

The City Record

Official Publication of the City of Cleveland

December the Eighteenth, 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

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 Karen E. Martines, Law Librarian, Room 100

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 Frank Badalamenti, Manager, Internal Audit

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

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

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

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

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

DIVISIONS: Architecture - Kurt Weibusch, Commissioner, Room 517
 Engineering and Construction - Randall E. DeVaul, Commissioner, Room 518
 Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards Streets - 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.

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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 Wiebusch, James Gibans, Sandra Morgan, Hunter Morrison, Theodore Sande, Galen Schuerlein, Randall Shorr, Councilman Joseph Cimperman, Dwayne J. Simpson, Robert Keiser, Executive Secretary.

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

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	13C
Judge Ronald B. Adrine	15A
Judge C. Ellen Connally	15C
Judge Sean C. Gallagher	12C
Judge Emanuella Groves	12B
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Mary E. Kilbane	14C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	15B
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, DECEMBER 18, 2002

No. 4645

CITY COUNCIL

MONDAY, DECEMBER 16, 2002

The City Record

Published weekly under authority of the Charter of the City of Cleveland
Subscription (by mail) \$75.00 a year
January 1 to December 31
Interim subscriptions prorated
\$6.25 per month
Address all communications to

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, December 16, 2002.

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

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

Also present were Mayor Campbell and Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Draper, Hudecek, Romero, Sims, Taylor, Wisham, Guzman, Ronayne, Acting Directors Carroll, Glending; Executive Assistants Jenkins, McGuirk, Tame, Mueller, Celeste Glasgow, Director of Communications; Margaret A. Jackson, Legislative Affairs Liaison; Jeffrey D. Johnson, Erik Janas, Inter-Governmental Affairs Officers, Paula Morrison.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Pastor Walthor Mercis of St. John Lutheran Church, located at 17403 Nottingham Road in Ward 11. Pledge of Allegiance.

MOTION

On the motion of Council Member O'Malley the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Britt.

COMMUNICATIONS

File No. 2487-02.

From Vorys, Sater, Seymour and Pease LLP re: PUCO Case No. 02-2760-HT-AEC, Dominion Cleveland Thermal, LLC Approval of One Additional Interruptible Steam Service Agreement. Received.

File No. 2488-02.

From Vorys, Sater, Seymour and Pease LLP re: PUCO Case No. 02-2758-HT-AEC, Dominion Cleveland Thermal, LLC, Approval of Two Additional Standard Steam Service Agreements. Received.

File No. 2489-02.

From the Ohio Environmental Protection Agency — notice of receipt of Clean Water Act Section 401 application. Received.

File No. 2490-02.

From the National City Community Development — 20th Anniversary celebration. Received.

File No. 2492-02.

From the Department of Public Utilities — Contract No. 59070A — M. DiGioia Co. — completed and accepted July 25, 2002.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 2491-02.

Re: New Application — 84189841820 — Speedway Superamerica, LLC, d.b.a. Speedway 9338, 15520 Munn Road. (Ward 21). Received.

File No. 2493-02.

Re: New Application — 7685745 — Salina, Inc., d.b.a. Broadway Deli, 4643 Broadway Avenue. (Ward 5). Received.

File No. 2494-02.

Re: New Application — 84189840260 — Speedway Superamerica, LLC, d.b.a. Speedway #3341, 2202 Broadview Road. (Ward 15). Received.

File No. 2495-02.

Re: New Application — 0534829 — Digat, LLC, d.b.a. B & D Deli, 12417 Cooley Avenue. (Ward 19). Received.

File No. 2496-02.

Re: Transfer of Ownership Application — 5597519 — Marwha Corp., d.b.a. Union Supermarket, 7527 Union Avenue. (Ward 12). Received.

File No. 2497-02.

Re: Stock Transfer Application — 2394393 — Eaman, Inc., d.b.a. Gas USA, 3101 Scranton Road. (Ward 14). Received.

**STATEMENT OF WORK
ACCEPTED**

File No. 2498-02.

From the Department of Parks, Recreation and Properties — Contract PI #58463A — Greenwood Park Site Improvements. Received.

File No. 2499-02.

From the Department of Parks, Recreation and Properties — Contract PI #59474 — Morganic Gardens Site Improvements. Received.

File No. 2500-02.

From the Department of Parks, Recreation and Properties — Contract PI #59072 — Neff Park Aquatic Playground & Site Improvement. Received.

File No. 2501-02.

From the Department of Public Service — Contract No. 59393 — Ridge Road Transfer Station Reconstruction Project. Received.

File No. 2502-02.

From the Department of Public Service — Contract No. 59731 — Ridge Road Transfer Station Landscaping Redesign Project. Received.

File No. 2503-02.

From the Department of Public Utilities — Contract No. 58271 A & B — DiGioia - Suburban Excavating, LLC — completed and accepted August 13, 2002. Received.

File No. 2504-02.

From the Department of Public Utilities — Contract No. 57843 — Crown Site Improvement and Landscaping — accepted October 3, 2002. Received.

File No. 2505-02.

From the Public Utilities Department — Contract No. 57388 — Nottingham Blower/Guardhouse — accepted October 4, 2002. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 2506-02—Steve Modrzynski.

Res. No. 2507-02—John Williams.

Res. No. 2508-02—Samuel Johnson.

Res. No. 2509-02 — Walter Lee Glenn Sr.

CONGRATULATION RESOLUTION

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

Res. No. 2510-02—Marty Hiller.

RECOGNITION RESOLUTIONS

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

Res. No. 2511-02 — Gregory W. Schade.

Res. No. 2512-02—Simmie M. Davis.

Res. No. 2513-02 — Yvonne Pointer Triplett.

Res. No. 2514-02—Thomas Bier, Ph.D.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 2450-02.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into amendments to contracts with SBC Global Services, Inc. for Centrex telephone services.

Whereas, Ordinance No. 2152-02, passed December 9, 2002, authorized the Director of Finance to employ one or more consultants to conduct a City-wide data and voice systems network assessment; to develop a City-wide data and voice system strategic plan; and to provide data and voice system integration services, including but not limited to program implementation and management, hardware and software configuration and programming services; and

Whereas, until completion of the assessment, development of a data and voice strategic plan and full implementation of the strategic plan, it is necessary to renew and extend certain agreements with SBC Global Services, Inc. (formerly known as Ameritech Information Systems) to continue and maintain uninterrupted Centrex telephone services; 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 it is determined that the within service is non-competitive and cannot be secured from any source other than SBC Global Services, Inc. (formerly known as Ameritech Information Systems). Therefore, the Director of Finance is authorized to enter into amendments to the various agreements with SBC Global Services, Inc. for Centrex telephone services, to renew and extend the agreements, upon the existing terms and conditions, until January 5, 2004 and for such additional period as necessary to continue and maintain uninterrupted Centrex service until full implementation of the Citywide data and voice system strategic plan.

Section 2. That the cost of the amendments authorized by this ordinance shall be paid from Fund No. 70 SF 101, and from the fund or funds appropriated for this purpose in budget year 2003, Request No. 100349.

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. 2451-02.

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

An emergency ordinance determining the method of making the public improvement of replacing water mains and making various sewer repairs on the Euclid Corridor, and authorizing the Director of Public Utilities to enter into one or more contracts for the making of the 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, under Section 167 of the Charter of the City of Cleveland, the Council determines to make the public improvement of replacing water mains and making various sewer repairs on the Euclid Corridor, for the Divisions of Water and Water Pollution Control, Department of Public Utilities, by one or more contracts let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement provided however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. Upon request of the Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, SF 52 225, 52 SF 227, 54 SF 001, and from any funds or subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds which include and which are appropriated for this purpose, Request No. 131732.

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

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

Ord. No. 2452-02.

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

An emergency ordinance to amend the title and Sections 1, 2, and 3 of Ordinance No. 1072-02, passed July 17, 2002, relating to the public improvement of constructing the Rockwell Avenue Sewer Project.

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

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

Section 1. That the title and Sections 1, 2 and Section 3 of Ordinance No. 1072-02, passed July 17, 2002, is amended to read as follows:

An emergency ordinance determining the method of making the public improvement of constructing the Rockwell Avenue Sewer Project **and the Rockwell Avenue waterline;** and authorizing the Director of Public Utilities to enter into **one or more contracts** for the making of the improvement.

Section 1. That, **under** Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing the Rockwell Avenue Sewer Project, for the Division of Water Pollution Control, **and the Rockwell Avenue waterline for the Division of Water,** Department of Public Utilities, by contract let to the lowest responsible bidder **or bidders** after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into **one or more contracts** for the making of the public improvement with the lowest responsible bidder **or bidders** after competitive bidding upon a unit basis for the improvement provided however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 52 SF 001 and 54 SF 001, Request No. 109166.

Section 2. That the existing title and Sections 1, 2 and Section 3 of Ordinance No. 1072-02, passed July 17, 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 Utilities, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

Ord. No. 2453-02.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide general engineering 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 Director of Public Utilities is authorized to employ by contract or contracts one or more engineers or one or more firms of engineers 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 provide various general engineering services, on an as needed basis, to assist in the design and construction of capital projects including, but not limited to, the design, project and construction monitoring, inspection, environmental site assessments, identification of surface and subsurface conditions, preparation of reports, specialized technical assistance, construction administration and field service, for the division of Water, Department of Public Utilities.

The selection of the consultants for the services shall be made by the Board of Control upon the nomination of the Director of Public Utilities from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling the list. The compensation to be paid for the 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 Public Utilities, and certified by the Director of Finance.

Section 2. That the contract or contracts shall be on an as-needed basis in an amount not to exceed \$2,000,000.

Section 3. That the cost of the services contemplated shall be paid from Fund Nos. 52 SF 001, 52 SF 223, SF 52 225, 52 SF 227, and from any funds or subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds which include and which are appropriated for this purpose, Request No. 131733.

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

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

Ord. No. 2454-02.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of diving and underwater inspection services, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is authorized to

make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of diving and underwater inspection 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 Division Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 131799)

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. 2455-02.

By Council Member Britt.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Cleveland Clinic Foundation to encroach into the public right-of-way between Euclid Avenue and East 93rd Street with an underground pedestrian tunnel to connect their office building/parking garage and Heart Center Entry Plaza.

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 hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44195, for the construction, use and maintenance of an underground pedestrian tunnel to connect their office building/parking garage and Heart Center Entry Plaza facilities, which will encroach into the public right-of-way between Euclid Avenue and East 93rd Street and is described as follows:

**LEGAL DESCRIPTION OF THE
ENCROACHMENT AREA
BETWEEN EUCLID AVENUE
AND EAST 93RD STREET FOR THE
CLEVELAND CLINIC FOUNDATION'S
UNDERGROUND PEDESTRIAN
TUNNEL**

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and being a 46.00 foot wide encroachment across the 80.00 foot right-of-way of Euclid Avenue;

Said encroachment being more particularly described as follows:

Commencing for reference at a nail found at the intersection of the centerline of East 93rd Street and centerline of said Euclid Avenue;

Thence along the centerline of said Euclid Avenue, South 88°-24'-06" West, a distance of 72.22 feet to the TRUE point of beginning of the encroachment herein described;

Thence along the east line of the proposed encroachment, North 17°-16'-07" West a distance of 41.54 feet to a point on the northerly right-of-way line of said Euclid Avenue;

Thence along said right-of-way line and the north line of the proposed encroachment, South 88°-24'-06" West a distance of 47.78 feet to a point;

Thence along the west line of the proposed encroachment, South 17°-16'-07" East a distance of 83.08 feet to a point on the southerly right-of-way line of said Euclid Avenue;

Thence along said right-of-way and the south line of the proposed encroachment line, North 88°-24'-06" East a distance of 47.78 feet to a point;

Thence along the east line of the proposed encroachment line, North 17°-16'-07" West a distance of 41.54 feet to the TRUE point of beginning and containing 0.088 acres, more or less.

The elevation of Pedestrian Tunnel within above encroachment ranges from 672.0 feet to 655.4 feet based on Cleveland Regional Geodetic Survey along the entire length of said encroachment.

The above description was prepared under the direction of Michael D. Weeks, Professional Surveyor No. 7357.

The Basis of Bearing for this description is the centerline of Euclid Avenue, being South 88°-24'-06" West as shown in a survey made for the Cleveland Clinic Foundation by Christopher M. Soltes, Ohio Registered Surveyor No. 741, Dated March, 2002.

Section 2. That said underground pedestrian tunnel will be placed within the public right-of-way as aforesaid in Section 1, and will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction. That all other required permits, including a Building Permit, shall be obtained before said fence is constructed.

Section 3. That the Permit herein authorized shall reserve right of ingress and egress to the City of Cleveland and that said Permit shall require the Permittee to provide Commercial General Liability Insurance, including Completed Operations Coverage, and that the Permittee shall maintain the permitted encroachment area, and that the

Permittee shall pay any applicable taxes and assessments due and owing on the permitted encroachment area.

Section 4. That the permit herein authorized shall be by the Director of Law and shall be issued only when, in prepare the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

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

Ord. No. 2456-02.

By Council Member Cimperman.

An emergency ordinance to vacate a portion of West 21st Place hereinafter described.

Whereas, on the day of August 14, 2002, the Council of the City of Cleveland adopted Resolution No. 1390-02 declaring its intention to vacate a portion of West 21st Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1390-02 has been served upon the owners of all the property abutting West 21st Place affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments; and

Whereas, on the 30th day of October, 2002, the Board of Revision of Assessments approved the vacation of West 21st Place, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating West 21st Place, hereinafter described and that it will not be detrimental to the general interest and ought to be made; 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 all that portion of the following described real property: situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and described as being all that portion of West 21st Place (16.50 feet wide), extending Northerly from the Easterly prolongation of the Northerly line of Sublot Number 272 in the Willey Ville allotment as shown by the recorded plat in Volume 2 Page 16 of Cuyahoga County records, to that portion of West 21st Place vacated by the Council of the City of Cleveland by Ordinance Number 153-92, passed February 2, 1992, be and the same is hereby vacated.

Section 2. That there be and hereby is reserved to the City of Cleveland easements for existing Dominion East Ohio Gas equipment.

The description of the easement is as follows:

That portion of West 21st Place (16.50 feet wide), extending Northerly from the Easterly prolongation of the Northerly line of Sublot Number 272 in the Willey Ville allotment as shown by the recorded plat in Volume 2 Page 16 of Cuyahoga County records, to that portion of West 21st Place vacated by Council of the City of Cleveland by Ordinance Number 153-92, passed February 2, 1992.

That no structures shall be hereinafter erected on the premises described in this easement except those constructed in accordance with the approval of, and in compliance with, plans approved by Dominion East Ohio Gas.

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of West 21st Place, herein provided by sending him a copy of this Ordinance.

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

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

Ord. No. 2457-02.

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

An emergency ordinance determining the method of making the public improvement of constructing streetscape improvements in the Kamm's Corners area; authorizing the Director of Public Service to enter into one or more contracts for the making of the improvement; and authorizing the Director to employ one or more professional consultants to design the 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing streetscape improvements in the Kamm's Corners area on Lorain Avenue between West 165th Street and Old Lorain Road for the Department of Public Service, by one or more contracts let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the above public improvement with the lowest responsible

bidder after competitive bidding upon a unit basis for the improvement provided however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the Director of Public Service 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 design the improvement.

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

Section 5. That the cost of the improvement and the professional services authorized shall be paid from Fund Nos. 10 SF 166, 20 SF 181, 20 SF 190, 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, 20 SF 342, 20 SF 353, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, and from any funds or subfunds to which are credited the proceeds of any federal grants or general obligation bonds which include the above improvement and appropriated for this purpose, Request No. 113865.

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 Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Ord. No. 2458-02.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned excess highway property no longer needed for public use located South of Central Avenue adjacent to the Innerbelt/I-77 ramp to A.V.C. Parking and Management Co.

Whereas, the Director of Public Service has requested the sale of City-owned excess highway property no longer needed for public use located South of Central Avenue adjacent to the Innerbelt/I-77 ramp; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described City-owned excess highway property is no longer needed for public use:

Part of Permanent
Parcel No. 103-26-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 13 in Philo Scovill's Allotment of part of Original Ten Acre Lots No. 29, 30 and 31, as shown by the recorded plat in Volume 43 of Deeds, Page 758 of Cuyahoga County Records, and being further bounded and described as follows:

Beginning at a capped iron pin set in the Southerly line of Central Avenue, S.E., (66 feet wide), at the Northeasterly corner of Sublot No. 13, as aforesaid;

Thence South 11° 42' 56" West, along the Easterly line of said Sublot No. 13 a distance of 5.00 feet to a capped iron pin set;

Thence North 78° 17' 04" West, a distance of 60.00 feet to a point in the Westerly line of said Sublot No. 13;

Thence North 11° 42' 56" East, along said Westerly line a distance of 5.00 feet to a point in the Southerly line of Central Avenue;

Thence South 78° 17' 04" East, along said Southerly line a distance of 60.00 feet to the place of beginning and containing 0.007 acres (300 square feet) of land as surveyed by Stephen Hovancsek & Associates, Inc., Registered Surveyor No. 5160, State of Ohio, in April 2002, be the same more or less but subject to all legal highways.

The basis of bearing for this description is to an assumed meridian and used to denote angles only. All capped iron pins set are 5/8-inch diameter rebar, 30 inches long, with a plastic cap marked SH & A 5160.

Prior instrument reference: Volume 9488, Page 15

Lot Split of Permanent Parcel No. 103-26-009

Part of Permanent
Parcel No. 103-26-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 12 in Philo Scovill's Allotment of part of Original Ten Acre Lots No. 29, 30 and 31, as shown by the recorded plat in Volume 43 of Deeds, Page 758 of Cuyahoga County Records, and being further bounded and described as follows:

Beginning in the Southerly line of Central Avenue, S.E., (66 feet wide), at the Northeasterly corner of Sublot No. 12, as aforesaid;

Thence South 11° 42' 56" West, along the Easterly line of said Sublot No. 12 a distance of 5.00 feet

to a point;

Thence North 78° 17' 04" West, a distance of 10.21 feet to a capped iron pin set;

Thence South 78° 56' 16" West, a distance of 21.32 feet to a capped iron pin set;

Thence South 44° 04' 29" West, a distance of 28.27 feet to a capped iron pin set;

Thence North 11° 42' 56" East, a distance of 37.13 feet to a capped iron pin set in the Southerly line of Central Avenue;

Thence South 78° 17' 04" East, along said Southerly line a distance of 45.00 feet to the place of beginning and containing 0.014 acres (612 square feet) of land as surveyed by Stephen Hovancsek & Associates, Inc., Registered Surveyor No. 5160, State of Ohio, in April 2002, be the same more or less but subject to all legal highways.

The basis of bearings for this description is to an assumed meridian and used to denote angles only. All capped iron pins set are 5/8-inch diameter rebar, 30 inches long, with a plastic cap marked SH & A 5160.

Prior instrument reference: Volume 9079, Page 168

Lot Split of Permanent Parcel No. 103-26-008

Section 2. That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to A.V.C. Parking and Management Co. at a price not less than fair market value as determined by the Board of Control.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require. The deed shall also contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

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

Ord. No. 2459-02.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Department of Justice, Office of Criminal Justice Services, for the Caribbean Gang Task Force Program; and to enter into contracts necessary to implement the Program.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$80,256.00, from the Department of Justice, Office of Criminal Justice Services, to conduct the Caribbean Gang Task Force Program, for the purposes in the application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the application for the grant.

Section 2. That the application for the grant, File No. 2459-02-A, made a part as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$26,752.00, payable from Fund No. 10 SF 027, is approved in all respects.

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant authorized by this ordinance for the necessary items of equipment needed to implement the program, as described in the application. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the cost of the contract or contracts authorized by this ordinance shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance, the cash match authorized by this ordinance, and shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director.

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

Ord. No. 2460-02.
By Council Members Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice for the Local Law Enforcement Block Grant Program; and to enter into contracts necessary to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$1,537,393, from the U.S. Department of Justice, to conduct the Local Law Enforcement Block Grant Program, for the purposes in the application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the application for the grant.

Section 2. That the application for the grant, File No. 2460-02-A, made a part as if fully rewritten, including the obligation of the City of Cleveland to provide a cash match in the sum of \$170,821, payable from Fund No. 10 SF 027, is approved in all respects.

Section 3. That the Director of Public Safety is authorized to make one or more written requirement contracts under with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of equipment and supplies needed to implement the program. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 4. That the Director of Public Safety is authorized to employ by one or more contracts a consultant or firm 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 for data conversion, training, or other professional services necessary to implement the program as described in the file.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Safety from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Public Safety for the purpose of compiling the list. The compensation to be paid for the ser-

vices shall be fixed by the Board of Control. The contract authorized shall be prepared by the Director of Law, approved by the Director of Public Safety, and certified by the Director of Finance.

Section 5. That the cost of the professional services and purchases authorized by this ordinance shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director.

Section 6. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

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

Ord. No. 2461-02.
By Council Members Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Office of Criminal Justice Services through the County Criminal Justice Services Agency for the Cleveland Team Approach to Violence Against Women Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$34,188, from the Office of Criminal Justice Services through the County Criminal Justice Services Agency to conduct the Cleveland Team Approach to Violence Against Women Program, for the purposes in the application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the application for the grant.

Section 2. That the application for the grant, File No. 2461-02-A, made a part as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$11,396.00 from Fund No. 01-600201-639905, is approved in all respects.

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

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

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

Ord. No. 2462-02.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Byrne Memorial Grant, Homeland Security 2003 Program; and to enter into contracts necessary to implement the Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$121,629.00, from the Byrne Memorial Grant, Homeland Security 2003 Program, for the purposes in the application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the application for the grant.

Section 2. That the application for the grant, File No. 2462-02-A, made a part as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$40,543.00, payable from Fund Nos. 01-600201-639905, 10 SF 025, and 10 SF 027, is approved in all respects.

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant authorized by this ordinance for the necessary items of equipment needed to implement the program, as described in the application. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired

by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the Director of Public Safety is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, for materials, services, and supplies necessary to implement the program as described in the file, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis.

Section 6. That the cost of the contract or contracts authorized by this ordinance shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance, the cash match authorized by this ordinance, and shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director.

Section 7. 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 Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 2463-02.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Byrne Memorial Grant, Homeland Security 2002 Program; and to enter into contracts necessary to implement the Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$184,916.00, from the Byrne Memorial Grant, Homeland Security 2002 Program, for the purposes in the application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the application for the grant.

Section 2. That the application for the grant, File No. 2463-02-A, made a part as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$61,639.00, payable from Fund Nos. 01-600201-639905, 10 SF 025, and 10 SF 027, is approved in all respects.

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant authorized by this ordinance for the necessary items of equipment needed to implement the program, as described in the application. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the Director of Public Safety is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, for materials, services, and supplies necessary to implement the program as described in the file, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis.

Section 6. That the cost of the contract or contracts authorized by this ordinance shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance, the cash match authorized by this ordinance, and shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director.

Section 7. 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 Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 2464-02.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the STEP 2003 Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$67,091.00, from the Ohio Department of Public Safety, to conduct the STEP 2003 Program, for the purposes in the application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the application for the grant.

Section 2. That the application for the grant, File No. 2464-02-A, made a part as if fully rewritten, is approved in all respects.

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

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

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

Ord. No. 2465-02.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Department of Justice, Office of Community Oriented Policing, for the Creating a Culture of Integrity, Traffic Stop Data Collection Program; and to enter into contracts necessary to implement the Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$111,489.87, from the Department of Justice, Office of Community Oriented Policing, to conduct the Creating a Culture of Integrity, Traffic Stop Data Collection Program, for the purposes described in the proposal and application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the proposal and application for the grant.

Section 2. That the proposal and application for the grant, File No. 2465-02-A, made a part as if fully rewritten is approved in all respects.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant

if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the grant period authorized by this ordinance for the necessary items of services, materials, and equipment needed to implement the program, as described in the proposal and application. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the Director of Public Safety is authorized to employ by one or more contracts a consultant or firm 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 implement the program as described in the file.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Safety from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Public Safety for the purpose of compiling the list. The compensation to be paid for the 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 Public Safety, and certified by the Director of Finance.

Section 6. That the cost of the professional services and purchases authorized by this ordinance shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director.

Section 7. 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 Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 2466-02.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Ticketmaster-Indiana, dba Ticketmaster-Ohio, for ticket equipment and services, for the Division of Convention Center and Stadium.

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 an agreement with Ticketmaster-Indiana, dba Ticketmaster-Ohio ("Ticketmaster"), to provide the Division of Convention Center and Stadium (the "Division") with hardware, software, equipment, and services to enable the Division to sell tickets at the Convention Center and to grant Ticketmaster the right to sell tickets by other means and methods for events at the Convention Center.

Section 2. That the agreement authorized above shall be prepared by the Director of Law, and shall be for a term of three years and shall provide for fees substantially under Ticketmaster's proposal dated October 25, 2002. The agreement shall contain other terms as the Director of Law determines are required to protect the interests of the City of Cleveland.

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

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

Ord. No. 2467-02.

By Council Member Johnson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2652 and 2658 East 93rd Place and Cumberland Avenue to Greater Mount Tabor Missionary Baptist Church and authorizing the Director of Community Development and the Commissioner of Purchases and Supplies to accept comparable property in exchange for the City owned property described herein.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the

terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-14-016 as more fully described below, to Greater Mount Tabor Missionary Baptist Church.

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. 126-14-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly part of Sublot No. 131 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, and bounded and described as follows:

Beginning at a point in the Westerly line of East 93rd Street, (formerly Oakdale Street), at the North-easterly corner of said Sublot No. 131; thence Westerly along the Northerly line of said Sublot No. 131, 77 feet to a point; thence Southerly parallel with said Westerly line of said East 93rd Street, 32 feet 2 inches to a point; thence Easterly parallel with the Northerly line of Cumberland Avenue, S.E., 14 feet to a point thence Southerly parallel with said Westerly line of East 93rd Street, 14 feet 10 inches to the Southerly line of said Sublot No. 131; thence Easterly along said Southerly line of said Sublot No. 131, 63 feet to the Westerly line of East 93rd Street; thence Northerly along the Westerly line of East 93rd Street, to the place of beginning, 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. 126-14-017 as more fully described below to Greater Mount Tabor Missionary Baptist Church.

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

P. P. No. 126-14-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 63 feet of Sublot No. 132 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 and being 46 feet 2 inches front on the Westerly side of East 93rd Street, (formerly Oakdale Street) and extending back of equal width 63 feet along the Northerly line of Cumberland Avenue, (formerly Charles Street) as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-14-097 as more fully described below, to Greater Mount Tabor Missionary Baptist Church.

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

P. P. No. 126-14-097

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 27 feet Sublot Nos. 131 and 132 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 and together forming a parcel of land 27 feet front on the Northerly side of Cumberland Avenue, S.E., (formerly Charles Avenue) and extending back of equal width between parallel lines 93 feet 2 inches, as appears by said plat, 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. 126-14-098 as more fully described, to Greater Mount Tabor Missionary Baptist Church.

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

P. P. No. 126-14-098

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 30 feet of the Westerly 57 feet of Sublot Nos. 131 and 132 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 and together forming a parcel of land 30 feet front on the Northerly side of Cumberland Avenue, and extending back of equal width 93 feet 2 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-14-099 as

more fully described below, to Greater Mount Tabor Missionary Baptist Church.

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

P. P. No. 126-14-099

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being being part of Sublots Nos. 131 and 132 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 in the Southerly line of said Sublot No. 132 and in the North Line of Cumberland Avenue, S.E., at a point 57 feet distant Easterly from the Southwesterly corner of said Sublot No. 132; thence Easterly in the Northerly line of Cumberland Avenue, S.E., a distance of 30 feet; thence Northerly in a line drawn parallel with the Westerly line of said Sublot No. 132 a distance of 61 feet; thence Westerly in a line drawn parallel with the Northerly line of Cumberland Avenue, S.E., a distance of 14 feet; thence Northerly in a line drawn parallel with the Westerly line of said Sublot No. 131 a distance of 32 feet 2 inches to the Northerly line of said Sublot No. 131; thence Westerly in the Northerly line of said Sublot No. 131 a distance of 16 feet; thence Southerly in a line drawn parallel with the Westerly lines of said Sublots Nos. 131 and 132 a distance of 93 feet 2 inches to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 11. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development and the Commissioner of Purchases and Supplies are authorized to accept from the Greater Mount Tabor Missionary Baptist Church in exchange for parcels described above, the following described comparable property which are portions of Kennedy Avenue, S.E. (50 feet wide) and East 92nd Place (12 feet wide) proposed to be vacated:

Section 12. That the real property to be acquired by this Ordinance is more fully described as follows:

Portions of Kennedy Avenue, S.E. (50 feet wide) and East 92nd Place, (12 feet wide) proposed to be vacated

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being portions of streets dedicated by the Hamilton and Wyman Allotment, in Volume 5 of Maps, Page 22 of Cuyahoga County Records and being bounded and described as follows:

Beginning at the Northeasterly corner of Sublot No. 127 in said Hamilton and Wyman Allotment;

thence Westerly along the Southerly line of Kennedy Avenue, S.E., to the Northwesterly corner of said Sublot No. 127; thence Southerly, along the Westerly lines of Sublot Nos. 127, 128, 129 and 130 in said Allotment, to the Southwesterly corner of said Sublot No. 130; said corner of Sublot No. 130 being in the Easterly line of East 92nd Place, proposed to be vacated; thence Westerly, along the Westerly prolongation of the Southerly line of said Sublot No. 130, 6.00 feet to the centerline of said East 92nd Place; thence Northerly, along the centerline of said East 92nd Place and its Northerly prolongation, 212.17 feet to its intersection with the centerline of Kennedy Avenue, S.E., as aforesaid; thence Easterly, along the centerline of Kennedy Avenue, S.E., 156.00 feet to its intersection with the Westerly line of East 93rd Street, (60 feet wide); thence Southerly, along said Westerly line of East 93rd Street, 25.00 feet to the place of beginning containing 5,173 square feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 13. 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 14. 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 15. 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 16. 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. 2468-02.
By Council Member Rybka.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3978 East 74th Street, 3902 East 54th Street and Finney Avenue to Slavic Village Development.

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). 132-11-090, 132-11-091, 133-18-110 and 134-04-030, as more fully described below, to Slavic Village Development.

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

P. P. No. 132-11-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 40 in Engel and Skinner's Subdivision of part of Original One Hundred Acre Lot No. 312 as shown by the recorded plat in Volume 13 of Maps, Page 18 of Cuyahoga County Records and being 32.14 feet front on the Westerly side of East 54th Street (formerly Hege Street), 135.02 feet deep on the Northerly line, 134.96 feet deep on the Southerly line and 32.14 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 132-11-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 41 in Engle and Skinner's Subdivision of part of Original One Hundred Acre Lot No. 312, as shown by the recorded plat in Volume 13 of Maps, Page 18 of Cuyahoga County Records. Said is Sublot is subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 133-18-110

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 179 in the Burke, Worley and Webster Allotment of part of Orig-

inal One Hundred Acre Lot No. 315, as shown by the recorded plat in Volume 7 of Maps, Page 2 of Cuyahoga County Records, and being 37.5 feet front on the Westerly side of East 74th Street, (formerly Eagle Street), and extending back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 134-04-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 3 in James Walker and Joseph Turney's Re-Allotment of part of Original One Hundred Acre Lot No. 463, as shown by the recorded plat in Volume 8 of Maps, Page 22 of Cuyahoga County Records and being 46 feet front on the Southerly line of Finney Avenue, S.E., and extending back of equal width 134 feet deep on the Easterly line, 134 feet deep on the Westerly line which is also the Easterly line of East 77th Place and 46 feet wide in the rear, 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. 2470-02.

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

An emergency ordinance to amend Sections 8, 31 and 37 of Ordinance No. 469-02, passed April 1, 2002, as amended, 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 Section 8 of Ordinance No. 469-02, passed April 1, 2002, as amended by Ordinance No. 639-02, passed April 15, 2002, and Ordinance No. 2066-02, passed November 18, 2002; Section 31 of Ordinance No. 469-02, passed April 1, 2002; and Section 37 of Ordinance No. 469-02, passed April 1, 2002, as amended by Ordinance No. 901-02, passed June 3, 2002, and Ordinance No. 1587-02, passed August 14, 2002, are amended to read as follows:

Section 8. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Accountant I.....	\$ 6.55	\$17.26
2. Accountant II.....	\$ 7.27	\$18.93
3. Accountant III.....	\$ 8.20	\$20.99
4. Accountant Clerk I.....	\$ 5.15	\$13.98
5. Accountant Clerk II.....	\$ 5.46	\$15.11
6. Activities Therapist.....	\$ 9.15	\$13.29
7. AIDS Support Services Coordinator.....	\$10.49	\$14.87
8. Air Pollution Control Engineer I.....	\$ 8.43	\$22.19
9. Air Pollution Control Engineer II.....	\$ 8.96	\$23.39
10. Air Pollution Control Engineer III.....	\$ 9.50	\$24.64
11. Air Pollution Engineer.....	\$12.04	\$17.33
12. Air Pollution Inspector I.....	\$12.12	\$17.85
13. Air Pollution Inspector II.....	\$ 7.76	\$19.91
14. Air Pollution Technician I.....	\$ 7.12	\$18.93
15. Air Pollution Technician II.....	\$ 7.53	\$19.91
16. Air Pollution Technician III.....	\$ 8.43	\$22.19
17. Airport Information Representative.....	\$10.02	\$14.50
18. Airport Operations Agent I.....	\$14.14	\$17.93
19. Airport Operations Agent II.....	\$17.77	\$21.10
20. Airport Safety Man.....	\$14.19	\$18.34
21. Architect.....	\$ 9.73	\$26.10
22. Associate Engineer.....	\$17.83	\$24.41
23. Assistant Buyer.....	\$ 6.71	\$18.11
24. Assistant City Planner.....	\$ 7.12	\$18.93
25. Assistant Civil Engineer.....	\$ 7.12	\$18.93
26. Assistant Electrical Engineer.....	\$ 7.12	\$18.93
27. Assistant Mechanical Engineer.....	\$ 7.12	\$18.93
28. Assistant Plan Examiner.....	\$13.42	\$19.91
29. Associate Programmer.....	\$ 7.55	\$20.29
30. Bacteriologist.....	\$ 7.96	\$20.99
31. Bill Collector.....	\$10.02	\$14.50
31a. Billing Clerk.....	\$ 9.89	\$14.49
32. Building Inspector.....	\$14.26	\$19.25
33. Camera Room Operator.....	\$ 6.04	\$16.48
34. Caseworker I.....	\$ 5.90	\$15.74
35. Caseworker II.....	\$ 6.55	\$17.26
36. Cashier/Starter.....	\$ 6.36	\$17.26
37. Chemist.....	\$ 8.90	\$22.63
38. Chief Miscellaneous Investigator.....	\$ 7.53	\$19.91
39. Citizens Information Representative.....	\$ 6.04	\$16.48
40. Civil Engineer.....	\$ 9.50	\$26.10
41. Claims Examiner.....	\$ 7.53	\$19.91
42. Clerk Typist.....	\$ 7.62	\$10.81
43. Clinical Laboratory Assistant.....	\$ 6.36	\$16.48
44. Clinical Laboratory Technician I.....	\$ 7.12	\$18.93
45. Clinical Laboratory Technician II.....	\$ 7.37	\$20.29
46. Cocaine Treatment Counselor I.....	\$ 8.56	\$15.67
47. Cocaine Intake Specialist.....	\$ 9.95	\$14.11
48. Community Development Code Enforcement Inspector I.....	\$14.08	\$21.00
49. Community Development Code Enforcement Inspector II.....	\$14.89	\$22.19
50. Community Development Code Enforcement Inspector III.....	\$15.70	\$23.39
51. Community Development Code Enforcement Inspector/Heating I.....	\$14.08	\$21.00
52. Community Development Code Enforcement Inspection/Heating II.....	\$14.89	\$22.19

53.	Community Development Code Enforcement Inspection/Heating III.....	\$15.70	\$23.39
54.	Community Development Code Enforcement Inspector/Refrigeration I.....	\$14.05	\$21.00
55.	Community Development Code Enforcement Inspector/Refrigeration II.....	\$14.89	\$22.19
56.	Community Development Code Enforcement Inspector/Refrigeration III.....	\$15.70	\$23.39
57.	Community Development Code Enforcement Inspector/Trainee.....	\$ 9.97	\$16.94
58.	Community Development Planner.....	\$ 9.87	\$25.11
59.	Community Health Aide.....	\$ 5.15	\$13.98
60.	Community Relations Representative I.....	\$ 6.04	\$16.48
61.	Community Relations Representative II.....	\$ 7.53	\$19.91
62.	Community Relations Representative III.....	\$ 9.51	\$24.64
63.	Composing Equipment Operator.....	\$ 6.71	\$18.11
64.	Computer Monitor Assistant.....	\$ 8.43	\$11.97
65.	Computer Operator.....	\$ 7.53	\$19.91
66.	Construction Technician.....	\$12.02	\$19.11
67.	Consumer Protection Specialist.....	\$ 5.73	\$15.74
68.	Contract and Monitoring Specialist.....	\$ 9.12	\$21.07
69.	Cook.....	\$11.38	\$13.63
70.	Copy Center Operator.....	\$ 5.67	\$16.00
71.	Cost Construction Estimator.....	\$ 8.34	\$19.38
72.	Customer Service Representative.....	\$10.03	\$15.10
73.	Data Control Clerk.....	\$ 5.24	\$14.51
74.	Data Conversion Operator.....	\$ 9.92	\$13.14
75.	Dental Assistant.....	\$ 5.15	\$13.70
76.	Development Officer.....	\$ 8.96	\$23.38
77.	Dietician.....	\$ 9.08	\$17.25
78.	Drug and Alcohol Counselor.....	\$ 9.05	\$12.83
79.	Electrical Engineer.....	\$ 9.50	\$26.10
80.	Electronic Engineer.....	\$ 9.54	\$26.57
81.	Elevator Inspector.....	\$14.23	\$21.00
82.	Engineer.....	\$22.78	\$29.71
83.	Family Planning Clerk.....	\$ 7.22	\$12.09
84.	Financial Analyst.....	\$ 7.12	\$18.93
85.	Financial Counselor.....	\$ 7.94	\$19.91
86.	First Press Operator.....	\$12.00	\$19.00
87.	Fuel System Technician.....	\$ 9.23	\$17.60
88.	General Health Aide.....	\$ 5.15	\$13.98
89.	General Storekeeper.....	\$ 7.96	\$20.99
90.	Geriatric Outreach Worker.....	\$ 7.12	\$18.93
91.	Head Cook.....	\$ 5.46	\$15.08
92.	Head Storekeeper.....	\$ 7.11	\$18.94
93.	Health Educator I.....	\$ 6.36	\$17.26
94.	Health Educator II.....	\$ 7.12	\$18.93
95.	Heating Inspector.....	\$14.23	\$19.25
96.	HIV Educator.....	\$ 8.17	\$11.01
97.	House Connection Inspector.....	\$12.70	\$16.09
98.	Housing Inspector.....	\$14.60	\$17.13
99.	Human Resources Contract Specialist.....	\$ 9.73	\$26.09
100.	Human Resources On-the-Job Training Specialist.....	\$10.21	\$22.18
101.	Human Resources Planner.....	\$10.74	\$27.56
102.	Human Resources Special Projects Coordinator.....	\$10.21	\$22.18
103.	Income Tax Tracer.....	\$10.04	\$15.26
104.	Industrial Hygiene Engineer.....	\$ 9.73	\$26.09
105.	Industrial Nuisance Inspector.....	\$ 6.36	\$17.26
106.	Information Control Analyst.....	\$ 6.81	\$18.07
107.	Inspector of Weight and Measures.....	\$ 5.73	\$15.74
108.	Instrumentation Technician I.....	\$16.87	\$18.54
109.	Instrumentation Technician II.....	\$18.83	\$20.43
110.	Intake Specialist.....	\$ 5.15	\$13.98
111.	Job Retraining Assistant.....	\$ 7.12	\$18.93
112.	Junior Cashier.....	\$ 5.40	\$14.50
113.	Junior Chemist.....	\$ 5.46	\$15.11
114.	Junior City Planner.....	\$ 6.36	\$17.26
115.	Junior Civil Engineer.....	\$ 6.36	\$17.26
116.	Junior Clerk.....	\$ 9.89	\$12.09
117.	Junior Draftsman.....	\$ 8.45	\$14.82
118.	Junior Engineering Aide.....	\$ 5.46	\$15.11
119.	Laboratory Assistant.....	\$ 6.04	\$16.48
120.	Laboratory Helper.....	\$ 5.15	\$13.02
121.	Landscape Architect.....	\$ 9.50	\$24.64

122.	Lead Pressman.....	\$ 8.93	\$19.20
123.	Life Guard.....	\$ 8.50	\$13.80
124.	Life Guard Captain.....	\$10.00	\$17.10
125.	Mechanical Engineer.....	\$ 9.50	\$26.09
126.	Messenger.....	\$ 5.15	\$13.02
127.	Meter Reader.....	\$12.82	\$16.46
128.	Minority Business Consultant.....	\$11.15	\$29.04
129.	Miscellaneous Investigator.....	\$ 5.46	\$15.90
130.	Monitoring, Auditing and Evaluation Coordinator.....	\$13.65	\$19.22
131.	Office Machine Operator.....	\$ 9.89	\$12.67
132.	On The Job Training Specialist.....	\$12.71	\$18.57
133.	Park and Recreation Planner.....	\$ 9.51	\$24.64
134.	Parking Attendant.....	\$ 6.31	\$13.98
135.	Parking Meter Collector.....	\$ 6.32	\$13.95
136.	Parking Meter Serviceman.....	\$13.62	\$14.68
137.	Permit Processing Specialist.....	\$ 7.00	\$11.71
138.	Pharmacist.....	\$10.74	\$27.55
139.	Pharmacodependent Rehabilitation Counselor I.....	\$ 6.49	\$13.37
140.	Pharmacodependent Rehabilitation Counselor II.....	\$ 7.57	\$15.79
141.	Photographer.....	\$ 9.08	\$18.93
143.	Photographic Laboratory Technician.....	\$ 6.80	\$16.48
144.	Photo-Litho Operator.....	\$ 5.48	\$15.11
145.	Physical Director.....	\$ 8.33	\$17.03
146.	Plan Examiner.....	\$ 8.20	\$22.52
147.	Play Director.....	\$ 5.68	\$11.93
148.	Police Data Specialist.....	\$ 9.92	\$13.14
149.	Police Radio Technician.....	\$16.38	\$17.94
150.	Pressman.....	\$ 7.89	\$18.58
151.	Preventive Health Counselor.....	\$13.59	\$19.26
152.	Preventive Health Educator.....	\$ 8.89	\$12.94
153.	Principal Cashier.....	\$ 7.46	\$20.29
154.	Principal Clerk.....	\$11.93	\$17.16
155.	Print Shop Helper.....	\$10.61	\$12.79
156.	Private Secretary.....	\$ 6.71	\$18.11
157.	Program Analyst.....	\$16.64	\$26.25
158.	Programmer.....	\$ 8.96	\$23.39
159.	Programmer Analyst.....	\$ 9.73	\$26.09
160.	Property Clerk.....	\$11.37	\$29.06
161.	Psychiatric Social Worker.....	\$12.48	\$18.88
162.	Psychologist I.....	\$10.74	\$25.12
163.	Psychologist II.....	\$12.88	\$29.61
164.	Public Health Nursing Aide.....	\$10.63	\$12.07
165.	Public Information Officer.....	\$ 7.38	\$19.91
166.	Quality Assurance Analyst.....	\$ 8.96	\$23.38
167.	Radio Dispatcher.....	\$17.33	\$17.94
168.	Radio Technician.....	\$16.38	\$17.94
169.	Receptionist.....	\$ 6.06	\$13.33
170.	Records Manager.....	\$ 9.84	\$13.97
171.	Recreation Aide.....	\$ 5.68	\$ 9.32
172.	Recreation Instructor.....	\$ 5.15	\$13.98
173.	Recreation Instructor I.....	\$ 5.24	\$14.89
174.	Recreation Instructor II.....	\$ 5.46	\$15.47
175.	Recreation Instructor III.....	\$ 6.83	\$16.37
176.	Recreation Program Supervisor.....	\$ 6.83	\$15.21
177.	Redevelopment Advisor.....	\$ 7.96	\$20.99
178.	Redevelopment Coordinator.....	\$ 8.38	\$23.39
179.	Refrigeration Inspector.....	\$14.26	\$19.25
180.	Refugee Outreach Worker.....	\$ 8.40	\$13.01
181.	Registered Animal Health Technician.....	\$ 7.94	\$13.98
182.	Rehabilitation Advisor.....	\$ 6.71	\$18.11
183.	Rehabilitation Inspector.....	\$14.60	\$23.39
184.	Sanitarian Aide.....	\$11.62	\$13.57
185.	Second Press Operator.....	\$10.00	\$17.00
186.	Secretary.....	\$ 6.30	\$15.11
187.	Secretary to Director of Consumer Affairs.....	\$ 9.51	\$24.64
188.	Senior Assistant Architect.....	\$ 7.96	\$20.99
189.	Senior Assistant City Planner.....	\$ 7.96	\$20.99
190.	Senior Assistant Civil Engineer.....	\$ 7.96	\$20.99
191.	Senior Assistant Electrical Engineer.....	\$ 7.96	\$20.99
192.	Senior Assistant Mechanical Engineer.....	\$ 7.96	\$20.99
193.	Senior Assistant Traffic Engineer.....	\$ 7.96	\$20.99
194.	Senior Bacteriologist.....	\$ 6.71	\$18.11
195.	Senior Cashier.....	\$ 6.55	\$17.26
196.	Senior Chemist.....	\$ 7.53	\$19.91

197.	Senior Clerk	\$10.29	\$14.17
198.	Senior Computer Operator	\$ 8.96	\$23.39
199.	Senior Contract and Monitoring Specialist	\$11.34	\$24.80
200.	Senior Data Conversion Operator	\$10.80	\$15.75
201.	Senior Development Officer	\$12.63	\$30.68
202.	Senior Draftsman	\$ 9.65	\$16.93
203.	Senior Engineering Draftsman and Photographer	\$ 7.12	\$18.93
204.	Senior Information Control Analyst	\$ 7.38	\$19.91
205.	Senior Laboratory Technician	\$10.86	\$15.40
206.	Senior Landscape Architect	\$ 9.73	\$26.09
207.	Senior Site Inspector - Demolition	\$ 8.43	\$22.18
208.	Sewer Service Man	\$14.99	\$16.46
209.	Site Inspector	\$ 7.53	\$19.91
210.	Social Worker for Homeless	\$13.82	\$19.59
211.	Starter (Golf)	\$ 5.15	\$11.58
212.	S.T.D. Clerk	\$ 7.88	\$11.18
213.	Stenographer I	\$ 9.77	\$12.70
214.	Stenographer II	\$10.77	\$14.17
215.	Stenographer III	\$ 7.37	\$15.74
216.	Stock Clerk	\$ 5.46	\$15.57
217.	Storekeeper	\$ 6.36	\$17.73
218.	Street Obstruction Inspector	\$ 6.04	\$16.48
219.	Surveyor	\$ 8.96	\$23.39
220.	Tax Auditor I	\$10.60	\$16.02
221.	Tax Auditor II	\$12.41	\$17.71
222.	Technical Specialist	\$ 7.53	\$19.91
223.	Technical Specifications Writer	\$ 9.08	\$21.00
224.	Telephone Operator	\$ 5.24	\$14.50
225.	Telephone Supervisor	\$ 5.46	\$15.11
226.	Timekeeper	\$ 5.46	\$15.11
227.	Traffic Engineer	\$ 9.50	\$24.64
228.	Traffic Sign and Marking Technician	\$13.68	\$15.11
229.	Typist	\$ 9.92	\$13.15
230.	Urban Planning and Development Technician	\$ 5.73	\$15.74
231.	Utility Adjuster	\$10.64	\$14.17
232.	Vector Control Assistant	\$ 8.90	\$12.61
233.	Veteran's Counselor	\$ 7.38	\$17.14
234.	Water Hydraulic Repairman	\$14.99	\$16.46
235.	Water Meter Repairman	\$14.99	\$16.46
236.	Water Pipe Repairman	\$13.58	\$16.46
237.	Water Serviceman	\$ 9.05	\$14.06
238.	Water System Construction Inspector	\$15.67	\$20.57

Section 31. That the 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.	Airport Maintenance Superintendent	\$19,784.74	\$51,256.65
2.	Assistant Commissioner of Recreation	\$19,784.74	\$62,505.18
3.	Assistant Contract Compliance Officer	\$19,784.74	\$49,523.33
4.	Assistant Director of Public Health Nurses	\$19,784.74	\$49,523.33
5.	Assistant Income Tax	\$19,784.74	\$49,523.33
6.	Assistant Manager of Audit Control and Personnel	\$19,784.74	\$51,256.65
7.	Assistant Manager of Recreation	\$19,784.74	\$49,523.33
8.	Assistant Superintendent of Pumping	\$19,784.74	\$49,523.33
9.	Assistant Superintendent of Purification	\$19,784.74	\$49,523.33
10.	Auditor	\$19,784.74	\$51,256.65
11.	Chief Alcoholism Coordinating Service	\$19,784.74	\$49,523.33
12.	Chief of the Demolition Bureau	\$19,784.74	\$49,523.33
13.	Chief Plan Examiner	\$19,784.74	\$51,256.65
14.	City Planner	\$19,784.74	\$51,256.65
15.	Deputy Commissioner of Recreation - Fiscal Control	\$19,784.74	\$62,505.18
16.	Deputy Project Director	\$19,784.74	\$54,740.00
16a.	Desktop Publishing Specialist	\$20,231.40	\$50,626.16
17.	District Supervisor - Environmental Health	\$19,784.74	\$49,523.33
18.	Emergency Medical Technician Supervisor	\$19,784.74	\$51,256.65
19.	Income Tax Supervisor	\$19,784.74	\$49,523.33
20.	Office of Professional Standards - Investigative Auditor	\$19,784.74	\$49,523.33
21.	Office of Professional Standards - Standards Research/Analyst	\$19,784.74	\$49,523.33

22.	Project Program Director of Consumer Affairs.....	\$19,784.74	\$49,523.33
23.	Recreation Center Manager.....	\$32,500.00	\$62,505.18
24.	Superintendent of Light Equipment Maintenance	\$19,784.74	\$49,523.33
25.	Superintendent of Vehicle Administrative Services	\$19,784.74	\$61,683.57
26.	Supervisor Administrative Services - Data Processing Center.....	\$19,784.74	\$49,523.33
27.	Supervisor of Milk Program.....	\$19,784.74	\$49,523.33
28.	Supervisor of Vector Control.....	\$19,784.74	\$49,523.33
29.	Welfare Liaison.....	\$19,784.74	\$49,523.33

Section 37. That the 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.	Administrator of Engineering and Planning.....	\$30,214.95	\$ 98,026.47
2.	Airport Chief Engineer.....	\$30,214.95	\$ 98,026.47
3.	Assistant City Comptroller.....	\$41,312.22	\$ 99,000.00
4.	Airport Planning Environmental Officer.....	\$30,214.95	\$ 77,667.12
5.	Airport Project Director.....	\$60,000.00	\$120,000.00
6.	Air Trade Development Manager.....	\$30,214.95	\$ 90,485.96
7.	Assistant Director of Human Resources and Economic Development.....	\$30,214.95	\$ 98,026.47
8.	Budget Administrator.....	\$30,214.95	\$ 90,485.96
9.	Chief of Personnel Management.....	\$30,214.95	\$ 90,485.96
10.	Comptroller-Airports.....	\$30,214.95	\$ 98,026.47
11.	Data Base Analyst.....	\$30,214.95	\$ 77,667.12
12.	Deputy Commissioner of Building and Housing.....	\$30,214.95	\$ 90,485.96
13.	Deputy Commissioner of Cleveland Hopkins International Airport.....	\$30,214.95	\$ 90,485.96
14.	Deputy Commissioner of Parks, Maintenance and Properties.....	\$30,214.95	\$ 90,485.96
15.	Deputy Commissioner of Water.....	\$30,214.95	\$113,000.00
16.	Deputy Commissioner of Water Pollution Control.....	\$30,214.95	\$ 90,485.96
17.	Environmental Programs Manager.....	\$45,000.00	\$ 76,000.00
18.	Executive Commissioner for Administration of Department of Finance.....	\$30,214.95	\$ 90,485.96
19.	Executive Commissioner of Parks and Urban Forestry	\$30,214.95	\$ 90,485.96
20.	Field Manager.....	\$35,000.00	\$ 51,783.38
21.	Hardware Analyst	\$30,214.95	\$ 90,485.96
22.	Hazardous Material Specialist.....	\$45,000.00	\$ 58,000.00
23.	In-Charge Senior Internal Auditor.....	\$49,500.00	\$ 73,500.00
24.	Labor Relations Manager.....	\$30,214.95	\$ 98,026.47
25.	Manager of Electric System Operation.....	\$30,214.95	\$ 90,485.96
26.	Manager of Human Resources Monitoring and Evaluation	\$30,214.95	\$ 90,485.96
27.	Manager of Marketing.....	\$30,214.95	\$ 90,485.96
28.	Manager of Properties.....	\$30,214.95	\$ 90,485.96
29.	Manager of Public Service Operations.....	\$30,214.95	\$ 90,485.96
30.	Manager of Telecommunications	\$30,214.95	\$ 90,485.96
31.	Nurse Practitioner.....	\$45,000.00	\$ 80,000.00
32.	Permit Review Manager	\$35,000.00	\$ 57,098.97
33.	Project Leader/Applications	\$30,214.95	\$ 77,667.12
34.	Regulatory Compliance Manager.....	\$50,000.00	\$ 85,215.73
35.	Safety Programs Manager.....	\$45,000.00	\$ 76,000.00
36.	Software Analyst.....	\$30,214.95	\$ 77,667.12
37.	Superintendent of Electric Transmission and Distribution	\$30,214.95	\$ 77,667.12
38.	Supervisor of Computer Operations.....	\$30,214.95	\$ 77,667.12
39.	Supervisor Hardware Evaluation	\$30,214.95	\$ 77,667.12
40.	Telecommunications Analyst.....	\$30,214.95	\$ 77,667.12
41.	Veterinarian in Charge of Spay and Neuter Clinic.....	\$30,214.95	\$ 77,667.12

Section 2. That Section 8 of Ordinance No. 469-02, passed April 1, 2002, as amended by Ordinance No. 639-02, passed April 15, 2002, and Ordinance No. 2066-02, passed November 18, 2002; Section 31 of Ordinance No. 469-02, passed April 1, 2002; and Section 37 of Ordinance No. 469-02, passed April 1, 2002, as amended by Ordinance No. 901-02, passed June 3, 2002, and Ordinance No. 1587-02, passed August 14, 2002, are repealed.

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

Referred to Directors of Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 2471-02.
By Council Member Sweeney.
An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into a Flexible Spending Account Agreement with Medical Mutual Services, LLC to provide medical reimbursement accounts, dependent care accounts, and premium pass through benefits.

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 Personnel and Human Resources is authorized to enter into a Flexible Spending Account Agreement with Medical Mutual Services, LLC to provide medical reimbursement accounts, dependent care accounts, and premium pass through benefits under Section 125 of the Internal Revenue Code to City employees.

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

Referred to Directors of Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 2472-02.
By Council Members Westbrook, Gordon, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 11623 Lake Avenue and 1227 West 116th Street to Landmark Square Ltd.; and authorizing the Director of Economic Development to enter into a development agreement with Landmark Square Ltd. for the use of the facilities.

Whereas, in 1991, Riser Foods purchased the Fifth Church of Christ building located at 11623 Lake Avenue and property at 1227 West 116th Street to build a new supermarket facility; and

Whereas, in 1995 when Riser Foods applied for a demolition permit, neighborhood groups successfully convinced the City of Cleveland not to demolish the facility but rather to delay its demolition until redevelopment was possible; and

Whereas, in 2002, Riser Foods gave the property to the City of Cleveland; and

Whereas, in response to an RFP, the City identified a redeveloper for the property; and

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located at 11623 Lake Avenue and 1227 West 116th Street; 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 author-

ized to enter into and execute a development agreement for and on behalf of the City of Cleveland with Landmark Square Ltd. (the "Redeveloper") for the acquisition, disposition, and private redevelopment of the former Fifth Church of Christ property located at 11623 Lake Avenue and property at 1227 West 116th Street consistent with the Redeveloper's proposal dated September 9, 2002.

Section 2. That the development agreement authorized by this ordinance shall contain the terms in the summary in File No. 2472-02-A.

Section 3. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described city-owned property is no longer needed for public use:

The following describes real property:

Known as 11623 Lake Avenue, Cleveland, Ohio and further described as:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots No. 1, 2 and 3 in the Cook and Faerber Re-Subdivision of part of Original Brooklyn Township Lot No. 10 as shown by the recorded plat of said Re-Subdivision in Volume 32 of Maps, Page 18 of Cuyahoga County Records, and together forming a parcel of land 150 feet front on the Southerly side of Lake Avenue, N.W. and extending back of equal width 179.64 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways;

And,
 The following describes real property:

Known as 1227 W. 116th Street, Cleveland, Ohio and further described as:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in the Cook and Faerber Re-Subdivision of part of Original Brooklyn Township Lot No. 10 as shown by the recorded plat of said Re-Subdivision in Volume 32 of Maps, Page 18 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 116th Street (formerly Fruitland Avenue), and extending back of equal width 145.82 feet, as appears by said plat.

Section 4. That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described property to Landmark Square Ltd. at a price not less than fair market value as determined by the Board of Control.

Section 5. That the conveyance to the Redeveloper shall also be under the terms of the development agreement.

Section 6. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require. The deed shall also contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 7. That the Mayor, the Director of Economic Development,

the Director of Law, and other appropriate City officials are authorized to execute the certifications and documents, and take other actions as may be necessary or appropriate in connection with carrying out the terms of the development agreement.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 2473-02.
By Council Member Brady.
An emergency resolution declaring the intention to vacate portions of West 134th Place and Woodslee Court N.W.

Whereas, this Council; is satisfied that there is good cause to vacate portions West 134th Place and Woodslee Court N.W., as hereinafter described; and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original Rockport Township Section No. 20, further bounded and described as follows:

Commencing at an iron pin monument found in the centerline of West 134th Place (20 feet wide) at its intersection with the Southerly line of Lakewood Heights Boulevard (86.00 feet wide);

Thence North 88°-07'-30" East along said Southerly line, 10.00 feet to its intersection with the Easterly line of West 134th Place, and the principle place of beginning of the following described parcel;

Thence Due South along said Easterly line, 125.08 feet to an angle point therein;

Thence South 44°-03'-45" West along a Southeasterly line of West 134th Place, 21.56 feet to the Southerly line thereof;

Thence South 88°-07'-30" West, 35.43 feet to the Easterly line of that portion of Woodslee Court N.W. (20.00 feet wide) vacated by Ordinance No. 1870-57 passed on September 23, 1957;

Thence North 01°-52'-30" West along said Easterly line, 20.00 feet to its intersection with the Northerly line of Woodslee Court N.W.;

Thence North 88°-07'-30" East along said Northerly line, 15.78 feet to an angle point therein;

Thence North 44°-03'-45" East along a Northwesterly line of West 134th Place, 21.56 feet to the West-erly line thereof;

Thence Due North along said Westerly line, 105.06 feet to its inter-

section with the Southerly line of Lakewood Heights Boulevard;

Thence North 88°-07'-30" East along said Southerly line, 20.00 feet to the principle place of beginning. 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. 2476-02. By Council Member Britt. An emergency resolution designating Fairview Avenue (aka East 125th Street) between Mayfield Road and Murray Hill Road a residential permit parking area.

Whereas, the Director of Public Safety has received verified petitions by at least 250 dwelling units on Fairview Avenue; and

Whereas, the Director of Public Safety has completed a survey of Fairview Avenue and the surrounding area and has determined that Fairview Avenue has serious issues of motor vehicle congestion, particularly by long-term parking of cars on neighborhood streets by non-residents, combined with a lack of driveways and garages in the neighborhood; and

Whereas, the Director of Public Safety has therefore determined Fairview Avenue eligible for residential permit parking and has recommended to Council that it designate Fairview Avenue a residential permit parking area; and

Whereas, Council Member Britt concurs in said Director's recommendation; and

Whereas, Fairview Avenue has otherwise met the objective criteria set forth in Chapter 461 of the Codified Ordinances of Cleveland, Ohio, 1976; 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 Fairview Avenue (aka East 125th Street) between Mayfield Road and Murray Hill Road a residential permit parking area, twenty-four (24) hours per day, seven (7) days per week.

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 City Planning Commission, Public Safety, Finance, Law; Committees on Public Safety, City Planning, Finance.

Res. No. 2477-02. By Council Members Conwell, Coats, Scott, Jones, O'Malley, Cintron, Britt, Brady, Polensek and Zone. An emergency resolution encouraging the Campbell Administration to review and study the feasibility of implementing a red stop light safety camera system in the City of Cleveland.

Whereas, several communities in the country utilize a red stop light safety camera system that monitors traffic patterns to target and identify motorists who fail to stop at red traffic lights; and

Whereas, this video camera technology can decrease the number of incidents where a motorist drives through a red stop light and thereby enhance public safety;

Whereas, a red stop light safety camera system may also assist law enforcement officials in identifying individuals who distribute illegal drugs and narcotics;

Whereas, a red stop light safety camera system can greatly improve the quality of life of residents in the City of Cleveland; and

Whereas, this Council supports and encourages the use of strategic cost-effective initiatives that improve the quality of life of Cleveland residents; and

Whereas, this Council encourages the Campbell Administration to review and study the feasibility of implementing a red stop light safety camera system; 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 encourages the Campbell Administration to review and study the feasibility of implementing a red stop light safety camera system 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.

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 2447-02. By Council Member Jackson (by departmental request).

An emergency ordinance to provide the transfer of the sum of Three Million Three Hundred Sixty-One Thousand Dollars (\$3,360,000) within various divisions of the General Fund; Two Hundred Fifty Thousand Dollars (\$250,000) within the Special Revenue Fund; Twenty Thousand Dollars (\$20,000) within the Internal Service Fund; and One Hundred Seventy-Five Thousand Dollars (\$175,000) within the Enterprise Fund.

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; and

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

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

Section 1. That the sum of Three Million Eight Hundred Six Thousand Dollars (\$3,806,000) be the same and hereby transferred as follows:

	FROM	TO
	GENERAL FUND	
LEGISLATIVE BRANCH		
Council and Clerk of Council		
II Other Expenses	\$ 100,000	\$ —
TOTAL LEGISLATIVE BRANCH	\$ 100,000	\$ —
JUDICIAL BRANCH		
Judicial Division		
I Personnel and Related Expenses	\$ 35,000	\$ —
Clerks Division		
I Personnel and Related Expenses	\$ 36,000	\$ —
TOTAL JUDICIAL BRANCH	\$ 71,000	\$ —

EXECUTIVE BRANCH		
Office of the Mayor		
I Personnel and Related Expenses	\$ 35,000	\$ —
DEPARTMENT OF PUBLIC SAFETY		
Public Safety Administration		
II Other Expenses	\$ 25,000	\$ —
Division of Police		
I Personnel and Related Expenses	\$ 1,000,000	\$ —
II Other Expenses	\$ —	\$ 600,000
Division of Fire		
I Personnel and Related Expenses	\$ 350,000	\$ —
Emergency Medical Services		
I Personnel and Related Expenses	\$ 100,000	\$ —
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$ 1,475,000	\$ 600,000
Department of Consumer Affairs		
I Personnel and Related Expenses	\$ 10,000	\$ —
DEPARTMENT OF PUBLIC SERVICE		
Waste Collection and Disposal		
II Other Expenses	\$ 200,000	\$ —
Division of Traffic Engineering		
II Other Expenses	\$ —	\$ 65,000
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$ 200,000	\$ 65,000
DEPARTMENT OF PARKS, RECREATION & PROPERTIES		
Parks, Recreation and Properties Admin		
I Personnel and Related Expenses	\$ —	\$ 20,000
Division of Recreation		
I Personnel and Related Expenses	\$ 340,000	\$ —
II Other Expenses		\$ 100,000
Division of Property Management		
I Personnel and Related Expenses	\$ —	\$ 300,000
Park Maintenance and Properties		
I Personnel and Related Expenses	\$ —	\$ 125,000
II Other Expenses	\$ —	\$ 60,000
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES	\$ 340,000	\$ 605,000
Board of Zoning Appeals		
I Personnel and Related Expenses	\$ —	\$ 5,000
Economic Development		
I Personnel and Related Expenses	\$ 30,000	\$ —
DEPARTMENT OF PUBLIC HEALTH		
Division of the Environment		
II Other Expenses	\$ —	\$ 116,000
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$ —	\$ 116,000
DEPARTMENT OF FINANCE		
Division of Accounts		
I Personnel and Related Expenses	\$ 50,000	\$ —
Division of Treasury		
I Personnel and Related Expenses	\$ —	\$ 10,000
Division of Purchases and Supplies		
I Personnel and Related Expenses	\$ 60,000	\$ —
Bureau of Internal Audit		
II Other Expenses	\$ 280,000	\$ —
TOTAL DEPARTMENT OF FINANCE	\$ 390,000	\$ 10,000

Law			
I Personnel and Related Expenses	\$	100,000	\$ —
Civil Service Commission			
I Personnel and Related Expenses	\$	—	\$ 10,000
II Other Expenses	\$	10,000	\$ —
NON-DEPARTMENTAL			
Other Administrative			
II Other Expenses	\$	—	\$ 1,950,000
Transfers to Other Funds			
II Other Expenses	\$	600,000	\$ —
TOTAL NON-DEPARTMENTAL	\$	600,000	\$ 1,950,000
TOTAL GENERAL FUND	\$	3,361,000	\$ 3,361,000
SPECIAL REVENUE FUND			
Street Construction, Maintenance & Repair			
I Personnel and Related Expenses	\$	—	\$ 250,000
II Other Expenses	\$	250,000	\$ —
TOTAL SPECIAL REVENUE FUNDS		250,000	250,000
INTERNAL SERVICE FUND			
Printing and Reproduction			
I Personnel and Related Expenses			\$ 20,000
II Other Expenses	\$	20,000	
TOTAL INTERNAL SERVICE FUNDS	\$	20,000	\$ 20,000
ENTERPRISE FUNDS			
DEPARTMENT OF PARKS, RECREATION & PROPERTIES			
Division of Cemeteries			
I Personnel and Related Expenses	\$	—	\$ 25,000
II Other Expenses	\$	25,000	\$ —
Convention Center			
I Personnel and Related Expenses			\$ 100,000
II Other Expenses	\$	100,000	
West Side Market			
I Personnel and Related Expenses	\$	—	\$ 50,000
II Other Expenses	\$	50,000	\$ —
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES	\$	175,000	\$ 175,000
TOTAL ENTERPRISE FUNDS	\$	175,000	\$ 175,000
TOTAL ALL FUNDS	\$	3,806,000	\$ 3,806,000

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

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

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

Ord. No. 2448-02.

By Councilman Jackson (by departmental request).

An emergency ordinance approving the collective bargaining agreement with SEME, Local 1; and to amend Section 17 of Ordinance No. 469-02, passed April 1, 2002, as amended, 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 SEME, Local 1, in File No. 2448-02-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 17 of Ordinance No. 469-02, passed April 1, 2002, is amended to read as follows:

Section 17. 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. Auto Body Repair Unit Leader.....	\$12.88	\$21.95
2. Auto Body Repair Worker.....	\$15.73	\$18.25
3. Automobile Repair Helper.....	\$10.13	\$14.39
4. Automobile Repair Worker.....	\$12.60	\$18.09
5. Automobile Repairman Unit Leader.....	\$17.78	\$20.59
6. Blacksmith.....	\$15.79	\$21.38
7. Garage Worker.....	\$12.42	\$15.38
8. Heavy Duty Mechanic.....	\$15.75	\$21.67
9. Heavy Duty Unit Leader	\$23.85	\$26.87
10. Small Equipment Repair Worker.....	\$12.26	\$16.64
11. Tire Repair Worker.....	\$14.08	\$16.49
12. Welder.....	\$18.36	\$21.08

Section 3. That existing Section 17 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2449-02.
By Council Members Polensek, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Tops Market, LLC to provide for a ten year seventy-five percent tax abatement for certain tangible personal property, real property improvements, inventory, furniture and fixtures as an incentive to construct a new supermarket located at 18501 Neff Road in the Cleveland Area Enterprise Zone.

Whereas, under Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") under Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics in Section 5709.61(A) of the Revised Code and certified the area as an "Urban Jobs and Enterprise Zone" under Chapter 5709 of the Revised Code; and

Whereas, Tops Market, LLC (the "Enterprise") has proposed to construct a new supermarket located at 18501 Neff Road in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City that, it would be at a competitive disadvantage operating at this location if taxes on certain tangible personal property, real property improvements, inventory,

furniture and fixtures were not abated; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

Section 1. That this Council approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten year seventy-five percent (75%) tax abatement for certain tangible personal property, real property improvements, inventory, furniture and fixtures as an incentive to construct a new supermarket located at 18501 Neff Road in the Cleveland Area Enterprise Zone; 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 in the Summary contained in File No. 2449-02-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 4. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and the funds are appropriated for the purposes listed in Chapter 5709 of the Revised Code. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 5. That the Director of Law shall prepare and approve the agreement and that the agreement shall contain the terms and provisions the director deems necessary to protect the City's interest.

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

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

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

Ord. No. 2469-02.

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

An emergency ordinance to supplement Ordinance No. 469-02, passed April 1, 2002, by adding new Sections 8a and 31a, 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 Ordinance No. 469-02, passed April 1, 2002, is supplemented by adding new Sections 8a and 31a, to read as follows:

Section 8a. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Environmental Compliance Specialist I.....	\$14.95	\$19.84
2. Environmental Compliance Specialist II.....	\$16.35	\$20.78
3. Environmental Compliance Specialist III.....	\$17.90	\$26.74
4. Environmental Enforcement Specialist I.....	\$14.95	\$20.65
5. Environmental Enforcement Specialist II.....	\$16.35	\$21.64
6. Environmental Enforcement Specialist III.....	\$17.90	\$22.68
7. Environmental Monitoring Specialist I.....	\$13.33	\$20.47
8. Environmental Monitoring Specialist II.....	\$14.18	\$21.44
9. Environmental Monitoring Specialist III.....	\$15.74	\$22.46
10. Environmental Technician.....	\$12.35	\$17.85
11. Instrument Repairman.....	\$ 8.21	\$18.25
12. Lab Coordinator.....	\$16.82	\$22.97
13. Public Health Sanitarian I.....	\$12.78	\$18.69
14. Public Health Sanitarian II.....	\$14.35	\$20.15
15. Public Health Sanitarian III.....	\$15.49	\$20.94
16. Public Health Sanitarian IV.....	\$ 8.78	\$25.48
17. Quality Control Coordinator.....	\$16.82	\$22.97

Section 31a. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. District Supervisor - Environmental Health.....	\$19,784.74	\$51,000.00

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

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

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

Ord. No. 2474-02.

By Council Member Lewis.

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Barbizon of Northeastern Ohio, Inc to provide a job readiness program in order to carry out the public purpose of provide employment opportunities for the residents of the City of Cleveland through the use of Ward 7 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with Barbizon of Northeastern Ohio, Inc to provide a job readiness program in order to carry out the public purpose of provide employment opportunities for the residents of the City of Cleveland through the use of Ward 7 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$49,750 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said

contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

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

Ord. No. 2478-02.

By Council Member Jackson.

An emergency ordinance authorizing the Clerk of Council to enter into contract or contracts for the purchase of a software assurance package and all related computer programs and for professional services for installation of software upgrades for the year 2003.

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 a contract or contracts for the purchase of a software assurance package and all related computer programs, and for professional services for installation of software upgrades, for a period of one year beginning January 1, 2003.

Section 2. That the cost of said contract or contracts shall not exceed \$85,000 and shall be payable from Fund No. 01, Subclass 001 or Fund No. 11, Subclass 006.

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 from and after the earliest period allowed by law.

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

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

Ord. No. 2479-02.**By Council Member Jackson.**

An emergency ordinance to amend the title, Section 1, and Section 2 of Ordinance No. 1013-02, passed May 20, 2002, as amended by Ordinance No. 1394-02, passed July 17, 2002, relating to public improvements at Barkwill Park.

Whereas, Ordinance No. 1748-99, passed April 17, 2000, determined the method of making certain public improvements to certain City-owned parks; 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 of Ordinance No. 1013-02, passed May 20, 2002, as amended by Ordinance No. 1394-02, passed July 17, 2002, is hereby amended to read as follows:

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving Barkwill Park, authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement, and authorizing the Director of Parks, Recreation and Properties to enter into a grant agreement with McKnight and Associates for surveying, design and planning of park improvements to Barkwill Park.

Section 2. That Section 1 of Ordinance No. 1013-02, passed May 20, 2002, as amended by Ordinance No. 1394-02, passed July 17, 2002, is hereby amended to read as follows:

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, rehabilitating, renovating, replacing, or otherwise improving Barkwill Park, for the Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding on a unit basis for the improvement.

That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract.

That the Director of Parks, Recreation and Properties is hereby authorized to enter into a grant agreement with McKnight and Associates for surveying, design and planning of park improvements to Barkwill Park.

Section 3. That Section 2 of Ordinance No. 1013-02, passed May 20, 2002, as amended by Ordinance No. 1394-02, passed July 17, 2002, is hereby amended to read as follows:

Section 2. That the cost of said contracts shall be paid from any funds appropriated for the purpose of improving Barkwill Park including, but not limited to, the funds

authorized in Ordinance No. 1748-99, passed April 17, 2000, and, in an amount not to exceed \$250,000, from Fund No. 10 SF 166.

Section 4. That the Title, existing Section 1, and existing Section 2 of Ordinance No. 1013-02, passed May 20, 2002, as amended by Ordinance No. 1394-02, passed July 17, 2002, is hereby repealed.

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

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

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

Ord. No. 2480-02.**By Council Member Jackson.**

An emergency ordinance to amend Section 1 of Ordinance No. 1570-02, passed August 14, 2002, relating to the purchase of office furniture, fixtures, and equipment for Cleveland City Council.

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

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

Section 1. That Section 1 of Ordinance No. 1570-02, passed August 14, 2002 is hereby amended to read as follows:

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

Section 2. That existing Section 1 of Ordinance No. 1570-02, passed August 14, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED**Res. No. 2475-02.**

By Council Members Coats, Cinton, Cimperman, Brady, Conwell, Westbrook, Johnson, Scott, Jackson, Britt, Zane, White, O'Malley, Gordon and Reed.

An emergency resolution condemning the recent comments of Senator Trent Lott relating to the Presidential election of 1948 as such comments appear to imply support for racial segregation; encouraging the United States Senate to elect a Senator to the position of Senate Majority Leader who is committed to racial equality; encouraging Senator Michael DeWine and Senator George Voinovich to oppose the election of Senator Trent Lott as Senate Majority Leader; and encouraging the United States Senate to censure Senator Trent Lott for his recent comments.

Whereas, Senator Trent Lott, Senate Majority Leader, recently commented on Strom Thurmond's candidacy for President in 1948 and stated the following: "When Strom Thurmond ran for President, we voted for him. We're proud of it. And if the rest of the country had followed our lead, we wouldn't have had all these problems over all these years"; and

Whereas, such comment has been repeatedly reported in the media; and

Whereas, Strom Thurmond ran as the nominee of the States' Rights Party with an avowed goal of preserving racial segregation; and

Whereas, this is at least the second time that Senator Lott has made comments of this nature; and

Whereas, Senator Lott has a long history of opposing the rights of African-Americans as he opposed the integration of the University of Mississippi, the integration of Sigma Nu fraternity, the establishment of the Martin Luther King Jr. holiday, and the expansion of the Civil Rights Act; and

Whereas, Senator Lott's history includes being a popular speaker for the white supremacist organization Council of Conservative Citizens; and

Whereas, a growing chorus of democratically minded groups, including the Cleveland AFL-CIO Federation of Labor and the Cleveland Plain Dealer, have called for the removal of Senator Lott as Senate Majority Leader; and

Whereas, Senator Lott has served as Senate Majority Leader and is being considered for Senate Majority Leader when Congress convenes in January; and

Whereas, this Council is concerned about Senator Lott's remarks and disturbed by the fact that Senator Lott may be elected to the highest position of leadership within the Senate; and

Whereas, it is the opinion of this Council that the leader of the Senate should be an individual with unquestioned commitment to racial equality; and

Whereas, censure is a formal condemnation by the Senate of one of its own Members and is used when a Member engages in behavior considered to be inappropriate or demeaning to the Senate; 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 condemns the recent comments of Senator Lott relating to the Presidential election of 1948 as such comments appear to imply support for racial segregation.

Section 2. That this Council encourages the United States Senate to elect a Senator to the position of Senate Majority Leader who is clearly committed to racial equality.

Section 3. That this Council encourages Senator Michael DeWine and Senator George Voinovich to oppose the election of Senator Trent Lott as Senate Majority Leader.

Section 4. That this Council encourages the United States Senate to censure Senator Lott for his recent comments relating to the Presidential election of 1948 as such comments appear to imply support for racial segregation.

Section 5. That the Clerk of Council is hereby directed to transmit copies of this resolution to U. S. Senator Trent Lott, U.S. Senator Michael DeWine, and U.S. Senator George Voinovich.

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

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

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

Res. No. 2481-02.

By Council Member Brady.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 1121 Western Avenue, 1st Floor and Basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 13813 Lorain Corporation, 1121 Western Avenue, 1st Floor and Basement, Cleveland, Ohio 44111, Permanent Number 52911910005; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or

constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 13813 Lorain Corporation, 1121 Western Avenue, 1st Floor and Basement, Cleveland, Ohio 44111, Permanent Number 52911910005; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 2482-02.

By Council Member Conwell.

An emergency resolution objecting to the stock transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 780-86 East 125th Street, 1st Floor and Basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for a stock transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to Lim Hunts Corporation, 780-86 East 125th Street, 1st Floor and Basement, Cleveland, Ohio 44108, Permanent Number 5202390; 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 oper-

ated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the stock transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to Lim Hunts Corporation, 780-86 East 125th Street, 1st Floor and Basement, Cleveland, Ohio 44108, Permanent Number 5202390, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 2483-02.

By Council Member Conwell.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 11701 St. Clair Avenue and repealing Resolution No. 1642-02, objecting to said renewal.

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 11701 St. Clair Avenue by Resolution No. 1642-02 adopted by the Council on August 14, 2002; and

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

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

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

Section 1. That objection to the renewal of a C1 and C2 Liquor Permit to 11701 St. Clair Avenue be and the same is hereby withdrawn and Resolution No. 1642-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 2484-02.

By Council Member Johnson.
An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 3218 East 135th Street and repealing Resolution No. 1228-02, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 3218 East 135th Street by Resolution No. 1228-02 adopted by the Council on June 10, 2002; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement by and through City Council Representative, Kenneth L. Johnson and Riyad Assad, President of Karima, Inc., DBA Eastside Groceries, 3218 East 135th Street, Cleveland, Ohio 44120, Permanent Number 4498930, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 3218 East 135th Street be and the same is hereby withdrawn and Resolution No. 1228-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

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

Res. No. 2485-02.

By Council Member Scott.
An emergency resolution objecting to a New C1 Liquor Permit to 965 East 105th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Carl W. Byers, DBA Mikias Deli, 965 East 105th Street, Cleveland, Ohio 44108, Permanent Number 1159396; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Carl W. Byers, DBA Mikias Deli, 965 East 105th Street, Cleveland, Ohio 44108, Permanent Number 1159396; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency

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

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

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

Res. No. 2486-02.

By Council Member Johnson.
An emergency resolution objecting to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 13108 Buckeye Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1, C2 and D6 Liquor Permit at 13108 Buckeye, Inc., DBA Buckeye Beverage, 13108 Buckeye Road, Cleveland, Ohio 44120, Permanent Number 6548662; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit at 13108 Buckeye, Inc., DBA Buckeye Beverage, 13108 Buckeye Road, Cleveland, Ohio 44120, Permanent Number 6548662; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

SECOND READING EMERGENCY ORDINANCES

Ord. No. 2243-02.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire property located at 16300 Lakeshore Boulevard for the purpose of park and recreational purposes.

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1204-02.

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

An emergency ordinance to appropriate property for the public purpose of renovating League Park, Permanent Parcel Nos. 106-13-068 and 106-13-070.

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

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

Ord. No. 1260-02.

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

An emergency ordinance determining the method of making the public improvement of constructing upgrades of electrical vaults 5 and 7 at Cleveland Hopkins International Airport, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees Aviation and

Transportation, City Planning, Finance.

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

Ord. No. 1523-02.

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

An emergency ordinance to amend Section 6 of Ordinance No. 1127-01, passed March 4, 2002, relating to an amendment to the Continental Airlines Special Facilities Lease at Cleveland Hopkins International Airport and to employ one or more professional consultants to provide services necessary to maintain, operate and manage common use gates at the airport.

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

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

Ord. No. 1546-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Section 108 contract with STL Medical LLC to provide economic development assistance to partially finance the acquisition, construction of site and real property improvements, and all other costs associated with the construction of a new medical office building located at the corner of East 116th Street and Shaker Boulevard.

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

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

Ord. No. 1547-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with STL Medical LLC to provide for a ten year sixty percent abatement for certain tangible personal property and real estate taxes as an incentive to acquire, to make site and real property improvements, and all other costs associated with the construction of a new medical office building located at the corner of East 116th Street and Shaker Boulevard, and in the Cleveland Area Enterprise Zone.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read

third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1843-02.

By Council Member Cimperman.

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

Contents noted by Director of Public Service; Approved by Directors of City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance; when amended as follows:

1. In the title, line 2, strike "change the name of" and insert "**designate**"; and in line 4, strike "to East 9th Street-Rock" and insert "**as the Rock**".

2. In Section 1, line 2, strike "the name of" and insert "**that**" and in line 3, strike "hereby changed to East 9th Street-Rock" and insert "**designated and shall also be known as the Rock**".

Amendments agreed to.

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

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

Ord. No. 1846-02.

By Council Member Cintron.

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

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

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

Ord. No. 1847-02.

By Council Member Lewis.

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

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

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

Ord. No. 1887-02.

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

An emergency ordinance authorizing the Director of Port Control to apply for and accept State of Ohio and Federal grant funds.

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

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

Ord. No. 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.

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

1. In Section 2, at the end, add the following: **"Not more than \$200,000 shall be paid from Fund No. 10 SF 165 for these services, and the remainder shall be paid from other funding sources identified in this ordinance."**

Amendment agreed to.

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

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

Ord. No. 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.

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

1. In Section 2, line 2, strike **"10 SF 165,"**

Amendment agreed to.

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

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

Ord. No. 1939-02.

By Council Members Johnson, 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 East 93rd Street to United Glorious Church of God.

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

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

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.

Approved by Directors of Community Development, City Planning

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

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

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.

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

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

Ord. No. 1975-02.

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

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a Water Supply Revolving Loan Account loan to partially finance Phase I-B of the Chemical Rehabilitation Project at the Baldwin Water Treatment Plant; determining the method of making the public improvement of constructing those improvements; and authorizing the Director of Public Utilities to enter into one or more contracts for the making of the improvement.

Approved by Directors of Public Utilities, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Utilities, City Planning, Finance; when amended as follows:

1. At the end of Section 5, add the following: **"All contracts entered, into under this ordinance shall contain the MBE, FBE and workforce goals in effect at the time the contracts were bid."**

Amendment agreed to.

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

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

Ord. No. 2029-02.

By Council Member Coats.

An emergency ordinance determining the method of making the public improvement of grading and paving, constructing streets, sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, utility boxes, casting adjustments, appurtenances, streetscaping, landscaping, installing water and sewer mains and connections, installing electrical service and connections, streetlighting, and other related infrastructure improvements in conjunction with the Hurston Court/Cliffview West project; and authorizing the Directors of Community Development, Public Service or Public Utilities to enter into contract for the making of such improvement.

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

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

Ord. No. 2063-02.

By Council Member Jackson (by departmental request).

An emergency ordinance to vacate a portion of Central Avenue, S.E. hereinafter described.

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

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

Ord. No. 2111-02.

By Council Members O'Malley, Johnson, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire the former Memphis School property located at 4103 Memphis Avenue for the purpose of park and recreation purposes.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Parks, Properties and Recreation, City Planning, Finance.

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

Ord. No. 2155-02.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of the disposal of catch basin debris, for the Division of Water Pollution Control, Department of Public Utilities.

Approved by Directors of Public Utilities, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Utilities, City Planning, Finance.

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

Ord. No. 2158-02.

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

An emergency ordinance authorizing the purchase by contract or contracts of one spray paint booth, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2159-02.

By Council Member Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Cuyahoga County Engineer's Office to encroach into the right-of-way of a portion of the Superior Viaduct Avenue N.W. between West 25th St. and Vermont Ave. as part of a parking lot area in the proposed Detroit/Superior Bridge Bikeway Project.

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

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

Ord. No. 2160-02.

By Council Member Johnson.

An emergency ordinance to vacate a portion of Kennedy Avenue and East 92nd Street hereinafter described.

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

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

Ord. No. 2161-02.

By Council Member Sweeney (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to F C I inc. to encroach into the right-of-way of Giles Road for ingress and egress of an employees parking lot, head-in visitor/customer parking lot, and landscaping in the unimproved area.

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

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

Ord. No. 2173-02.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the corner of Deering Avenue and East 109th Street to University Circle, Inc.

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

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

Ord. No. 2176-02.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with KS Associates, Inc. for sur-

veying services for the abandoned rail line from the Wheeling and Lake Erie Railway Co.

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

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

Ord. No. 2188-02.

By Council Member Dolan.

An emergency ordinance authorizing the continuation of City-provided group health and life insurance coverage, under the same terms and conditions currently in effect, and further authorizing a continuation of military leave with pay to all City employees who would otherwise lose such benefits as a result of a call to active military duty in connection with the terrorists acts that occurred in New York City and Washington, D.C. on September 11, 2001.

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

1. In Section 1, line 3, after "City" insert "**who are in the reserve military forces of the United States and**".

2. In Section 2, line 7, after "benefits," insert "**who are in the reserve military forces of the United States and**".

3. Insert a new Section 3 to read as follows:

"Section 3. That to continue the group health insurance benefits in full force and effect, the employee shall be responsible for paying any contributions to the health care premium that the employee is required to pay as an employee."

4. Renumber existing Section 3 to new "**Section 4**".

Amendments agreed to.

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

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

Ord. No. 2226-02.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into professional services contracts, purchase contracts and requirement contracts to obtain marketing and advertising services, materials and equipment necessary to promote the Cleveland Public Power Expansion Program.

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

1. In Section 4, line 1, after "shall" insert "**not exceed \$350,00, shall**".

Amendment agreed to.

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

In compliance with Section 33 of the Charter, a copy of the legisla-

tion was furnished to each member of Council before final passage.

Ord. No. 2245-02.

By Council Members Reed, 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 East 117th Street to Shorebank Cleveland.

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

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

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

Ord. No. 2251-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Gateway Electric, Inc. to provide economic development assistance to partially finance the construction of a facility at Block H, Parcel B in the Cleveland Industrial Park, and all other associated costs necessary to redevelop the property, located in Cleveland, Ohio.

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

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

Ord. No. 2310-02.

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

An emergency ordinance authorizing the Director of Public Service to make alterations and modifications in Contract No. 59806 with Perk Company, Inc. for the West 25th Street/Pearl Road rehabilitation project, for the Department of Public Service.

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

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

Ord. No. 2327-02.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to service and maintain police aircraft, including installation if necessary, for the Division of Police, Department of Public Safety, for a period not to

exceed one year, with one option to renew for an additional two year period.

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

1. In the title, line 8, strike "two-year" and insert "**one-year**".

2. In Section, 1, line 7, strike "two-year consecutive" and insert "**one-year**".

Amendments agreed to.

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

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

Ord. No. 2328-02.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various electrical supplies, materials and equipment needed for building maintenance, renovations and improvement projects in various City facilities, for the Division of Property Management, Department of Parks, Recreation and Properties for a period not to exceed three years.

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

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

Ord. No. 2329-02.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a property adoption agreement with Parkworks for improving a site at East 55th Street and South Marginal Road.

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

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

Ord. No. 2334-02.

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

An emergency ordinance authorizing the Director of Economic Development to Contract No. 52162 with Megas Beauty Care, Inc. relating to an Enterprise Zone Agreement.

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

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

Ord. No. 2369-02.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing a supplement to Lease-Purchase Agreement relating to the acquisition by lease-purchase of the Cleveland Stadium; approving a Supplemental Trust Agreement and the issuance of Certificates of Participation to pay costs of refunding outstanding certificates of participation; authorizing a swaption and related master agreement; authorizing agreements for the sale of the refunding certificates of participation; and authorizing and approving related matters.

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

1. In Section 2, division (b), line 3, strike "Bonds" and insert "**Certificates**"; and strike lines 6 and 7 in their entirety and insert: "**shall negotiate the terms of the Swaption with a financial institution satisfying the credit criteria in this Ordinance for a Swap Counterparty and offering an upfront payment to the City in an amount that, in the written opinion of a Financial Advisor, is fair value for the Swaption, given the credit, terms and conditions offered by the City to the Swap Counterparty. The Director of Finance shall determine the terms and conditions of the Swaption, including without limitation, the time or times and procedures for the exercise by the Swap Counterparty of its option under the Swaption whether the obligations of the City under the Swap Agreements shall be secured by a Credit Support Instrument, and the variable rate to be paid by the Swap Counterparty to the City under**".

2. In Section 8, at the end, insert "**Any Financial Advisor employed under the authority of this ordinance shall be disinterested in the Swaption transaction and independent of the counterparty and any other party interested in the Swaption transaction.**".

Amendments agreed to.

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

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

Ord. No. 2370-02.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the issuance of Parking Facilities Refunding Revenue Bonds for the purpose of refunding certain outstanding bonds; authorizing a swaption and related swap agreements; authorizing agreements for the sale of the refunding bonds and for their security; and authorizing and approving related matters.

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

1. In Section 2, division (b), strike lines 5 and 6 in their entirety and insert: "**Series 1996 Bonds. The Director of Finance shall negotiate the terms of the Swaption with a financial institution satisfying the**

credit criteria in this Ordinance for a Swap Counterparty and offering an upfront payment to the City in an amount that, in the written opinion of a Financial Advisor, is fair value for the Swaption, given the credit, terms and conditions offered by the City to the Swap Counterparty. The Director of Finance shall determine the terms and conditions of the Swaption, including without limitation, the time or times and procedures for the exercise by the Swap Counterparty of its option under the Swaption, whether the obligations of the City under the Swap Agreements shall be secured by a Credit Support Instrument, and the variable rate to be paid by".

2. In Section 15, at the end, insert "**Any Financial Advisor employed under the authority of this ordinance shall be disinterested in the Swaption transaction and be independent of the counterparty and any other party interested in the Swaption transaction.**".

Amendments agreed to.

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

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

Ord. No. 2377-02.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of asphalt, concrete and tack coat, and labor and materials to deliver, spread, and compact those materials to repair roadways and runways, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

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

Ord. No. 2378-02.

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

An emergency ordinance authorizing the Director of Port Control to amend Contract No. 53694 with Parsons Infrastructure and Technology, Inc. for professional management services relating to the expansion of Cleveland Hopkins International Airport.

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

1. In Section 1, line 5, after "by" insert "**an amount not to exceed**".

Amendment agreed to.

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

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

Ord. No. 2379-02.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide emergency spill response, evaluation, handling, and disposal at Cleveland Hopkins International Airport and Burke Lakefront Airport, for the Department of Port Control.

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

1. In Section 1, at the end of the first paragraph, after the period insert: **"That the contract or contracts authorized shall be entered into within one year from the date of passage of this ordinance."**

2. In Section 1, at line 6 of the second paragraph, after "contract" insert **"or contracts"**.

Amendments agreed to.

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

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

Ord. No. 2380-02.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to prepare planning studies, for the various divisions of the Department of Port Control.

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

1. In Section 1, at the end of the first paragraph, after the period insert: **"That the contract or contracts authorized shall be entered into within one year from the date of passage of this ordinance."**

2. In Section 1, second paragraph, line 6 after "contract" insert **"or contracts"**; and at the end of the second paragraph, insert the following: **"The contract or contracts authorized shall be prepared by the Director of Law and shall be for a term or terms of two years with each contract entered into under this ordinance having one option to renewal for an additional term or terms of two years. The Director of Port Control will notify the Clerk of Council and the Chair of the Aviation Committee whenever an option to renew has been exercised."**

3. Insert a new Section 3 to read as follows:

"Section 3. That the Director of Port Control will notify the Clerk of Council and the Chair of the Aviation and Transportation Committee whenever a prime or subcontract is entered into under this ordinance. The information reported will identify each contract amount and the source of funds for each contract entered into under this ordinance."

4. Renumber existing Section 3 to new **"Section 4"**.

Amendments agreed to.

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

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

Ord. No. 2381-02.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide services necessary to design, layout, produce, and distribute 2002 and 2003 annual reports and other customer public information materials, for the various divisions of the Department of Port Control.

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

1. In Section 2, line 1, after "shall" insert **"not exceed \$70,000 and shall"**.

Amendment agreed to.

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

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

Ord. No. 2382-02.

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

An emergency ordinance authorizing the purchase by contract or contracts of one double wall tank, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2384-02.

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

An emergency ordinance to appropriate property for the public purpose of constructing Maplewood Park, located at 17810 Midvale Avenue.

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

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

Ord. No. 2386-02.

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

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Recovery Resources to

provide services relating to the Employee Assistance Program; and authorizing a three month interim extension of Contract No. 58622 with Recovery Resources.

Approved by Directors of Personnel and Human Resources Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance; when amended as follows:

1. In Section 1, line 2, after "contract" insert **"for one year from January 1, 2003 to December 31, 2003,"**.

Amendment agreed to.

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

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

Ord. No. 2387-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 50034 with Emerald Research Park, Ltd.

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

1. In Section 1, line 4, strike the period and insert **", as clarified by this ordinance. The Director of Economic Development shall include in the contract amendment authorized by this ordinance a requirement that, from and after the effective date of the contract amendment, Emerald Research Park, Ltd. shall pay to the City \$30,000 per acre sold within the park, to be applied to the principal loan amount. The entire principal balance shall be due on February 11, 2008."**

Amendment agreed to.

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

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

Ord. No. 2394-02.

By Council Member Jackson (by departmental request).

An emergency ordinance to make temporary appropriation for the current payrolls and other ordinary expenses of the City of Cleveland for the period from January 1, 2003 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2003.

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

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

MOTION

Council Member Cintron moved that Ordinance No. 129-02 be placed on second reading again so that it

can be amended to change the effective date of the rents due; to delete lines 3, 4, 5 and 6 of Section 1 and replace them with language to replace the existing file with a portion of the form rental agreement; and to add a new section to require the Director of Parks, Recreation and Properties to meet with the United West Side Market Tenant's Association Budget Committee and to give notice to the Chairperson of the Public Parks, Recreation and Properties Committee and the council member representing the ward containing the West Side Market of these meetings. Council Member Cintron further moved that the rules be suspended to pass this ordinance, as amended, on second reading.

Without objection motion agreed to. Yeas 20. Nays 0.

Ord. No. 129-02.

By Councilmen Johnson and Polensek (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to assess and collect rent for the use of space at the West Side Market, effective March 1, 2002.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance; when amended as follows:

1. In the title, at the end, and in Section 1, line 1, strike ", effective March 1, 2002" and insert ", effective January 1, 2003".

2. In Section 1, strike lines 3, 4, 5, and 6 in their entirety and insert: "rent for the use of space at the West Side Market using the fee formula contained within the portion of the form rental agreement, which is used as the basis for rental agreements at the West Side Market, placed in File No. 129-02-B".

3. Insert new Section 2 to read as follows:

"Section 2. That every six months the Director of Parks, Recreation and Properties shall meet with the United West Side Market Tenant's Association Budget Committee to review the Director's Schedule described in the form rental agreement placed in the file described above. The Director of Parks, Recreation and Properties shall give written notice to the Chairperson of Public Parks, Recreation and Properties Committee and the council member representing the ward containing the West Side Market of the date, time and location of each meeting."

4. Renumber existing Section 2 to new "Section 3".

Amendments agreed to.

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

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

SECOND READING ORDINANCES PASSED

Ord. No. 2069-02.

By Council Member Cimperman. An ordinance to change the zoning of a property on the east side of West 11th Street, south of Fairfield Avenue to a Local Retail Dis-

trict. (Map Change No. 2060, Sheet No. 5)

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

1. In Section 1, at the end of the legal description, insert the following additional legal description:

"Beginning on the centerline of West 11th Street (100 feet wide) at the Westerly prolongation of the Northerly line of Sublot Number 214 in the Pelton and Jennings Allotment as shown by the recorded plat in Volume 2, Page 10 of Cuyahoga County Records; thence easterly along the Western prolongation of the Northerly line of said Sublot 214 about 205.3 feet to a point; thence Southerly at right angles to the last described line about 30 feet to a point;

Thence Easterly and parallel with the Northerly line of said Sublot No. 214 about 26.25 feet to the Easterly line of said Sublot; thence Southerly along the Easterly line of Sublot Numbers 214 and 215 in the aforesaid Allotment about 41 feet to a point distant 5 feet by rectangular measurement from the Northerly line of said Sublot Number 215;

Thence Westerly along a line 5 feet distant from and parallel with said Sublot Number 215 about 231.53 feet to the centerline of West 11th Street as aforesaid;

Thence Northerly along the centerline of said West 11th Street to the place of beginning."

Amendment agreed to.

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

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

Ord. No. 2119-02.

By Council Member Zone.

An ordinance to change the zoning of a property at 8205 Franklin Avenue to a Multi-Family Residential District, an "F" Area District, and a "F" Height District. (Map Change No. 2061, Sheet No. 1)

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

SECOND READING EMERGENCY RESOLUTIONS ADOPTED

Res. No. 1208-02.

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

An emergency resolution declaring the necessity and intention to appropriate property for public use to renovate League Park.

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

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

Res. No. 2254-02.

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

An emergency resolution declaring the necessity and intention to appropriate property for the public purpose of park and recreational purposes, located at 16300 Lakeshore Boulevard.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Relieved of Committee on Public Parks, Property and Recreation; Passage recommended by Committees on City Planning, Finance.

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

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 2247-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into agreements with various property owners to provide tax increment financing to partially finance certain improvements as part of the Lower Euclid Avenue Commercial and Residential District redevelopment project and to provide for service payments in lieu of taxes, and to declare certain improvements to real property to be a public purpose.

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

LAID ON THE TABLE

Ord. No. 277-02.

By Mayor Campbell.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 123.09 thereof; and to repeal Section 129.151 of the codified ordinances, as enacted by Ordinance No. 2225-93, passed November 8, 1993, relating to the Office of Telecommunications.

Without objection, Ord. No. 277-02 was relieved of further consideration of all committees and was laid on the table pursuant to the rules of Council.

The rules were suspended. Yeas 20. Nays 0.

MOTION

By Council Member O'Malley, seconded by Council Member Britt and unanimously carried that the absence of Council Member Joseph T. Jones be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:10 p.m. to meet on Monday, January 6, 2003 at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

The following measure will be on its final passage at the next meeting:

Ord. No. 2243-02.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire property located at 16300 Lakeshore Boulevard for the purpose of park and recreational purposes.

BOARD OF CONTROL

December 11, 2002

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 11, 2002, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Absent: Director Mok.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Henry Guzman, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 798-02.

By Director Baker.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November, 26, 1952 the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of November, 2002 in the amount of \$347,000, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 799-02.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Ohio Materials Handling, Inc. for an estimated quantity of 12,000 pound capacity lift trucks, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on October 16, 2002, pursuant to the authority of Ordinance No. 1264-01, passed by the Council of the City of Cleveland on June 19, 2001, and Ordinance No. 1068-02, passed by the Council of the City of Cleveland on July 17, 2002, which on the basis of the estimated quantity would amount to Forty-Two Thousand Seven Hundred Four and 00/100 (\$42,704.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the

Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 127216 which shall be certified against such contract in the sum of Forty-Two Thousand Seven Hundred Four and 00/100 Dollars (\$42,704.00).

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

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 800-02.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Carnegie Textile Company, for an estimated quantity of paper cloth wipers, item nos. 1 & 2, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on November 14, 2002, pursuant to the authority of Ordinance No. 1064-02, passed September 16, 2002, which on the basis of the estimated quantity would amount to Thirty Eight Thousand Nine Hundred Twenty Five and 00/100 Dollars (\$38,925.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 131838

which shall be certified against such contract in the sum of Ten Thousand and 00/100 Dollars (\$10,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract and which, together with all other contracts entered into pursuant to the above mentioned ordinance, does not in total exceed \$50,000.00.

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 801-02.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Rice Business Systems, Inc., d.b.a. Dopco, for an estimated quantity of

labor and materials necessary to maintain typewriters, all items, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on November 20, 2002, pursuant to the authority of Ordinance No. 1061-02, passed September 16, 2002, which on the basis of the estimated quantity would amount to Twenty Two Thousand Two Hundred Ninety Two and 50/100 Dollars (\$22,292.50), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 119584

which shall be certified against such contract in the sum of Nine Thousand Seven Hundred Eighty and 00/100 Dollars (\$9,780.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract and which, together with all other contracts entered into pursuant to the above mentioned ordinance, does not in total exceed \$30,000.

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 802-02.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Wesco Distribution, Inc. for an estimated quantity of lamps, all items, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on October 30, 2002 pursuant to the authority of Ordinance No. 1063-02, passed September 16, 2002, which on the basis of the estimated quantity would amount to One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 122513

which shall be certified against such contract in the sum of Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract and which, together with all other contracts entered into pursuant to the above

mentioned ordinance, does not in total exceed \$175,000.

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 803-02.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Kennedy Valve, Division of McWane Inc. for an estimated quantity of fire hydrants and fire hydrant parts (items 1-12) 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 or receipt of a notice to proceed, received on the 24th day of October, 2002, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to Three Million One Hundred Ninety Thousand Five Hundred Dollars (\$3,190,500.00) (2% Net 31 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 131809

which shall be certified against such contract in the sum of Five Hundred Thousand Dollars (\$500,000.00).

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

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 804-02.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Clow Valve Company for an estimated quantity of fire hydrants and fire hydrant parts (items 13-20) 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 or receipt of a notice to proceed, received on the 24th day of October, 2002, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to One Million Four Hundred Fifty Nine Thousand Four Hundred Dollars (\$1,459,400.00) (2% Net 31 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the

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

Requisition No. 131810

which shall be certified against such contract in the sum of Three Hundred Thousand Dollars (\$300,000.00).

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

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 805-02.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Julian Supply Company for an estimated quantity of fire hydrants and fire hydrant parts (item 22) 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 or receipt of a notice to proceed, received on the 24th day of October, 2002, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to Eighteen Thousand Six Hundred Dollars (\$18,600.00) (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. 131812

which shall be certified against such contract in the sum of Five Thousand and 00/100 Dollars (\$5,000.00).

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

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 806-02.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of US Filter Distribution Group for an estimated quantity of fire hydrants and fire hydrant parts (items 21, 23-25) 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 or receipt of a notice to proceed, received on the 24th day of October, 2002, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleve-

land Ohio, 1976, which on the basis of the estimated quantity would amount to One Million Fifteen Thousand Dollars (\$1,015,000.00) (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. 131811

which shall be certified against such contract in the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00).

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

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 807-02.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Southeastern Equipment Co, Inc. for an estimated quantity of two (2) two-wheel loaders, including the trade-in of the following: one (1) used hydraulic excavator, one (1) used trailer, one (1) used truck for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period of one (1) year beginning with the date of execution of a contract, received on the 23rd day of October, 2002, pursuant to the authority of Ordinance No. 1262-02, passed July 17, 2002, which on the basis of the estimated quantity, less an allowance of \$225,000.00 for trade-in would amount to approximately Thirty Thousand One Hundred Sixty Eight Dollars (\$30,168.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into 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. 123097

which shall be certified against such contract in the sum of Thirty Thousand One Hundred Sixty Eight Dollars (\$30,168.00).

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

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 808-02.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on October 23, 2002, for Two Wheel Loaders and One Backhoe/Loader (Item 2) for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 1262-02, passed by the Council of the City of Cleveland on July 17, 2002, are hereby rejected.

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 809-02.

By Acting Director Carroll.

Resolved, by the Board of Control of the City of Cleveland that the bid of Hogan Electric Company for an estimated quantity of Electric system upgrade (all items) for the Division of Correction, Department of Public Health, for the period of one (1) year beginning with the date of execution of a contract, received on the 12th day of September, 2002, pursuant to the authority of Ordinance No. 1203-2000, passed August 7, 2000, which on the basis of the estimated quantity would amount to Twenty Five Thousand Seven Hundred Fifty Nine and 00/100 (\$25,759.00 Dollars, (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Health, 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. 124356

Upgrade of electrical system which shall be certified against such contract in the sum of Twenty Five Thousand Seven Hundred Fifty Nine and 00/100 Dollars (\$25,759.00).

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

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 810-02.

By Acting Director Glending.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of R. DiLillo & Company, for the public improvement of Various Ward 21 Parks Site Improvements, for Base Bid Items #A1 - #A19 including the 5% contingency (Drakefield Park) and Base Bid Items #C1 - #C42, Add Alternate Items #CAA1 and #CAA2 including the 5% contingency (Rainbow Park) for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on October 23, 2002, pursuant to the authority of Ordinance No. 1748-99 and Ordinance No. 1114-

02, passed on April 17, 2000 and June 17, 2002, upon a unit basis for the improvement in the aggregate amount of Two Hundred Twenty Thousand Three Hundred Ninety Five and 00/100 Dollars (\$220,395.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by R. DiLillo & Company for the aforementioned public improvement hereby is approved:

SUBCONTRACTORS
RESPONSIBILITY

Barrow Sign (FBE)	Signage
Cook Paving (MBE)	Asphalt
Tech Ready Mix (MBE)	Concrete

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 811-02.

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. 019-19-048 located at Wanda Avenue in Ward 19; 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, John E. Thomas, 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 19 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 John E. Thomas for the sale and development of Permanent Parcel No. 019-19-048 located at Wanda Avenue, in accordance with the Land Reutilization Program

in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 812-02.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Xitech of Ohio, Ltd. for an estimated quantity of Computer related Hardware Equipment (Parts I, III, and V), for the various divisions of City Government, for a period of six (6) months beginning with the date of execution of a contract, received on November 27th, 2002, pursuant to the authority of Ordinance No. 1936-02, passed September 30, 2002, which on the basis of the estimated quantity would amount to One Hundred Thirty-Nine Thousand Four Hundred Seventy-Six & 98/100 Dollars (\$139,476.98) Net, is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. RE-131659

which shall be certified against such contract in the total sum of Two Hundred Forty-Seven Thousand Nine Hundred Fifty-Two & 00/100 Dollars (\$247,952.00).

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

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 813-02.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of MCPc, Inc. for an estimated quantity of Computer related Hardware Equipment (Part IV), for the various divisions of City Government, for a period of six (6) months beginning with the date of execution of a contract, received on November 27th, 2002, pursuant to the authority of Ordinance No. 1936-02, passed September 30, 2002, which on the basis of the estimated quantity would amount to Three Hundred and Five Thousand, Seven Hundred Thirty-Five & 60/100 Dollars (\$305,735.60) Net, is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the

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

Requisition No. RE-104945 which shall be certified against such contract in the total sum of Fifteen Thousand, Nine Hundred Thirty-Two & 96/100 Dollars (\$15,932.96).

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

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

Resolution No. 814-02.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that all bids received on November 27th, 2002, for the purchase of an estimated quantity of Computer related Hardware Equipment (Parts II, VI, VII, VIII, and IX), for various Divisions of City Government, pursuant to the authority of Ordinance No. 1936-02, passed by the Council of the City of Cleveland on September 30, 2002, be and the same are hereby rejected.

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Directors Wasik, Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: Directors Chandra and Mok.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 30, 2002

No appeals will be heard on December 30, 2002.

The regular Monday schedule for the Board of Zoning Appeals will resume on January 6, 2003.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 16, 2002

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

The following appeals were **Approved:**

Calendar No. 02-337: 4227 West 143rd Street

Michael Hastings appealed to construct a 20' x 24' one-story garage to the rear of a 40' x 120' corner parcel and install 70 linear feet of 6' high wooden fencing to the north, south and east of a parcel in a One-Family District.

Calendar No. 02-346: 15519 Holmes Avenue

Diocese of Cleveland and St. Mary's Church appealed to construct a 14,000 sq. ft. gymnasium addition to an existing school in a Two-Family District.

Calendar No. 02-348: 2201 West 93rd Street

WTech, L.P., appealed to add an additional four stories above an existing school building and adding 244 dwelling units in a Multi-Family District.

Calendar No. 02-350: 1961 West 21st Street

Robert Ewolski appealed to construct a 24' x 35' three-story, frame dwelling unit on a 70' x 134' parcel in a General Industry District.

Calendar No. 02-276: 5800-34 Storer Avenue

MSM Family Investment Ltd. appealed to construct three new fueling islands with canopy and 15 new parking spaces in a General Retail Business District and a Two-Family District.

Calendar No. 02-317: 11626 Union Avenue

Shorebank Cleveland Corporation appealed to establish use of a 30' x 115' two-story masonry building as a five unit apartment building in a Two Family District and General Retail Business District.

Calendar No. 02-328: Motion to Amend Resolution, 4347-63 Rocky River Drive

Stelia Pellegrino appealed to amend and modify a Site Plan and

Parking Plan approved by the Board 7-20-1994; detail specific landscaping plan required.

The following appeals were **Denied:**

Calendar No. 02-349: 4713 Memphis Avenue

Angela Miller appealed to install a 5' high pole sign with a setback of 20' in the front yard of a residential parcel in a Local Retail Business District.

Calendar No. 02-318: Appeal of David Hogan, 2902 South Moreland Boulevard

Gary Rhodes, owner c/o David Hogan, agent, appealed from the decision of the Cleveland Landmarks Commission to deny an application for a Certificate of Appropriateness.

The following appeals were **Postponed:**

Calendar No. 02-344: 1892 East 73rd Street postponed to January 13, 2003.

Calendar No. 02-345: 6403 Fir Avenue postponed to January 27, 2003.

Calendar No. 02-347: 14408 Lakeshore Boulevard postponed to January 27, 2003.

On Monday, December 16, 2002, in Executive Session:

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

The following appeals were **Approved:**

Calendar No. 02-338: 1452 West 48th Street

Moneef Ammari appealed to construct a one-story frame addition for storage to the rear of a dwelling house in a Two-Family District.

Calendar No. 02-341: 5011 Lorain Avenue

Best & Associates appealed to construct a 40' x 132' parking lot for 11 parking spaces on a corner parcel in a Local Retail Business District.

The following appeals were **Denied:**

Calendar No. 02-334: 12000 Oakland Avenue

Ike and Hattie Oliver appealed to install 88 linear feet of 6' high wooden fencing to the west of a 30' x 93' parcel in a Two-Family District.

Calendar No. 02-340: 18114 Fairville Avenue

Pamela Salmon appealed to establish use of a one-story dwelling house as a Type A day care facility in an A1 One-Family District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing of the City of Cleveland Records Commission

Notice is hereby given in accordance with Chapter 149 of the Ohio Revised Code and Chapter 167 of the Codified Ordinances of the City of Cleveland, that the Cleveland Records Commission will hold a public meeting on Thursday December 19, 2002 at 2:00 p.m. in Room 106 City Hall, 601 Lakeside Avenue, Cleveland, Ohio for the purpose of considering records retention and disposal requests.

December 11, 2002 and December 18, 2002

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, City Hall, immediately thereafter.

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission

of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, JANUARY 8, 2003

Tree Trimming Around Wires and Street Lights, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1079-02, passed by the Council of the City of Cleveland, June 17, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING HELD ON THURSDAY, DECEMBER 19, 2002 AT 2:00 P.M., AT CLEVELAND PUBLIC POWER, LOCATED AT 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.

Repair and Maintain Combination Sewer and Catch Basin Cleaners, for the Division of Water Pollution Control, Department Public Utilities, as authorized by Ordinance No. 1084-02, passed by the Council of the City of Cleveland, June 17, 2002.

(S) Computer Related Hardware Equipment, for the Various Divisions, Department of Finance, as authorized by Ordinance No. 1936-02, passed by the Council of the City of Cleveland, September 30, 2002.

December 11, 2002 and December 18, 2002

THURSDAY, JANUARY 9, 2003

Shot Guns, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 646-92, passed by the Council of the City of Cleveland, June 1, 1992.

9MM Glock Pistols Model 17, 19, 26 & (3) Magazines for Each Weapon, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 646-92, passed by the Council of the City of Cleveland, June 1, 1992.

Electric Motors and Pumps, for the Division of Property Management, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 539-02, passed by the Council of the City of Cleveland, April 22, 2002.

December 11, 2002 and December 18, 2002

WEDNESDAY, JANUARY 15, 2003

Lecterns, for Various Divisions, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 1205-2000, passed by the Council of the City of Cleveland, May 21, 2001.

December 18, 2002 and December 25, 2002

FRIDAY, JANUARY 17, 2003

Crown Sludge Dome Repair, for the Division of Water Pollution Control, Department Public Utilities, as authorized by Ordinance No.

1148-01, passed by the Council of the City of Cleveland, October 8, 2002.

THERE WILL BE A PRE-BID MEETING HELD ON FRIDAY, JANUARY 3, 2003 AT 10:00 A.M., AT THE CROWN WATERWORKS PLANT, LOCATED AT 955 CLAGUE ROAD, WESTLAKE, OHIO.

THERE WILL BE A REFUNDABLE FEE OF TWO HUNDRED DOLLARS (\$200.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER FOR EACH SET OF SPECIFICATIONS.

December 18, 2002 and December 25, 2002

The Department of Port Control is seeking responses to a Request for Qualifications (RFQ) for Professional Services for Airfield Improvements at CHIA and Burke, for the Department of Port Control.

Copies of the RFQ may be obtained from the Department of Port Control, Cleveland Hopkins International, 19501 Five Points, Cleveland, Ohio 44135.

The pre-qualification meeting is December 18, 2002 at 9:30 am in the PMT conference room at 19501 Five Points, Cleveland, OH 44135.

Proposals are due to the Department of Port Control by Friday, January 3, 2002 at Noon. Please deliver proposals to the following address: Department of Port Control, Cleveland Hopkins International Airport, 5300 Riverside Drive, 2nd Floor of the Terminal Cleveland, Ohio 44135.

December 11, 2002 and December 18, 2002

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 2400-02.

By Council Members Cimperman, Conwell, Scott and Zone.

An emergency resolution urging the Campbell Administration to investigate the manner in which funds provided to the Greater Cleveland YMCA by the City of Cleveland, during the last ten years, were expended to determine if such expenditures are consistent with any contract between the City of Cleveland and the Greater Cleveland YMCA, with any ordinance authorizing funding for YMCA activities, and with any applicable laws; and requesting that if such investigation reveals that funds provided to the Greater Cleveland YMCA by the City of Cleveland were expended in an illegal or inappropriate manner, that the Law Director take any and all action that may be necessary to recover such funds and protect the interests of the City of Cleveland.

Whereas, the YMCA of Greater Cleveland has announced plans to close its Glenville and Near West Side branches; and

Whereas, the YMCA of Greater Cleveland has received funds from the City of Cleveland; and

Whereas, such funds were provided in order to assist the Greater Cleveland YMCA in its efforts to provide social service programs and recreational activities to the citizens of the City of Cleveland; and

Whereas, this Council wishes to ensure that City of Cleveland funds provided to the Greater Cleveland YMCA were expended for the purposes intended; 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 requests that the Campbell Administration investigate the manner in which funds provided to the Greater Cleveland YMCA by the City of Cleveland, during the last ten years, were expended to determine if such expenditures are consistent with any contract between the City of Cleveland and the Greater Cleveland YMCA, with any ordinance authorizing funding for YMCA activities, and with all applicable laws.

Section 2. That if such investigation reveals that funds provided to the Greater Cleveland YMCA by the City of Cleveland were expended in an illegal and/or inappropriate manner, this Council requests that the Law Director take any and all action that may be necessary to recover such funds and protect the interests of the City of Cleveland.

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 December 9, 2002.
Effective December 13, 2002.

Res. No. 2401-02.

By Council Members Sweeney and Westbrook.

An emergency resolution strongly condemning FOX 8 News for showing a photograph and broadcasting the name of a rape and assault victim in its newscast this past week and urging Fox 8 News to follow the example of those news organizations that do not release the name of rape victims.

Whereas, last week a woman was assaulted and raped while walking home from a bus stop on the City's west side; and

Whereas, this story was carried in the local newspaper and on local television newscasts; and

Whereas, in its newscast, Fox 8 News broadcast a photograph and the name of the rape and assault victim; and

Whereas, the use of the victim's name and image in relaying this terrible crime to the public is completely outside the bounds of good, moral and professional journalism; and

Whereas, the use of the victim's name and image in relaying this terrible crime to the public shows a total lack of respect and compassion for the woman who was raped; and

Whereas, the use of the victim's name and image in relaying this terrible crime to the public serves only to make the crime victim a victim again, this time of overzealous and sensationalist journalism; and

Whereas, Fox 8 News and all city television stations should work to aid in finding the perpetrator of the crime instead of further victimizing the crime victim; 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 this Council hereby strongly condemns FOX 8 News for showing a photograph and broadcasting the name of a rape and assault victim in its newscast this past weekend and urges Fox 8 News to follow the example of those news organizations that do not release the name of rape victims.

Section 2. That this Council commends the city's other local news media for their sensitivity and their appropriate news coverage in this instance.

Section 3. That the Clerk of Council is hereby directed to transmit copies of this resolution to the General Manager of Fox 8 News.

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

Adopted December 9, 2002.
Effective December 13, 2002.

Res. No. 2402-02.

By Council Member Brady.

An emergency resolution objecting to a New C1 Liquor Permit to 12417 Cooley Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Digat, LLC, DBA B & D Deli, 12417 Cooley Avenue, Cleveland, Ohio 44111, Permanent Number 0534829; and

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

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

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

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

Whereas, the place for which the permit is sought is so located with

respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Digat, LLC, DBA B & D Deli, 12417 Cooley Avenue, Cleveland, Ohio 44111, Permanent Number 0534829; 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 December 9, 2002.
Effective December 13, 2002.

Res. No. 2403-02.

By Council Member Britt.

An emergency resolution withdrawing objection to the transfer of ownership of a D5 and D6 Liquor Permit at 2181 Murray Hill Road and repealing Resolution No. 1753-02, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to 2181 Murray Hill Avenue, by Resolution No. 1753-02 adopted by the Council on September 9, 2002; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer based upon and pursuant to a cooperation agreement by and through City Council Representative, Patricia J. Britt and George J. Argie, Managing Partner, Gargiso Properties II Ltd., 2181 Murray Hill Road, Cleveland, Ohio 44106, Permanent Number 3052797, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a D5 and

D6 Liquor Permit to 2181 Murray Hill Road, be and the same is hereby withdrawn and Resolution No. 1753-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted December 9, 2002.

Effective December 13, 2002.

Res. No. 2404-02.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of liquor license of a D1, D2, D3 and D6 Liquor Permit to 4017 St. Clair Avenue, down unit.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of liquor license of a D1, D2, D3 and D6 Liquor Permit from Lai Lai Chinese Restaurant, LLC, 3040 St. Clair Avenue, Cleveland, Ohio 44114, Permanent Number 4971014 to T & B Cleveland, Inc. DBA My Place, 4017 St. Clair Avenue, Down Unit, Cleveland, Ohio 44103, Permanent Number 8769771; 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 liquor license of a D1, D2, D3 and D6 Liquor Permit from Lai Lai Chinese Restaurant, LLC, 3040 St. Clair Avenue, Cleveland, Ohio 44114, Permanent Number 4971014 to T & B Cleveland, Inc. DBA My Place, 4017 St. Clair Avenue, Down Unit, Cleveland, Ohio 44103, Permanent Number 8769771; 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 December 9, 2002.

Effective December 13, 2002.

Res. No. 2405-02.

By Council Member Dolan.

An emergency resolution objecting to a New C2 Liquor Permit to 15520 Munn Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Speedway Superamerica, LLC, DBA Speedway, #9338, 15520 Munn Road, Cleveland, Ohio 44111, Permanent Number 84189841820; 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, safe-

ty and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to a New C2 Liquor Permit at Speedway Superamerica, LLC, DBA Speedway, #9338, 15520 Munn Road, Cleveland, Ohio 44111, Permanent Number 84189841820; 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 December 9, 2002.

Effective December 13, 2002.

Res. No. 2406-02.

By Council Member Dolan.

An emergency resolution withdrawing objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit at 14053 Lorain Avenue and repealing Resolution No. 1435-02, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 14053 Lorain Avenue by Resolution No. 1435-02 adopted by the Council on July 17, 2002; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement by and through City Council Representative, Michael A. Dolan and Talat Iqbal, President of Ali Hader, Inc., DBA Sunny Food Mart, 14053 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 0121160, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 14053 Lorain Avenue be and the same is hereby withdrawn and Resolution No. 1435-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all

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

Adopted December 9, 2002.
Effective December 13, 2002.

Res. No. 2407-02.
By Council Member Gordon.
**An emergency resolution with-
drawing objection to the transfer of
ownership of a D5 Liquor Permit at
2071 Broadview Road and repealing
Resolution No. 1650-02, objecting to
said transfer.**

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 2071 Broadview Road by Resolution No. 1650-02 adopted by the Council on August 14, 2002; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement by and through City Council Representative, Merle R. Gordon and Frank A. Novak, President of Raging Bull Tavern, LLC, 2071 Broadview Road, Cleveland, Ohio 44109, Permanent Number 7169195, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a D5 Liquor Permit to 2071 Broadview Road be and the same is hereby withdrawn and Resolution No. 1650-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted December 9, 2002.
Effective December 13, 2002.

Res. No. 2408-02.
By Council Member Polensek.
**An emergency resolution object-
ing to the transfer of ownership of
a D1, D2, D3 and D3A Liquor Per-
mit to 1013 East 185th Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at Z D Classic Co., 1013 East 185th Street, Cleveland, Ohio 44119, Permanent Number 9871402; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at Z D Classic Co., 1013 East 185th Street, Cleveland, Ohio 44119, Permanent Number 9871402; 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 December 9, 2002.
Effective December 13, 2002.

Res. No. 2409-02.
By Council Member Polensek.
**An emergency resolution with-
drawing objection to the renewal of
a D5 Liquor Permit at 747 East
185th Street, 1st Floor and repealing
Resolution No. 1632-01, objecting to
said renewal.**

Whereas, this Council objected to the renewal of a D5 Liquor Permit to 747 East 185th Street, 1st Floor by Resolution No. 1632-01 adopted by the Council on August 15, 2001; and

Whereas, this Council wishes to withdraw its objection to the above

renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Michael D. Polensek and Dennis M. Yert, President of Horse Shoe Booze & Food, Inc., 747 East 185th Street, 1st Floor, Cleveland, Ohio 44119, Permanent Number 3933152, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the renewal of a D5 Liquor Permit to 747 East 185th Street, 1st Floor, be and the same is hereby withdrawn and Resolution No. 1632-01, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted December 9, 2002.
Effective December 13, 2002.

Res. No. 2410-02.
By Council Member Sweeney.
**An emergency resolution with-
drawing objection to the renewal of
a D5 Liquor Permit at 4589 West
130th Street and repealing Resolu-
tion No. 1701-02, objecting to said
renewal.**

Whereas, this Council objected to the of a D5 Liquor Permit to 4589 West 130th Street by Resolution No. 1701-02 adopted by the Council on August 14, 2002; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Martin J. Sweeney and Louise Barbera, President of Louise Marie, Inc., DBA Duke's Lounge, 4589 West 130th Street, Cleveland, Ohio 44135, Permanent Number 4311735, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the renewal of a D5 Liquor Permit to 4589 West 130th Street be and the same is hereby withdrawn and Resolution No. 1701-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

Adopted December 9, 2002.

Effective December 13, 2002.

Res. No. 2411-02.

By Council Member White.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 11401 Miles Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit at Jon Alexander, DBA Maxines Delicatessen, 11401 Miles Avenue, Cleveland, Ohio 44105, Permanent Number 0109861; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit at Jon Alexander, DBA Maxines Delicatessen, 11401 Miles Avenue, Cleveland, Ohio 44105, Permanent Number 0109861; 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 December 9, 2002.

Effective December 13, 2002.

Res. No. 2412-02.

By Council Member White.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 4055 East 93rd Street and repealing Resolution No. 1662-02, objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 4055 East 93rd Street by Resolution No. 1662-02 adopted by Council on August 14, 2002; and

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

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

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

Section 1. That objection to the renewal of a C2 and C2X Liquor Permit to 4055 East 93rd Street be and the same is hereby withdrawn and Resolution No. 1662-02, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted December 9, 2002.

Effective December 13, 2002.

Ord. No. 1548-02.

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

An emergency ordinance to amend City Contract No. 47265 between the City of Cleveland and Playhouse Square Hotel Limited Partnership, relating to the term, interest and repayment on an Urban Development Action Grant loan.

Whereas, pursuant to Ordinance No. 1637-92, passed August 19, 1992, this Council authorized the Director of Economic Development to enter into an Urban Development Action Grant loan with Playhouse Square Hotel Limited Partnership, City Contract No. 47265; 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 authorized to enter into an amendment to City Contract No. 47265, between the City of Cleveland and Playhouse Square Hotel Limited Partnership to extend the term of the permanent UDAG loan from seven to nine years and reduce an extension option for the permanent UDAG loan from seventeen to fifteen years.

All other terms and conditions contained in the original contract shall remain the same.

Section 2. That the amendment authorized shall be prepared by the Director of Law and shall contain such terms and conditions as the Director deems necessary to protect and benefit 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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2067-02.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1282-02, passed June 17, 2002, relating to the Director of Economic Development applying to the Cuyahoga County Brownfield Redevelopment Fund for loan assistance to acquire, demolish, and remediate property located on East 152nd Street.

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. 1282-02, passed June 17, 2002, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development Fund to apply to the Cuyahoga County Brownfield Redevelopment Fund for loan assistance to acquire, demolish, and remediate property located at 1115 East 152nd Street.

Section 1. That the Director of Economic Development is authorized to apply to the Cuyahoga County Brownfield Redevelopment Fund for loan assistance in an amount not to exceed \$1,000,000, to acquire, demolish, and remediate property located at 1115 East 152nd Street.

Section 2. That the existing title and Section 1 of Ordinance No. 1282-02, passed June 17, 2002, are repealed.

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

Passed December 9, 2002.

Effective December 13, 2002.

Ord. No. 2152-02.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to conduct a Citywide data and voice systems network assessment; to develop a Citywide data and voice strategic plan; and to provide data and voice system integration services, including but not limited to program implementation and management, hardware and software configuration and programming services; and authorizing the Director to enter into one or more contracts for the lease, purchase, or license of any hardware, software, or supplies necessary for the implementation, including installation, support services and maintenance, if necessary.

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 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 conduct a comprehensive Citywide data and voice systems network assessment; to develop a Citywide data and voice system strategic plan; and to provide data and voice system integration services, including but not limited to program implementation and management, hardware and software configuration and programming services. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, and approved and certified by the Director of Finance.

Section 2. That, under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Finance is authorized to make one or more written contracts for the lease, purchase, or license of hardware, software, or supplies necessary to implement the data and voice strategic plan developed under Section 1, to be purchased or procured by the Commissioner of Purchases and Supplies for a gross price for the Department of Finance. Bids shall be taken in a manner to permit an award to be made for all items as a single contract or by separate contract for each or any combination of the items as the Board of Control determines.

Section 3. That the cost of the services, purchases or procurements authorized shall be paid from Fund Nos. 01-001, 81 SF 001, 11 SF 006, 52 SF 001, 54 SF 001, 58 SF 001, and 60 SF 001, RL 100347.

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 December 9, 2002.
Effective December 13, 2002.

Ord. No. 2162-02.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Services to enter into one or more requirement contracts with Brom Truck, Inc. for the purchase of Crane Carrier cab and chassis parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That it is determined that the commodities described below are non-competitive and cannot be secured from any source other than Brom Truck, Inc. ("Brom Truck"). Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Brom Truck for a period not to exceed two years, for Crane Carrier cab and chassis parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the cost of the contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against such contract certified by the Director of Finance. (127138)

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 December 9, 2002.
Effective December 13, 2002.

Ord. No. 2163-02.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Services to enter into one or more requirement contracts with Columbus Equipment Co. for the purchase of Blaw Knox Paver and Galion-Dresser-Komatsu construction equipment parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That it is determined that the commodities described below are non-competitive and cannot be secured from any source other than Columbus Equipment Co. ("Columbus"). Therefore, the Direc-

tor of Public Service is authorized to make one or more written requirement contracts with Columbus for a period not to exceed two years, for Blaw Knox Paver and Galion-Dresser-Komatsu construction equipment parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the cost of the contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against such contract certified by the Director of Finance. (127165).

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 December 9, 2002.
Effective December 13, 2002.

Ord. No. 2164-02.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Services to enter into one or more requirement contracts with Ohio Machinery Co. for the purchase of Barber Greene road paver and Caterpillar construction equipment parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That it is determined that the commodities described below are non-competitive and cannot be secured from any source other than Ohio Machinery Co. ("Ohio Machinery"). Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Ohio Machinery for a period not to exceed two years, for Barber Greene road paver and Caterpillar construction equipment parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the cost of the contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against such contract certified by the Director of Finance. (127164)

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2165-02.

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

An emergency ordinance authorizing the Director of Public Services to enter into one or more requirement contracts with Southeastern Equipment Co., Inc. for the purchase of Case and Grad-All construction equipment parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That it is determined that the commodities described below are non-competitive and cannot be secured from any source other than Southeastern Equipment Co., Inc. ("Southeastern"). Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Southeastern for a period not to exceed two years, for Case and Grad-All construction equipment parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the cost of the contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against such contract certified by the Director of Finance. (122239).

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2166-02.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair, clean, recore or replace radiators, heater cores, gas tanks, and air conditioning units, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials necessary to repair, clean, recore or replace radiators, heater cores, gas tanks, and air conditioning units in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by comparing the bids received for both terms.

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 the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 127166)

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2167-02.

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

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

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials necessary to repair police motorcycles in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by comparing the bids received for both terms.

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 the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 127137)

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2168-02.

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

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

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for

the term of one year or two years for the necessary items of labor and materials necessary to repair, rebuild or replace hydraulic cylinders, pumps, motors, valves, fuel injectors, drive shafts, gear boxes and trailers in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

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 the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 127162)

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 December 9, 2002.
Effective December 13, 2002.

Ord. No. 2169-02.

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

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

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of automotive paint and related supplies in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit

basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

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 the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 127152)

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 December 9, 2002.
Effective December 13, 2002.

Ord. No. 2170-02.

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

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

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of tire recapping in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Com-

missioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

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 the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 105779)

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 December 9, 2002.
Effective December 13, 2002.

Ord. No. 2181-02.

By Council Members Jackson and Gordon (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 MidTown Technology Partners, LLC to provide economic development assistance to partially finance the acquisition, real property improvements, new construction and all other associated costs necessary to redevelop various properties between East 57th Street and East 61st Street bounded by Chester and Euclid Avenues, 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 MidTown Technology Partners, LLC to provide economic development assistance to partially finance the acquisition, real property improvements, new construction and all other associated costs necessary to redevelop various properties between East 57th Street and East 61st Street bounded by Chester and Euclid Avenues, Cleveland, Ohio (the "Improvement").

Section 2. That the Director of Economic Development is authorized to enter into a grant agreement with MidTown Technology Partners, LLC to receive Economic Development Initiative Grant funds to partially finance the Improvement.

Section 3. That the terms of the loan and grant are described in the

Summary contained in File No. 2181-02-A.

Section 4. That the costs of the contract shall not exceed a loan amount of \$5,000,000 and a grant amount of \$1,250,000. 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. 124003.

Section 5. That the Director of Economic Development is authorized to accept the collateral described in the Summary contained in the file referenced in this ordinance 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 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.

Passed December 9, 2002.

Effective December 13, 2002.

Ord. No. 2182-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with MidTown Technology Partners, LLC to provide for a ten year seventy-five percent tax abatement on certain real property improvements as an incentive to develop, construct and acquire various properties between East 57th Street and East 61st Street bounded by Chester and Euclid Avenues which are located in the Cleveland Area Enterprise Zone.

Whereas, under Ordinance No. 948-95, passed June 19, 1995, this Council designated an area in the City of Cleveland, described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") under Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics in Section 5709.61(A) of the Revised Code and certified the area as an "Urban Jobs and Enterprise Zone" under Chapter 5709 of the Revised Code; and

Whereas, MidTown Technology Partners, LLC (the "Enterprise") has proposed to develop, construct and acquire various properties between East 57th Street and East 61st Street bounded by Chester and Euclid Avenues which are located in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City that it would be at a competitive disadvantage operating at this location if taxes on the real property improvements were not abated; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

Section 1. That this Council approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten year seventy-five percent (75%) tax abatement on certain real property improvements as an incentive to develop, construct and acquire various properties between East 57th Street and East 61st Street bounded by Chester and Euclid Avenues which are located in the Cleveland Area Enterprise Zone; 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 in the Summary contained in File No. 2182-02-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 4. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and the funds are appropriated for the purposes listed in Chapter 5709 of the Revised Code. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 5. That the Director of Law shall prepare and approve the agreement and that the agreement shall contain 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.

Passed December 9, 2002.

Effective December 13, 2002.

Ord. No. 2228-02.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various salt spreader, insert, and plow parts, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of various salt spreader, insert, and plow parts, including installation if necessary in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

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 the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 127175)

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2229-02.

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

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

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of automobile and truck spring parts, including installation in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

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 the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 127172)

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2230-02.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and

materials necessary to repair or replace automotive, truck, and equipment glass, including any related mechanical repairs, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of automotive, truck, and equipment glass, including any related mechanical repairs in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

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 the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 127167)

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2231-02.

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

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

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of anti-freeze in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

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 the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 127173)

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2232-02.

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

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

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials necessary to repair vehicle frames and for vehicle alignments in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

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 the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 127170)

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2233-02.

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

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

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of Chevrolet-GMC

vehicle parts, including installation if necessary in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

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 the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 127169)

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2234-02.

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

An emergency ordinance authorizing the Director of Public Services to enter into one or more requirement contracts with R&R Mack Sales, Inc. for the purchase of E.Z. Pack packer parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That it is determined that the commodities described below are non-competitive and cannot be secured from any source other than R&R Mack Sales, Inc. ("R&R"). Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with R&R for a period not to exceed two years, for E.Z. Pack packer parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the cost of the contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against such contract certified by the Director of Finance. (127174).

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2235-02.

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

An emergency ordinance authorizing the Director of Public Services to enter into one or more requirement contracts with Jack Doheny Supplies Ohio, Inc. for the purchase of Elgin street sweeper parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That it is determined that the commodities described below are non-competitive and cannot be secured from any source other than Jack Doheny Supplies Ohio, Inc. ("Jack Doheny"). Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Jack Doheny for a period not to exceed two years, for Elgin street sweeper parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the cost of the contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against such contract certified by the Director of Finance. (127168).

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2236-02.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair or replace fuel dispensing pumps and systems necessary for fuel operations, fuel tankers, hydraulic lifts, oil and great dispensing equipment, stationary air compressors and for emergency cleanup and replacement of leaking underground storage tanks and systems, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of fuel dispensing pumps and systems necessary for fuel operations, fuel tankers, hydraulic lifts, oil and great dispensing equipment, stationary air compressors and for emergency cleanup and replacement of leaking underground storage tanks and systems in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

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 the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 127171)

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 December 9, 2002.
Effective December 13, 2002.

Ord. No. 2244-02.

By Council Members Cintron, 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 Marvin Avenue to Civic Builders LLC.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 015-08-130 as more fully described below, to Civic Builders LLC.

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. 015-08-130

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 174 in J.S. Edward's Subdivision of part of Original Brooklyn Township Lots Nos. 55 and 56, as shown by the recorded plat in Volume 6 of Maps, Page 15 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Marvin Avenue, S.W., and extending back of equal width 126 feet, 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. 015-12-003 as more fully described below to Civic Builders LLC.

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

P. P. No. 015-12-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 40 in Mary J. Loper's Subdivision of part of Original Brooklyn Township Lot No. 55 as shown by the recorded plat in Volume 12 of Maps, Page 33 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Marvin Street, now Marvin Avenue, and extending back of equal width 125.50 feet, as appears by said plat.

Subject to zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 015-15-015 as more fully described below, to Civic Builders LLC.

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

P. P. No. 015-15-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 5 in the C.L. Jones Allotment of part of Original Brooklyn Township Lot No. 66, as shown by the recorded plat in Volume 6 of Maps, Page 7 of Cuyahoga County Records and being 40 feet front on the Southerly side of Marvin Avenue, S.W., and extending back of equal width 140 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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. 015-10-045 as more fully described, to Civic Builders LLC.

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

P. P. No. 015-10-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 18 in J.S. Edwards Subdivision of part of Original Brooklyn Township Lots Nos. 55 and 66, as shown by the recorded plat in Volume 6 of Maps, Page 15 of Cuyahoga County Records and being 35 feet front on the Northerly side of Marvin Avenue, S.W., as appears by said plat, 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. 015-10-046 as more fully described below, to Civic Builders LLC.

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

P. P. No. 015-10-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 19 in J.S. Edwards Subdivision of part of Original Brooklyn Township Lots Nos. 55 and 66, as shown by the recorded plat in Volume 6 of Maps, Page 15 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Marvin Avenue, S.W., and extending back of equal width 126 feet to the Southerly line of Woodbridge Court, S.W., as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 11. That all documents necessary to complete the con-

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

Section 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.

Passed December 9, 2002.
Effective December 13, 2002.

Ord. No. 2252-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Cudell Improvement, Inc. to provide economic development assistance to partially finance the acquisition and renovation of real property located at 10505 Madison Avenue, and all other associated costs necessary to redevelop the property, located in Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a contract with Cudell Improvement, Inc. to provide economic development assistance to partially finance the acquisition and renovation of real property located at 10505 Madison Avenue (the "Improvement").

Section 2. That the terms of the loan are described in the Summary contained in File No. 2252-02-A.

Section 3. That the costs of the contract shall not exceed a loan amount of \$50,000, and it shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103578.

Section 4. That the Director of Economic Development is authorized to accept the collateral described in the Summary contained in the file referenced in this ordinance to secure repayment of the loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 17 SF 006.

Section 6. 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. 17 SF 305, Loan Fees Fund.

Section 7. That the Director of Law is authorized to prepare the contract and other documents appropriate to complete the transaction.

Section 8. 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 December 9, 2002.
Effective December 13, 2002.

Ord. No. 2304-02.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more agreements with Data Access Corp. for the license of and professional services for implementation of an upgrade to the Data Flex licenses, permits, taxes and assessments software, for the Division of Assessments and Licenses, 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 enter into one or more agreements with Data Access Corp. for the license of and professional services for implementation of an upgrade to the Data Flex licenses, permits, taxes and assessments software, on the basis of their proposal dated October 29, 2002, in the total sum of \$35,000, payable from Fund No. 11 SF 006, Request No. 106460, for the Division of Assessments and Licenses, Department of Finance.

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 December 9, 2002.
Effective December 13, 2002.

Ord. No. 2305-02.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more agreements with Pinpoint Technologies, Inc. for the license of and professional services necessary for installation of and training in software to electronically invoice EMS ambulance transports, in compliance with HIPPA requirements, for the Division of Assessments and Licenses, 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 enter into one or more agreements with Pinpoint Technologies, Inc. for the license of and professional services necessary for installation of and training in software to electronically invoice EMS ambulance transports, in compliance with Health Insurance Portability and Accountability Act ("HIPPA") requirements, on the basis of Pinpoint Technologies, Inc.'s CAD/Sanitas Silver Installation and Training Plan, in the total sum of \$75,200, payable from Fund No. 11 SF 006, Request No. 106461, for the Division of Assessments and Licenses, Department of Finance.

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 December 9, 2002.
Effective December 13, 2002.

Ord. No. 2306-02.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of window washing services, for the various divisions of City government for a period not to exceed two years.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of window washing 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 a manner that permits an award to be made for all

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

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 104745)

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2307-02.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of commercial gases, for the various divisions of City government for a period not to exceed two years.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of commercial gases 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 a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies

under a requisition against the contract certified by the Director of Finance. (RL 104744)

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2308-02.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain or repair overhead doors, for the various divisions of City government for a period not to exceed two years.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of labor and materials necessary to maintain or repair overhead doors 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 a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 104746)

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2312-02.
By Council Members O'Malley, Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into an agreement with the City of Brooklyn to transfer ownership, operation and control of three traffic control devices and pavement markings located along the Ridge Road/I-480 to Brookpark Road area.

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

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

Section 1. That the Director of Public Service is authorized to enter into an agreement with the City of Brooklyn for the City of Brooklyn to transfer ownership, operation and control of three traffic control devices and pavement markings located along the Ridge Road/I-480 to Brookpark Road area.

Section 2. That the agreement shall be prepared by the Director of Law and shall contain 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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2313-02.
By Council Members Britt and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Manor Care Foundation for the Senior Assist Program.

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

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

Section 1. That the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$25,000, from the Manor Care Foundation, to conduct the Senior Assist Program, for the purposes in the summary and according thereto; that the Director of Aging is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the summary for the grant.

Section 2. That the summary for the grant, File No. 2313-02-A, made a part as if fully rewritten herein, is approved in all respects.

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2314-02.

**By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Cleveland Foundation for the Benefits Checkup Program.**

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

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

Section 1. That the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$60,000, from the Cleveland Foundation, to conduct the Benefits Checkup Program, for the purposes in the summary and according thereto; that the Director of Aging is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the summary for the grant.

Section 2. That the summary for the grant, File No. 2314-02-A, made a part as if fully rewritten herein, is approved in all respects.

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2315-02.

**By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to amend Contract No. 57953 with Cleveland Housing Network for lead-evaluation services for additional housing units under the Scattered Site Project.**

Whereas, under Ordinance No. 733-2000, passed June 19, 2000, the Director of Public Health entered into Contract No. 57953 with Cleveland Housing Network to provide lead-evaluation services for housing units under the Scattered Site Project; and

Whereas, additional housing units have been added to the project that need lead-evaluation services; 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 Public Health is authorized to amend contract No. 57953 with Cleveland Housing Network to provide lead-evaluation services for additional housing units under the Scattered Site Project. This amendment will increase the amount of the contract by \$60,000, payable from Fund No. 13 SF 586, Request No. 121542.

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2316-02.

**By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by contract or contracts of labor and materials necessary to install a structured wiring system at the J. Glenn Smith Health Center, for the Division of Health, Department of Public Health.**

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

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

Section 1. That the Director of Public Health is 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: labor and materials necessary to install a structured wiring system at the J. Glenn Smith Health Center, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Health, Department of Public Health.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 13 SF 192, Request No. 121432.

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2317-02.

**By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with the Cuyahoga County Mental Health Board for psychiatric services for House of Corrections' inmates, for the Division of House of Corrections, Department of Public Health, for a period of one year.**

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

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

Section 1. That the Director of Public Health is authorized to enter into one or more contracts with the Cuyahoga County Mental Health Board for professional services necessary to provide psychiatric services to House of Corrections' inmates, for a period of one year, on an as-needed basis, payable from Fund No. 01-500300-633100 and from funds appropriated for 2003 which include this purpose, Request No. 121549, for the Division of House of Corrections, Department of Public Health.

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2318-02.

**By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the Cardiovascular Disease Program.**

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$55,284, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the Cardiovascular Disease Program, for the purposes in the summary and budget and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in summary and budget for the grant.

Section 2. That the summary and budget for the grant, File No. 2318-02-A, made a part as if fully rewritten herein, is approved in all respects.

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2319-02.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Cleveland Foundation for the Are You OK? Program.

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

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

Section 1. That the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$60,000, from the Cleveland Foundation, to conduct the Are You OK? Program, for the purposes in the summary and according thereto; that the Director of Aging is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the summary for the grant.

Section 2. That the summary for the grant, File No. 2319-02-A, made a part hereof as if fully rewritten herein, is approved in all respects.

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2320-02.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Solid Waste District for the 2003 Solid Waste Disposal Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$92,314, and other such funds as they may become available during the grant period, from the Cuyahoga County Solid Waste District, to conduct the 2003 Solid Waste Disposal Program, for the purposes in the summary and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the summary for the grant.

Section 2. That the summary for the grant, File No. 2320-02-A, made a part as if fully rewritten herein, is approved in all respects.

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2321-02.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the STD Control Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$282,931, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the STD Control Program, for the purposes in the narrative and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the narrative for the grant.

Section 2. That the narrative for the grant, File No. 2321-02-A, made a part as if fully rewritten herein, is approved in all respects.

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2322-02.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the Immunization Action Plan Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$92,856, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the Immunization Action Plan Program, for the purposes in the summary and budget and according thereto; that the Director of Public Health is autho-

rized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the summary and budget for the grant.

Section 2. That the summary and budget for the grant, File No. 2322-02-A, made a part as if fully rewritten herein, is approved in all respects.

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2323-02.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with Adcom Communications, Inc. for marketing services relating to the STD/HIV Community Awareness Project, for the Division of Health, Department of Public Health.

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

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

Section 1. That the Director of Public Health is authorized to enter into one or more contracts with Adcom Communications, Inc. for professional services necessary to provide marketing services relating to the STD/HIV Community Awareness Project on the basis of their proposal dated October 18, 2002, in the total sum of \$40,000, payable from Fund No. 01-500501-638000, Request No. 121540, for the Division of Health, Department of Public Health.

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2324-02.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept grant funds from the USEPA through University Hospital to provide standardized visual inspections and to collect dust for analysis of black mold.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept grant funds from the USEPA through University Hospital in the approximate amount of \$13,000, and any other funds as they become available during the grant term, to provide standardized visual inspections and to collect dust for analysis of black mold, as set forth in the summary and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the summary for the grant.

Section 2. That the summary for the grant, File No. 2324-02-A, made a part as if fully rewritten herein, is approved in all respects.

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2325-02.

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

An emergency ordinance authorizing the Director of Public Health to lease space at the Mural Building, located at 1925 St. Clair Avenue, and associated parking lots, from Mural Properties Company, or its designee, for the purpose of providing office and administrative space for the Department of Public Health.

Whereas, the City of Cleveland requires certain space located in the Mural Building, 1925 St. Clair Avenue, and associated parking lots, for the public purpose of providing office and administrative space for the Department of Public Health; and

Whereas, Mural Properties Company, or its designee, has proposed to lease space to the City of Cleveland; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is authorized to lease from Mural Properties Company, or its designee, approximately 26,000 square feet of space located on two stories and in the basement of the Mural Building, 1925 St. Clair, and two (2) surrounding parking lots.

Section 2. That the term of the lease shall not exceed one year, commencing January 1, 2003 and ending December 31, 2003, cancellable upon thirty days written notice by the Director of Public Health.

Section 3. That in consideration for the leasing of the premises described above by Lessor, Lessee covenants and agrees to pay to Lessor as rent for the premises during the period of this lease the sum of two hundred fourteen thousand two hundred forty dollars (\$214,240.00) per year, payable in equal monthly installments of seventeen thousand, eight hundred and fifty-three dollars and 33/100 (\$17,853.33) per month. The payments shall be due and payable on the first day of each month.

Section 4. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the public purpose of providing office and administrative space to the Department of Public Health.

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

Section 6. That the costs of the lease shall be paid from Fund Nos. 13 SF 160, 13 SF 576, 13 SF 586, 13 SF 538, 13 SF 539, 10 SF 804, 01-500100-636000, 01-500500-636000, 01-500600-636000, Request No. 121544.

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

Section 8. That the Director of Public Health, the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take other actions necessary or appropriate to effect the lease authorized by this ordinance.

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.

Passed December 9, 2002.

Effective December 13, 2002.

Ord. No. 2330-02.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of Jacobsen mower parts, for the various divisions of City government, for a period not to exceed two years.

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

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

Section 1. That the Director of 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 two years of the necessary items of Jacobsen mower parts, 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 a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the 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, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract duly certified by the Director of Finance. (RL 104747)

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 December 9, 2002.

Effective December 13, 2002.

Ord. No. 2398-02.

By Council Member Britt.

An emergency ordinance authorizing the Director of City Planning Commission to enter into an agreement with the Little Italy Redevelopment Corporation for the Little Italy Neighborhood Master Plan through the use of Ward 6 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 City Planning Commission is authorized to enter into an agreement with the Little Italy Redevelopment Corporation for the Little Italy Neighborhood Master Plan, for the public purpose of promoting commercial and residential development in the Little Italy Neighborhood that will benefit the residents of Cleveland.

Section 2. That the cost of said contract shall be in an amount not to exceed \$55,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed December 9, 2002.

Effective December 13, 2002.

Ord. No. 2399-02.**By Council Member Cintron.**

An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 86-02, passed January 14, 2002 as it pertains to authorizing the Director of Community Development to enter into an agreement with Spanish American Committee for the Three Kings Day Program through the use of Ward 14 Neighborhood Equity Funds.

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

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

Section 1. That Sections 1 and 2 of Ordinance No. 86-02, passed January 14, 2002 are hereby amended to read respectively as follows:

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Spanish American Committee for Three Kings Day Program effective from December 5, 2002 to January 21, 2003 for the public purpose of providing food to needy families and toys to underprivileged children through the use of Ward 14 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That Sections 1 and 2 of Ordinance No. 86-02, passed January 14, 2002 are hereby repealed.

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

Passed December 9, 2002.

Effective December 13, 2002.

Ord. No. 2413-02.**By Council Member Jackson.**

An emergency ordinance authorizing the President of Council to make payment to the Cleveland Development Fund, Inc., a non-profit corporation of the National Association for the Advancement of Colored People, in order to help underwrite expenses associated with the Holiday Party, organized by the Cleveland Branch of the National Association for the Advancement of Colored People, for foster and adoptive children in the care of the Cuyahoga County Department of Children and Family Services.

Whereas, the Cleveland Branch of the National Association for the Advancement of Colored People is sponsoring the third annual Holiday Party for foster and adoptive children in the care of the Cuyahoga County Department of Children and Family Services; and

Whereas, this Holiday Party is scheduled for Sunday, December 22, 2002 from 1:00 p.m. until 5:00 p.m. at the IX Center; and

Whereas, Cleveland City Council wishes to partner with the Cleveland Branch of the National Association for the Advancement of Colored People in order to help make the Holiday Party a successful event; and

Whereas, a donation to help underwrite expenses for this Holiday Party furthers the public purpose of providing a safe and healthy environment for foster and adoptive children in the care of the Cuyahoga County Department of Children and Family Services to celebrate the holiday season and furthers the public purpose of providing recreational activities for such children; 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 President of Council is authorized to make payment to the Cleveland Development Fund, Inc., a non-profit corporation of the Cleveland Branch of the National Association for the Advancement of Colored People, in order to provide funds to help underwrite expenses associated with the third annual Holiday Party, organized by the Cleveland Branch of the National Association for the Advancement of Colored People, for foster and adoptive children in the care of the Cuyahoga County Department of Children and Family Services to be held at the IX Center on Sunday, December 22, 2002.

Section 2. That the cost of the payment authorized in Section 1 shall not exceed twenty thousand dollars (\$20,000) and shall be paid from Fund No. 01 SF 001.

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

Passed December 9, 2002.

Effective December 13, 2002.

COUNCIL COMMITTEE MEETINGS

**Friday, December 13, 2002
10:00 A.M.**

Public Utilities Committee: Present: Coats, Chair; O'Malley, Vice Chair; Brady, Westbrook, Polensek, Sweeney. *Authorized Absence:* Zone, Cintron, Jones.

**Monday, December 16, 2002
9:00 A.M.**

City Planning (Zoning) Committee: Present: Cimperman, Chair; Rybka, Vice Chair; O'Malley, Conwell, Scott, Lewis, Westbrook.

City Planning and Finance Committees: Present in *City Planning:* Cimperman, Chair; Rybka, Vice Chair; O'Malley, Conwell, Scott, Lewis, Westbrook. Present in *Finance:* Jackson, Chair; Westbrook, Gordon, White, O'Malley, Coats, Britt, Brady, Reed, Scott. *Authorized Absence:* Sweeney, Vice Chair.

Public Parks, Property & Recreation, City Planning, Community and Economic Development and Finance Committees: Present in *Public Parks, Property & Recreation:* Johnson, Chair; White, Vice Chair; Cimperman, Rybka, Dolan. *Authorized Absence:* Sweeney, Jones. Present in *City Planning:* Cimperman, Chair; Rybka, Vice Chair; O'Malley, Conwell, Scott, Lewis, Westbrook. Present in *Community and Economic Development:* Gordon, Chair; Cimperman, Vice Chair; Cintron, Coats, Lewis, Reed, Scott, Zone. *Authorized Absence:* Jones. Present in *Finance:* Jackson, Chair; Westbrook, Gordon, White, O'Malley, Coats, Britt, Brady, Reed, Scott. *Authorized Absence:* Sweeney, Vice Chair.

Employment, Affirmative Action & Training, Legislation and Finance Committees: Present in *Employment, Affirmative Action & Training:* Lewis, Chair; Conwell, Vice Chair; Reed, Cintron, Johnson, Polensek, Coats. Present in *Legislation:* White, Chair; Scott, Vice Chair; Rybka, Westbrook, Johnson, Gordon, Dolan. Present in *Finance:* Jackson, Chair; Westbrook, Gordon, White, O'Malley, Coats, Britt, Brady, Reed, Scott. *Authorized Absence:* Sweeney, Vice Chair.

Public Safety and Finance Committees: Present in *Public Safety:* Reed, Chair; Britt, Vice Chair; Coats, Brady, Zone, White, Cimperman, Conwell. *Authorized Absence:* Jones. Present in *Finance:* Jackson, Chair; Westbrook, Gordon, White, O'Malley, Coats, Britt, Brady, Reed, Scott. *Authorized Absence:* Sweeney, Vice Chair.

Public Utilities, City Planning and Finance Committees: Present in *Public Utilities:* Coats, Chair; O'Malley, Vice Chair; Brady, Westbrook, Zone, Polensek, Cintron. *Authorized Absence:* Jones, Sweeney. Present in *City Planning:* Cimperman, Chair; Rybka, Vice Chair; O'Malley, Conwell, Scott, Lewis, Westbrook. Present in *Finance:* Jackson, Chair; Westbrook, Gordon, White, O'Malley, Coats, Britt, Brady, Reed, Scott. *Authorized Absence:* Sweeney, Vice Chair.

Finance Committee: Present: Jackson, Chair; *Reed, Chair Pro Tempore; *Westbrook, Chair Pro Tempore; Gordon, White, O'Malley, Coats, Britt, Brady, Scott. *Authorized Absence:* Sweeney, Vice Chair.

***Please note that both Council Members Reed & Westbrook served as Chair Pro-Tempore during a portion of the Finance Committee Meeting.**

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