cancer Walk on October 13, 2002, sponsored by the American Cancer Society.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the American Cancer Walk, sponsored by the American Cancer Society, on October 13, 2002, beginning at Wade Oval and Juniper, Wade Oval to East Blvd., East Blvd. To MLK, MLK to East 88th return same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1950-02.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the MBNA Walk For Education on October 6, 2002, sponsored by the MBNA.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the MBNA Walk For Education, sponsored by the MBNA, on October 6, 2002, beginning at Erieside at the Cleveland Browns Stadium, Erieside to East 9th, East 9th to Lakeside, Lakeside to East 6th, East 6th to Superior, Superior to East Roadway, East Roadway to

Euclid, Euclid to Ontario, Ontario to Prospect, Prospect to East 9th, East 9th to Carnegie, Carnegie to Ontario, Ontario to Huron, Huron to West 9th, West 9th to St. Clair, St. Clair to West 3rd, West 3rd to Erieside, finish at the Cleveland Browns Stadium, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1951-02.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the Benett-Bar Halloween Run on October 27, 2002, sponsored by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Benett-Bar Halloween Run, sponsored by Hermes Sports & Events, on October 27, 2002, beginning at Ontario and Lakeside, Lakeside to West 3rd, West 3rd to Erieside, Erieside to North Marginal, North Marginal to East 26th, return same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1953-02.

By Council Member Britt.

An emergency ordinance consenting and approving the issuance of a permit for the Juno Jog on October 12, 2002, sponsored by the Cleveland Health Museum.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Juno Jog, sponsored by Cleveland Health Museum, on October 12, 2002, beginning at East 89th and Euclid, Euclid to East 101st, East 101st to Mt. Sinai Drive, Mt. Sinai Drive to MLK, MLK to Lagoon (on bike path), return same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

FIRST READING EMERGENCY RESOLUTION READ IN FULL AND ADOPTED

Res. No. 1948-02.

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

An emergency resolution discouraging the Northeast Ohio Regional Sewer District from approving proposed rate increases for the City of Cleveland that result in an annual compounded increase of 7.7% in years 2003-2006 and urging the Northeast Ohio Regional Sewer District to consider lower and reasonable rate increases.

Whereas, the Northeast Ohio Regional Sewer District ("NEORS") is considering rate increases for all of its users in an effort to achieve rate equalization and compliance with unfunded federal mandates; and

Whereas, the proposed rate increase for residents of the City of Cleveland is 8.5% in year 2003, 7.9%

in year 2004, 7.3% in 2005, and 7.2% in 2006; and

Whereas, if this proposed rate increase is approved, City of Cleveland residents who currently pay a rate of \$21.10 per mcf for NEORS sewer services will pay a rate of \$28.40 per mcf for NEORS sewer services in the year 2006; and

Whereas, this proposed rate increase exceeds the rate of inflation and places an unreasonable burden on the citizens of the City of Cleveland; and

Whereas, this Council is concerned about the adverse impact this rate increase will have on the citizens of the City of Cleveland; and

Whereas, this Council is opposed to this proposed rate increase and encourages NEORS to consider lower and reasonable rate increases; 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 discourages the Northeast Ohio Regional Sewer District from approving proposed rate increases for the City of Cleveland that result in an annual compounded increase of 7.7% in years 2003-2006 and urges the Northeast Ohio Regional Sewer District to consider lower and more reasonable rate increases.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Erwin Ordeal, Executive Director of the NEORS, and the following members of the NEORS Board of Trustees: Mayor Gerald M. Boldt, President, Mayor Thomas J. Longo, Vice President, Michael L. Nelson, Secretary, Mayor Gary W. Starr, Darnell Brown, Ronald D. Sulik, and Sheila J. Kelly.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1372-02.

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

An emergency ordinance authorizing the Director of Port Control to enter into agreements with certain air carriers that conduct passenger operations with aircraft having a seating capacity greater than thirty to provide for the purchase, operation and maintenance of boarding assistance devices for the Division of Cleveland Hopkins International airport, 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 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1382-02.

By Council Member Scott.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 93rd and East 94th Streets to Glenville Development Corporation.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1525-02.

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

An emergency ordinance authorizing the Director of Port Control to enter into a supplement with the Federal Aviation Administration, City Contract No. 48287, to redefine the leased space and to expand security for the Federal Facilities Building at Cleveland Hopkins International Airport.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1526-02.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 139.14 relating to expenditures for professional memberships for the Department of Port Control.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1538-02.

By Council Member Coats.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1047 East 140th Street to Julius B. Thomas.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1544-02.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 68th and East 69th Streets between Cedar and Cen-

tral to Burten, Bell, Carr Development, Inc.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

The Council Meeting adjourned at 7:28 p.m. to meet on Monday, October 7, 2002, at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

September 25, 2002

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 25, 2002, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Majer, Nielson, Sonntag, Bess, Smith, Glending, Director Hudecek, Acting Director Brown, Directors Sims, Fumich and Taylor.

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Carol Whitaker, Acting Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 628-02.

By Director Baker.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1071-02, passed by the Cleveland City Council on 6-17-02, National Center for State Courts ("Consultant") is hereby selected upon nomination of the Director of Finance on behalf of the Cleveland Municipal Court from a list of qualified consultants available for such employment and determined after a full and completed canvass by said Director as the consulting firm to be employed by contract for the purpose of providing a review of a Request For Proposals for a new case management system for the Cleveland Municipal Court.

Be it further resolved that the Director of Finance on behalf of the Cleveland Municipal Court is hereby authorized to enter into a written contract with the National Center for State Courts for professional services in an amount not to exceed Twenty-Eight Thousand Dollars (\$28,000) on the basis of their pro-

posal dated August 29, 2002. The contract authorized hereby shall be prepared by the Director of Law and shall contain such other provisions, as said Director deems necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Majer, Nielson, Sonntag, Bess, Smith, Glending, Director Hudecek, Acting Director Brown, Directors Sims, Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 629-02.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 589-02 adopted September 4, 2002, pursuant to the authority of Ordinance No. 1147-01, passed by the Council of the City of Cleveland on July 18, 2001, approving the selection of Weatherproofing Technologies, Inc. to provide labor and materials to repair or replace roofs for the Division of Water, Department of Public Utilities, is hereby amended by deleting the words, "Division of Water", and inserting, "various divisions of the Department of Public Utilities".

Be it further resolved that all other provisions of said Resolution No. 589-02 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Majer, Nielson, Sonntag, Bess, Smith, Glending, Director Hudecek, Acting Director Brown, Directors Sims, Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 630-02.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of High Line Corporation d.b.a. Casnet for an estimated quantity of scanners, SCSI image processing interface cards, scanner cables and equipment maintenance — on site for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 10th day of July, 2002, pursuant to the authority of Ordinance No. 2365-01, passed March 4, 2002, and pursuant to the authority of Ordinance No. 1741-01, passed December 3, 2001, on the basis of the estimated quantity would amount to One Hundred Seventy Five Thousand Five Hundred Dollars (\$175,500.00) (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. 123077

which shall be certified against such contract in the sum of One Hundred Seventy Five Thousand Five Hundred Dollars (\$175,500.00).

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, Director Chandra, Acting Directors Abousserhal, Majer, Nielson, Sonntag, Bess, Smith, Glending, Director Hudecek, Acting Director Brown, Directors Sims, Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 631-02.

By Director Mok.

Whereas, pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, this Board of Control adopted Resolution No. 427-02 on July 17, 2002, authorizing the Director of Port Control to enter into an agreement granting Employment News the privilege, permission and license to use the Banquet Room at Burke Lakefront Airport (the "Airport") to conduct a Job Fair (the "Event") on August 20, 2002; and

Whereas, Employment News wishes to change the date of the Event to October 8, 2002; and

Whereas, the City is willing to grant Employment News the privilege, permission and license to conduct the Event at the Airport on October 8, 2002; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 427-02, adopted by this Board on July 17, 2002, authorizing the Director of Port Control to enter into an agreement granting Employment News the privilege, permission and license to use the Banquet Room at the Airport to conduct the Event on August 20, 2002 is hereby amended by deleting "August 20, 2002" where appearing and substituting therefor "October 8, 2002."

Be it further resolved that all other provisions of said Resolution No. 427-02, not hereby expressly amended shall remain unchanged and in full effect.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Majer, Nielson, Sonntag, Bess, Smith, Glending, Director Hudecek, Acting Director Brown, Directors Sims, Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 632-02.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Inland Waters of Ohio, Inc., for an estimated quantity of labor and materials necessary to clean, inspect, repair and maintain oil/water separators, sewers, electrical vaults and associated appurtenances, including testing and disposal of waste materials for the various divisions of the Department of Port Control, for the period of one (1) year, received on the 21 day of August, 2002, pursuant to the authority of Ordinance No. 533-02, passed May 6, 2002, which on the basis of the estimated quantity would amount to Four Hundred Eleven Thousand and 00/100 Dollars (\$411,000.00), is hereby affirmed and approved as the lowest bid and best bid, and the Director of Port Control 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. 124639 which shall be certified against such contract in the sum of Four Hundred Eleven Thousand and 00/100 Dollars (\$411,000.00).

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

Be it further resolved, that the following subcontractor of Inland Waters of Ohio, Inc. is hereby approved:

| <u>SUBCONTRACTOR</u> | | |
|----------------------|--|---------------|
| <u>FBE — SERVICE</u> | | <u>AMOUNT</u> |
| Eden Environmental | | |
| 3.65% — Electrical | | \$15,000.00 |

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Majer, Nielson, Sonntag, Bess, Smith, Glending, Director Hudecek, Acting Director Brown, Directors Sims, Fumich and Taylor.

Nays: None.
Absent: None.

Resolution No. 633-02.

By Director Mok.

Resolved by the Board of Control of the City of Cleveland, that all bids received on August 14, 2002, for labor and materials necessary to provide parts, and equipment necessary to maintain, repair and modify existing airfield, parking and terminal lighting systems, for the Department of Port Control, pursuant to the authority of Ordinance No. 124-02, passed by the Council of the City of Cleveland on March 25, 2002, be and the same are hereby rejected.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Majer, Nielson, Sonntag, Bess, Smith, Glending, Director Hudecek, Acting Director Brown, Directors Sims, Fumich and Taylor.

Nays: None.
Absent: None.

Resolution No. 634-02.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Bituminous Products Company for an estimated quantity of SSI Tack Coat, for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on August 1, 2002, pursuant to the authority of Ordinance No. 766-02 passed June 3, 2002, which on the basis of the estimated quantity would amount to Sixty Eight Thousand and 00/100 Dollars (\$68,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 123315 which shall be certified against such contract in the sum of Seven

Thousand and 00/100 Dollars (\$3,400.00).

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

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Majer, Nielson, Sonntag, Bess, Smith, Glending, Director Hudecek, Acting Director Brown, Directors Sims, Fumich and Taylor.

Nays: None.
Absent: None.

Resolution No. 635-02.

By Acting Director Glending.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on September 4, 2002 for Munn Road Park Restoration for the Department of Parks, Recreation & Properties pursuant to the authority of Ordinance No. 1748-99 passed by the Council of the City of Cleveland on April 17, 2000 be and the same are hereby rejected.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Majer, Nielson, Sonntag, Bess, Smith, Glending, Director Hudecek, Acting Director Brown, Directors Sims, Fumich and Taylor.

Nays: None.
Absent: None.

Resolution No. 636-02.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 003-09-108 located at 1340 West 54th Street in Ward 17; and

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

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

Whereas, the following conditions exist:

1. The member of Council from Ward 17 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with City Life

Development Life for the sale and development of Permanent Parcel No. 003-09-108 located at 1340 West 54th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Majer, Nielson, Sonntag, Bess, Smith, Glending, Director Hudecek, Acting Director Brown, Directors Sims, Fumich and Taylor.

Nays: None.
Absent: None.

Resolution No. 637-02.

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 710-95, passed by the Cleveland City Council on June 12, 1995, Apple Designs, Inc. ("Consultant") is hereby selected upon the nomination of the Director of Port Control from a list of qualified consultants available for such employment and determined after a full and complete canvass by said Director as the design firm to be employed by contract for the purpose of providing professional design services for interior and exterior terminal signage and roadway signage at Cleveland Hopkins International Airport for the Department of Port Control.

Be it further resolved that the Director of Port Control is hereby authorized to enter into written contract with Apple Designs, Inc. based on its proposal dated September 6, 2002. The fee for the services shall be an amount not to exceed Forty Nine Thousand Nine Hundred Twenty-Six and 00/100 Dollars (\$49,926.00). The contract authorized herein shall be prepared by the Director of Law and shall contain such other provisions as said Director deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subconsultants by Apple Designs, Inc., for the above-mentioned contract is hereby approved:

| <u>Subconsultant</u> | | |
|----------------------|--------------------------|-----------------|
| <u>MBE/FBE %</u> | <u>Amount</u> | <u>Services</u> |
| | Robert P. Madison | |
| MBE — 17% | — \$8,487.42 | Design Support |
| | SGD Design International | |
| FBE—1% | — \$499.26 | Design Support |

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Majer, Nielson, Sonntag, Bess, Smith, Glending, Director Hudecek, Acting Director Brown, Directors Sims, Fumich and Taylor.

Nays: None.
Absent: None.

Resolution No. 638-02.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Mid American Security Services, Inc., for unarmed security guard ser-

vices, for the various divisions of the Department of Port Control, for the period of one year with an option to renew for an additional one year term, beginning with the date of execution of a contract, received on the 12th August, 2002, pursuant to the authority of Ordinance No. 127-02, passed on April 22, 2002, which on the basis of the estimated quantity would amount to Four Hundred Seventy Three Thousand Two Hundred Seventy Five and 00/100 Dollars (\$473,275.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into a requirement contract for such goods and/or services necessary, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 124652 which shall be certified against such contract in the sum of One Hundred Thousand Five Hundred and 00/100 Dollars (\$100,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, but not to exceed a total of Four Hundred Seventy Three Thousand Two Hundred Seventy Five and 00/100 Dollars (\$473,275.00), as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Aboussal, Majer, Nielson, Sonntag, Bess, Smith, Glending, Director Hudecek, Acting Director Brown, Directors Sims, Fumich and Taylor.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lake-side 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, OCTOBER 14, 2002

9:30 A.M.

Calendar No. 02-248: 3103 Clinton Avenue (Ward 13)

West 32nd Clinton LLC, owner c/o Michael Caito, agent, appeal to construct a 22' x 25' single family, 3-story frame dwelling unit, (Bldg. "C"), with a roof deck level and a 20' x 22' attached garage all situated on a 28' x 64' parcel and an overall approximate 186' x 205' irregular shaped parcel located in a Residence Industry District on the south side of Clinton Avenue at 3103 Clinton Avenue; said construction being contrary to the Area Requirements of Section 355.04(a), where a 4800 sq. ft. lot is required and 1792 sq. ft. is proposed and a minimum lot width of 40' is required and 28' is proposed and Section 355.04(b), where the maximum gross floor area allowed is 1792 sq. ft. and 2834 sq. ft. is proposed and contrary to the Yards and Courts Requirements of Section 357.08(2)(a), where a 3' minimum and 10' aggregate side yard is required and none is proposed and Section 357.08(2)(b)(1), where a 20' rear yard setback is required and 8' is proposed and the proposed structure abuts the building on the adjacent lot and no structure may be erected within 10' of a neighboring structure on an adjoining lot as stated in Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 02-249: 3105 Clinton Avenue (Ward 13)

West 32nd & Clinton LLC, owner c/o Michael Caito, agent, appeal to construct a 22' x 25' single family, 3-story frame dwelling unit (Bldg. "C"), with a roof deck level and a 20' x 22' attached garage all situated on a 28' x 64' parcel and an overall approximate 186' x 205' irregular shaped parcel located in a Residence Industry District on the south side of Clinton Avenue at 3105 Clinton Avenue; said construction being contrary to the Area Requirements of Section 355.04(a), where a 4800 sq. ft. lot is required and a 1728 sq. ft. is proposed and a minimum lot width of 40' is required and 27' is proposed and Section 355.04(b), where the maximum gross floor area allowed is 1728 sq. ft. and 2834 sq. ft. is proposed and contrary to the Yards and Courts Requirements of Section 357.08(2)(a), where a 3' minimum and 10' aggregate side yard is required and none is proposed and Section 357.08(2)(b)(1), where a 20' rear yard setback is required and 8' is proposed and the proposed structure abuts the building on the adjacent lot and no structure may be erected within 10' of a neighboring structure on an adjoining lot as stated in Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 02-250: 3107 Clinton Avenue (Ward 13)

West 32nd & Clinton LLC, owner c/o Michael Caito, agent, appeal to construct a 22' x 25' single family, 3-story frame dwelling unit, (Bldg. "C"), with a roof deck level and a 20' x 22' attached garage all situated on a 28' x 64' parcel and an

overall approximate 186' x 205' irregular shaped parcel located in a Residence Industry District on the south side of Clinton Avenue at 3107 Clinton Avenue; said construction being contrary to the Area Requirements of Section 355.04(a), where a 4800 sq. ft. lot is required and a 1728 sq. ft. lot is proposed and a minimum lot width of 40' is required and 27' is proposed and Section 355.04(b), where the maximum gross floor area allowed is 1728 sq. ft. and 2834 sq. ft. is proposed and contrary to the Yards and Courts Requirements of Section 357.08(2)(a), where a 3' minimum and 10' aggregate rear yard setback is required and 8' is proposed and the proposed structure abuts the building on the adjacent lot and no structure may be erected within 10' of a neighboring structure on an adjoining lot as stated in Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 02-251: 3109 Clinton Avenue (Ward 13)

West 32nd & Clinton LLC, owner c/o Michael Caito, agent, appeal to construct a 22' x 25' single family 3-story, frame dwelling unit, (Bldg. "C"), with a roof deck level and a 20' x 22' attached garage all situated on a 28' x 64' parcel and an overall approximate 186' x 205' irregular shaped parcel located in a Residence Industry District on the south side of Clinton Avenue at 3109 Clinton Avenue; said construction being contrary to the Area Requirements of Section 355.04, where a 25' minimum street frontage is required and 22' is proposed and Section 355.04(a), where a 4800 sq. ft. lot is required and a 1408 sq. ft. lot is proposed and a minimum lot width of 40' is required and 22' is proposed and Section 355.04(b), where the maximum gross floor area allowed is 1408 sq. ft. and 2792 sq. ft. is proposed and contrary to the Yards and Courts Requirements of Section 357.08(2)(a), where a 3' minimum and 10' aggregate side yard is required and none is proposed and Section 357.08(2)(b)(1), where a 20' rear yard setback is required and 8' is proposed and the proposed structure abuts the building on the adjacent lot and no structure may be erected within 10' of a neighboring structure on an adjoining lot as stated in Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 02-252: 3111 Clinton Avenue (Ward 13)

West 32nd & Clinton LLC, owner c/o Michael Caito, agent, appeal to construct a 22' x 25' single family 3-story, frame dwelling unit (Bldg. "C"), with a roof deck level and a 20' x 22' attached garage all situated on a 28' x 64' parcel and an overall approximate 186' x 205' irregular shaped parcel located in a Residence Industry District on the south side of Clinton Avenue at 3111 Clinton Avenue; said construction being contrary to the Area Requirements of Section 355.04, where a 25' minimum street frontage is required and 22' is proposed and Section 355.04(a), where a 4800 sq. ft. lot is required and a 1408 sq. ft. lot is proposed and a minimum lot width of 40' is required and 22' is proposed and Section 355.04(b), where the maximum gross floor area allowed is 1408 sq. ft. and 2792 sq. ft. is pro-

posed and contrary to the yards and Courts Requirements of Section 357.08(2)(a), where a 3' minimum and 10' aggregate side yard setback is required and none is proposed and Section 357.08(2)(b)(1), where a 20' rear yard setback is required and 8' is proposed and the proposed structure abuts the building on the adjacent lot and no structure may be erected within 10' of a neighboring structure on an adjoining lot as stated in Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 02-253: 3119 Clinton Avenue (Ward 13)

West 32nd & Clinton LLC, owner c/o Michael Caito, agent, appeal to construct a 22' x 25' single family 3-story, frame dwelling unit, (Bldg. "B"), with a roof deck level and a 20' x 22' attached garage all situated on a 28' x 64' parcel and an overall approximate 186' x 205' irregular shaped parcel located in a Residence Industry District on the south side of Clinton Avenue at 3119 Clinton Avenue; said construction being contrary to the Area Requirements of Section 355.04(a), where a 4800 sq. ft. lot is required and a 2686 sq. ft. lot is proposed and a minimum lot width of 40' is required and 34' is proposed and Section 355.04(b), where the maximum gross floor area allowed is 2686 sq. ft. and 4000 sq. ft. is proposed and contrary to the Yards and Courts Requirements of Section 357.08(2)(a), where a 3' minimum and 10' aggregate side yard setback is required and 0' is proposed and the proposed structure abuts the building on the adjacent lot and no structure may be erected within 10' of a neighboring structure on an adjoining lot as stated in Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 02-254: 1513 West 32nd Street (Ward 13)

West 32nd & Clinton, LLC, owner c/o Michael Caito, agent, appeal to construct a 22' x 25' single family 3-story, frame dwelling unit, (Bldg. "B"), with a roof deck level and a 20' x 22' attached garage all situated on a 25' x 62' parcel and an overall approximate 186' x 205' irregular shaped parcel located in a Residence Industry District on the east side of West 32nd Street at 1513 West 32nd Street; said construction being contrary to the Area Requirements of Section 355.04, where a 25' minimum street frontage is required and 22' is proposed and Section 355.04(a), where a 4800 sq. ft. lot is required and a 1364 sq. ft. lot is proposed and a minimum lot width of 40' is required and 22' is proposed and Section 355.04(b), where the maximum gross floor area allowed is 1364 sq. ft. and 2792 sq. ft. is proposed and contrary to the Yards and Courts Requirements of Section 357.08(2)(a), where a 3' minimum and 10' aggregate side yard is required and none is proposed and Section 357.08(2)(b)(1), where a 20' rear yard setback is required and 8' is proposed and the proposed structure abuts the building on the adjacent lot and no structure may be erected within 10' of a neighboring structure on an adjoining lot as stated in Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 02-255: 1515 West 32nd Street (Ward 13)

West 32nd & Clinton, LLC, owner c/o Michael Caito, agent, appeal to construct a 22' x 25' single family 3-story, frame dwelling unit (Bldg. "B"), with a roof deck level and a 20' x 22' attached garage all situated on a 25' x 62' parcel and an overall approximate 186' x 205' irregular shaped parcel located in a Residence Industry District on the east side of West 32nd Street at 1515 West 32nd Street; said construction being contrary to the Area Requirements of Section 355.04, where a 25' minimum street frontage is required and 22' is proposed and Section 355.04(a), where a 4800 sq. ft. lot is required and a 1364 sq. ft. lot is proposed and contrary to the Yards and Courts Requirements of Section 357.08(2)(a), where a 3' minimum and 10' aggregate side yard is required and none is proposed and Section 357.08(2)(b)(1), where a 20' rear yard setback is required and 8' is proposed and the proposed structure abuts the building on the adjacent lot and no structure may be erected within 10' of a neighboring structure on an adjoining lot as stated in Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 02-256: 1517 West 32nd Street (Ward 13)

West 32nd & Clinton, LLC, owner c/o Michael Caito, agent, appeal to construct a 22' x 25' single family 3-story, frame dwelling unit, (Bldg. "B"), with a roof deck level and a 20' x 22' attached garage all situated on a 25' x 62' parcel and an overall approximate 186' x 205' irregular shaped parcel located in a Residence Industry District on the east side of West 32nd Street at 1517 West 32nd Street; said construction being contrary to the Area Requirements of Section 355.04(a), where a 4800 sq. ft. lot is required and a 1550 sq. ft. lot is proposed and a minimum lot width of 40' is required and 25' is proposed and Section 355.04(b), where the maximum gross floor area allowed is 1550 sq. ft. and 2834 sq. ft. is proposed and contrary to the Yards and Courts Requirements of Section 357.08(2)(a), where a 3' minimum and 10' aggregate side yard is required and none is proposed and Section 357.08(2)(b)(1), where a 20' rear yard setback is required and 8' is proposed and the proposed structure abuts the building on the adjacent lot and no structure may be erected within 10' of a neighboring structure on an adjoining lot as stated in Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 02-265: 1519 West 32nd Street (Ward 13)

West 32nd & Clinton, LLC, owner c/o Michael Caito, agent, appeal to use a 25' x 62' parcel of an overall approximate 186' x 205' irregular shaped parcel as a common area and a parking lot located in a Residence Industry District on the east side of West 32nd Street at 1519 West 32nd Street; said use being contrary to the Industrial District Requirements of Section 345.02(g)(1), where uses in a Residence Industry District are as permitted and regulated in a Multi-Family District and Board of zoning Appeals approval is required for a parking lot in a Residence District as stated in Section 349.13(c) of the Codified Ordinances.

Calendar No. 02-257: 3118 Vine Court (Ward 13)

West 32nd & Clinton, LLC, owner c/o Michael Caito, agent, appeal to construct a 22' x 25' single family 3-story, frame dwelling unit, (Bldg. "A"), with a roof deck level and a 20' x 22' attached garage all situated on a 25' x 62' parcel and an overall approximate 186' x 205' irregular shaped parcel located in a Residence Industry District on the north side of Vine Court at 3118 Vine Court; said construction being contrary to the Area Requirements of Section 355.04(a), where a 4800 sq. ft. lot is required and a 1728 sq. ft. lot is proposed and a minimum lot width of 40' is required and 32' is proposed and Section 355.04(b), where the maximum gross floor area allowed is 1728 sq. ft. and 1950 sq. ft. is proposed and contrary to the Yards and Courts Requirements of Section 357.08(2)(a), where a 3' minimum and 10' aggregate side yard is required and none is proposed and Section 357.08(2)(b)(1), where a 20' rear yard setback is required and 8' is proposed and the proposed structure abuts the building on the adjacent lot and no structure may be erected within 10' of a neighboring structure on an adjoining lot as stated in Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 02-258: 3116 Vine Court (Ward 13)

West 32nd & Clinton LLC, owner c/o Michael Caito, agent, appeals to construct a 22' x 25' single family 3-story, frame dwelling unit, (Bldg. "A"), with a roof deck level and a 20' x 2' attached garage all situated on a 25' x 62' parcel and an overall approximate 186' x 205' irregular shaped parcel located in a Residence Industry District on the north side of vine Court at 3116 Vine Court; said construction being contrary to the Area Requirements of Section 355.04, where a 25' minimum street frontage is required and 22' is proposed and Section 355.04(a), where a 4800 sq. ft. lot is required and a 1188 sq. ft. lot is proposed and a minimum lot width of 40' is required and 32' is proposed and Section 355.04(b), where the maximum gross floor area allowed is 1188 sq. ft. and 1950 sq. ft. is proposed and contrary to the Yards and Courts Requirements of Section 357.08(2)(a), where a 3' minimum and 10' aggregate side yard is required and none is proposed and Section 357.08(2)(b)(1) where a 20' rear yard setback is required and 8' is proposed and the proposed structure abuts the building on the adjacent lot and no structure may be erected within 10' of a neighboring structure on an adjoining lot as stated in Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 02-259: 3114 Vine Court (Ward 13)

West 32nd & Clinton LLC, owner c/o Michael Caito, agent, appeal to construct a 22' x 25' single family 3-story, frame dwelling unit, (Bldg. "A"), with a roof deck level and a 20' x 22' attached garage all situated on a 25' x 62' parcel and an overall approximate 186' x 205' irregular shaped parcel located in a Residence Industry District on the north side of Vine Court at 3114 Vine Court; said construction being con-

trary to the Area Requirements of Section 355.04, where a 25' minimum street frontage is required and 22' is proposed and Section 355.04(a), where a 4800 sq. ft. lot is required and a 1188 sq. ft. is proposed and a minimum lot width of 40' is required and 32' is proposed and Section 355.04(b), where the maximum gross floor area allowed is 1188 sq. ft. and 1950 sq. ft. is proposed and contrary to the Yards and Courts Requirements of Section 357.08(2)(b)(1), where a 20' rear yard setback is required and 8' is proposed and the proposed structure abuts the building on the adjacent lot and no structure may be erected within 10' of a neighboring structure on an adjoining lot as stated in Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 02-260: 3112 Vine Court (Ward 13)

West 32nd & Clinton LLC, owner c/o Michael Caito, agent, appeal to construct a 22' x 25' single family 3-story, frame dwelling unit, (Bldg. "A"), with a roof deck level and a 20' x 25' attached garage all situated on a 25' x 62' parcel and an overall approximate 186' x 205' irregular shaped parcel located in a Residence Industry District on the north side of Vine Court at 3112 Vine Court; said construction being contrary to the Area Requirements of Section 355.04, where a 25' minimum street frontage is required and 22' is proposed and Section 355.04(a), where a 4800 sq. ft. lot is required and a 1188 sq. ft. lot is proposed and a minimum lot width of 40' is required and 32' is proposed and Section 355.04(b), where the maximum gross floor area allowed is 1188 sq. ft. and 1950 sq. ft. is proposed and contrary to the yards and Courts Requirements of Section 357.08(2)(a), where a 3' minimum and 10' aggregate side yard setback is required and 8' is proposed and the proposed structure abuts the building on the adjacent lot and no structure may be erected within 10' of a neighboring structure on an adjoining lot as stated in Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 02-261: 3110 Vine Court (Ward 13)

West 32nd & Clinton LLC, owner c/o Michael Caito, agent, appeal to construct a 22' x 25' single family 3-story, frame dwelling unit, (Bldg. "A"), with a roof deck level and a 20' x 22' attached garage all situated on a 25' x 62' parcel and an overall approximate 186' x 205' irregular shaped parcel located in a Residence Industry District on the north side of vine Court at 3110 Vine Court; said construction being contrary to the Area Requirements of Section 355.04(a), where a 4800 sq. ft. lot is required and a 1620 sq. ft. lot is proposed and a minimum lot width of 40' is required and 30' is proposed and Section 355.04(b), where the maximum gross floor area allowed is 1620 sq. ft. and 1950 sq. ft. is proposed and contrary to the Yards and Courts Requirements of Section 357.08(2)(a), where a 3' minimum and 10' aggregate side yard setback is required and 8' is proposed and the proposed structure abuts the building on the adjacent lot and no structure may be erected

within 10' of a neighboring structure on an adjoining lot as stated in Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 02-264: 2395 Tremont Avenue (Ward 13)

Mustfa E. Ayad, owner, and ZiZi Properties, prospective purchaser c/o Thomas Bell, appeal to construct six 18' x 32' single family 3-story, frame townhouse dwelling units, with units 1 & 2 each having a 20' x 23' attached garage and the other 4 units each having a 12' x 32' attached garage all situated on a 63' x 198' parcel located in a Two-Family District on the northeasterly side of Tremont Avenue at 2395 Tremont Avenue; said construction being contrary to the Residential District Requirements of Section 337.02, where a two building six unit townhouse development is not permitted in a Two-Family District but first permitted in a Townhouse District as stated in Section 337.031 and contrary to Area Requirements of Section 355.04(a), where a 14,400 sq. ft. lot per dwelling unit is required and a 12,474 sq. ft. lot is proposed and Section 355.04(b), where the maximum gross floor area allowed is 6237 sq. ft. and 10,400 sq. ft. is proposed and contrary to the Yards and Courts Requirements of Section 357.04, where a 29' front yard setback is required and 14'-9" is proposed and Section 357.15, where a rear building entrance way of 16' is required and 11' is proposed and contrary to the Off-Street Parking and Loading Requirements, where the proposed parking is 4' from the building and no parking shall be located within 10' of any wall of a residential building as stated in Section 349.05 of the Codified Ordinances.

Calendar No. 02-266: 7000 Euclid Avenue (Ward 5)

H&K Kim, LLC, owner c/o Hea-Sung Kim, appeal to change the use of an existing two-story 56,000 sq. ft. auto sales building into an industrial warehouse and wholesale business building all situated on an approximate 128' x 231' parcel located in a General Retail business District and a Semi-Industry District on the south side of Euclid Avenue at 7000 Euclid Avenue; said change of use being contrary to the Business District Requirements of Section 343.11, where an industrial warehouse and wholesale business is not permitted in a General Retail Business District but first permitted in a Semi-Industry District as stated in the Industrial District Requirements of Section 345.03 of the Codified Ordinances.

Calendar No. 02-269: 4251-57 Rocky River Drive (Ward 21)

Vincent Gonzalez, owner, appeals to expand the use of an existing approximate 49' x 72' two-story brick, 4 dwelling unit and 3 stores building to include after business hours class for various holistic classes all situated on an approximate 67' x 178' corner parcel located in a Two-Family District on the northeast corner of Westdale Avenue and Rocky River Drive at 4251-57 Rocky River Drive; said expansion of use being contrary to the Nonconforming Use Requirements, where an expansion of a non-

conforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 02-270: 17510 Lorain Avenue (Ward 21)

Charles Piscatelli, owner, and Daniel Gerber, prospective purchaser and Jeanette Glinski, agent, appeal to establish the use of an existing 58' x 65' one-story masonry building as an auto repair building all situated on an approximate 50' x 151' parcel located in a Shopping Center district on the north side of Lorain Avenue at 17510 Lorain Avenue; said proposed use being contrary to the Board of Zoning Appeals Jurisdictions and Powers of Section 329.03(e), where the Board of zoning Appeals may not allow uses other than those listed in the zoning code as permitted in the use district next lower in order of the district restrictions in which such lot is located and contrary to the Business district Requirements of Section 343.03, where auto repair is not a permitted use in a Shopping Center District but first permitted in a Semi-Industry District if located 100' from a Residence District and contrary to the Landscaping and Screening Requirements where a 6' wide landscaped frontage strip is required along the property lines abutting the street as stated in Sections 352.08-352.11 of the Codified Ordinances.

Calendar No. 02-271: 17600 Lakeshore Boulevard (Ward 11)

Ante Susnjara, owner, and Sarah Kennedy, prospective purchaser, appeal to establish the use of an existing 38' x 44' one-story masonry service station building as an auto repair garage all situated on an irregular shaped acreage parcel located in a Multi-Family District; said use as an auto repair garage being first permitted in a Semi-Industry District if located 100' from a Residence District and contrary to the Board of Zoning Appeals Jurisdictions and Powers of Section 329.03(e), where the Board of Zoning Appeals may not allow uses other than those listed in the zoning code as permitted in the use district next lower in order of the district restrictions in which such lot is located and contrary to the Landscaping and Screening Requirements where a 6' wide landscaped strip is required where the parking lot abuts the street as stated in Sections 352.08-352.11 of the Codified Ordinances.

Calendar No. 02-272: 4365 West 145th Street (Ward 20)

Charles Pavlik, owner, appeals to install approximately 43 linear feet of 6' high board-on-board wood fencing on the north and south side of a 45' x 109' parcel located in a One-Family District on the east side of West 145th Street at 4365 West 145th Street; said installation being contrary to the Fence Regulations, where a 6' high fence is proposed and the maximum height of fencing permitted running parallel to the neighboring home is 4'-9" as stated in Section 358.04(b) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 30, 2002

At the meeting of the Board of Zoning Appeals on Monday, September 30, 2002, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 02-235: 8019 Medina Avenue
Patricia Taylor appealed to enclose an existing 6' x 22' second story front porch of a two family dwelling in a Two-Family District; subject to conditions.

Calendar No. 02-236: 10005 Lorain Avenue
Clyde Gazda appealed to establish use of a 40' x 126' parcel as a parking lot for 8 cars in a General Retail Business District; subject to conditions.

Calendar No. 02-237: 5912 Utica Avenue
Barbara K. Thompson appealed to construct a 20' x 20' one-story detached garage on a 60' x 72' parcel to the east of a one family dwelling in a One-Family District.

Calendar No. 02-240: 7925 Spafford Avenue
Gwendolyn Goins appealed to install 86 linear feet of 4' high chain link fencing to the west, east and south of a 35' x 85' parcel in a Two-Family District.

Calendar No. 02-242: 10307 Detroit Avenue
Chicle Properties appealed to construct an 85' x 100' fourteen-story addition on top of a five-story building in a Residence Office District.

Calendar No. 02-243: 1355 West 70th Street
Our Lady of Mt. Carmel appealed to construct a 62' x 147' one-story masonry school building addition to an elementary school building on a 193' x 646' parcel in a Multi-Family District.

Calendar No. 02-268: 18501 Neff Road
Tops Markets LLC appealed to construct a 210' x 273' one-story grocery store building and a 328 space parking lot in a Local Retail Business District and a Two-Family District; subject to conditions.

The following appeals were **Denied**:

Calendar No. 02-241: 13228 Lorain Avenue
Keith Balski appealed to construct a 20' x 30' one-story garage with a 14' x 20' concrete parking area to the rear of a 20' x 40' office building in a General Retail Business District.

Calendar No. 02-198: 15409 St. Clair Avenue
Timothy McGuinness appealed to change the use of a 43' x 68' one-story print shop building into an auto detailing shop and retail store on a 49' x 83' parcel in a Local Retail Business District.

The following appeals were **Postponed**:

Calendar No. 02-238: 14500 Puritas Avenue postponed to November 4, 2002.

Calendar No. 02-239: 16606 South Waterloo Road postponed to October 28, 2002.

Calendar No. 02-194: 2097 West 28th Street postponed to November 18, 2002.

Calendar No. 02-195: 2712 Chatham Avenue postponed to November 18, 2002.

On Monday, September 30, 2002, in Executive Session:

The following appeals were heard by the Board on Monday, September 23, 2002, and said decisions were adopted and approved in Executive Session on September 30, 2002:

The following appeals were **Approved**:

Calendar No. 02-227: 12219 Iowa Avenue
Adell and Mary Hobson appealed to enclose an 8' x 20' front porch of a two dwelling house in a One-Family District.

Calendar No. 02-229: 4140 East 113th Street
Judge Carter appealed to construct a 30' x 30' one-story detached garage to the rear of a two-story house on a 40' x 142' parcel in a Two-Family District.

Calendar No. 02-233: 7400 Platt Avenue
Mount Herman Good Samaritan Foundation appealed to install 132 linear feet of 7' high chain link fencing with 1' of barbed wire to the north of an irregular shaped corner parcel in a Multi-Family District; with condition that fence height and material will be 6' chain link.

Calendar No. 02-234: 19108 Kildeer Avenue
Ante Valentic appealed to construct a 19' x 24' one-story, frame attached garage to a 20' x 40' one dwelling house on a 50' x 100' parcel in a Two-Family District; with condition that appellant comply with required interior side yard setback.

Calendar No. 02-189: 716 East 156th Street
Cleveland Catholic Diocese appealed to install a 14' x 50' one-story modular, free-standing classroom building on a 120' x 157' parcel in a Two-Family District; subject to condition that fence and landscaping buffer are included.

The following appeal was **Denied**:

Calendar No. 02-226: 4460 Douse Avenue
S.C. Baumgartner, executor of the Estate of Mary K. Brumfield, appealed to construct a 14' x 24' one-story attached garage to a 23' x 45' one dwelling house on a 40' x 120' parcel in a Two-Family District.

Calendar No. 02-230: 3309 West 162nd Street
Raymond A. Murray appealed to install 64 linear feet of 6' high wood fencing to the north side yard of a 40' x 120' parcel in a One-Family District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
September 25, 2002

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

* * *

Docket A-89-02.

RE: Appeal of Alan G. Dylag, Owner of the Property located on the premises known as 4171 Ridge Road from a NOTICE OF VIOLATION—FIRE CODE of the Chief of the Division of Fire, dated May 14, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 4171 Ridge Road to the Division of Fire for supervision and any required further action and continued cooperation with the Appellant. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-99-02.

RE: Appeal of Empigard Metal Finishing, Inc., Owner of the Property located on the premises known as 2800-01 Grand Avenue from a NOTICE OF VIOLATION—FIRE CODE of the Chief of the Division of Fire, dated February 19, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the requested "Extension Of Time", noting that monthly progress reports will be submitted and that quarterly inspections will be conducted by the Fire Prevention Bureau and that the Appellant will comply with the April 25th, 2002 schedule. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-117-02.

RE: Appeal of Adolph & Betty Karafiat, Owners of the Two Dwelling Units/Repair Garage Two & One/half Story Frame & One Story Property located on the premises known as 3852 Ridge Road from a NOTICE OF VIOLATION—NO PERMIT of the Commissioner of the Division of Building and Housing, dated June 20, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled for October 23, 2002.

* * *

Docket A-123-02.

RE: Appeal of Charles Minadeo, Owner of the Jay Hotel located on the premises known as 2515 Jay Avenue from a CERTIFICATE OF OCCUPANCY NO. 14464 of the Commissioner of the Division of Building and Housing, dated July 31, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-123-02 has been POSTPONED; to be rescheduled for October 9, 2002.

* * *

Docket A-140-02.

RE: Appeal of Dollar Bank, Mortgagee of the Two & One-half Story Wood Frame Residential Property located on the premises known as 465 East 149th Street (a.k.a. 465-67 East 149th Street) from a 30 DAY FIRE CONDEMNATION ORDER—MS of the Commissioner of the Division of Building and Housing, dated August 7, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-140-02 has been WITHDRAWN at the request of the Appellant.

* * *

APPROVAL OF RESOLUTIONS:

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

- A-122-02—Commissioners, Cuyahoga County of Ohio.
- A-139-02—Wendell Collins.
- A-144-02—Go Bop, Inc.
- A-146-02—Spanish American Community.
- A-147-02—D-N-J Auto Sales.

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Not Voting: Mr. Sullivan. Absent: 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):

September 30, 2002

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Not Voting: Mr. Sullivan. Absent: 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, October 16, 2002
1:00 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, October 16, 2002, at 1:00 p.m., to consider the following ordinance now pending in the Council:

Ord. No. 1933-02.

By Council Member Sweeney.
An ordinance to change the zoning of properties bounded by Maplewood Avenue, West 192nd Street, Forestwood Avenue, and West 198th Street to a Semi-Industry District, a "C" area district, and a "2" height district. (Map Change No. 2059, Sheet No. 13)

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 2, 2002 and October 9, 2002

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employ-

ment 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, OCTOBER 9, 2002

Barkwill Park Site Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1013-02, as amended by Ordinance No. 1394-02.

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

Exterminating Services, for various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1065-02, (pending).

September 25, 2002 and October 2, 2002

WEDNESDAY, OCTOBER 16, 2002

Paint and Paint Supplies, for various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1264-02, (pending).

Rock Salt & Chemical De-Icer, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 1374-02, passed by the Council of the City of Cleveland, August 14, 2002.

September 25, 2002 and October 2, 2002

THURSDAY, OCTOBER 17, 2002

Fire Station #39, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 838-02.

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

THERE WILL BE A PRE-BID MEETING ON TUESDAY, OCTOBER 8, 2002 AT 10:00 A.M., LOCATED AT FIRE STATION #39, 15637 LORAIN AVENUE, CLEVELAND, OHIO.

Photo Lab Supplies (Photography Materials & Supplies), for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1103-02, passed by the Council of the City of Cleveland, on June 17, 2002.

September 25, 2002 and October 2, 2002

FRIDAY, OCTOBER 18, 2002

Fasteners, for various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1065-02, (pending).

Two (2) X-Ray System with Entrance/Exit Tables & Installation, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 497-01, passed by the Council of the City of Cleveland, on May 21, 2001.

Standard Wire, for various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1070-02, passed by the Council of the City of Cleveland, on June 17, 2002.

September 25, 2002 and October 2, 2002

WEDNESDAY, OCTOBER 23, 2002

Mowers Parts & Cutting Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 918-02, passed by the Council of the City of Cleveland, June 17, 2002.

Two (2) Wheel Loaders & One (1) Backhoe Loader, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1262-02, passed by the Council of the City of Cleveland, July 17, 2002.

September 25, 2002 and October 2, 2002

FRIDAY, NOVEMBER 15, 2002

Maintenance & Repair of Water Pumps Including Electric Motors, Controls & Appurtenances, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2360-01, passed by the Council of the City of Cleveland, March 8, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING AT 10:00 A.M. ON WEDNESDAY, OCTOBER 9, 2002 IN THE CONFERENCE ROOM OF THE CROWN WATER PLANT, LOCATED AT 955 CLAGUE ROAD, WESTLAKE, OHIO 44145.

September 25, 2002 and October 2, 2002

WEDNESDAY, OCTOBER 23, 2002

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

October 2, 2002 and October 9, 2002

WEDNESDAY, OCTOBER 30, 2002

Phase IIElectrical Parts/Labor & Materials Necessary to Maintain, Repair and Modify Airfield Parking and Terminal Lighting System, for Various Divisions, Department of Port Control, as authorized by Ordinance No. 124-02, passed by the Council of the City of Cleveland, March 25, 2002.

Lamps, for Various Divisions, Department of Finance, as authorized by Ordinance No. 1063-02, passed by the Council of the City of Cleveland, September 16, 2002.

October 2, 2002 and October 9, 2002

THURSDAY, OCTOBER 31, 2002

One (1) Cab/Chassis With Flat Bed/Sanitation Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance

No. 1262-02, passed by the Council of the City of Cleveland, July 17, 2002.

One (1) Cab/Chassis With Aerial Bucket Device, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1262-02, passed by the Council of the City of Cleveland, July 17, 2002.

Automotive and Truck Batteries, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 916-02, passed by the Council of the City of Cleveland, July 17, 2002.

October 2, 2002 and October 9, 2002

FRIDAY, NOVEMBER 1, 2002

Chrysler Parts & Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 990-02, passed by the Council of the City of Cleveland, June 17, 2002.

Ford Truck Parts & Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 983-02, passed by the Council of the City of Cleveland, June 17, 2002.

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1752-01.

By Councilman Melena.

An emergency resolution authorizing the Mayor to sign a dedication plat for Denison Avenue S.W. widening at the Northeast corner of West 73rd Street.

Whereas, the City of Cleveland owns the land for the Denison Avenue S.W. widening; and;

Whereas, it is required that a plat be signed by the Mayor on behalf of the City of Cleveland dedicating to public use the land for the Denison Avenue S.W. widening;

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

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

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

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

Adopted September 23, 2002.
Effective September 26, 2002.

Res. No. 1896-02.

By Council Member Conwell.

An emergency resolution designating the second Wednesday of October of each year as "Disability Awareness Day".

Whereas, October is National Disability Month; and

Whereas, Council Member Kevin Conwell and Goodwill Industries of Greater Cleveland, Inc. are organizing the City of Cleveland's first annual "Disability Awareness Day" to be held on Wednesday, October 9, 2002 in the City Hall Rotunda;

Whereas, the purpose of this event is to sensitive and educate the community about people with disabilities and to provide various information;

Whereas, this Council desires to designate the second Wednesday of October of each year as "Disability Awareness Day" in the City of 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 designates the second Wednesday of October of each year as "Disability Awareness Day" in 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.

Adopted September 23, 2002.
Effective September 26, 2002.

Res. No. 1897-02.

By Council Member White.

An emergency resolution declaring the Cleveland City Council's support of the proposal of Union Miles HDAP 2002 to the Ohio Housing Finance Agency for the use of Housing Development Assistance Program Funds to develop affordable housing units in the City of Cleveland.

Whereas, each year the Ohio Housing Finance Agency allocates funding for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, the Council of the City of Cleveland has recognized the need to maintain affordable housing in our neighborhoods; and

Whereas, Union Miles HDAP 2002 is proposing to develop up to 10 single-family homes in the City of Cleveland; and

Whereas, 100% of these units will be occupied by families with incomes at or below 80% of the area median income, with no market rate units; and

Whereas, the Union Miles HDAP 2002 project will benefit the citizens of the City; and

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

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

Section 1. That the Council of the City of Cleveland supports the proposal of Union Miles HDAP 2002 to provide affordable housing for the

citizens of Cleveland through the use of funding from the Housing Development Assistance Program of the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Director of Cleveland Housing Network.

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

Adopted September 23, 2002.
Effective September 26, 2002.

Res. No. 1898-02.
By Council Member Cimperman.
An emergency resolution encouraging the Department of Housing and Urban Development to list Carter Manor Apartments as a building for elderly only.

Whereas, historically elderly tenants have occupied the Carter Manor Apartments, located at 1012 Prospect Avenue in the City of Cleveland; and

Whereas, the Department of Housing and Urban Development currently does not list the Carter Manor Apartments as an "elderly only" apartment building; and

Whereas, recently, families have requested to move into the Carter Manor Apartments; and

Whereas, the Carter Manor Apartment building is not designed for families or for children in that there are no play areas for children and the units are either efficiencies or one-bedroom apartments; and

Whereas, if HUD lists the Carter Manor Apartments as "elderly only", then families would know beforehand that this building is not suitable for them; and

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

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

Section 1. That the Council of the City of Cleveland hereby encourages the Department of Housing and Urban Development to list Carter Manor Apartments as a building for elderly only.

Section 2. That the Clerk of Council is hereby directed to forward a copy of this resolution to the Director of Housing and Urban Development.

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

Adopted September 23, 2002.
Effective September 26, 2002.

Res. No. 1899-02.
By Council Member Jackson.
An emergency resolution declaring this Council's support of Burten, Bell, Carr Development Corporation's East Central Place Phase II proposal to the State of Ohio's Housing Development Assistance Program.

Whereas, each year the Ohio Housing Finance Agency allocates funds for affordable housing developments through the Housing Development Assistance Program throughout Ohio using a competitive proposal process; and

Whereas, the Burten, Bell, Carr Development Corporation intends to develop East Central Place Phase II, which will consist of ten new market rate homeownership units to be sold to buyers whose incomes are at or below eighty percent of the Area Median Income; and

Whereas, Burten, Bell, Carr Development Corporation intends to apply for funds from this state program for this project; and

Whereas, the Burten, Bell, Carr Development Corporation's proposal will benefit the citizens of the City; 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 the Council hereby declares its support of Burten, Bell, Carr Development Corporation's East Central Place Phase II proposal to the State of Ohio's Housing Development Assistance Program.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Executive Director of the Burten, Bell, Carr Development Corporation.

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

Adopted September 23, 2002.
Effective September 26, 2002.

Res. No. 1900-02.
By Council Member Scott.
An emergency resolution objecting to the transfer of ownership of a C2, C2X and D6 Liquor Permit to 1208 East 105th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2, C2X and D6 Liquor Permit from Strongsville Tobacco Trading Co., Inc., DBA Tobacco Gourmet, Mail Area, Cleveland Hopkins International Airport, Cleveland, Ohio 44136 Permanent Number 8649414 to Tune Palace, Inc., DBA Variety Store, 1208 East 105th Street, Cleveland, Ohio 44108, Permanent Number 9093566; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit from Strongsville Tobacco Trading Co., Inc., DBA Tobacco Gourmet, Mail Area, Cleveland Hopkins International Airport, Cleveland, Ohio 44136 Permanent Number 8649414 to Tune Palace, Inc., DBA Variety Store, 1208 East 105th Street, Cleveland, Ohio 44108, Permanent Number 9093566; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 23, 2002.
Effective September 26, 2002.

Res. No. 1901-02.
By Council Members Johnson and Britt.

An emergency resolution urging the Director of Public Safety to conduct a security audit at Jaelot Senior Citizens High Rise apartment building and further urging the management of said apartment building to provide uniformed security for its residents.

Whereas, the Jaelot Senior Citizens High Rise apartment building is located at 12730 Shaker Boulevard in the City of Cleveland; and

Whereas, there have recently been increased instances of crime in and around the Jaelot Senior Citizens High Rise apartment building; and

Whereas, it is important for the Director of Public Safety to determine whether additional security is needed at the Jaelot; and

Whereas, it is incumbent upon the management of the Jaelot apartment building to ensure the safety of its residents; 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 urges the Director of Public Safety to conduct a security audit at Jaelot Senior Citizens High Rise apartment building and further urges the management of said apartment building to provide uniformed security for its residents.

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

Adopted September 23, 2002.
Effective September 26, 2002.

Ord. No. 1537-02.
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). 121-17-042 and 121-17-043, 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. 121-17-042
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as the Northerly 30 feet of Sublot No. 22, Sayle's Subdivision, Plat Book 3, Page 50, Cuyahoga County Records, 30 feet on the Easterly side of East 100th Street, 176.97 feet on the Northerly line, 176.93 feet on the Southerly line, 30 feet rear, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 121-17-043
Parcel No. 1

Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 21 in Thomas H. Sayle's Subdivision of part of Original One Hundred Acre Lot No. 409, as shown by the recorded plat in Volume 3 of Maps, Page 50 of Cuyahoga County Records and being 60 feet front on the Westerly side of Streator Avenue (now known as East 100th Street) 177 feet 11-5/8 inch deep on the Northerly line, 176 feet 11-5/8 inches deep on the Southerly line and 60 feet in the rear, be the same more or less, but subject to all legal highways.

Parcel No. 2
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 20 in Thomas H. Sayle's Subdivision of part of Original One Hundred Acre Lot No. 409, as shown by the recorded plat in Volume 3 of Maps, Page 50 of Cuyahoga County Records and being a parcel of land bounded and described as follows:

Beginning at the Northwesterly corner of said Sublot No. 20; thence Easterly along the Northerly line of said Sublot No. 20, 37 feet 1-3/8 inches; thence Southerly on a line parallel to the Westerly line of said Sublot No. 20, 60 feet to the Southerly line of said Sublot No. 20; thence Westerly along the Southerly line of said Sublot No. 20, 37 feet 1/2 inch to the Southwesterly corner thereof; thence Northerly along the Westerly line of said Sublot No. 20, 60 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 September 23, 2002.
Effective September 26, 2002.

Ord. No. 1710-02.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by contract or contracts of a software-update package for the existing document management system, including implementation, necessary server licenses, update licenses, and client licenses, for the Department of Law.

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 Law is authorized to make one or more written contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: a software-update package for the existing document management system, which update package shall include implementation, all necessary server licenses, update licenses, and client licenses, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Department of Law.

Section 2. 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 Law 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 contract or contracts with the vendors selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 100369.

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 September 23, 2002.
Effective September 26, 2002.

Ord. No. 1711-02.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one large format printer/scanning system, for the Division of Printing and Reproduction, Department of Finance.

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

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

Section 1. That the Director of Finance is authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one large format printer/scanning system, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Printing and Reproduction, Department of Finance.

Section 2. That the cost of said contract authorized shall be paid

from Fund No. 11 SF 006, Request No. 123769.

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

Passed September 23, 2002.
Effective September 26, 2002.

Ord. No. 1712-02.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by contract of high capacity paper drill, for the Division of Printing and Reproduction, Department of Finance.

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

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

Section 1. That the Director of Finance is authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: high capacity paper drill, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Printing and Reproduction, Department of Finance.

Section 2. That the cost of said contract authorized shall be paid from Fund No. 11 SF 006, Request No. 123767.

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

Passed September 23, 2002.
Effective September 26, 2002.

Ord. No. 1715-02.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one high speed envelope press, for the Division of Printing and Reproduction, Department of Finance.

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

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

Section 1. That the Director of Finance is authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one high speed envelope press, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Printing and Reproduction, Department of Finance.

Section 2. That the cost of said contract authorized shall be paid from Fund No. 11 SF 006, Request No. 123768.

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

Passed September 23, 2002.
Effective September 26, 2002.

Ord. No. 1720-02.
By Council Members Jones, Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into an agreement with the City of Warrensville Heights in order for the City of Cleveland to make the public improvement of grinding and resurfacing East 190th Street/Evanston Avenue, including the installation of ADA ramps.

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

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

Section 1. That the Director of Public Service is authorized to enter into an agreement with the City of Warrensville Heights for the City of Cleveland to make the public improvement of grinding and resurfacing East 190th/Evanston Avenue, including the installation of ADA ramps. The agreement shall provide that the City of Warrensville Heights will pay the City of Cleveland for the portion of the improvement which is located in the City of Warrensville Heights.

Section 2. That the agreement shall be prepared by the Director of Law and shall contain such additional terms and conditions as are necessary to protect the public interest.

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

Passed September 23, 2002.
Effective September 26, 2002.

Ord. No. 1721-02.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance to amend Section 3 of Ordinance No. 610-01, passed May 21, 2001, as amended by Ordinance No. 1255-01, passed June 19, 2001, relating to crack sealing material.

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 3 of Ordinance No. 610-01, passed May 21, 2001, as amended by Ordinance No. 1255-01, passed June 19, 2001, is amended to read as follows:

Section 3. That pursuant to Section 108(b) of the Charter, the pur-

chase authorized by this ordinance may be made through cooperative agreement using state procedures.

a. The Director of Public Service is authorized to request authority in the name of the City of Cleveland to participate in the Ohio Department of Transportation contracts for the purchase of machinery, materials, supplies or other articles pursuant to Revised Code Section 5513.01(B).

b. The Director is authorized to agree in the name of the City of Cleveland to be bound by all contract terms and conditions as the Ohio Department of Transportation prescribes.

c. The Director is authorized to agree in the name of the City of Cleveland to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City participates, for items it receives pursuant to the contract.

d. The City of Cleveland agrees to hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising out of participation in a contract pursuant to Revised Code Section 5513.01(B).

Section 2. That existing Section 3 of Ordinance No. 610-01, passed May 21, 2001, as amended by Ordinance No. 1255-01, passed June 19, 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.

Passed September 23, 2002.
Effective September 26, 2002.

Ord. No. 1723-02.
By Council Members Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with Boston Mills Ski Resort, Inc. to provide youth ski lessons for the 2003 ski season, for the Division of Recreation, Department of Parks, Recreation and Properties.

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 enter into contract with Boston Mills Ski Resort, Inc. to provide youth ski lessons for the 2003 ski season, in the total sum of \$28,000.00, payable from Fund No. 01-700401-638000, Request No. 106791.

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.

Passed September 23, 2002.
Effective September 26, 2002.

Ord. No. 1760-02.**By Council Members Johnson, White and Jackson (by departmental request).****An emergency ordinance to amend Section 133.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 925-96, passed June 10, 1996, relating to parking fees.**

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 133.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 308-96, passed June 10, 1996, is amended to read as follows:

Section 133.33 Parking Fees

(a) The Commissioner of Parking Facilities shall cause to be collected fees and charges at the following parking facilities in accordance with the following schedule:

- | | | |
|--|--|--------------|
| (1) Willard Park Garage: | | |
| A. | First hour or portion thereof | \$2.08 |
| B. | Each additional half hour or portion thereof | 1.16 |
| C. | Daily maximum rate from 6 A.M. to 11:00 p.m. | up to 8.10 |
| D. | Additional overnight charge from 11:00 p.m. to 6 A.M. | up to 8.10 |
| E. | General monthly rate | up to 143.52 |
| F.1. | Special monthly rate for City employees | 50.93 |
| F.2. | Special monthly rate for federal, state and county employees | 64.81 |
| G. | Special events (flat rate — pay enter) | up to 15.00 |
| H. | Charge for lost or stolen key card | 50.00 |
| I. | Returned check charge | 15.00 |
| J. | Late payment charge | 5.00 |
| K. | Early Bird Rate (time to be determined by the Director of Parks, Recreation and Properties) | up to 8.00 |
| (2) Cleveland Convention Center Garage: | | |
| A. | First hour or portion thereof | 2.08 |
| B. | Each additional half hour or portion thereof | 1.16 |
| C. | Daily maximum rate from 6 A.M. to 11:00 p.m. | up to 7.18 |
| D. | Additional overnight charge from 11:00 p.m. to 6 A.M. | up to 7.18 |
| E. | General monthly rate (the number of key cards may be limited at the discretion of the Commissioners of the Convention Center and Parking Facilities) | up to 157.41 |
| F. | Special events (flat rate — pay enter) | up to 15.00 |
| G. | Charge for lost or stolen key card | 50.00 |
| H. | Returned check charge | 15.00 |
| I. | Late payment charge | 5.00 |
| J. | Early Bird Rate (time to be determined by the Director of Parks, Recreation and Properties) | up to 8.00 |
| (3) Canal Basin Lot: | | |
| A. | Daily rate from 6 A.M. to 6:00 P.M. (flat rate — pay enter) | up to 1.85 |
| B. | General monthly rate (weekdays between 6 A.M. and 6 P.M.) | 37.04 |
| C. | Special events, weekdays between 6:00 P.M. and 6 A.M., weekends and holidays (flat rate — pay enter) | up to 10.00 |
| D. | Returned check charge | 15.00 |
| E. | Late payment charge | 5.00 |
| F. | Charge for lost or stolen key card | 50.00 |
| (4) North Coast Municipal Parking Lot: | | |
| A. | Daily rate (flat rate — pay enter) | up to 2.08 |
| B. | City of Cleveland employees | no charge |
| C. | General monthly rate — non-City of Cleveland employees | up to 41.67 |
| D. | Special events (flat rate — pay enter) | up to 15.00 |
| E. | Charge for lost or stolen key card | 50.00 |
| F. | Returned Check Charge | 15.00 |
| G. | Late Payment Fee | 5.00 |

(b) Wherever the schedule contained in division (a) of this section specifies a maximum fee, the fee to be charged shall be fixed by the Commissioner of Parking Facilities with the consent of the Director of Parks, Recreation and Properties up to the maximum specified.

(c) Monthly rate customer parking privileges at Willard Park Garage, Cleveland Convention Center Garage, Canal Basin Lot and North Coast Municipal Parking Lot do not include entry to these garages and lots for special events held on weekends, holidays or after 6 P.M. on weekdays.

(d) Fees collected from the Willard Park Garage, Canal Basin Lot, North Coast Municipal Parking Lot, shall be credited to the Division of Parking Facilities Enterprise Fund for general operations. Fees collected from the Convention Center Garage shall be credited to the Convention Center Enterprise Fund for general operations.

(e) The Commissioner of Parking Facilities is authorized to enter into an agreement with the Commissioner of the Convention Center for the operations, management and collection of parking fees at the Convention Center Garage.

(f) The Commissioner of Parking Facilities shall fix and collect such fees and charges as the Commissioner shall determine at parking facilities not identified in division (a) of this section but under the Commissioner's control until such time as the Council and the Board of Control fix fee schedules for such parking facilities.

(g) Notwithstanding any provision in this section to the contrary, the Commissioner of Parking Facilities shall:

(1) Designate ten (10) parking spaces in Willard Garage located as close as practical to the entrance to City Hall to be assigned by the Director of Parks, Recreation and Properties to City employees with the greatest number of years seniority as a City employee;

(2) Designate at least ten (10) parking spaces located either in the North Mall Lot or in Willard Garage for City employees to park their vehicles at no cost for a maximum of forty-five (45) minutes when required by their jobs to visit City Hall for a short period of time during the work day; and

(3) Designate a sufficient number of parking spaces located either in the North Mall Lot or in Willard Garage for City employees who are employed to clean City Hall and who commence work at 3:00 p.m. or later and work later than the closing of Willard Garage.

(h) In addition to the schedule contained in division (a) of this section, the Commissioner of Parking Facilities may enter into agreements with the sponsors of events that wish to reserve specific parking spaces in the Willard Park Garage, the Cleveland Convention Center Garage or the North Coast Municipal Parking Lot that provide for the payment by the sponsor of up to thirty dollars (\$30.00) per parking space.

Section 2. That existing Section 133.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 308-96, passed April 1, 1996, is repealed.

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

Passed September 23, 2002.

Effective September 26, 2002.

Ord. No. 1841-02.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more cost recovery companies to identify credits and refunds due the City of Cleveland from errors relating to utility billings and to provide an analysis with cost-reducing recommendations for consideration by the City.

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

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

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

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

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

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

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

Passed September 23, 2002.

Effective September 26, 2002.

Ord. No. 1842-02.
By Council Member Jackson (by departmental request).

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

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of exterminating services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items

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

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

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

Passed September 23, 2002.

Effective September 26, 2002.

Ord. No. 1893-02.
By Council Member Conwell.
An emergency ordinance amending Section 3 of Ordinance No. 287-02, passed March 4, 2002 as it pertains to authorizing the expenditure of moneys raised by taxation to provide, or assist in providing housing pursuant to Section 16 of Article VIII, Ohio Constitution.

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 3 of Ordinance No. 287-02, passed March 4, 2002 is amended to read respectively as follows:

Section 3. That the cost of said contract shall be in an amount not to exceed \$320,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 3 of Ordinance No. 287-02, passed March 4, 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 September 23, 2002.
Effective September 26, 2002.

Ord. No. 1894-02.

By Council Member Westbrook.

An emergency ordinance amending Section 2 of Ordinance No. 2386-01, passed December 3, 2001 as it relates to the Neighborhood Priorities Program through the use of Ward 18 Neighborhood Equity Funds.

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

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

Section 1. That Section 2 of Ordinance No. 2386-01, passed December 3, 2001 is hereby amended to read respectively as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$40,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 2386-01, passed December 3, 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.

Passed September 23, 2002.
Effective September 26, 2002.

Ord. No. 1895-02.

By Council Member Jackson.

An emergency ordinance authorizing the Clerk of Council to enter into contract with one or more professional consultants to provide professional services necessary to design, implement, maintain, and update Cleveland City Council's web page and internet 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 the Clerk of Council is hereby authorized to enter into contract with one or more professional consultants to provide professional services necessary to design, implement, maintain, and update Cleveland City Council's web page and internet services.

Section 2. That the costs for such services shall not exceed \$25,000 and shall be paid from Fund No. 01 SF 001 (RL #100015).

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

Passed September 23, 2002.
Effective September 26, 2002.

COUNCIL COMMITTEE MEETINGS

**Monday, September 30, 2002
11:00 A.M.**

Employment, Affirmative Action and Training Committee: Present: Lewis, Chair; Conwell, Vice Chair; Reed, Cintron, Polensek, Coats. Excused: Johnson.

**Monday, September 30, 2002
2:00 P.M.**

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

**Tuesday, October 1, 2002
9:30 A.M.**

Community and Economic Development Committee: Present: Gordon, Chair; Cimperman, Vice Chair; Reed, Zone, Lewis, Jones, Coats. Excused: Scott, Cintron.

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