

The City Record

Official Publication of the City of Cleveland

May the Second, Two Thousand and One

Mayor	
Michael R. White	
President of Council	
Michael D. Polensek	
Clerk of Council	
Ruby F. Moss	
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	William W. Patmon
9	Craig E. Willis
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	Timothy J. Melena
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—Michael D. Polensek

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3232 East 119th 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	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

MAYOR – Michael R. White

Judith Zimomra, Chief of Staff
 Barry Withers, Executive Assistant for Administration
 Susan E. Axelrod, Senior Executive Assistant for Health and Human Services
 Kenneth Silliman, Executive Assistant for Development
 Nicholas P. Jackson, Executive Assistant for Services
 Nina Turner, Executive Assistant for Legislative Affairs
 Marvin Hayes, Executive Assistant for Intergovernmental Affairs
 Lucille Ambroz, Director, Office of Equal Opportunity

DEPT. OF LAW – Cornell P. Carter, Director, Pinky Carr, Chief Counsel, Room 106

Lauren Moore, Chief City Prosecutor; Criminal Branch – Justice Center
 8th Floor, Court Towers, 1200 Ontario Street
 Karen E. Martinez, Law Librarian, Room 100

DEPT. OF FINANCE – Ronald E. Brooks, Director, Room 104;

Frank Badalamenti, Manager, Internal Audit
 DIVISIONS – Accounts – Marilyn Henderson, Commissioner, Room 19
 City Treasury – Algeron Walker, Treasurer, Room 115
 Assessments and Licenses – Robert C. Brown, Commissioner, Room 122
 Purchases and Supplies – Myrna Branche, Commissioner, Room 128
 Printing and Reproduction – Diante Fitzgerald, Acting Commissioner, 1735 Lakeside Avenue
 Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue
 Financial Reporting and Control – Robert Dolan, Controller, Room 18
 Information Systems Services – Daniel Jarvis, Commissioner, 1404 E. 9th St.

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DIVISIONS – 1201 Lakeside Avenue
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 Utilities Fiscal Control – Morry Blech, Commissioner
 Cleveland Public Power – James F. Majer, Commissioner
 Street Lighting Bureau – Frank Schilling, Acting Chief.

DEPT. OF PORT CONTROL – Reuben Sheperd, Director,

Cleveland Hopkins International Airport, 5300 Riverside Drive;
 Cleveland Hopkins International Airport – Mark D. Vanloh, Commissioner
 Burke Lakefront Airport – Khalid Bahkur, Commissioner

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 Architecture – Kurt Weibusch, Commissioner, Room 517

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DIVISIONS – Health – Cheri Hahn, Commissioner, Mural Building, 1925 St. Clair Avenue
 Environment – Donald Culp, Commissioner, Mural Building, 1925 St. Clair Avenue
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 Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue
 Traffic Engineering & Parking – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
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 Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive

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 Property Management – Tom Nagle, Commissioner, East 49th & Harvard

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.

Recreation – Michael Cox, Commissioner, Room 8
 Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

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 Neighborhood Services – Louise V. Jackson, Commissioner.
 Neighborhood Development – Donald T. Moss, Commissioner.
 Building & Housing – Robert Vilkas, Commissioner, 5th Floor, City Hall.

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

DEPT. OF AGING – Dolores Alexander, Director, Room 122

COMMUNITY RELATIONS BOARD – Room 11, Dennis D. Dove, Director; Mayor Michael R. White, Chairman Ex-Officio; Mary Adele Springman, Vice-Chairman; Councilman Dona Brady, Councilman Joe Cimperman, 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.

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

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BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director Cornell P. Carter; Councilman Nelson Cintron, Jr.

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CLEVELAND MUNICIPAL COURT JUSTICE CENTER—1200 ONTARIO CENTRAL SCHEDULING DEPARTMENT 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 Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Mary E. Kibane	14C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	12A

Earle B. Turner – Clerk of Courts, Linda M. DeLillo—Court Administrator, Robert C. Townsend, II—Bailliff; Kenneth Thomas—Chief Probation Officer, Michelle L. Paris—Chief Magistrate

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

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WEDNESDAY, MAY 2, 2001

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CITY COUNCIL

MONDAY, APRIL 30, 2001

The City Record

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Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

9:30 A.M.—**Public Parks, Property & Recreation Committee:** Rybka, Chairman; Dolan, Vice Chairman; Brady, Britt, Johnson, Reed, Sweeney.

MONDAY—Alternating

11:00 A.M.—**Public Service Committee:** Cintron, Chairman; Sweeney, Vice Chairman; Coats, Johnson, Jones, Melena, O'Malley, Westbrook, Willis.

11:00 A.M.—**Employment, Affirmative Action & Training Committee:** White, Chairman; Lewis, Vice Chairman; Cintron, Coats, Gordon, Johnson, Jones.

MONDAY

2:00 P.M.—**Finance Committee:** Patmon, Chairman; Rybka, Vice Chairman; Britt, Cintron, Dolan, Lewis, Melena, O'Malley, Polensek, Sweeney, White.

TUESDAY

9:30 A.M.—**Community and Economic Development Committee:** Melena, Chairman; Lewis, Vice Chairman; Brady, Cimperman, Cintron, Jackson, Johnson, Jones, Willis.

TUESDAY—Alternating

1:00 P.M.—**Public Health Committee:** Gordon, Chairman; Brady, Vice Chairman; Cimperman, Jackson, Reed, Westbrook, Willis.

1:30 P.M.—**Legislation Committee:** Lewis, Chairman; Jones, Vice Chairman; Coats, Gordon, Reed, Westbrook, White.

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Dolan, Chairman; O'Malley, Vice Chairman; Brady, Jones, Patmon, Rybka, Sweeney.

10:00 A.M.—**Public Safety Committee:** Polensek, Chairman; Patmon, Vice Chairman; Britt, Cimperman, Coats, Gordon, Jackson, Melena, Sweeney.

WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** O'Malley, Chairman; Patmon, Vice Chairman; Britt, Coats, Dolan, Melena, Polensek, Westbrook, Willis.

1:30 P.M.—**City Planning Committee:** Cimperman, Chairman; Rybka, Vice Chairman; Dolan, Jackson, O'Malley, Reed, White.

The following Committee is subject to the Call of the Chairman:

Mayor's Appointment Committee: O'Malley, Chairman; Britt, Cimperman, Patmon, Sweeney.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, April 30, 2001.

The meeting of the Council was called to order, The President, Michael D. Polensek, in the Chair.

Council Members present: Brady, Britt, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, Melena, O'Malley, Patmon, Reed, Rybka, Sweeney, Westbrook, White and Willis.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Absent: Mayor White and Directors Carter, Brooks, Konicek, Shepherd, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Morrison.

Pursuant to Ordinance No. 2976-76, the Council Meeting was opened with a prayer offered by Reverend Jewell Jones, Pastor, Shiloh Baptist Church, located at 5500 Scovill Avenue in Ward 5. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 728-01.

From the Department of Port Control re: Storm Water General Permit and Storm Water Pollution Plans. Received.

File No. 729-01.

From the Department of Port Control re: Agreement No. 57472 — Minority Electric Co., Inc. — electric equipment — new substation — Cleveland Hopkins International Airport. Received.

STATEMENT OF WORK ACCEPTED

File No. 730-01.

From the Director of Public Utilities re: Contract No. 56070 — Triad Engineering & Contracting Co. — Division of Water Pollution Control. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 731-01—Ellen Louise Sharp.

Res. No. 732-01—William Marcus.

Res. No. 752-01—Edward L. Kocin.

CONGRATULATION RESOLUTIONS

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

Res. No. 733-01—Dr. Larry D. Terry.

Res. No. 734-01—Jack McNeeley.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 735-01.

By Councilman Britt.

An emergency ordinance to vacate a portion of the First Unnamed Alley hereinafter described.

Whereas, on the 17th day of July 2000, the Council of the City of Cleveland adopted Resolution No. 947-2000 declaring its intention to vacate a portion of the First Unnamed Alley, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 947-2000 has been served upon the owners of all the property abutting the First Unnamed Alley 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 24th day of April, 2001, the Board of Revision of Assessments approved the vacation

of the First Unnamed Alley, 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 the First Unnamed Alley, 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 First Unnamed Alley, (5.00 feet in width) as established by the Luna Heights Subdivision recorded in Volume 42, Page 19 of Cuyahoga County Map Records and extending Southerly from the Southerly line of Woodland Avenue S.E. (60.00 feet wide) to the Northerly line of Grandview Avenue S.E. (40.00 feet wide), be and the same is hereby vacated.

Section 2. 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 The First Unnamed Alley, herein provided by sending him a copy of this ordinance.

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

Ord. No. 736-01.

By Councilmen Cintron, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to execute an easement granting to Tower City Riverview Company ("Tower City") certain easement rights in property located under the West 3rd Street ramp necessary to construct and use an entrance/exit drive for a period of ten years, with one ten-year option to renew; declaring said easement rights no longer needed for public use; authorizing said Director to issue a permit to Tower City to construct a drive for vehicular and pedestrian access to and from the existing Riverview Parking Lot; and authorizing the Director of Public Service to lease to Tower City certain City-owned land adjacent to West 3rd Street, for a period not to exceed ten years, with one ten-year option to renew.

Whereas, Tower City Riverview Company has requested the Director of Public Service to convey certain easement rights in property located under the West 3rd Street ramp; and

Whereas, the easement rights to be granted are no longer needed for public use; and

Whereas, the City of Cleveland owns certain property known as Permanent Parcel Numbers 122-18-014 and 122-18-015 which are not needed for public use for the next ten years; and

Whereas, Tower City Riverview Company has proposed to lease said property from the City; 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 hereby found and determined that an easement interest in the following described property is no longer needed for public use:

Drive Easement

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of West 3rd Street (as widened) of part of S.S. Stones Survey of Central Tract of part of Original Two Acre Lots No. 218 as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records and is further bounded and described as follows:

Beginning at a stone monument found in the center line of Scranton Road S.W. (variable width) at its intersection with the center line of West 3rd Street (variable width);

Thence South 33° 23' 54" East, along said center line of West 3rd Street a distance of 27.62 feet;

Thence North 60° 50' 39" East, a distance of 68.64 feet, to the Northeastly right of way line of West 3rd street at its intersection with the Southeastly right of way line of said Scranton Road S.W.;

Thence South 33° 23' 54" East, along said Northeastly right of way line of West 3rd Street a distance of 11.90 feet to the principal place of beginning of the land herein described;

Course 1: Thence South 33° 24' 54" East, continuing along said Northeastly right of way line of West 3rd Street, a distance of 66.00 feet;

Course 2: Thence South 56° 36' 06" West, a distance of 48.00 feet;

Course 3: Thence North 33° 23' 54" West, a distance of 66.00 feet;

Course 4: Thence North 56° 36' 06" East, a distance of 48.00 feet to the principal place of beginning and containing 0.0727 acres (3,168 square feet) of land.

Be the same more or less but subject to all legal highway.

Section 2. That the easement shall be non-exclusive and the purpose of the easement shall be to construct and use an entrance/exit drive under the West 3rd Street ramp.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described, non-exclusive easement to Tower City Riverview Company ("Tower City") at a price not less than fair market value as determined by the Board of Control.

Section 4. That the duration of the easement shall be for ten (10) years, with one option exercisable by the Director of Public Service, to renew for an additional ten-year term, and cancellable upon thirty days written notice by said Director; that the easement shall include reasonable rights of entry to the City; that the easement shall not be assignable; that the easement shall require the grantee to indemnify the City; provide reasonable insurance; maintain any grantee improvements located within the easement; and pay any applicable taxes and assessments.

Section 5. That the conveyance referred to above shall be made by Official Deed of Easement prepared by the Director of Law and executed by the Director of Public Service on behalf of the City of Cleveland. The Deed of Easement shall contain such additional terms and conditions as are required to protect the interests of the parties. The Directors of Public Service and Law are authorized to execute such other documents, including without limitation, contracts for right of entry, as may be necessary to effect the construction of the entrance/exit drive under the West 3rd Street ramp.

Section 6. That the Director of Public Service is hereby 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 Tower City, its successors and assigns, to construct a drive for vehicular and pedestrian access to and from the existing Riverview Parking Lot located under the Scranton Road Bridge, as described as follows:

AREA OF ENCROACHMENT UNDER THE SCRANTON ROAD S.W. BRIDGE OVER THE CSX RAILROAD

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being an encroachment area within the right-of-way of Scranton Road S.W., 66 feet in width, of part of Original Two Acre Lot Number 217, bounded and described as follows:

Beginning in the Northwestern line of Scranton Road S.W., at its intersection with the Northeastly line of West 3rd Street, 70 feet in width;

Thence North 60° 16' 39" East along said Northwestern line of Scranton Road S.W., 283.39 feet to a 5/8" capped iron pin set at its intersection with a Westerly line of the Ohio Canal Lands, now in the name of the CSX Railroad and the principal place of beginning of the area herein intended to be described;

Course No. 1: Thence South 17° 30' 30" East along said Westerly line of the Ohio Canal Lands, 67.53 feet to a 5/8" capped iron pin set at its intersection with the Southeastly line of said Scranton Road S.W.;

Course No. 2: Thence South 60° 16' 39" West along said Southeastly line of Scranton Road S.W., 17.19 feet to its intersection with the Southeastly prolongation of the Northeastly face of the Southwesterly bridge abutment;

Course No. 3: Thence North 29° 40' 45" West along said Southeasterly prolongation, along the North-easterly face of said abutment and along the Northwesterly prolongation thereof, 66.00 feet to its intersection with the aforementioned Northwesterly line of Scranton Road S.W.;

Course No. 4: Thence North 60° 16' 39" East along said Northwesterly line, 31.43 feet to the principal place of beginning, containing 1,604 square feet of land (0.0368 acres), according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, Inc., revised June 26, 2000, be the same more or less.

The bearings used herein are based on an assumed meridian and are used only to denote angles.

Section 7. That the access drive will be placed within the public right-of-way as aforesaid in Section 6, 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 access drive is constructed.

Section 8. That this permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been property indemnified against any and all loss which may result from said permit.

Section 9. 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 Service is authorized to lease to Tower City, certain property which is determined to be not needed for public use for the term of the lease and which is described as follows:

0.2762 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of S.S. Stone's Central Tract as shown by the recorded plat in Volume 2, Page 31 of Cuyahoga County Map Records, and further known as being part of lands acquired by the City of Cleveland for the Central Viaduct, 100 feet wide, and bounded and described as follows:

Beginning at a Stone Monument in the centerline of West 3rd Street, 70 feet wide and variable, (formerly Seneca Street, formerly Central Way) at its intersection with the centerline of the Central Viaduct, 100 feet wide;

Thence North 34° 01' 05" West along the centerline of West 3rd Street, 59.45 feet to its intersection with the Northwesterly line of the Central Viaduct;

Thence South 23° 14' 10" West along the Northwesterly line of the Central Viaduct, 41.61 feet to an iron pin set at its intersection with the Southwesterly line of West 3rd Street, and the principal place of beginning of the parcel herein described;

Thence South 34° 01' 05" East along the Southwesterly line of West 3rd Street, 80.45 feet to an iron pin set at its intersection with the

Northwesterly line of the Inner-Belt Freeway (I-90), 150 feet wide;

Thence Southwesterly along the curved Northwesterly line of the Inner-Belt Freeway, being the arc of a curve deflecting to the left, 219.44 feet to an iron pin set at its intersection with the Northeasterly line of West 4th Street, 50 feet wide, said arc having a radius of 3894.72 feet, a central angle of 03° 13' 42", and a chord which bears South 31° 40' 50" West, 219.41 feet;

Thence North 34° 00' 25" West along the Northeasterly line of West 4th Street, 42.15 feet to an iron pin set at its intersection with the Northwesterly line of the Central Viaduct;

Thence North 23° 14' 10" East along the Northwesterly line of the Central Viaduct, 237.75 feet to the principal place of beginning, and containing 12,031 square feet or 0.2762 acres of land according to the survey by Donald G. Bohning & Associates, Inc. dated December, 1998.

The courses used in this description are referenced to an assumed meridian and are used to indicate angles only.

0.4041 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of S.S. Stone's Central Tract as shown by the recorded plat in Volume 2, Page 31 of Cuyahoga County Map Records, and further known as being part of lands acquired by the City of Cleveland for the Central Viaduct, 100 feet wide, and bounded and described as follows:

Beginning at a Stone Monument in the centerline of West 3rd Street, 70 feet wide and variable, (formerly Seneca Street, formerly Central Way) at its intersection with the centerline of the Central Viaduct, 100 feet wide;

Thence North 34° 01' 05" West along the centerline of West 3rd Street, 59.45 feet to its intersection with the Northwesterly line of the Central Viaduct;

Thence North 23° 14' 10" East along the Northwesterly line of the Central Viaduct, 41.61 feet to an iron pin set at its intersection with the Northeasterly line of West 3rd Street, and the principal place of beginning of the parcel herein described;

Thence North 23° 14' 10" East along the Northwesterly line of the Central Viaduct, being also the Southeasterly line of Parcel 2 of land conveyed to Tower City Riverview Company by deed recorded in Volume 98-13761, Page 1 of the Official Records of Cuyahoga County, 183.93 feet to an iron pin set at its intersection with the Southwesterly line of the former Baltimore & Ohio Railroad right-of-way;

Thence South 35° 12' 39" East along the Southwesterly line of said railroad right-of-way, 117.35 feet to an iron pin set at its intersection with the Northwesterly line of Parcel 3 of said land conveyed to Tower City Riverview Company;

Thence South 23° 14' 10" West along the Northwesterly line of said land conveyed to Tower City Riverview Company, being also the Southeasterly line of the Central

Viaduct, 87.08 feet to an iron pin set at its intersection with the Northwesterly line of the Inner-Belt Freeway (I-90), 150 feet wide;

Thence Southwesterly along the curved Northwesterly line of the Inner-Belt Freeway, being the arc of a curve deflecting to the left, 89.82 feet to an iron pin set at its intersection with the Northeasterly line of West 3rd Street, said arc having a radius of 3894.72 feet, a central angle of 01° 19' 17", and a chord which bears South 35° 04' 02" West, 89.82 feet;

Thence North 34° 01' 05" West along the Northeasterly line of West 3rd Street, 97.00 feet to the principal place of beginning, and containing 17,604 square feet or 0.4041 acres of land according to the survey by Donald G. Bohning & Associates, Inc. dated December, 1998.

The courses used in this description are referenced to an assumed meridian and are used to indicate angles only.

Section 10. That the term of the lease authorized by this ordinance shall not exceed ten years, with one option exercisable by the Director of Public Service, to renew for an additional ten-year term, and cancellable upon thirty days written notice by said director.

Section 11. That the property described in Section 9 shall be leased at fair market value as determined by the Board of Control.

Section 12. That the lease may authorize the lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 13. 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 14. That the Director of Public Service and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 15. 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. 737-01.

By Councilmen Gordon, Lewis and Patmon (by departmental request).

An emergency ordinance to amend Section 343.11 and 347.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to repeal Section 225.07, as amended by Ordinance No. 653-92, relating to tattooing and body piercing.

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

a municipal department; now, therefore,

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

Section 1. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 343.11, as amended, by Ordinance No. 1215-2000, passed September 18, 2000; and

Section 347.12 as amended, by Ordinance No. 876-97, passed June 16, 1997,

are hereby amended to read, respectively, as follows:

Section 343.11 General Retail Business Districts

(a) "General retail business" means an enterprise for profit for the convenience and service of, and dealing directly with, and accessible to, the ultimate consumer; neither injurious to adjacent premises or to the occupants thereof by reason of the emission of cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibrations; nor dangerous to life or property. It includes buildings or spaces necessary to a permitted use for making or storing articles to be sold at retail on the premises. Except as provided in division (b) of this section, it does not include any establishment which supplies a retail outlet other than that on the premises, or any building or use specifically mentioned as permitted only in a Semi-Industry or Industry District.

(b) Permitted Buildings and Uses. The following buildings and uses are permitted in a General Retail Business District; and no buildings or premises shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part for other than one or more of the following specified uses:

(1) Except as otherwise provided in this Zoning Code, all uses permitted and as regulated in any Local Retail Business District.

(2) All retail business uses and buildings specified in division (b) of Section 343.01, and uses and buildings to provide for:

A. The sale of food and beverages of all kinds, including sale for consumption on the premises;

B. The sale of general merchandise, including sale in department stores;

C. The sale of apparel of all kinds;

D. The sale of furniture and household goods, including furniture and accessory furniture storage;

E. The sale of other goods or merchandise;

F. Eating places of all types;

G. Service establishments: service establishments permitted in a Local Retail Business District without limitation on the number of persons engaged in such work or business; mortuary or undertaking establishment; printing shop, provided not more than five persons are engaged in such work or business; research laboratory, radio or television station, telephone exchange or transformer station, provided all buildings and structures except fences and barriers are located not less than fifteen feet from a Residence District; hospital, sanitarium, convalescent home, rest home, nursing

home, orphanage or home for the infirm or aged, provided that all main buildings are not less than fifteen feet from any adjoining premises in a Residence District not used for a similar purpose; cat and dog hospital or pet shop, provided noise and odors are effectively confined to the premises.

H. Business offices and services: in addition to the uses permitted in Local Retail Districts, office buildings, banks, business colleges, private trade schools.

I. Automotive services: in addition to the uses permitted in Local Retail Districts:

1. Service garage.

2. Automobile laundry, provided the premises are located not less than 100 feet from a Residence District.

3. Parking lot.

4. Lot for the sale of new and secondhand motor vehicles or trailers except those of more than two tons net weight provided that all vehicles advertising matter, and all structures, movable or fixed, are kept back of a structurally-sound barrier at least one and one-half feet high located as follows:

a. Where the building line is back of the street line, the barrier shall be located on or back of the setback building line.

b. Where the distance from the street line to the front lines of the nearest buildings at the sides of the premises and within 100 feet of the premises is less than that required by division (I)(4)A.1.a. of this section, the barrier may be erected to a line joining the rear front corners of such buildings, or at the average distance of such buildings from the street line.

5. Service station which meets all the requirements and provisions of Section 343.13.

J. House trailer or travel trailer park, as defined in Section 3733.01 of the Revised Code, when approved by the Board of Zoning Appeals after public hearing, and when used and maintained in conformity with any conditions specified in such approval.

K. Signs: signs permitted in accordance with the requirements of Chapter 350.

L. Amusement and recreation: armory, assembly hall, bowling alley, dance hall, video and pinball arcade, pool and billiards, theater, skating rink or other social, sport or recreational center operated as a business, all such uses subject to the regulations of Section 347.12 and adult entertainment uses, subject to Section 347.07, provided that the place or building in which any such amusement or recreation use is operated is sufficiently sound-insulated to confine the noise to the premises.

M. Transportation services: railroad station; public service station; bus passenger station; bus terminal, provided the roadway of the street upon which the bus entrance or exit is located is at least forty-four feet wide between curbs.

N. Office, display or sales space of a wholesale, jobbing or distributing establishment and specifically mentioned as permitted only in a less restricted district, in connection with which not more than twenty-

five percent of the floor area of the building or part of the building occupied by the establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise and provided that:

1. Any resulting cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibration is effectively confined to the premises.

2. The ground floor premises facing upon and visible from a major street upon which the premises abut shall be used only for entrances, offices or display.

3. Adequate off-street loading and unloading facilities are provided and so designed that any standing vehicles using them shall be within the property lines and be either not visible from streets within Retail Business, Local Retail Business or Residence District, or not nearer than fifty feet to such streets.

O. Retail poultry business: either as a main use or as an accessory use, including the storing and killing of poultry or game to be sold entirely at retail upon the premises and directly to the ultimate consumer, provided that the enterprise is conducted in strict compliance with all applicable statutes, laws, rules and regulations, including those requiring rat-proofing, and that adjacent premises or the occupants thereof are not injured by reason of the emission of dust, odor, smoke or noise or the accumulation of refuse or offal, and provided further that the buildings in which the killing, storing and selling are done are either detached masonry structures or part of a masonry building used entirely for the handling of poultry and/or game.

1. A detached masonry structure used for slaughtering or for storing of live poultry shall have not less than 100 square feet of floor area and shall be located at least ten feet from any other building or part thereof on the same lot which is used for human habitation, or as a place where other food is prepared, placed, kept or sold.

2. Where the slaughtering room is part of a masonry building used entirely for the handling of poultry and/or game, such slaughtering room shall be separated from the sales or storage room by a solid masonry wall in which there may be only one opening not greater than four square feet in size, located not less than four feet above the floors of both rooms, equipped with either a self-closing window or self-closing door. Such slaughtering room shall be entered only from outside the building.

3. In either case, such slaughtering room shall be used only for killing, flicking and dressing and shall be not less than twenty-five feet from the boundary of the premises upon which it is located. All offal and refuse must be kept in covered containers within such slaughtering room until removed from the premises.

4. Such slaughtering room and every building, room or space used for storage or sale of poultry or game in connection therewith shall be not less than 300 feet from any Residence District, church, school,

playground, library or building of Institutional H Occupancy classification.

P. Tattooing and body piercing. As used in this division:

1. "Body Piercing" means the piercing of any part of the body by someone other than a physician licensed under Chapter 4731 of the Revised Code, who utilizes a needle or other instrument for the purpose of inserting an object into the body for non-medical purposes; body piercing includes ear piercing except when the ear piercing procedure is performed on the ear with an ear piercing gun.

2. "Tattoo" means any method utilizing needles or other instruments by someone other than a physician licensed under Chapter 4731 of the Revised Code, to permanently place designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of a person with ink or any other substance resulting in an alteration of the appearance of the skin.

Q. Any other building, use or service similar to the uses herein listed in the type of services or goods sold, in the number of persons or cars to be attracted to the premises or in the effect upon adjacent areas in more restricted use districts.

R. Any accessory use customarily incident to a use authorized by this section, except that no use specified in divisions (b) and (c) of Section 345.04 as prohibited or permitted only by special permit in a General Industry District shall be permitted as an accessory use.

(3) Hotels.

(4) Motels.

(5) Charitable institutions, including correctional halfway houses, as regulated in Section 347.15; and notwithstanding any Section of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Cuyahoga County Youth Intervention Center, providing temporary detention and shelter for juveniles, to be located at East 93rd Street and Quincy Avenue.

Section 347.12 Amusement, Recreation, Tattooing and Body Piercing Uses

Except as provided in Section 347.07 regarding land used for adult entertainment purposes, where permitted in a particular use district, amusement, recreation, **tattooing and body piercing** uses, as described in Section 343.11, are subject to the following location regulations:

(a) Separation. No such use shall be established within five hundred (500) feet of a residential district or day care center, kindergarten, elementary or secondary school, public library, church, playground, public or nonprofit recreation center or community center.

(b) Spacing. No such use shall be established within five hundred (500) feet of another such use.

(c) Separation from Adult Entertainment. No pool or billiard hall or video or pinball arcade shall be established within one thousand (1,000) feet of an adult entertainment use as defined in Section 347.07.

(d) Appeals. The Board of Zoning appeals may approve an application which does not meet the regulations of this section if, after public notice and hearing, the Board determines that the proposed use, by virtue of its nature and location, will not adversely affect nearby residential areas or other protected uses listed in division (a) of this section. The Board may impose any conditions deemed necessary to prevent potential adverse impacts.

Section 2. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 225.07, as amended by Ordinance No. 653-92, passed March 23, 1992,

Section 343.11, as amended, by Ordinance No. 1215-2000, passed September 18, 2000; and

Section 347.12 as amended, by Ordinance No. 876-97, passed June 16, 1997,

are hereby repealed.

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

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

Ord. No. 738-01.

By Councilmen Melena and Patmon (by departmental request).

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

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 27 from the United States Government, and

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to expend Community Development Block Grant funds in the amount of Seven Hundred Thousand Dollars (\$700,000.00), from Fund No. 14 SF 027, Request No. 36384, for the operation of the Project Clean Program.

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

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

from and after the earliest period allowed by law.

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

Ord. No. 739-01.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Federal HOME Program funds for the administration of Housing Rehabilitation Programs.

Whereas, the City of Cleveland has received Year 2001 Federal HOME Program grant from the United States Government, and

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

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

Section 1. That the Director of Community Development is hereby authorized to expend Federal HOME Program funds for the administration of the Housing Rehabilitation Programs.

Section 2. That the Director of Community Development is hereby authorized to enter into one or more contracts for professional services related to inspecting properties to comply with Section 8 Housing Quality Standards (HQS).

Section 3. That the aggregate cost of the expenditure and the contracts authorized in Sections 1 and 2 shall be in an amount not to exceed \$500,000.00, and shall be paid from Fund No. 13 SF 929.

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 Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 740-01.

By Councilmen Melena and Patmon (by departmental request).

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

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 27, from the United States Government; and

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

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

Section 1. That the Director of the Community Relations Board is hereby authorized to expend Community

Development Block Grant funds for fair housing services.

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

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

Section 4. That the aggregate cost of the expenditure and the contracts authorized in Sections 1 and 2 shall be in an amount not to exceed \$200,000.00 and shall be paid from Fund No. 14 SF 027 Request No. 36385.

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 the after the earliest period allowed by law.

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

**Ord. No. 741-01.
By Councilmen Melena and Patmon (by departmental request).**

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

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 27 from the United States Government, and

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

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

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

Section 2. That the cost of said contract or contracts shall be in an amount not to exceed \$3,450,000.00 and shall be paid from Fund No. 14 SF 027 RL 36383.

Section 3. That the Director of Community Development is authorized to accept monies in repayment under said program and to utilize said repayments and other program income in a revolving fund for making additional expenditures under this program, and such funds are hereby appropriated for that purpose.

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

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

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

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

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

**Ord. No. 742-01.
By Councilmen O'Malley, Cintron and Patmon (by departmental request).**

An emergency ordinance authorizing the Director of Public Service to make alterations and modifications in Contract No. 55466 for the rehabilitation of West 32nd Street between Walbrook Avenue and Oak Park Avenue with Rockport Construction and Materials, for the Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make the following alterations and modifications in Contract No. 55466 with Rockport Construction and Materials for the rehabilitation of West 32nd Street between Walbrook Avenue and Oak Park Avenue, for the Department of Public Service:

Subsidiary Additions

Correcting large areas of soft subgrade necessary to stabilize pavement and providing for a police officer to direct traffic by Cullen Bryant Elementary School	\$18,000.00
Original Contract Amount	\$ 327,314.00
Subsidiary Additions	<u>+ 18,000.00</u>
REVISED CONTRACT AMOUNT	\$ 345,314.00

which alteration has been recommended in writing by the said Director of Public Service, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Public Service and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$18,000.00, to be paid from Fund. No. 10 SF 166, Request No. 34456.

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

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

Ord. No. 743-01.
By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various hand and power tools, 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 hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of various hand and power tools, in the approximate amount as purchased during the preceding term to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 43012)

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

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

Ord. No. 744-01.
By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various data entry services to convert 2000 wage and tax statements from paper documents and magnetic tape to machine readable magnetic tapes, for the Division of Taxation, 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 hereby authorized to make a written requirement con-

tract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of keying and conversion of 2000 wage and tax statements from paper documents and magnetic tape to machine readable magnetic tapes per CCA specifications, including furnishing media, transportation and security in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Taxation, Department of Finance. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 27893)

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

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

Ord. No. 745-01.
By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of building materials and used paving brick, 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 hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of building materials and used paving brick, in the estimated sum of \$2,000,000.00 to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall

determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 43013)

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

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

Ord. No. 746-01.
By Councilmen Westbrook, Rybka, Cimperman and Patmon (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 115-2000, passed January 24, 2000, as amended by Ordinance No. 1701-2000, passed September 25, 2000, relating to the public improvement of rehabilitating and improving the baseball diamonds at Jasper Field through the use of Workers' Compensation Neighborhood Capital Project Funds in Ward 18.

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. 115-2000, passed January 24, 2000, as amended by Ordinance No. 1701-2000, passed September 25, 2000, are hereby amended to read, respectively, as follows:

An emergency ordinance determining the method of making the public improvement of rehabilitating and improving the baseball diamonds located at Jasper Field through the use of Workers' Compensation Neighborhood Capital Project Funds in Ward 18, and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.

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 rehabilitating and improving the baseball diamonds located at Jasper Field in Ward 18 of the City of Cleveland for the Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

That the Director of Parks, Recreation and Properties is hereby authorized to enter into a 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 upon a unit basis.

Section 2. That the existing title and Section 1 of Ordinance No. 115-2000, passed January 24, 2000, as amended by Ordinance No. 1701-2000, passed September 25, 2000, are hereby repealed.

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

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

Ord. No. 747-01.

By Councilmen White, Rybka, Cimperman and Patmon (by departmental request).

An emergency ordinance to amend the title and Section 2 of Ordinance No. 847-2000, passed June 19, 2000, relating to the sale of City-owned property no longer needed for public use located at the corner of Broadway Avenue and Booth Avenue.

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

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

Section 1. That the title and Section 2 of Ordinance No. 847-2000, passed June 19, 2000, are hereby amended to read, respectively, as follows:

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 Broadway Avenue and Booth Avenue to **Broadway-Booth Car Wash, LLC.**

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above described property to **Broadway-Booth Car Wash, LLC.** at a price not less than fair market value as determined by the Board of Control, taking into account such restrictive covenants and reversionary interests as are deemed necessary or appropriate

Section 2. That the existing title and Section 2 of Ordinance No. 847-2000, passed June 19, 2000, are hereby repealed.

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

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

**FIRST READING
ORDINANCE REFERRED**

Ord. No. 748-01.

By Councilman Jackson.

An ordinance to establish a Planned Unit Development (PUD) Overlay District and approve the corresponding Planned Unit Development project on properties located west of East 40 Street to approximately East 34 Street between Community College Avenue, S.E. and Woodland Avenue, S.E. and to change the Area District of said lands (Map Change No. 2030, Sheet No. 5)

Whereas, New Longwood Associates, L.P. c/o The Finch Group has submitted an application to the Director of the City Planning Commission proposing the creation of a Planned Unit Development (PUD) Overlay District on properties located west of East 40 Street to approximately East 34 Street between Community College Avenue, S.E. and Woodland Avenue, S.E. and construction of a PUD project to be known as Longwood Apartments; and

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

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

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

Section 1. That the area outlined on the site plan and described in the legal description contained in Map Change No. 2030, and known as the Longwood Apartments project be and the same is hereby designated as a Planned Unit Development (PUD) Overlay District, in accordance with the provisions of Chapter 334 of the Codified Ordinances of Cleveland, Ohio 1976.

Section 2. That the designation of land described in Section 1 and outlined in red on the map hereto attached shall be identified as Map Change No. 2030, Sheet No. 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and in the office of the City Planning Commission.

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

Section 4. That the Area District of lands bounded and described as follows,

Legal Description

P.U.D. Boundary

April 3, 2001

File No. 12125-LD019

NEFF & ASSOCIATES

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 10 Acre Lots, Nos. 40, 41, 42, 43, 44 and 45 and is further bounded and described as follows:

Beginning at a stone found at the intersection of the center line of Community College Avenue, S.E. (60 feet wide) with the center line of East 38th Street (60 feet wide);

Course 1: Thence North 86 degrees, 53 minutes, 40 seconds East, along said center line of Community College Avenue, S.E., a distance of 33.05 feet;

Course 2: Thence South 00 degrees, 01 minutes, 35 seconds West, a distance of 358.55 feet;

Course 3: Thence South 89 degrees, 59 minutes, 25 seconds East, a distance of 332.93 feet;

Course 4: Thence South 00 degrees, 02 minutes, 20 seconds East, a distance of 190.00 feet;

Course 5: Thence North 89 degrees, 57 minutes, 40 seconds East, a distance of 299.50 feet to the center line of East 40th Street (99 feet wide);

Course 6: Thence South 00 degrees, 02 minutes, 20 seconds East, along said center line of East 40th Street, a distance of 667.87 feet to a 1" iron pin found at the intersection with the center line of Woodland Avenue, S.E. (99 feet wide);

Course 7: Thence North 89 degrees, 59 minutes, 15 seconds West, along said center line of Woodland Avenue, S.E., a distance of 1090.72 feet to an angle point therein at the intersection with the center line of East 37th Street (60 feet wide);

Course 8: Thence South 89 degrees, 59 minutes, 45 seconds West, continuing along said center line of Woodland Avenue, S.E., a distance of 561.50 feet;

Course 9: Thence North 00 degrees, 00 minutes, 10 seconds East, a distance of 440.83 feet;

Course 10: Thence North 89 degrees, 59 minutes, 50 seconds West, a distance of 100.00 feet;

Course 11: Thence North 00 degrees, 00 minutes, 10 seconds East, a distance of 714.57 feet to the center line of Community College Avenue, S.E., as aforesaid;

Course 12: Thence North 86 degrees, 53 minutes, 40 seconds East, along said center line of Community College Avenue, S.E., a distance of 906.96 feet;

Course 13: Thence South 00 degrees, 01 minutes, 35 seconds West, a distance of 372.41 feet;

Course 14: Thence South 89 degrees, 58 minutes, 25 seconds East, a distance of 153.68 feet;

Course 15: Thence North 00 degrees, 01 minutes, 35 seconds East, a distance of 380.81 feet to the center line of Community College Avenue, S.E., as aforesaid;

Course 16: Thence North 86 degrees, 53 minutes, 40 seconds East, along said center line of Community College Avenue, S.E., a distance of 27.04 feet to the place of beginning and containing 39.2768 Acres (1,710,899 Square Feet) of land.

Be the same more or less but subject to all legal highways, and as outlined in red on the map hereto attached be and the same are

hereby changed to a 'E' Area District.

Section 5. That said changed designation of lands described in Section 4 shall be identified as Map Change No. 2030, Sheet No. 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 749-01.

By Councilman Coats.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to ONDP Cuyahoga County Task Force to stretch one (1) banner between Euclid Ave. & London Rd. near Good Shepard Church using C.P.P. utility poles (by separate permission) for the period of April 24, 2001 to May 4, 2001, inclusive publicizing the "National Day of Prayer".

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to ONDP Cuyahoga County Task Force, P.O. Box 81321, Cleveland, Ohio 44181, to install, maintain and remove one (1) banner to be hung using Cleveland Public Power utility poles, (by separate permission) publicizing the "National Day of Prayer" for the period of April 24, 2001 to May 4, 2001, inclusive, and which banners are to be hung at the following pole locations and numbers: on Euclid Avenue at London Road, near the Good Shepherd Baptist Church, a vinyl banner with two-sided text, pole numbers NH-3-57-14-1-1, and NH-3-57-14-1-1-A; which poles and locations shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner, and said banner shall be removed promptly upon the expiration of said permit.

Section 2. That this ordinance is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Ord. No. 750-01.

By Councilman Melena.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to The Cleveland Catholic Diocese, for Our Lady of Mt. Carmel Church to hang approximately (20) twenty banners on the north & south sides of Detroit Avenue using C.P.P. utility poles (by separate permission) for the period of April 4, 2001 to May 4, 2001, inclusive, publicizing their Church's 75th Anniversary in service to the community.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to The Cleveland Catholic Diocese for Our Lady of Mt. Carmel Church, 6928 Detroit Avenue, Cleveland, Ohio 44102, Cleveland, Ohio 44105, to install, maintain and remove approximately twenty (20) banners to be hung using Cleveland Public Power utility poles, (by separate permission) publicizing their Church's 75th Anniversary in service to the community for the period of April 11, 2001 to May 11, 2001, inclusive, and which banners are to be hung at the following pole locations and numbers: on the north side of Detroit Avenue at 6902 Detroit, pole #TT-38; Church Drive-way, pole #TT-39; 6928 Detroit, pole #TT-40; Church Bldg., pole #TT-41; 7000 Detroit, pole #TT-42; 7006 Detroit, pole #TT-43; Berry's Parking Lot, pole #TT-44, 7200 Detroit, pole #TT-45; 6901 Detroit, pole #TT-3 (4875); 6907 Detroit, pole #TT-4; 6917 Detroit, pole #TT-5; 6929 Detroit, pole #TT-6; 7001 Detroit, pole #TT-7; McDonalds Restaurant on Detroit Avenue, pole #TT-8; Auto Parts Store Parking Lot on Detroit Avenue, pole #TT-9, Across from Detroit Avenue from Berry's Funeral Home, pole #TT-10; and which poles and locations shall be approved by the Director of Public Service in consultation with the

Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner, and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Ord. No. 751-01.

By Councilman Polensek.

An emergency ordinance to repeal Ordinance No. 454-01, passed March 12, 2001.

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. 454-01, passed March 12, 2001, is hereby repealed.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

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

Res. No. 753-01.

By Councilman Britt.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 8716 Cedar Avenue, and repealing Res. No. 1328-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 8716 Cedar Avenue by Res. No. 1328-2000 adopted by Council July 28, 2000; and

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

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

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

Section 1. That objection to the renewal of a C1 and C2 Liquor Permit to 8716 Cedar Avenue, be and the same is hereby withdrawn and Res. No. 1328-2000, 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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Res. No. 754-01.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit to 3146 West 14th Street, and repealing Res. No. 184-01 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 3146 West 14th Street by Res. No. 184-01 adopted by Council February 5, 2001; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership; 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 3146 West 14th Street, be and the same is hereby withdrawn and Res. No. 184-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Res. No. 755-01.

By Councilman Lewis.

An emergency resolution objecting to the issuance of ownership of a C1 Liquor Permit to 9200 Wade Park Ave., Unit EA10.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 6273858, Mydis LTD, DBA My Food, 9200 Wade Park Ave., Unit EA10, Cleveland, Ohio 44106; 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 issuance of a C1 Liquor Permit to Permit No. 6273858, Mydis LTD, DBA My Food, 9200 Wade Park Ave., Unit EA10, Cleveland, Ohio 44106 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Res. No. 756-01.

By Councilman Lewis.

An emergency resolution objecting to the issuance of a C2 Liquor Permit to 7038 Linwood, 1st Fl.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 3350209, Annette Green, DBA Greens Linwood Deli, 7038 Linwood, 1st Fl., Cleveland, Ohio 44103; and

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

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has 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 issuance of a C2 Liquor Permit to Permit No. 3350209, Annette Green, DBA Greens Linwood Deli, 7038 Linwood, 1st Fl., Cleveland, Ohio 44103 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Res. No. 757-01.

By Councilman Lewis.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 1795 East 55th Street.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 3160612, Elias Ghazal, DBA Big Star Eagle Market, 1795 East 55th Street, Cleveland, Ohio 44103 to Permit No. 77052750005, Sammor Inc., DBA Big Star Market, 1795 East 55th Street, Cleveland, Ohio 44103; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 3160612, Elias Ghazal, DBA Big Star Eagle Market, 1795 East 55th Street, Cleveland, Ohio 44103 to Permit No. 77052750005, Sammor Inc., DBA Big Star Market, 1795 East 55th Street, Cleveland, Ohio 44103 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Res. No. 758-01.

By Councilman Melena.

An emergency resolution objecting to the issuance of a C2 Liquor Permit to 5718 Bridge Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 7467795, Norma Rodriguez, DBA Grocery Store, 5718 Bridge Ave., Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C2 Liquor Permit to Permit No. 7467795, Norma Rodriguez, DBA Grocery Store, 5718 Bridge Ave., Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Res. No. 759-01.

By Councilman Patmon.

An emergency resolution objecting to the issuance of a C2 Liquor Permit to 1204 East 105th Street.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 1921184, Mary Daniels, DBA McDaniels Mini Market, 1204 East 105th Street, Cleveland, Ohio 44108; 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 issuance of a C2 Liquor Permit to Permit No. 1921184, Mary Daniels, DBA McDaniels Mini Market, 1204 East 105th Street, Cleveland, Ohio 44108 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Res. No. 760-01.

By Councilman Polensek.

An emergency resolution objecting to the issuance of a C2 Liquor Permit to 15504 Waterloo Road.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 1895520, Bechara E. Daher, DBA Freeway Service & Mini Mart, 15504 Waterloo Road, Cleveland, Ohio 44110; 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 issuance of a C2 Liquor Permit to Permit No. 1895520, Bechara E. Daher, DBA Freeway Service & Mini Mart, 15504 Waterloo Road, Cleveland, Ohio 44110 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Res. No. 761-01.
By Councilman Polensek.
An emergency resolution objecting to the issuance of a C2 Liquor Permit to 910 East 185th Street.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 56036170115, Mascot Petroleum Co. Inc., DBA Sunoco Sunmart, 910 East 185th Street, Cleveland, Ohio 44119; 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 issuance of a C2 Liquor Permit to Permit No. 56036170115, Mascot Petroleum Co. Inc., DBA Sunoco Sunmart, 910 East 185th Street, Cleveland, Ohio 44119 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.
 Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Res. No. 762-01.
By Councilmen Polensek and Jones.
An emergency resolution supporting H.R. 1032 prohibiting oil and gas exploration in the Great Lakes and urging its prompt passage by Congress.

Whereas, Congressman Dennis Kucinich recently introduced H.R. 1032 in the United States House of Representatives prohibiting oil and gas exploration, including any slant or directional drilling, in the Great Lakes region; and

Whereas, directional drilling allows exploration companies to drill on land at an angle to reserves below the lake bottom and such drilling may extend for miles; and

Whereas, the practice of directional drilling raises concerns about potential oil leaks and the release of the potentially lethal chemical, hydrogen sulfide, into the lake waters; and

Whereas, this Council of the City of Cleveland believes that oil and gas exploration in the Great Lakes presents a potential health hazard to the 35 million people living near the Great Lakes, including residents of the City of Cleveland; and

Whereas, this Council joins with Senator Voinovich, State Representatives Brian Flannery and Christopher Redfern, Mayors Deborah Sutherland of Bay Village and Donald Umerley of Rocky River, the Sierra Club and Ohio PIRG, among others, in prohibiting drilling in the Great Lakes; and

Whereas, this Council urges Congress to pass H.R. 1032 in an expeditious manner; 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 of the City of Cleveland believes that oil and gas exploration in the Great Lakes presents a potential health hazard to the 35 million people living near the Great Lakes, including residents of the City of Cleveland, and as such, urges the prompt passage of H.R. 1032 by Congress.

Section 2. That the Clerk is hereby requested to transmit a copy of this resolution to President George W. Bush, Speaker of the House of Representatives Dennis Hastert, and Congressman Dennis Kucinich.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read

third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.
 Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Res. No. 763-01.
By Councilmen Polensek and Patmon.

An emergency resolution supporting the goals and objectives of labor unions within the City of Cleveland and nationally; and urging unions to work together amicably to resolve any differences that may arise between labor organizations.

Whereas, this Council of the City of Cleveland, through passage of numerous pieces of legislation, has recognized the rights of all workers to seek safe, fair working conditions and to be paid equitably for their work; and

Whereas, this Council, through passage of numerous pieces of legislation and its actions, has demonstrated support for labor unions within the City of Cleveland and nationally; and

Whereas, it is this Council's hope and desire that unions can work together amicably to resolve any differences that may arise between organizations in order that all union members can benefit equitably; and

Whereas, this Council does not wish to interject this body into an inter-union labor disagreement and fervently hopes that any dispute between labor organizations will be resolved so as to not adversely impact the interests of any workers; and

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

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

Section 1. That this Council of the City of Cleveland supports the goals and objectives of labor unions within the City of Cleveland and nationally; and it is this Council's hope and desire that unions can work together amicably to resolve any differences that may arise between labor organizations.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.
 Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Res. No. 764-01.
By Councilmen Polensek, White and Jones.

An emergency resolution opposing H.B. 225 that would permit carrying concealed weapons in Ohio.

Whereas, a bill allowing any adult to carry a concealed weapon was recently introduced in the Ohio House of Representatives, as H.B. 225, which would change Ohio from one of seven states where concealed weapons are prohibited, to one of only two states where concealed weapons are allowed without any restrictions; and

Whereas, the proposed legislation would enact a "Vermont-style" gun law, which is unique in the United States for its total lack of restrictions, without any requirement for safety training, previous weapons experience or permits; and

Whereas, in addition to the seven states, including Ohio, where concealed weapons are currently prohibited, there are fourteen states which prohibit concealed weapons, except when issued by law enforcement agencies, and twenty-eight states which allow concealed weapons for "law-abiding citizens;" and

Whereas, the proposed bill is opposed by the Fraternal Order of Police, and the liberalization of concealed weapons laws is opposed generally by almost every major law enforcement organization, including the International Brotherhood of Police Officers and the International Association of Chiefs of Police; and

Whereas, an Ohio Poll released this month found that 69 percent of Ohioans oppose a law that would make it easier to get a permit to carry a concealed weapon, which is consistent with two previous polls in 1995 and 1999, and conceal-and-carry legislation is even more strongly opposed in Northeast Ohio, where 73 percent of residents oppose the idea, 79 percent of urban residents oppose it, and 85 percent of blacks oppose any such proposal; and

Whereas, the number of crime victims who successfully use firearms to defend themselves is relatively small, more guns lead to more crime or at least a much smaller reduction in the crime rate, in Texas it was found that the weapon-related offense rate among concealed handgun license holders was more than twice as high as that of the general population, and police officers know that the very sight of a gun can escalate a situation, and lead to greater violence and injury; and

Whereas, laws allowing the carrying of concealed weapons have nothing to do with private firearms ownership in the home, rather they relate solely to allowing individuals to carry their concealed guns almost anywhere in the community, including churches, stores, malls, theaters, parks, offices, City Hall, RTA, and other public places; now therefore,

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

Section 1. That this Council opposes the passage of H.B. 225, or any legislation that would change Ohio's concealed weapons prohibition. That

this Council also urges the Ohio General Assembly to reject the proposed legislation, or any variation of it, and urges Governor Taft to veto any such legislation should it be approved by the General Assembly. This Council urges Governor Taft to announce that he will veto the legislation should it reach his desk.

Section 2. That copies of this Resolution shall be provided by the Clerk of Council to State Representative Tom Brinkman, the sponsor of the bill, to the House and Senate leadership, to Governor Taft, and the Northeast Ohio delegation to the General Assembly.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Res. No. 765-01.

By Councilman Westbrook.

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to the improvement of West 117th Street from Madison Avenue to approximately 100 feet north of Clifton Boulevard by constructing an amenity strip in the sidewalk and emplacing tree pockets along the public right-of-way.

Whereas, this Council did, on the 12th day of February, 2001, duly adopt Resolution No. 2124-2000, declaring therein the necessity of improvement of West 117th Street from Madison Avenue to approximately 100 feet north of Clifton Boulevard by constructing an amenity strip in the sidewalk and emplacing tree pockets along the public right-of-way; and

Whereas, pursuant to said resolution, the estimated assessments for said improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of said resolution and of the filing of said estimated assessments has been duly served upon all property owners to be assessed in the manner provided by law; and

Whereas, written objection to said estimated assessments have been filed by one or more such property owners; 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 Ms. Magda Gomez, Ms. Barbara Mullaly and Ms. Bobbi Reichtell, three disinterested freeholders of said City, be and the same hereby are appointed as an assessment equalization board, to hear and determine all written objections filed in accordance with law to the estimated assessments heretofore filed with the Clerk of this Council pursuant to Resolution No. 2124-2000 of this Council. Said board is hereby authorized and directed to equalize such assessments as it deems proper to conform to the standards prescribed by Resolution No. 2124-2000 and by law.

Section 2. That the assessment equalization board shall meet at 10:00 o'clock, a.m. on 15th day of May, 2001, at Cleveland City Hall, 601 Lakeside Avenue, Room 509, for the purposes aforesaid, and upon completion of such hearing and any adjournments thereof, shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council be and she hereby is authorized and directed to notify, by certified mail, each person who has filed timely written objection to said estimated assessments of the time and place of the hearing of the assessment equalization board.

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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Res. No. 766-01.

By Councilman Westbrook.

An emergency resolution objecting to the issuance of a C2 Liquor Permit to 8615-17 Denison Front.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 97169300005, Judith H. Withrow, DBA Rogers Grocery, 8615-17 Denison Front, Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C2 Liquor Permit to Permit No. 97169300005, Judith H. Withdraw, DBA Rogers Grocery, 8615-17 Denison Front, Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Res. No. 767-01.
By Councilman White.
An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 9911 Miles Avenue, and repealing Res. No. 571-01 objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 9911 Miles Avenue by Res. No. 571-01 adopted by Council March 26, 2001; and

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

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

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

Section 1. That objection to the issuance of a C1 Liquor Permit to 9911 Miles Avenue, be and the same is hereby withdrawn and Res. No. 571-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Res. No. 768-01.
By Councilman Willis.
An emergency resolution objecting to the issuance of a C2 Liquor Permit to 12107-09 St. Clair Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 74015602630, Rite Aid of Ohio Inc., DBA Rite Aid Disc Pharm 2630, 12107-09 St. Clair Avenue, Cleveland, Ohio 44108; 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 issuance of a C2 Liquor Permit to Permit No. 74015602630, Rite Aid of Ohio Inc., DBA Rite Aid Disc Pharm 2630, 12107-09 St. Clair Avenue, Cleveland, Ohio 44108 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

**SECOND READING
EMERGENCY ORDINANCES**

Ord. No. 870-2000.

By Councilmen Cimperman and Patmon (by departmental request).

An emergency ordinance approving additional amendments to the Euclid-Prospect Area Community Development Plan.

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

1. In the title, strike lines 2, 3, and 4 in their entirety and insert in lieu thereof the following: **"Approving the Euclid/Prospect II Community Development Plan Area."**

2. Strike the second and third whereas clause in its entirety and insert in lieu thereof the following: **"Whereas, the City Planning Commission has replaced the Euclid Prospect Area Community Development Plan with the Euclid/Prospect II Community Development Plan which Plan shall supersede the findings and recommendations of the original Plan; and**

Whereas, pursuant to notice duly given, the City Planning Commission held a public hearing on the Euclid/Prospect II Community Development Plan, and has approved such Plan; and"

3. In the fourth whereas clause, strike lines 1 and 2 in their entirety and insert in lieu thereof the following: **"Whereas, the document entitled "Euclid/Prospect II Community Development Plan," dated March, 2001,"** in line 8 and in line 14, strike "amended".

4. In the sixth whereas clause, line 3, strike "Amendments"; in line 5, strike "amended".

5. In Section 1, strike lines 3, 4, 5 and 6 in their entirety and insert in lieu thereof **"determined that the Euclid/Prospect II Community Development Plan is adopted in the respects set forth in the above-mentioned file, which Plan includes without limitation, the Land Use Restrictions thereof"**.

6. In Section 2, line 3, strike "amendments to the Euclid Prospect Area" and insert in lieu thereof **"Euclid/Prospect II"**; and line 7, strike " , as amended,".

7. In Section 3, line 2 and in line 4, strike "as amended".

Amendments agreed to.

Ord. No. 2015-2000.

By Mayor White.

An emergency ordinance determining the method of making the public improvement of demolishing, relocating and constructing certain NASA facilities in order to permit the construction of Runway 5L/23R; authorizing the Director of Port Control to enter into contracts for the making of such improvement; authorizing contracts for the purchase of supplies, materials, equipment and other items required to make the improvement, including rental, labor and installation, if necessary; authorizing said Director to apply and pay for permits, licenses, or other authorizations as necessary to make the public improvement; and authorizing the Commissioner of Purchases and Supplies to acquire such interests in real property as are necessary to make the public improvement.

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

1. In the title, line 19, after "improvement;" insert the following: **"authorizing contracts with Siemens, Inc. and Cutler Hammer for the purchase of computer-based distributed control systems;"**.

2. In Section 2, strike lines 4, 5, 6, and 7 in their entirety and insert in lieu thereof the following: **"bidders after competitive bidding for a gross price, provided however, that each separate";** and at the end of the section, add the following new sentence to read as follows: **"The Director of Port Control shall present the one hundred percent (100%) design drawings for the Improvement to the Chairman of the Aviation and Transportation Committee and the Chairman of the Finance Committee for their review prior to the award of the contract(s) authorized by this division, for the making of the Improvement."**

3. Insert new Sections 9 and 10, to read, respectively, as follows:

"Section 9. That it is hereby determined that certain commodities necessary for the Improvement are non-competitive and cannot be secured from any source other than Siemens, Inc. Therefore, the Director of Port Control is hereby authorized to make a written contract with Siemens, Inc. for the purchase of the following computer-based distributed control systems: the PPSS Life Safety System, and the EMCS Energy Management Control System, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control, upon an amount determined by the Board of Control and pursuant to terms and conditions acceptable to the Director of Law.

Section 10. That it is hereby determined that certain commodities necessary for the Improvement are non-competitive and cannot be secured from any source other than Cutler Hammer. Therefore, the Director of Port Control is hereby authorized to make a written contract with Cutler Hammer for the purchase of the following computer-based distributed control system: the IMPAC Power Monitoring System, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control, upon an amount determined by the Board of Control and pursuant to terms and conditions acceptable to the Director of Law."

4. Re-number existing Sections 9, 10, 11, 12, 13, 14 and 15, respectively, to new **"Section 11"**, **"Section 12"**, **"Section 13"**, **"Section 14"**, **"Section 15"**, **"Section 16"**, and **"Section 17"**.

Amendments agreed to.

Ord. No. 27-01.

By Councilmen Melena, Cimperman and Patmon.

An emergency ordinance authorizing the Director of Community Development to enter into a project agreement with MRN Ltd., an Ohio limited partnership for the acquisition, clearance and redevelopment of certain lands in the Euclid/Prospect II Community Development Plan Area.

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

1. In Section 2, at (e), line 3, strike "and" and insert new division (f) to read as follows:

"(f) an agreement by the Redeveloper to use best efforts to meet the following Minority Business Enterprise and Female Business Enterprise construction contractor participation goals:

**30% MBE; and
10% FBE; and"**

and reletter existing (f) to new "g".

Amendment agreed to.

Ord. No. 85-01.

By Councilman Westbrook (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Cudell Improvement, Inc. to encroach into the right-of-way of Detroit Avenue between West 110th and West 117th Streets with approximately nineteen (19) banners to be attached to CPP utility poles (by separate permission) for an on-going banner program for the Detroit Business District.

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

1. Insert new Section 4 to read as follows:

"Section 4. That the banners authorized by this ordinance shall be reviewed by the City Planning Commission."

2. Re-number existing Section 4 to new **"Section 5"**.

Amendments agreed to.

Ord. No. 444-01.

By Councilmen Dolan, Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a First Amendment to Contract No. 56401 with Kamms Corners Development Corporation to provide additional neighborhood revitalization activities.

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

Ord. No. 538-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Minority Health Commission for the Diabetes Action Plan Program; and to enter into contract with the Diabetes Association of Greater Cleveland to implement the program.

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

1. In the title, line 3, strike "and accept" and beginning in line 6, strike " ;" and to enter into contract with the Diabetes Association of Greater Cleveland to implement the program".

2. In Section 1, line 2, strike "and accept"; and strike lines 5, 6, 7, 8, 9, 10 and 11 in their entirety and insert

in lieu thereof "Commission, to conduct the Diabetes Action Plan Program."

3. Strike Section 3 in its entirety, and renumber existing Section 4 to new "Section 3".

Amendments agreed to.

Ord. No. 540-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of animal trapping services, for the Division of Environment, Department of Public Health.

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

1. In Section 2, line 1, after "shall" insert "not exceed \$60,000 and shall". Amendment agreed to.

Ord. No. 541-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment; and authorizing said Director to enter into contracts for the purchase of service and equipment necessary to implement the program.

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

1. In Section 1, line 3, strike "\$2,514,960" and insert in lieu thereof "\$2,554,960".

2. In Section 2, line 5, strike "\$393,000" and insert in lieu thereof "\$491,250".

Amendments agreed to.

Ord. No. 613-01.

By Councilmen Gordon and Patmon.

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Western Reserve Area Agency on Aging for the 2001 Western Reserve Area Agency on Aging Grant.

Approved by Directors of Aging, Finance, Law; Passage recommended by Committees on Health, Finance.

Ord. No. 615-01.

By Councilmen Melena and Patmon (by departmental request).

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

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

SECOND READING EMERGENCY RESOLUTIONS

Res. No. 140-01.

By Councilman Willis.

An emergency resolution requiring the laying, re-laying and repairing of sidewalks, driveway aprons, curbs, gutters and/or castings on

certain streets and any associated corner properties herein named in the City of Cleveland.

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

1. In Section 1, delete lines 18 and 19 in their entirety and insert in lieu thereof the following:

"Woodhaven - Ridge Road to West 63rd Street

"West 59th Street - Memphis to Ridgeview".

2. In Section 1, add line 33 to read as follows:

"Alien Avenue - East of W. 179th Street to W. 176th Street."

3. In Section 2, line 1, after "That" insert the following: ", provided that eighty percent (80%) of the property owners on each street subject to this resolution agree to the work described in Section 1 of this resolution."

Amendments agreed to.

Res. No. 317-01.

By Mayor White.

An emergency resolution supporting the efforts of the Cleveland Restoration Society, the Downtown Cleveland Partnership, and Downtown Ohio, Inc. in preparing a proposal, for submission to members of the Ohio State Legislature, to provide a historic property rehabilitation tax credit for the renovation and maintenance of historic property.

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 2219-2000.

By Councilman Polensek.

An emergency ordinance to amend Section 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1145-97, passed July 16, 1997, relating to rates of fare and receipts for taxicabs.

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

1. In the title, line 2, strike "Section 443.26" and insert in lieu thereof "Sections 443.26 and 443.261", and in line 5, after "July 16, 1997" insert "and Ordinance No. 2207-97, passed December 15, 1997".

2. In Section 1, line 1 and in Section 2, line 1, strike "Section 443.26" and insert in lieu thereof "Sections 443.26 and 443.261".

3. In Section 1, line 3, and in Section 2, line 3, strike "is" and insert in lieu thereof "and Ordinance No. 2207-97, passed December 15, 1997, respectively, are".

4. In Section 1, at Section 443.26, strike division (a)(3) in its entirety.

5. In Section 1, at Section 443.26, strike divisions (b) and (d) in their entirety and reletter existing division (c) to "(b)", and existing divisions (e) and (f), respectively, to new divisions "(c)" and "(d)".

6. In Section 1, following the text of Section 443.26 insert the following:

"Section 443.261 Drivers' Expenses Capped; Reporting

(a) Finding. This Council finds that the wages earned by drivers of public hacks are inadequate to insure a sufficient number of taxicabs and capable drivers, and that the public convenience and necessity require the imposition of a cap

on the expenses paid by drivers of public hacks.

(b) Definitions. As used in this section:

(1) "Base rates" means the drivers' expenses charged by a company, association or independent operator to its drivers on the date of passage of the ordinance that enacts this section.

(2) "Drivers' expenses" means all costs, expenses and fees paid by drivers to a company, association or independent operator currently charged or hereafter established for the lease of a public hack, and includes, by way of example and not by way of limitation, the costs of the lease itself, insurance, surcharges, and fuel.

(c) Drivers' Expenses Capped. For the period of January 1, 2001 through December 31, 2003 a company, association or independent operator shall not increase its drivers' expenses by more than five percent (5%) over its "base rates".

In the case of fuel only, changes in the market price of the commodity may be passed along to drivers, and any such increase shall not be counted toward the caps imposed by this division. Overhead costs associated with the sale of fuel by a company, association or independent operator are subject to the caps imposed by this division.

(d) Reporting. Within ten (10) days after the effective date of this section, each company, association or independent operator shall submit a schedule of its base rates as defined in division (b) of this section.

On or before December 31 in each year subsequent to the effective date of this section, each company, association or independent operator shall submit its then current drivers' expenses, identifying any changes to the same. The requirements of this paragraph are satisfied by the company, association or independent operator by a certification of the percentage change in drivers' expenses from the previous reporting period.

All reports required by this section shall be certified by an affidavit by the owner of the company, association or independent operator, on such forms as the Commissioner of Assessments and Licenses shall prescribe."

7. Insert new Sections 3 and 4 to read, respectively, as follows:

"Section 3. That Section 443.261 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by this ordinance shall expire and be of no further force and effect on December 31, 2003."

Section 4. That Section 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by this ordinance, shall take effect and be in force thirty (30) days after passage of this ordinance."

8. Renumber existing Section 3 to new "Section 5".

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read third time in full. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman. 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. 302-01.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2377, 2369 East 61st Street and the northerly part of 6203 Quincy Avenue to Burten, Bell, Carr Development Inc., or designee.

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

The rules were suspended. Yeas 16. Nays 0. Read third time in full. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Ord. No. 492-01.

By Councilmen Dolan and Patmon (by departmental request).

An emergency ordinance to authorize the issuance and sale of subordinated airport revenue notes in the aggregate principal amount not to exceed \$46,000,000, in anticipation of the issuance of bonds, to retire outstanding notes issued to pay costs of acquiring real property and interests in real property for the purpose of improving the Airport System.

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 definition of "Original Purchaser", line 2, after "Inc." insert "**Jackson Securities**,".

2. In Section 1, at the definition of "Project" strike the period at the end, and insert the following: "**as more specifically described in Ordinance No. 77-99, passed by the Council on January 14, 1999, which ordinance amended Ordinance No. 68-94, passed by the Council on January 18, 1994.**"

3. In Section 11, line 1, after "Sale of Notes." insert the following new sentence: "**That the Notes are hereby awarded to the following underwriters in the following percentages: SBK-Brooks Investment Corp., Senior Manager, (40%); A.G. Edwards & Sons, Inc., Co-Manager, (20%), Jackson Securities, Co-Senior Manager, (20%), and Goldman, Sachs & Co., Co-Manager, (20%). The following firms are hereby designated to serve as underwriters' counsel to the Original Purchasers in the following percentages: Vorys, Sater, Seymour and Pease LLP, (85%) and David Hill and Associates, (15%).**"

Amendments agreed to.

Motion by Council Member Brady that the rules be suspended and Ordinance No. 492-01 be placed on Third Reading Passage. Seconded by Council Member Sweeney. Yeas 16. Nays 0. Motion carried. Read third time in full. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

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. 658-01.

By Councilman Reed.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Parkworks to provide an Adult Basic Landscaping Training Program in order to carry out the public purpose of providing job training through the use of Ward 3 Neighborhood Equity Funds.

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

The rules were suspended. Yeas 16. Nays 0. Read third time in full. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

THIRD READING EMERGENCY ORDINANCES PASSED**Ord. No. 1963-2000.**

By Mayor White.

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to install and maintain a Kronos timekeeping system, including hardware, software, training and project services, for the various divisions of the Department of Port Control.

Read third time. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Ord. No. 86-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Department of Justice for the 2001 Cleveland Community Re-entry Program.

Read third time. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Ord. No. 136-01.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to employ one or more environmental consultants and one or more consultants to provide asbestos evaluation and Phase I environmental audits; and authorizing the purchase by requirement contract of clean-up and securing of sites and the removal and disposal of underground storage tanks, for the Division of Building and Housing, Department of Community Development, for a period of one year.

Read third time. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Ord. No. 300-01.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Urban Forest property maintenance services, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

Read third time. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Ord. No. 439-01.

By Councilmen Reed, Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a cash gift from the Estate of Willie Vivian Edwards to be used for college scholarships and the purchase of staff shirts, video equipment, and labor and materials to maintain and repair video equipment at Zelma Watson George Recreation Center.

Read third time. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek,

Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Ord. No. 440-01.

By Councilmen Reed, Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a property adoption agreement with the Cleveland Baseball Federation for improvements to Little League Diamond No. 6 at Luke Easter Park.

Read third time. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Ord. No. 441-01.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with Boston Mills Ski Resort to provide youth ski lessons for the 2002 ski season, for the Division of Recreation, Department of Parks, Recreation and Properties.

Read third time. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Ord. No. 495-01.

By Councilmen Gordon and Patmon (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 2002 Federal Child Lead Poison Prevention Program.

Read third time. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Ord. No. 548-01.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of de-icer, for the Division of Park Maintenance and Properties,

Department of Parks, Recreation and Properties, for a period not to exceed one year.

Read third time. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Ord. No. 619-01.

By Councilman Patmon (by departmental request).

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

Read third time. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

Ord. No. 620-01.

By Councilman and Patmon (by departmental request).

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

Read third time. Passed. Yeas 16. Nays 0.

Those voting yea were: Council Members Brady, Britt, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Patmon, Polensek, Reed, Sweeney, Westbrook, White and Willis.

Those voting nay: None.

Not answering Roll Call: Council Members Dolan, Melena, O'Malley and Rybka.

Absent: Council Member Cimperman.

MOTION

By Council Member Brady and seconded by Council Member Sweeney and unanimously carried that the absence of Council Member Joseph C. Cimperman be and is hereby authorized.

MOTION

The Council adjourned at 9:17 p.m. to meet Monday, May 7, 2001 at 7:00 p.m. in the Council Chambers.

THE CALENDAR

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

ORDINANCES

Ord. No. 870-2000.

By Councilmen Cimperman and Patmon (by departmental request).

An emergency ordinance **approving the Euclid/Prospect II Community Development Plan Area.**

Whereas, pursuant to Ordinance No. 2606-81, passed December 14, 1981, this Council approved the Euclid Prospect Area Community Development Plan for the Plan Area designated and described in such Community Development Plan, and by Ordinance Nos. 1766-87, passed November 16, 1987, and 2317-92, passed December 14, 1992, adopted certain amendments to said Community Development Plan, and which Plan contemplated certain activities and treatment for the elimination of conditions of blight and deterioration, and for the prevention of recurrence thereof within said Community Development Plan Area; and

Whereas, the City Planning Commission has replaced the Euclid Prospect Area Community Development Plan with the Euclid/Prospect II Community Development Plan which Plan shall supersede the findings and recommendations of the original Plan; and

Whereas, pursuant to notice duly given, the City Planning Commission held a public hearing on the Euclid/Prospect II Community Development Plan, and has approved such Plan; and

Whereas, the document entitled "Euclid/Prospect II Community Development Plan," dated March, 2001, and the City Planning Commission findings and related materials have been presented to this Council, and are set forth in File No. 870-2000-A, and oral reports and testimony thereon have been presented by City staff and Council has been apprised of the facts, conditions, structural deficiencies, and blighting influences pertaining to the amended Plan Area, including the existence of a majority of structures therein which because of structural deficiencies by reason of age, deterioration, dilapidation, or obsolescence, or non-conformance with modern code requirements relating to building, or fire protection, or of existing conditions therein endangering life and property by fire or other causes, and because of the existence in such amended Plan Area of other conditions which are detrimental to the public health, safety, morals, and general welfare; and

Whereas, for the foregoing reasons, Council has determined that the Plan for the Plan Area, and the implementation of the measures therein set forth will be in the best interests of the citizens of the City and will provide for the general health, safety, and welfare of the City; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of public property, health, and safety in that approval of the Plan is necessary in order that steps can be immediately undertaken to eliminate conditions of blight and deterioration in the Plan Area; now, therefore,



Clerk of Council

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

Section 1. That, based upon the facts and conditions concerning blight and determined that the **Euclid/Prospect II Community Development Plan is adopted in the respects set forth in the above-mentioned file, which Plan includes without limitation, the Land Use Restrictions thereof.**

Section 2. That this Council hereby finds that the public actions and policies proposed and contemplated by the **Euclid/Prospect II Community Development Plan** are necessary and appropriate in order to eliminate the conditions of blight and deterioration, and prevent the recurrence therein the Plan Area; and it is hereby found and determined that the Plan conforms to and is in compliance with the applicable provisions of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 3. That it is hereby found and determined that the Plan will afford maximum opportunity consistent with the sound needs of the City as a whole for redevelopment of the Plan Area and that the Plan gives due consideration to the provision of adequate open space, park and recreational areas appropriate to the area and that the Plan is in conformity with the general Plan of the City and the workable program for community improvements of the City.

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.

Ord. No. 2015-2000.

By Mayor White.

An emergency ordinance determining the method of making the public improvement of demolishing, relocating and constructing certain NASA facilities in order to permit the construction of Runway 5L/23R; authorizing the Director of Port Control to enter into contracts for the making of such improvement; authorizing contracts for the purchase of supplies, materials, equipment and other items required to make the improvement, including rental, labor and installation, if necessary; authorizing said Director to apply and pay for permits, licenses, or other authorizations as necessary to make the public improvement; **authorizing contracts with Siemens, Inc. and Cutler Hammer for the purchase of computer-based distributed control systems;** and authorizing the Commissioner of Purchases and Supplies to acquire such interests in real property as are necessary to make the public improvement.

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

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

Section 1. That pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of demolishing, relocating and

constructing certain NASA facilities in order to permit the construction of Runway 5L/23R ("Improvement").

Section 2. The Director of Port Control is hereby authorized to enter into contracts for the making of the Improvement, by contracts duly let to the lowest responsible bidders after competitive bidding for a gross price, provided however, that each separate bid on a unit price basis 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 such trades or components may be the subject of a separate contract for a gross price. Upon request of said Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement. **The Director of Port Control shall present the one hundred percent (100%) design drawings for the Improvement to the Chairman of the Aviation and Transportation Committee and the Chairman of the Finance Committee for their review prior to the award of the contract(s) authorized by this division, for the making of the Improvement.**

Section 3. That the Director of Port Control is hereby authorized to make written standard purchase contracts and written requirements contracts in accordance with the Charter and Codified Ordinances of Cleveland, Ohio, 1976, the period of such requirements not to exceed two years, for each and all of the necessary items of supplies, material, equipment and other items required to make the Improvement, including the rental of such items, and labor and materials to install and maintain any and all of the foregoing items, to be purchased or procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control. Bids shall be taken in such a 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 4. That notwithstanding and as an exception to the provision of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase, lease or otherwise acquire easements, fee interests, licenses, permits, mitigation credits, and other rights or interests in real property directly necessary for the Improvement.

Section 5. That the Director of Port Control is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire said rights or interests in real property directly necessary for the Improvement and to employ title companies, surveyors, escrow agents, appraisers, environmental consultants, and field service consultants necessary for the acquisition or use of the rights or interests in real property authorized by Section 4 hereof.

Section 6. That the Director of Port Control is hereby authorized to enter into agreements with the holders of said rights or interests in real property to relocate or to otherwise modify existing buildings, equipment, fixtures or other features of

said property and to pay or reimburse related costs to permit the making of the Improvement.

Section 7. That the Director of Port Control is hereby authorized to enter into agreements with federal, state, and local governmental or regulatory entities or other public authorities necessary and to pay or reimburse directly related costs incurred by such entities for the purpose of making the Improvement.

Section 8. That the Director of Port Control is hereby authorized to apply for and pay for such permits and licenses required by any regulatory entity or other public authority for making of the Improvement.

Section 9. That it is hereby determined that certain commodities necessary for the Improvement are non-competitive and cannot be secured from any source other than Siemens, Inc. Therefore, the Director of Port Control is hereby authorized to make a written contract with Siemens, Inc. for the purchase of the following computer-based distributed control systems: the PPSS Life Safety System, and the EMCS Energy Management Control System, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control, upon an amount determined by the Board of Control and pursuant to terms and conditions acceptable to the Director of Law.

Section 10. That it is hereby determined that certain commodities necessary for the Improvement are non-competitive and cannot be secured from any source other than Cutler Hammer. Therefore, the Director of Port Control is hereby authorized to make a written contract with Cutler Hammer for the purchase of the following computer-based distributed control system: the IMPAC Power Monitoring System, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control, upon an amount determined by the Board of Control and pursuant to terms and conditions acceptable to the Director of Law.

Section 11. That the cost of any requirement contracts entered into pursuant to this ordinance shall be charged against the proper account and the Director of Finance shall certify thereon, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

Section 12. That, as a condition precedent to entering into any contracts or agreements contemplated to make the Improvement, the Department of Port Control shall be in receipt of all necessary federal approvals, including the Record of Decision for the Environmental Impact Statement, and other such regulatory approvals as may be required.

Section 13. That the Director of Port Control shall file a copy of all contracts, permits, licenses or agreements entered into by the City as authorized by this ordinance with the Clerk of Council, the President of Council, the Chairman of the Aviation and Transportation Committee and the Chairman of the Finance Committee within five (5)

business days of execution by the City.

Section 14. That the cost of any expenditures authorized by this ordinance for any contract, including all public improvements, standard purchases, requirements contracts and property acquisition, shall not exceed a total amount of \$86,908,692.00 and shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, passenger facility charges and the fund and/or sub-funds to which are credited the proceeds of any general airport revenue bonds, federal grants, state grants, and local grants issued for the purpose of the Improvement authorized herein. In the event that the Improvement exceeds or is anticipated to exceed the amount specified for each project component listed herein, the Director of Port Control shall notify the President of Council, the Chairman of the Aviation and Transportation Committee, and the Chairman of the Finance Committee of the need for a subsidiary agreement in accordance with Section 185.44 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, and shall immediately proceed to secure the necessary legislative approval from Cleveland City Council. (RL 8297)

Section 15. That, in accordance with federal law and to the extent permitted by federal law, all construction contracts entered into pursuant to this ordinance shall establish a goal of hiring at least thirty percent (30%) MBE, ten percent (10%) FBE, twenty-five percent (25%) minority workforce, seven and one-half percent (7.5%) female workforce and forty percent (40%) City residents. In seeking to obtain such goal, all contractors shall utilize best efforts.

Section 16. That the Director of Port Control shall provide detailed bimonthly written reports to the President of Council, the Chairman of the Aviation and Transportation Committee, and the Chairman of the Finance Committee of all expenditures made pursuant to this ordinance, including the source of funds for such expenditures. The Director of Port Control shall also provide to the aforementioned Council representatives detailed bimonthly written reports of the MBE/FBE goals and residency and workforce goals set forth herein.

Section 17. 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.

Ord. No. 27-01.

By Councilmen Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a project agreement with MRN Ltd., an Ohio limited partnership for the acquisition, clearance and redevelopment of certain lands in the Euclid/Prospect II Community Development Plan Area.

Whereas, the Council of the City of Cleveland by Ordinance No. _____, passed _____, approved and adopted the Euclid/Prospect II

Community Development Plan dated _____ (the "Plan"), for the plan area designated and described in said Plan (the "Plan Area"); and

Whereas, the Plan established a treatment area for a portion of the Plan Area (the "Treatment Area") to achieve some of the following purposes: public or private land acquisition, public or private demolition or redevelopment of structures, public or private site improvements, or any combination of these purposes; and

Whereas, MRN Ltd., an Ohio limited partnership, have submitted a proposal which the Director of Community Development has determined to be a satisfactory means of achieving some of the purposes for the Treatment Area as described in the Plan; and

Whereas, this ordinance constitutes an emergency measure providing for the public property, health or safety, in that the authorization of a project agreement with MRN Ltd., an Ohio limited partnership will achieve certain purposes for the Treatment Area as described in the Plan; now, therefore,

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

Section 1. That notwithstanding and as an exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to enter into and execute a project agreement for and on behalf of the City of Cleveland with MRN Ltd., an Ohio limited partnership (the "Redeveloper") for the acquisition, disposition and private redevelopment for the Treatment Area in accordance with the provisions of the Plan. The Plan Area is described as follows:

EUCLID — PROSPECT C.D.

PLAN BOUNDARY

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and beginning at the intersection of the centerline of Ontario Street (99.00 feet wide) with the centerline of West Prospect Avenue (100.00 feet wide);

Thence Westerly, along the centerline of said West Prospect to its intersection with the Southerly prolongation of the Westerly line of property owned by DeBartolo Public Square Inc. and known as P.P.N. 101-23-001 and 101-23-003 A & B;

Thence Northerly, along the Southerly prolongation and the Westerly line of said DeBartolo Public Square Inc. property and its Northerly prolongation to its intersection with the centerline of the South Roadway of Public Square;

Thence Easterly, along the centerline of the said South Roadway to its intersection with the centerline of the East Roadway of Public Square;

Thence Northerly, along said East Roadway to its intersection the centerline of with Superior Avenue (132.00 feet wide);

Thence Easterly, along said Superior Avenue to its intersection with the Northerly prolongation of the Westerly line of land owned by Leader-Cleveland Realty Associates (P.P.N. 101-26-010);

Thence Southerly, along said Northerly prolongation and Westerly line to the Southwest corner thereof;

Thence Easterly, along the Southerly line of said Leader-Cleveland Realty Associates and its Easterly prolongation to its intersection with the centerline of East 6th

Street (50.00 feet wide);

Thence Southerly, along said East 6th Street to its intersection with the centerline of Euclid Avenue (99.00 feet wide);

Thence Easterly, along said Euclid Avenue to its intersection with the centerline of East 8th Street (16.00 feet wide);

Thence Southerly, along said East 8th Street to its intersection with the centerline of Prospect Avenue (82.50 feet wide);

Thence Westerly, along said Prospect Avenue to its intersection with the centerline of Ontario Street;

Thence Southerly, along the said centerline of Ontario Street to its intersection with the centerline of West Prospect Avenue and the place of beginning.

Section 2. That the project agreement authorized herein shall include without limitation the following terms and conditions:

(a) an agreement by the City of Cleveland to acquire that property within the Treatment Area which cannot be privately acquired in a timely fashion through reasonable negotiations;

(b) an agreement by the City of Cleveland to convey, by official deed or deeds, within the Treatment Area, certain property more fully described in Section 3 of this ordinance; provided that the deed or deeds shall contain such restrictive covenants, reversionary interests or similar provisions ad may, in the judgment of the Director of Community Development, be required to insure the elimination within the Treatment Area of conditions of blight and deterioration and for the prevention of recurrence of said conditions;

(c) a commitment by the Redeveloper to comply with all Federal and state real property acquisition requirements, including without limitation relocation assistance, to the extent Federal or state funding is usual for acquisition;

(d) a commitment by the Redeveloper to pay all costs of real property acquisition within the Treatment Area;

(e) a commitment by the Redeveloper to pay all costs of demolition required to develop the Treatment Area in accordance with the Plan;

(f) an agreement by the Redeveloper to use best efforts to meet the following Minority Business Enterprise and Female Business Enterprise construction contractor participation goals:

30% MBE; and

10% FBE; and

(g) such other requirements as the Director of Community Development may deem necessary to protect the interests of the City of Cleveland.

Section 3. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the following property may be conveyed to the Redeveloper pursuant to the project agreement:

**Euclid-Prospect II C.D. Plan
Treatment Area
Block 3 Site B**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and beginning on the centerline of Euclid Avenue (99 feet wide) at its intersection with the centerline of East 3rd Street (16.5 feet wide); thence Easterly along the centerline of said Euclid Avenue to its intersection with the Northerly

prolongation of the Easterly line of a parcel of land owned by Alvin Krenzler (PPN 101-26-040); thence Southerly along the Northerly prolongation and the Easterly line of said Krenzler parcel to the South Easterly corner thereof; thence Westerly along the Southerly line of said Krenzler parcel and its Westerly prolongation to its intersection with the Easterly line of a parcel of land owned by Miriam G. Kenney et al (PPN 101-26-043); thence Southerly along the Easterly line of said Kenney parcel and its Southerly prolongation to its intersection with the centerline of Prospect Avenue (82.5 feet wide); thence Westerly along the centerline of said Prospect Avenue to its intersection with the centerline of East 3rd Street as aforesaid; thence Northerly along the centerline of said East 3rd Street to its intersection with the

centerline of Euclid Avenue and the place of beginning.

Section 4. That this Council finds the conveyance to the Redeveloper of the property described herein, for the purpose of redevelopment, constitute a public use of said property.

Section 5. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described herein at a price not less than the fair market value of the property taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed or deeds of conveyance.

Section 6. That the conveyance to the Redeveloper shall be made by official quitclaim deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

Section 7. That the Mayor, the Director of Community Development, the Director of Economic Development, the Director of Law, and such appropriate City officials are authorized to execute such certifications and documents, and take such other actions as may be necessary or appropriate in connection with carrying out the terms of the project agreement and the activities contemplated by the Plan.

Section 8. 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.

Ord. No. 85-01.

By Councilman Westbrook (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Cudell Improvement, Inc. to encroach into the right-of-way of Detroit Avenue between West 110th and West 117th Streets with approximately nineteen (19) banners to be attached to CPP utility poles (by separate permission) for an on-going banner program for the Detroit Business District.

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 Cudell Improvement, Inc., 11650 Detroit Avenue, Cleveland, Ohio 44102, its successors and assigns, for the construction, use and maintenance of an on-going banner program which will include approximately nineteen (19) banners for the Detroit Avenue Business District, to be attached to Cleveland Public Power utility poles (by separate permission) which will encroach into the public right-of-way of Detroit Avenue between West 110th Street and West 117th Street at the locations more fully described as follows:

LOCATION:	POLE NUMBER:	USE:
DETROIT AVENUE:		
11006 Detroit (N)	E-7-11	Banner
11014 Detroit (N)	No Tag	Banner
11024 Detroit (N)	E-7-12	Banner
11210 Detroit (N)	E-7-15	Banner
11500 Detroit (N)	E-7-17	Banner
11500 Detroit (N)	E-7-19	Banner
11604 Detroit (N)	E-7-21	Banner
11650 Detroit (N)	E-7-23	Banner
NE Corner of Detroit & W. 117 St.	E-7-24	Banner
SE Corner of Detroit & W. 117 St.	E-8-2	Banner
11609 Detroit (S)	E-8-4	Banner
11603 Detroit (S)	E-8-5	Banner
11411 Detroit (S)	E-8-9	Banner
11411 Detroit (S)	E-8-7	Banner
11215 Detroit (S)	E-8-10	Banner
11201 Detroit (S)	E-8-11	Banner
11103 Detroit (S)	E-8-13	Banner
11101 Detroit (S)	E-8-14	Banner

Section 2. That said banners 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 nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege or permission to use or to attach or affix any object to poles described in Section 1 of this ordinance.

Section 3. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when in 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 4. That the banners authorized by this ordinance shall be reviewed by the City Planning Commission.

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.

Ord. No. 444-01.

By Councilmen Dolan, Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a First Amendment to Contract No. 56401 with Kamms Corners Development Corporation to provide additional neighborhood revitalization activities.

Ord. No. 538-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for a grant from the Minority Health Commission for the Diabetes 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 hereby authorized to apply for a grant in the approximate amount of \$200,000, and any other funds as they may become available during the grant term, from the Minority Health Commission, to conduct the Diabetes Action Plan Program.

Section 2. That the application for said grant, File No. 538-01-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Ord. No. 540-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of animal trapping services, for the Division of Environment, 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 hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of animal trapping services in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Environment, Department of Public Health. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases

and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of said contract shall not exceed \$60,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 25170)

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.

Ord. No. 541-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment; and authorizing said Director to enter into contracts for the purchase of service and equipment 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 Health is hereby authorized to apply for and accept a grant in the approximate amount of \$2,554,960 from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment in accordance with the purposes set forth in the respective application; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to apply for and receive the funds under said grants; and that said funds be appropriated for the purposes set forth in the application for said grants.

Section 2. That the application for said grant, File No. 541-01-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects, including the obligation of the City of Cleveland to provide in cash matching funds in the sum of \$491,250, from the Division of Environment's General Fund budget in order to receive the grant from the U.S. Environmental Protection Agency.

Section 3. That the Director of Public Health is hereby authorized to enter into contracts for the purchase of equipment and services necessary to implement the Program, and that said contracts are payable from the fund or funds to which are credited the grant proceeds accepted pursuant to 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 approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Ord. No. 613-01.

By Councilmen Gordon and Patmon.

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Western Reserve Area Agency on Aging for the 2001 Western Reserve Area Agency on Aging Grant.

Ord. No. 615-01.

By Councilmen Melena and Patmon (by departmental request).

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

RESOLUTIONS**Res. No. 140-01.**

By Councilman Willis.

An emergency resolution requiring the laying, re-laying and repairing of sidewalks, driveway aprons, curbs, gutters and/or castings on certain streets and any associated corner properties herein named in the City of Cleveland.

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 it is necessary to lay, re-lay and repair sidewalks, driveway aprons, curbs, gutters and/or castings, including adjustments of utility boxes, where necessary, in the City of Cleveland on the following streets, at the locations hereinafter named and between the points mentioned, including both the frontage and depth of corner lots where said streets intersect, be laid, re-layed and repaired, with either stone flagging or concrete, to the full width of the present sidewalks or curbing on the streets and any associated corner properties respectively:

West 93rd Street and West 95th Street - Madison Avenue to Willard Avenue

9801 Denison Avenue - Southwest corner of Denison Avenue and West 98th Street

3243 West 98th Street - Southeast corner of Denison Avenue and West 98th Street

Ashbury Avenue - East Boulevard to Lakeview Road

Woodhaven - Ridge Road to West 63rd Street

West 59th Street - Memphis to Ridgeview

Cleveland Road - North of St. Clair Avenue

Catalpa Road - North of Euclid Avenue

East 176th - Villaview to Nottingham Road

East 177th - Villaview to Nottingham Road

Creekview - Nottingham Road to east end

Dillewood - East 176th Street to east end

Nottingham Road - Villaview to Lakeshore Boulevard

Shelton Road - Nottingham Road to east end

Tiverton road - Nottingham Road to east end

Sprengle Road - West 146th Street to West 143rd Street (curb only)

Allien Avenue - East of W. 179th Street to W. 176th Street.

Section 2. That, provided that eighty percent (80%) of the property owners on each street subject to this resolution agree to the work described in Section 1 of this resolution, the Director of Finance shall cause a written notice of the adoption of this resolution to be served upon the owner, agent of the owner, of each parcel of land abutting upon the sidewalk, driveway apron, curb, gutter, and/or casting to be laid or re-laid or repaired. In the manner provided by law for the service of summons in civil actions and in accordance with Section 164 of the City Charter of the City of Cleveland. A copy of the notice, with the time and manner of service endorsed thereon, signed by the person serving it shall be returned to the office of the Director of Finance and there filed and preserved. The said notice shall also provide that: if the sidewalk, driveway apron, curb, gutter, and/or casting are not laid, re-laid or repaired by the abutting owner, in accordance with the notice, within fifteen (15) days from service of notice or completion of the publication thereof, the City will proceed, through the appropriate department, to lay, re-lay or repair such sidewalk, driveway apron, curb, gutter, and/or casting, including adjustments of utility boxes, where necessary at the cost and expense of the owner of the property in front of which the same is laid, re-laid, repaired; and the cost and expense thereof, unless paid to the Director of Finance, will be assessed against the abutting property, and collected in the same manner as other assessments, as provided in Section 165 of the Charter 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.

Res. No. 317-01.

By Mayor White.

An emergency resolution supporting the efforts of the Cleveland Restoration Society, the Downtown Cleveland Partnership, and Downtown Ohio, Inc. in preparing a proposal, for submission to members of the Ohio State Legislature, to provide a historic property rehabilitation tax credit for the renovation and maintenance of historic property.

BOARD OF CONTROL

April 25, 2001

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 25, 2001, at 11:00 a.m. with Mayor White presiding.

Present: Mayor White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander
Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies. Lucille Ambroz, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 265-01.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of Domestic Linen Supply and Laundry Company for an estimated quantity of Towel and Linen Services (all items) various divisions of City Government for the Department of Finance, for the period of one (1) year beginning with the date of execution of a contract, received on April 4, 2001, pursuant, to the authority of Ordinance No. 285-01, passed March 26, 2001, which on the basis of the estimated quantity would amount to Fifty Seven Thousand Two Hundred Fifty-Three and 92/100 Dollars (\$57,253.92) (2%, Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 33861

which shall be certified against such contract in the sum of Two Thousand Eight Hundred Seventy and 00/100 Dollars (\$2,870.00).

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

Yeas: Mayor White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 266-01.

By Director Brooks.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Perkins Motor Services, LTD for an estimated quantity of shop equipment, items: 45, 52, 86 and 99, for various divisions of the Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on February 23, 2001, pursuant to the authority of Ordinance No. 904-2000, passed by the Council of the City of Cleveland on

August 7, 2000, which on the basis of the estimated quantity would amount to Four Thousand Seven Hundred Forty One and 75/100 Dollars (\$4,741.75) (0% Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance, is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 29596

which shall be certified against such contract in the sum of Four Thousand Seven Hundred Forty One and 75/100 Dollars (\$4,741.75).

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 White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 267-01.

By Director Brooks.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Grainger Industrial Supply a Division of W.W. Grainger Inc. for an estimated quantity of shop equipment, items: 6, 11, 12, 14 (a,b), 17, 18, 19, 21, 23, 25, 33, 37, 38, 39, 41-44, 46-50, 54, 55, 59, 65, 67-74, 76-81, 83, 89, 91-97, 101-104, 105 (a,b), 106-110, for various divisions of the Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on February 23, 2001, pursuant to the authority of Ordinance No. 904-2000, passed by the Council of the City of Cleveland on August 7, 2000, which on the basis of the estimated quantity would amount to Forty Two Thousand One Hundred Sixty and 96/100 Dollars (\$42,160.96) (0% Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 29595

which shall be certified against such contract in the sum of Forty Two Thousand One Hundred Sixty and 96/100 Dollars (\$42,160.96).

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 White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 268-01.

By Director Brooks.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Nestar Sales LLC d.b.a. Ace Tool Co. for an estimated quantity of shop equipment, items: 1, 2, 3, 4, 7, 8, 9, 13 (a,b), 15, 20, 22, 24, 27-32, 34, 35, 36, 40, 51, 53, 56, 57, 58, 60-64, 75, 82, 84 (a, b), 85, 87, 98, 100, for various divisions of the Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on February 23, 2001, pursuant to the authority of Ordinance No. 904-2000, passed by the Council of the City of Cleveland on August 7, 2000, which on the basis of the estimated quantity would amount to Eight thousand seven hundred seventeen and 77/100 Dollars (\$8,717.77) (0% Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 29594

which shall be certified against such contract in the sum of Eight Thousand Seven Hundred Seventeen and 77/100 Dollars (\$8,717.77).

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 White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 269-01.

By Director Brooks.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Custom Clutch Joint and Hydraulics for an estimated quantity of shop equipment, items: 10, 26, 66, 88 and 90, for various divisions of the Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on February 23, 2001, pursuant to the authority of Ordinance No. 904-2000, passed by the Council of the City of Cleveland on August 7, 2000, which on the basis of the estimated quantity would amount to Three Thousand Two Hundred Forty Nine and 41/100 Dollars (\$3,249.41) (2% Net 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 29597

which shall be certified against such contract in the sum of Three Thousand Two Hundred Forty Nine and 41/100 Dollars (\$3,249.41).

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 White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 270-01.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of APO Holdings Inc. for an estimated quantity of air compressors 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 April 6, 2001, pursuant to the authority of Ordinance No. 16852000, passed by the Council of the City of Cleveland on October 30, 2000, and Ordinance No. 99-01, passed by the Council of the City of Cleveland on January 22, 2001, which on the basis of the estimated quantity would amount to Sixty-Three Thousand Nine Hundred Fifty-Two and 00/100 Dollars (\$63,952.00) (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. 29609

which shall be certified against such contract in the sum of Sixty-Three Thousand Nine Hundred Fifty-Two and 00/100 Dollars (\$63,952.00).

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 White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 271-01.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of D & M Painting Corporation for the public improvement of Chamberlin Water Tower demolition (Items 1-8) (including a 10% contingency allowance) for the Division of Water, Department of Public Utilities, received on March 28, 2001, pursuant to the authority of Ordinance No. 1980-96, passed June 2, 1997, upon a unit basis for the improvement in the aggregate amount of Two Hundred Twenty Two Thousand One Hundred Four and 00/100 Dollars (\$225,104.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities 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 D & M Painting Corporation, for the above-mentioned public improvement is hereby approved:

SUBCONTRACTOR WORK

Cook Paving MBE \$40,000.00/18%

Steward Supply FBE \$ 5,000.00/2%

Iseler Demolition, Inc.

Yeas: Mayor White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 272-01.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of EnviroCom Construction, Inc. for the public improvement of Crown Site improvements and landscaping — project no. 104 (plus a 5% contingency allowance) for the Division of Water, Department of Public Utilities, received on March 28, 2001, pursuant to the authority of Ordinance No. 965-93, passed July 14, 1993, for a gross price for the improvement in the aggregate amount of One Million Four Hundred Fifty-Seven Thousand Three Hundred Twenty-Five Dollars (\$1,457,325.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities 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 EnviroCom Construction, Inc. for the above-mentioned public improvement is hereby approved:

SUBCONTRACTOR WORK

Gateway Electric MBE \$240,000.00/16%

Able Fence FBE \$ 32,000.00/ 2%

Collinwood Concrete FBE \$ 22,000.00/ 2%

Yeas: Mayor White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 273-01.

By Director Sheperd.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Cyngier Systems Enterprises, Inc. for the public improvement of providing electrical service and duct system for FAA supplied A/C unit, and installation of maintenance bypass switch, items 3-5 and 7, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on March 8, 2001, pursuant to the authority of Ordinance No. 1269-97,

passed May 18, 1998, upon a unit basis for the improvement in the aggregate amount of Forty Six Thousand Dollars (\$46,000.00) is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Yeas: Mayor White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.

Absent: None.

Resolution No. 274-01.

By Director Sheperd.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Dolbey Systems, Inc. for the public improvement of the installation of new digital recorder for Airport Operations and the PBX phone room, "add alternate" and items 3 through 5, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on March 8, 2001, pursuant to the authority of Ordinance No. 1269-97, passed May 18, 1998, upon a unit basis for the improvement in the aggregate amount of Forty Four Thousand Four Hundred Ninety Two Dollars (\$44,492.00) is hereby affirmed and approved as the as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Yeas: Mayor White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.

Absent: None.

Resolution No. 275-01.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland, that all bids received on March 22, 2001, for the Rehabilitation of East 55th Street, Phase III, for the Division of Engineering and Construction, Department of Public Service pursuant to the authority of Ordinance No. 1588-2000, passed by the Council of the City of Cleveland on November 27, 2000, be and the same are hereby rejected.

Yeas: Mayor White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.

Absent: None.

Resolution No. 276-01.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Distribution Enterprises, Inc. dba Graphic Marking Systems, for Gerber Edge Computer System, for the Division of Traffic Engineering and Parking, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on March 7, 2001, pursuant to the authority of Ordinance No. 1005-2000, passed July 17, 2000, which on the basis of the estimated quantity would amount to Thirty Six Thousand Six Hundred Seventy Six, and no/100 Dollars

(\$36,676.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 42934

which shall be certified against such contract in the sum of Thirty Six Thousand Six Hundred Seventy Six and no/100 Dollars (\$36,676.00).

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 White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.

Absent: None.

Resolution No. 277-01.

By Director Guzman.

Be it resolved by the Board of Control of the City of Cleveland that the Base Bid, including Alternates #2a, #3a and #4a of Clean Air Systems, Inc., for the Installation of New Vehicle Exhaust Extraction System, for the Department of Public Safety, received on December 14, 2000, pursuant to the authority of Ordinance No. 927-2000, passed June 19, 2000, for a gross price for the improvement in the aggregate amount of Four Hundred Thirteen Thousand Six Hundred Thirty Five and no/100 Dollars (\$413,635.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Safety is hereby authorized to enter into contract for said improvement with said bidder.

Yeas: Mayor White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.

Absent: None.

Resolution No. 278-01.

By Director Miller.

Whereas, Ordinance No. 1060-2000, passed by the Council of the City of Cleveland on October 23, 2000, authorized the sale of a portion of Permanent Parcel Number 733-10-014, located on North Park Boulevard in the City of Shaker Heights, Ohio, to Barry J. Minoff; and

Whereas, Board of Control Resolution No. 766-2000, adopted November 7, 2000, fixed the consideration for said parcel at an amount determined to be not less than Fair Market Value; and

Whereas, an appraisal has determined the Fair Market Value to be substantially lower than the consideration fixed in Board of Control Resolution No. 766-2000; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 766-2000 adopted by this Board of Control on November 7, 2000, authorizing the sale of a portion of Permanent Parcel Number 733-10-014, located on North Park

Boulevard in the City of Shaker Heights, Ohio, to Barry J. Minoff, is hereby amended by reducing the consideration from \$80,000 to \$30,000, which amount is hereby determined to be not less than the Fair Market Value.

Be it further resolved that all other provisions of said Resolution No. 766-2000 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.

Absent: None.

Resolution No. 279-01.

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. 007-28-070 located at Newark Avenue in Ward 14; 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, Greater Cleveland Habitat for Humanity, 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 14 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 Greater Cleveland Habitat for Humanity for the sale and development of Permanent Parcel No. 007-28-070 located at Newark 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 White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.

Absent: None.

Resolution No. 280-01.

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. 121-19-092 located at 2315 East 103rd Street in Ward 6; 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, Bettie L. Ferrell, 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 6 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 Bettie L. Ferrell for the sale and development of Permanent Parcel No. 121-19-092 located at 2315 East 103rd Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$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 White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.

Absent: None.

Resolution No. 281-01.

By Director Warren.

Whereas, pursuant to the authority of Ordinance No. 445-01, passed April 2, 2001, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell certain City owned property, no longer needed for public use, described therein and also known as being 2350 West 3rd Street, (PPN # 08-30-014 and 08-30-015), to Bredt-Zanick, LLC d.b.a. Northern Ohio Lumber & Timber; and

Whereas, said Ordinance No. 445-01 provided that the consideration to be paid for the property shall be at a price not less than fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to Ordinance No. 445-01, passed April 2, 2001 by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property, no longer needed for public use, described therein to Bredt-Zanick, LLC, d.b.a. Northern Ohio Lumber & Timber. The consideration to be paid for said land is One Dollar (\$1.00), which amount is determined to be not less than the fair market value when taking into account all restrictions and encumbrances placed by the City in the deed of Conveyance. The quit claim deed from the City to Bredt-Zanick, LLC shall contain such terms and conditions as the Director of Economic Development and the Director of Law deem appropriate and necessary to protect the interest of the City of Cleveland; including, without limitation, a restriction that the property may only be used for a lawful purpose of Bredt-Zanick, LLC d.b.a. Northern Ohio Lumber & Timber.

Be it further resolved by the Board of Control of the City of Cleveland that the Mayor, the Director of Economic Development, and the Commissioner of Purchases and Supplies are hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property.

Yeas: Mayor White, Director Carter, Acting Director Clark, Director Konicek, Acting Directors Van Loh, Johnson, Director Whitlow, Acting Director Smith, Director Miller, Acting Directors Resseger, McCafferty, Huth, and Director Alexander.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES**General Information**

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

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

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

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

ANNE BLOOMBERG,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 14, 2001

9:30 A.M.

Calendar No. 01-76: 10507 Superior Avenue (Ward 8)

Mohammed Jacs, owner, appeals to construct a gas station with a 40' x 71' one-story convenient store with office and a 23' x 50' car wash and 10 fuel pumps all situated on an approximate 240' x 141' irregular shaped parcel located in a Local Retail Business District on the northeast corner of East 105th Street and Superior Avenue at 10507 Superior Avenue; said construction being contrary to the Local Retail Business District Regulations of Section 343.01 where a gas station is not permitted but is first permitted in a General Retail Business District as stated in Section 343.11(b)(2)(i)(5) and contrary to the Landscaping and Screening Requirements where a 6' wide landscaping strip is required along East 105th Street between the parking lot and the street as stated in Section 352.10 of the Codified Ordinances.

Calendar No. 01-77: 1837-1839 Grantham Road (Ward 10)

Mac and Sandra Saxon, owners, appeals to change the use of an existing 26' x 45' two dwelling unit house into three dwelling units all situated on a 40' x 120' parcel on the north side of Grantham Road at 1837-1839 Grantham Road; said change of use being contrary to the Residential District Requirements, of Section 337.03(a) where a three dwelling unit house is not permitted in a Two-Family District and contrary to the Area Requirements of Section 355.04(a) where the minimum lot area required is 7,200 sq. ft. and 3,580 sq. ft. is proposed, and contrary to the Off-Street Parking and Loading Requirements of Section 349.03 where 3 parking spaces are required and 2 are provided and contrary to the Yards and Courts Requirements of Section 357.09(b)(2)(c) where an 8' interior side yard is required and 2.5' and 11' are provided and contrary to the nonconforming use limitations that require the Board of Zoning Appeals approval as stated in Section 359.01 (a) of the Codified Ordinances.

Calendar No. 01-78: 779-783 East 185th Street (Ward 11)

Jane McGill and Matt Quinn, owners, appeals to install approximately 154 linear feet of 8' high wooden fencing to the rear of a 50' x 108' parcel located in a Local Retail Business District on the east side of East 185th Street at 781 East 185th Street; said installation being contrary to the Yards and Courts Requirements of Section 357.13(c) where an 8' high fence is proposed in the rear yard and the maximum height of fencing permitted in the rear yard is 6'-6" and contrary to the Residential District Requirements where an 8' high fence is proposed and the maximum height of fencing permitted along the side yard lines is 6' as stated in Section 337.23(a)(6) of the Codified Ordinances.

Calendar No. 01-79: 5009 Detroit Avenue (Ward 17)

Daniel Reed, owner, appeals to change the use of an existing 33' x

77' irregular shaped one-story machine shop building into a grocery store all situated on an approximate 78' x 135' irregular shaped parcel located in a Semi-Industry District on the south side of Detroit Avenue at 5009 Detroit Avenue; said change of use being contrary to the Off-Street Parking and Loading Requirements of Section 349.04(f) where 2 parking spaces are proposed and 8 are required and contrary to the Landscaping and Screening Requirements where a 6' wide landscaping strip is required along Detroit Avenue between the parking lot and the street as stated in Section 352.10 of the Codified Ordinances.

Calendar No. 01-84: 2168 West 6th Street (Ward 13)

Tremont Ridge Phase I Limited Partnership, owner, appeals to construct a 20' x 40' three-story, single family dwelling house on a 25' x 100' vacant lot located in a B-Multi-Family District at 2168 West 6th Street; said construction being contrary to the Lot Area Requirements of Section 355.04 where a lot width of 40' is required and 25' is provided and the minimum lot area required is 4,800 sq. ft. and 2,500 sq. ft. is proposed and contrary to the Yards and Courts Requirements of Section 357.04 where a 15' front yard setback is required and 11' is proposed and Section 357.09(2)(b) where a 10' aggregate interior side yard is required and a 1.5' and 3.5' aggregate interior side yard are proposed and a building in a Residence District shall not be erected less than 10' from a main building on an adjoining lot as stated in Section 357.09(2)(a) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 30, 2001

At the meeting of the Board of Zoning Appeals on Monday, April 30, 2001, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 01-64: 511 Spring Road
Pat Manco, owner, appealed to construct a 6' x 20' addition to an existing garage in a One-Family District.

Calendar No. 01-65: 13420 Sherry Avenue

Sharon Minter, owner, appealed to enclose a 7'-1" x 28' front porch of a single family dwelling in a One-Family District.

Calendar No. 01-70: 6301 Dellbank Drive

Robert W. Beech, owner, appealed to install 73 linear feet of 5' ornamental fencing with a gate to the rear of a corner parcel in a One-Family District.

Calendar No. 01-75: 6005 Parkridge Avenue

Jerrold L. Zarlenga, owner, appealed to construct a 28' x 38' two-story, frame single family house in a One-Family District.

Calendar No. 01-51: Appeal of Christopher L. Smalls

Christopher L. Smalls appealed under Section 76-6 and the Charter of the City of Cleveland and Section 674.04 of the Codified Ordinances from the denial of Handgun Registration and Handgun Owner's Identification Card; decision of the Chief of Cleveland Police Division reversed.

The following appeals were **Denied**:

Calendar No. 01-66: 3305 West 44th Street

Ronald Edvon, owner, appealed to park a motor vehicle in the driveway setback area of a single dwelling house in a Two-Family District.

Calendar No. 01-69: 576 East 152nd Street

Thomas Gettings, owner, appealed to expand a Rooming House by adding a one-story, drive through concession trailer to sell hot dogs in a General Retail Business District.

The following appeals were **Postponed**:

Calendar No. 01-28: 4364 West 130th Street postponed to May 29, 2001.

Calendar No. 01-63: 12702 Bellaire Road postponed to May 21, 2001.

On Monday, April 30, 2001, in Executive Session:

The following appeal was heard on Monday, April 23, 2001, and said decision was approved and adopted by the Board on April 30, 2001:

The following appeal was **Approved**:

Calendar No. 01-60: 2362 Professor Avenue

Marianne Ludwig, owner, appealed to change the use of a one-story store and two-story, three dwelling units building into a one-story frame ice cream parlor and two-story dwelling units in a General Retail Business District.

The following appeals were **Denied**:

Calendar No. 01-59: 15803 Trafalgar Avenue

Ishmael Pettigrew, owner, appealed to change the use of a one-story accessory building from a garage to a furniture upholstery and auto/marine interior workshop in a Two-Family District.

Calendar No. 01-08: 6200 South Marginal Road

Cleveland Electric Illuminating Company, owner, appealed to use an acreage parcel for exterior storage of construction materials and equipment located in a Semi-Industry District.

Calendar No. 01-12: 2210 Payne Avenue

Mathile Saad, owner, appealed to change a one-story service station building into an auto mechanic shop and car wash in a Semi-Industry District.

The following appeal was heard on Monday, April 2, 2001, and said decision was approved and adopted by the Board on April 30, 2001:

The following appeal was **Approved**:

Calendar No. 01-42: 2005 West Schaaf Road

Brooklyn Heights United Church of Christ, owners, and Brilliant Electric Sign Company, appealed to install two 6'-6" tall x 6'-6" wide free-standing, identification bulletin board signs to the north and west of a corner parcel in split zoning between Local Retail Business and Multi-Family Districts; upon the condition that the sign on West Schaaf be lowered by 1'.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
April 25, 2001

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

* * *

Docket A-4-01.

RE: Appeal of Cliflake Limited Liability Company, Owner of the Clifton Plaza Apartments located on the premises known as 11406 Clifton Boulevard from a NOTICE OF VIOLATION/FIRE CODE (There is no elevator recall, activated by smoke detectors in each lobby—Ohio Fire Code 1301:7-703, FB-3130) of the Chief of the Division of Fire dated December 5, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).
Docket A-4-01 has been POSTPONED; to be rescheduled for May 9, 2001.

* * *

Docket A-10-01.

RE: Appeal of Cliflake Limited Liability Company, Owner of the Clifton Plaza Apartments located on the premises known as 11430 Clifton Boulevard from a NOTICE OF VIOLATION/FIRE CODE (There is no elevator recall, activated by smoke detectors in each lobby—Ohio Fire Code 1301:7-703, FB-3130) of the Chief of the Division of Fire dated December 5, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).
Docket A-10-01 has been POSTPONED; to be rescheduled for May 9, 2001.

* * *

Docket A-14-01.

RE: Appeal of Brothers Printing Co., of the Property located on the premises known as 2000 Euclid Avenue from a NOTICE OF VIOLATION/FIRE CODE of the Chief of the Division of Fire, dated January 4, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 2000 Euclid Avenue to

the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Sullivan-Acting Chairman, Williams, Saunders. Nays: None. Absent: Messrs. Denk, Bowes.

* * *

Docket A-38-01.

RE: Appeal of Fresques Inc., Owner of the Vacant Lot Property located on the premises known as 18009 Puritas Avenue from a NOTICE OF VIOLATION/LOT ACCESSABILITY & DRAINAGE of the Commissioner of the Division of Building and Housing, dated March 1, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to obtain permits to install a fence for the property. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

Yeas: Messrs. Sullivan-Acting Chairman, Williams, Saunders. Nays: None. Absent: Messrs. Denk, Bowes.

* * *

Docket A-46-01.

RE: Appeal of Henry Kirksey, Owner of the Property located on the premises known as 3560 East 93rd Street from an ORDER TO VACATE of the Commissioner of the Division of Building and Housing dated March 29, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 3560 East 93rd Street to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Sullivan-Acting Chairman, Williams, Saunders. Nays: None. Absent: Messrs. Denk, Bowes.

* * *

Docket A-55-01.

RE: Appeal of Fries & Schuele, Ltd., Owner of the Property located on the premises known as 1948 West 25th Street from a PARTIAL ADJUDICATION ORDER (Section 705.2— Exterior walls along north and south property lines require a 3 hour fire rating for a (M) Mercantile use group, and 1 hour fire rating for an (R2) Residential use group.) of the Commissioner of the Division of Building and Housing, dated April 1, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled for May 9, 2001.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Williams and seconded by Mr. Saunders for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of

Cleveland and the Ohio Basic Building Code (OBBC):

- A-7-01—Broadway Properties, Inc.
 - A-13-01—William J. Svoboda.
 - A-17-01—Michael T. Oliver.
 - A-18-01—Kinsman Road Realty.
 - A-29-01—Vanessa Whitmore.
 - A-48-01—Old Arcade, LLC.
- Yeas: Messrs. Sullivan-Acting Chairman, Williams, Saunders. Nays: None. Absent: Messrs. Denk, Bowes.

* * *

APPROVAL OF MINUTES:

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

April 11, 2001

Yeas: Messrs. Sullivan-Acting Chairman, Williams, Saunders. Nays: None. Absent: Messrs. Denk, Bowes.

JAMES F. SULLIVAN,
ACTING CHAIRMAN

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
By the Council Committee
On City Planning**

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, May 9, 2001
1:00 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, May 9, 2001, at 1:00 P.M., to consider the following ordinances now pending in the Council:

Ord. No. 1689-2000.

By Councilman Coats.
An ordinance to establish a Planned Unit Development Overlay District (PUD) and approve the corresponding Planned Unit Development project on properties located on the west side of Quilliams Road from the City boundary line north to 9 Mile Creek (Map Change No. 2019, Sheet No. 7)

Ord. No. 1972-2000.

By Councilman Cintron.
An ordinance to change the zoning of lands on the northeasterly corner of Columbus Road, N.W. and Gould Ct., N.W. (vacated) (Map Change No. 2022, Sheet No. 1)

Ord. No. 2218-2000.

By Councilman Westbrook.
An ordinance to change the Use, Area, and Height Districts of lands located on the north side of Willard

Avenue, N.W. between West 89 Street and West 93 Street. (Map Change No. 2024, Sheet Nos. 1 & 2)

Ord. No. 2313-2000.

By Councilman Melena.
An ordinance to change the Use, Area and Height Districts of lands on both sides of Lorain Avenue between West 67 Street and West 52 Street. (Map Change No. 2025, Sheet Nos. 1 & 2)

All interested persons are urged to be present or to be represented at the above time and place.

JOSEPH C. CIMPERMAN,
Chairman
Committee on City Planning

April 25, 2001 and May 2, 2001

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, MAY 17, 2001

POSTPONED UNTIL FURTHER NOTICE. PLEASE CHECK THE WEBSITE FOR UPDATES.

On-Site Soil Remediation During Airport Expansion, for the Department of Port Control.

BID PACKAGES CAN BE PURCHASED FROM THE DIVISION OF PURCHASES AND SUPPLIES, 601 LAKESIDE AVENUE, ROOM 128, CITY HALL, CLEVELAND,

OHIO 44114, FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER ONLY. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER FOR PLANS AND SPECIFICATIONS. OUT OF AREA BIDDERS SHOULD PROVIDE FEDERAL EXPRESS, UPS OR OTHER ACCOUNT INFORMATION FOR SHIPMENT. PACKAGE INCLUDES PLANS, TECHNICAL SPECIFICATIONS, GENERAL AND CONTRACTUAL REQUIREMENTS AND ANY ADDENDA.

PROJECT DETAILS: THE CITY IS SOLICITING BIDS FROM EXPERIENCED CONTRACTORS FOR ON-SITE SOIL REMEDIATION SERVICES DURING THE PERIOD FROM MAY 2001 THROUGH JUNE 2004. DURING CONSTRUCTION PLANNED AT CLEVELAND HOPKINS INTERNATIONAL AIRPORT (CHIA), THE CITY ANTICIPATES THAT SOIL IMPACTED BY DEICING OR AVIATION FUEL COMPOUNDS MAY BE ENCOUNTERED. IN THAT EVENT, WE MAY BE REQUIRED, OR OTHERWISE FIND IT PRUDENT, TO TEST, SEGREGATE, STORE, TREAT (AS NECESSARY, AND DISPOSE OF IMPACTED SOIL. THE CITY PLANS TO ISSUE A ONE-YEAR CONTRACT, WHICH, SUBJECT TO ACCEPTABLE PERFORMANCE AND SUBSEQUENT APPROVAL, MAY BE EXTENDED.

QUESTIONS SHOULD BE FAXED TO DEBORAH MIDGETT AT (216) 664-2177.

A PRE-BID MEETING IS SCHEDULED FOR THURSDAY, APRIL 26, 2001, 10:00 A.M. TO 11:00 A.M. IN THE PROGRAM MANAGEMENT TEAM (PMT) CONFERENCE ROOM, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135 (SITUATED ON THE SOUTHEAST CORNER OF SOUTH CARGO AND FIVE POINTS ROADS).

April 18, 2001, April 25, 2001 and May 2, 2001

WEDNESDAY, MAY 9, 2001

Swimming Pool Chemicals, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 82-01, passed by the Council of the City of Cleveland, March 26, 2001.

April 25, 2001 and May 2, 2001

WEDNESDAY, MAY 16, 2001

Valves and Appurtenances — Group B — Valves, 3" to 16", for the Division of Water, Department of Public Utilities, as authorized by Section 192.25 of the Codified Ordinances of the City of Cleveland, 1976.

Upgrade and Repair 800HP Synchronous Motor Unit, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2107-2000, passed by the Council of the City of Cleveland, December 18, 2000.

April 25, 2001 and May 2, 2001

THURSDAY, MAY 17, 2001

Millcreek Subdivision — Phase 4A, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1117-2000 and 2272-2000, passed by the Council of the City of Cleveland, October 16, 2000 and January 29, 2001, respectively.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

Aviation Radios, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 10, 2001, 1:00 P.M., IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM A, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.

Access Key Cards, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Airfield Painting, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, MAY 9, 2001, 1:00 P.M., IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM A, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.

April 25, 2001 and May 2, 2001

THURSDAY, MAY 17, 2001

The Rehabilitation of East 55th Street — Phase III From Superior Avenue to South Marginal Road, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1588-2000, passed by the Council of the City of Cleveland.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

Meter Reading Computer Readers, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1678-2000, passed by the Council of the City of Cleveland, November 27, 2000.

Messenger Services, for the Various Divisions of City Government, Department of Finance.

May 2, 2001 and May 9, 2001

FRIDAY, MAY 18, 2001

Towing Services, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 366-01, passed by the Council of the City of Cleveland, April 9, 2001.

Meyer Snow Plow and Spreader Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1822-99, passed by the Council of the City of Cleveland, December 6, 1999.

May 2, 2001 and May 9, 2001

WEDNESDAY, MAY 23, 2001

Residential Sound Insulation Program (RSIP)-Contract C-01, for the Department of Port Control, as authorized by Ordinance No. 469-98, passed by the Council of the City of Cleveland.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 10, 2001, 12:00 NOON LOCAL TIME, IN THE 2ND FLOOR MAIN CONFERENCE ROOM, ADMINISTRATION OFFICE, PASSENGER TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE. ATTENDANCE IS MANDATORY.

Residential Sound Insulation Program (RSIP)-Contract D-01, for the Department of Port Control, as authorized by Ordinance No. 469-98, passed by the Council of the City of Cleveland.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 10, 2001, 12:00 NOON LOCAL TIME, IN THE 2ND FLOOR MAIN CONFERENCE ROOM, ADMINISTRATION OFFICE, PASSENGER TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE. ATTENDANCE IS MANDATORY.

May 2, 2001 and May 9, 2001

WEDNESDAY, MAY 30, 2001

Service and Maintenance of MSA and AIM Gas Detection Equipment and Calibration Systems, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2105-2000, passed by the Council of the City of Cleveland, February 12, 2001.

A PRE-BID MEETING WILL BE HELD ON MONDAY, MAY 21, 2001, 10:00 A.M., 4TH FLOOR, NORTH CONFERENCE ROOM, CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO.

May 2, 2001 and May 9, 2001

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 724-01.

By Councilman Melena.

An emergency resolution objecting to the issuance of a C2 Liquor Permit to 5718 Bridge Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 7467795, Norma Rodriguez, DBA Grocery Store, 5718 Bridge Avenue, Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of C2 Liquor Permit to Permit No. 7467795, Norma Rodriguez, DBA Grocery Store, 5718 Bridge Avenue, Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 23, 2001.

Effective April 27, 2001.

Res. No. 725-01.

By Councilman Westbrook.

An emergency resolution objecting to the issuance of a C2 Liquor Permit to 8615-17 Denison Front.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 97169300005, Judith H. Withrow, DBA Rogers Grocery, 8615-17 Denison Front, Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of C2 Liquor Permit to Permit No. 97169300005, Judith H. Withrow, DBA Rogers Grocery, 8615-17 Denison Front, Cleveland, Ohio 44102 and requests the Director of

Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 23, 2001.

Effective April 27, 2001.

Res. No. 726-01.

By Councilmen Westbrook, Rybka, Cimperman and Patmon (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for public use to expand Jasper Playfield, located at 10109, 10105, 10101 and 10117 Briggs Road.

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

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

Section 1. That for the public purpose of expanding Jasper Playfield, it is necessary to appropriate in fee simple interest and this Council hereby declares its intent to appropriate the fee simple interest in and to the following described property:

Permanent Parcel No. 017-17-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 280, E.R. Cowin Land Co's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

EXCEPTING THEREFROM that part of the above described premises conveyed to Consolidated Rail Corp., by deed dated 1/31/79, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

Permanent Parcel No. 017-17-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 282, E.R. Cowin Land Co's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

EXCEPTING THEREFROM that part of the above described premises conveyed to Consolidated Rail

Corp., by deed dated 1/31/79, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

Permanent Parcel No. 017-17-040
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 283, E.R. Cowin Land Co's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

EXCEPTING THEREFROM that part of the above described premises conveyed to Consolidated Rail Corp., by deed dated 1/31/79, and recorded in Volume 14899, Page 785 of Cuyahoga County Records. Also subject to zoning ordinances, if any.

Permanent Parcel No. 017-17-041
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 284, E.R. Cowin Land Co's Boulevard Hill Allotment of part of Original Brooklyn Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

EXCEPTING THEREFROM that part of the above described premises conveyed to Consolidated Rail Corp., by deed dated 1/31/79, and recorded in Volume 14899, Page 785 of Cuyahoga County Records. Also subject to zoning ordinances, if any.

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

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

Adopted April 23, 2001.

Effective April 27, 2001.

Res. No. 727-01.
By Councilman Willis.
An emergency resolution objecting to the issuance of a C2 Liquor Permit to 12107-09 St. Clair Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 74015602630, Rite Aid of Ohio Inc., DBA Rite Aid Disc. Pharm 2630, 12107-09 St. Clair Avenue, Cleveland, Ohio 44108; 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 issuance of C2 Liquor Permit to Permit No. 74015602630, Rite Aid of Ohio Inc., DBA Rite Aid Disc. Pharm 2630, 12107-09 St. Clair Avenue, Cleveland, Ohio 44108 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 23, 2001.

Effective April 27, 2001.

Ord. No. 718-01.
By Councilman Britt.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Ministerial Day Care/Headstart Association to hang four (4) banners at 2442 East 89th St. (west side of street) on C.P.P. utility poles (by separate permission) for the period of April 17, 2001 to May 17, 2001, inclusive, publicizing their organization's child care and school programs.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Ministerial Day Care/Headstart Association (Children's First Learning & Enrichment Center), 2442 East 89th Street, Cleveland, Ohio 44104, to install, maintain and remove four (4) banners to be hung on Cleveland Public Power utility poles, (by separate permission) publicizing their school's special programs and child care for the period of April 17, 2001 to May 17, 2001, inclusive, and which banners are to be hung at the following pole locations and on the following pole numbers: 2442 East 89th Street (on the west side of the street) on pole # 25-19-7A-2, 25-19-7A-3, 25-19-7A-4, 25-19-7A-5, and which poles location and banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners, and said banners shall be removed promptly upon the expiration of said permit.

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

Passed April 23, 2001.

Effective April 27, 2001.

Ord. No. 719-01.
By Councilman Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Walk for Hunger on May 12, 2001 sponsored by the Hunger Network of Greater Cleveland.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Walk for Hunger, sponsored by the Hunger Network of Greater Cleveland, on May 12, 2001, beginning at Burke Lakefront Airport and progressing to E. 9th Street, west on Erieside, continuing North between stadium and Lake Erie. South on West 3rd to St. Clair, west on St. Clair to West 9th, south

on West 9th to Superior, east on Superior to Ontario, south on Ontario to Huron, east on Huron to Erie, east on Erie to East 9th, north on E. 9th to Huron, east on Huron to Euclid, west on Euclid back to E. 9th, north on 9th to Superior, west on Superior to Mall, cross through mall to Lakeside, east on Lakeside to E. 9th, north on E. 9th to North Coast Harbor, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 23, 2001.

Effective April 27, 2001.

Ord. No. 720-01.
By Councilmen Cimperman, Cintron and Melena.

An emergency ordinance consenting to and approving the issuance of a permit for the CVS/pharmacy - Cleveland Marathon & 10K on April 29, 2001, sponsored by CVS Race Systems.

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

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

Section 1. That, pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the CVS/pharmacy, sponsored by CVS Race Systems, on April 29, 2001 beginning at Cleveland State University (1700 Euclid Avenue), West on Euclid Avenue to East Public Square Drive, North on East Public Square Drive to Superior Avenue, East on Superior Avenue to East 45th Street, North on East 45th Street to St. Clair Avenue, West on St. Clair Avenue to Ontario Street, South on Ontario Street to Superior Avenue, West over Veterans Memorial Bridge to Detroit Avenue, West on Detroit Avenue to Lake Avenue, West on Lake Avenue into Lakewood, Rocky River and Bay Village. Return from Lakewood - East on Lake Avenue to Detroit Avenue, East on Detroit Avenue to Veterans Memorial Bridge, East on Veterans Memorial Bridge to Superior Avenue, East on Superior Avenue to East Public Square Drive, South on East Public Square Drive to Euclid Avenue, East on Euclid Avenue to Finish line. Finish at Cleveland State University, East 22nd Street & Euclid Avenue, provided that the applicant sponsor

shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. The Chief of Police shall maintain at least one lane of traffic open for a minimum of six hours during the race. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 23, 2001.

Effective April 27, 2001.

Ord. No. 721-01.
By Councilman Coats.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the National Day of Prayer Task Force to stretch banners at Euclid Avenue at London Avenue for the period from April 24, 2001 to May 4, 2001, inclusive, publicizing the National Day of Prayer.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the National Day of Prayer Task Force to install, maintain and remove banners at Euclid Avenue at London Avenue for the period from April 24, 2001 to May 4, 2001, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed April 23, 2001.

Effective April 27, 2001.

Ord. No. 722-01.

By Councilman Reed.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Ministerial Day Care/Headstart Association to hang four (4) banners at 10406 Kinsman Road (north side of street) on C.P.P. utility poles (by separate permission) for the period of April 17, 2001 to May 17, 2001, inclusive, publicizing their organization's child care and school programs.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Ministerial Day Care/Headstart Association (Children's First Learning & Enrichment Center), 10406 Kinsman Road, Cleveland, Ohio 44104, to install, maintain and remove four (4) banners to be hung on Cleveland Public Power utility poles, (by separate permission) publicizing their school's special programs and child care for the period of April 17, 2001 to May 17, 2001, inclusive, and which banners are to be hung at the following pole locations and on the following pole numbers: 10406 Kinsman Road (on the north side of the street) on pole # SE6-66, SE6-67, SE6-68, SE;6-69, and which poles location and banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners, and said banners shall be removed promptly upon the expiration of said permit.

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

Passed April 23, 2001.

Effective April 27, 2001.

Ord. No. 723-01.
By Councilmen Willis and Britt.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle Incorporated to stretch banners on Martin Luther King, Jr., Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar Hill, for the period from May 14, 2001 to June 15, 2001, inclusive, publicizing Parade the Circle Celebration.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to University Circle Incorporated to install, maintain and remove banners on Martin Luther King, Jr., Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar Hill, for the period from May 14, 2001 to June 15, 2001, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be

obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed April 23, 2001.
Effective April 27, 2001.

COUNCIL COMMITTEE MEETINGS

Monday, April 30, 2001

Public Service Committee: 11:00 a.m.—Present: Cintron, Chairman;

Sweeney, Vice Chairman; Coats, Johnson, Jones, O'Malley, Westbrook, Willis. Excused: Melena.

Finance Committee: 2:00 p.m.—Present: Patmon, Chairman; Rybka, Vice Chairman; Britt, Cintron, Dolan, Lewis, Melena, O'Malley, Polensek, Sweeney, White.

Tuesday, May 1, 2001

Legislation Committee: 1:30 p.m.—Present: Lewis, Chairman; Coats, Gordon, Reed, White, Westbrook. Excused: Jones, Vice Chairman.

Wednesday, May 2, 2001

Public Safety Committee: 10:00 a.m.—Present: Polensek, Chairman; Patmon, Vice Chairman; Britt, Coats, Gordon, Jackson, Melena, Sweeney. Excused: Cimperman.

Public Utilities Committee: 1:00 p.m.—Present: O'Malley, Chairman; Patmon, Vice Chairman; Britt, Coats, Dolan, Melena, Polensek, Westbrook, Willis.

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