

# The City Record

Official Publication of the Council of the City of Cleveland



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January the Fifteenth, Two Thousand and Three

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**Jane L. Campbell**  
Mayor

**Frank G. Jackson**  
President of Council

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

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

Containing	PAGE
City Council	3
The Calendar	11
Board of Control	11
Civil Service	14
Board of Zoning Appeals	14
Board of Building Standards and Building Appeals	15
Public Notice	15
Public Hearings	15
City of Cleveland Bids	15
Adopted Resolutions and Ordinances	19
Committee Meetings	22
Index	22

PRESORTED STANDARD  
U. S. POSTAGE PAID  
CLEVELAND, OHIO  
Permit No. 1372

# DIRECTORY OF CITY OFFICIALS

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

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	4326 Daisy Avenue	44109
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

**MAYOR** - Jane L. Campbell  
Rodney Jenkins, Executive Assistant  
David M. McGuirk, Executive Assistant  
Timothy Mueller, Executive Assistant  
Craig Tame, Executive Assistant  
Henry Guzman, Director, Office of Equal Opportunity  
Margreat A. Jackson, Legislative Affairs Liaison  
Erik Janas, Inter-Governmental Affairs Officer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record



71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 90

WEDNESDAY, JANUARY 15, 2003

No. 4649

## CITY COUNCIL

MONDAY, JANUARY 13, 2003

### The City Record

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City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
Monday, January 13, 2003.

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

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

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

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Pastor Grady L. Stevenson, Jr. of Damascus Road Ministries, located in Ward 2. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 48-03.

From the National City Community Development Corporation — 20th Anniversary News Letter. Received.

##### File No. 49-03.

From Congressman Dennis J. Kucinich — Receipt letter of Resolution No. 191-02. Received.

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 50-03.

Re: New Application — 8331826 — Gregory A. Sniezek, 1503 Spring Road, first floor. (Ward 15). Received.

##### File No. 51-03.

Re: New Application — 86165290005 — Stop-N-Save, Inc., d.b.a. Mimi Mini Market, 13501 Lakewood Heights Boulevard, first floor n/s only. (Ward 19). Received.

##### File No. 52-03.

Re: New Application — 7094927 — Progro, Inc., d.b.a. Our Neighborhood Store, 17234 Euclid Avenue, first floor and basement. (Ward 10). Received.

##### File No. 53-03.

Re: New Application — 1159396 — Carl W. Byers, d.b.a. Mikia's Deli, 965 East 105th Street. (Ward 8). Received.

##### File No. 54-03.

Re: New Application — 1162873 — JoAnn M. Byrge, d.b.a. Beverage Store, 4409 Payne Avenue. (Ward 13). Received.

##### File No. 55-03.

Re: New Application — 9011463 — Tower City Lottery Stop, d.b.a. Lottery Stop, 230 W. Huron #72-76. (Ward 13). Received.

##### File No. 56-03.

Re: New Application — 1547275 — Cleveland Lorain CVS, Inc., d.b.a. CVS/Pharmacy #2503, 13027 Lorain Avenue. (Ward 20). Received.

##### File No. 57-03.

Re: Transfer of Ownership Application — 9053037 — Triple A Gas & Oil Corp., d.b.a. W. 130th Marathon, 4611 West 130th Street. (Ward 20). Received.

##### File No. 58-03.

Re: Transfer of Ownership Application — 3453183 — Guru Kirpa, Inc., d.b.a. Convenient Food Mart, 3753 Pearl Road. (Ward 15). Received.

##### File No. 59-03.

Re: Transfer of Ownership Application — 3504707 — Issam Hajj F & H Market, 3291 East 49th Street. (Ward 5). Received.

**File No. 60-03.**

Re: Transfer of Ownership Application — 8200013 — 662 East 140th Street, Inc., Four M. Food Market, 662 East 140th Street, first floor and basement. (Ward 10). Received.

**STATEMENT OF WORK  
ACCEPTED****File No. 61-03.**

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

**File No. 62-03.**

From the Department of Parks, Recreation and Properties re: Contract No. 59152, Morgana Park Site Improvements. Received.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 63-03**—William E. Donahue.

**Res. No. 64-03**—Louise Hart Smith Rogers.

**Res. No. 65-03**—Anita Lewis Polk.

**Res. No. 66-03**—Garfield Warren Hooper, Jr.

**Res. No. 67-03** — Thomas E. Schwertner.

**Res. No. 68-03** — Joseph "Duke" Kaminski.

**RECOGNITION RESOLUTION**

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

**Res. No. 69-03** — The Cleveland Orchestra.

**APPRECIATION RESOLUTION**

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

**Res. No. 70-03**—Lillian Salwan.

**FIRST READING EMERGENCY  
ORDINANCES REFERRED****Ord. No. 38-03.**

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

**An emergency ordinance to appropriate property for the acquisition, clearance, and redevelopment according to the Euclid/Prospect II Community Development Plan for the blighted area designated as Treatment Area Block 3, Site B.**

Whereas, the Council of the City of Cleveland, by Resolution No. 2255-02, adopted November 25, 2002, declared the necessity and intention of appropriating the fee simple property interests described for the acquisition, clearance, and redevelopment under the Euclid/Prospect II Community Development Plan for the blighted area designated as Treatment Area Block 3, Site B; and

Whereas, notice of the adoption of the resolution has been served on the persons in possession or having an interest in the property; and

Whereas, the acquisition, clearance, and redevelopment was determined to be a satisfactory method for the elimination of blight and the prevention of blight in the area des-

ignated as Treatment Area Block 3, Site B; 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 for the public purpose of the acquisition, clearance, and redevelopment according to the Euclid/Prospect II Community Development Plan for the elimination of blight and the prevention of the recurrence of blight in the area designated as Treatment Area Block 3, Site B, the following described fee simple interests are appropriated:

P. P. No. 101-26-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot Nos. 87, 88, 99 and 100 further bounded and described as follows:

Beginning at the intersection of the Northerly line of Prospect Avenue, 82.5 feet wide with the Easterly line of East 3rd Street; thence North 19° 35' 23" West along the Easterly line of East 3rd Street, a distance of 82.50 feet to the most Westerly corner of land conveyed to Carole Andrews by deed recorded in Volume 96-8563, Page 2 of Cuyahoga County Records and the principal place of beginning of the property intended to be described:

Course No. 1: thence North 19° 35' 23" West continuing along the Easterly line of East 3rd Street, a distance of 80.33 feet to the Southeast corner of land conveyed to Ohio National Life Insurance Company;

Course No. 2: thence North 67° 13' 37" East along the Southeasterly line of said Ohio National Life Insurance Company, a distance of 91.17 feet to a point in the Westerly line of land conveyed to MRN Limited Partnership by deed recorded in Volume 97-06253, Page 36 of Cuyahoga County Records;

Course No. 3: thence South 11° 43' 54" East along the Westerly line of said land conveyed to MRN Limited Partnership, distance of 96.96 feet to the Northeast corner of land conveyed to Avram Bendoly by deed recorded in Volume 95-06908, Page 17 of Cuyahoga County Records;

Course No. 4: thence South 78° 12' 37" West along the Northwest line of said lands conveyed to Avram Bendoly and Carole Andrews, a distance of 78.50 feet to the place of beginning and containing 0.1713 acres (7,462 square feet) of land according to the survey by McSteen and Associates, Inc. dated March 3, 2000, last revised April 13, 2000, be the same more or less, but subject to all legal highways (said land being the same as Parcel 4 as shown on the survey).

P. P. No. 101-26-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot Nos. 100 and 101 and bounded and described as follows:

Beginning on the West line of Sheriff Street, now known as East 4th Street, at a point 96 feet North of the Northerly line of Prospect Street, now known as Prospect Avenue, S.E.; thence Northerly along

the Westerly line of Sheriff Street, now known as East 4th Street, 29 1/2 feet; thence Westerly at the right angles to Sheriff Street, now known as East 4th Street, 80 feet; thence Southerly parallel with Sheriff Street, now known as East 4th Street, 29 1/2 feet; thence Easterly 80 feet to the place of beginning, be the same more or less, but subject to all legal highways.

**Section 2.** That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests described.

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

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

**Ord. No. 39-03.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more concession agreements for the operation of soft drink, candy, snack, and other vending machines throughout City parks and various City-owned and City-leased buildings.**

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 any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation and Properties is authorized to enter into one or more concession agreements for the operation of soft drink, candy, snack, and other vending machines throughout City parks and various City-owned and City-leased buildings under the control of the Department of Parks, Recreation and Properties and under the control of other City departments where the director of the department authorizes participation in the concession agreement or agreements with the highest and best bidder as determined and approved by the Board of Control after competitive bidding and advertising as provided by Section 108 of the Charter of the City of Cleveland for a period not to exceed three (3) years.

**Section 2.** That, to the extent provided by law, fifty percent (50%) of the City revenues derived from the vending machines shall be deposited into the appropriate fund and subfunds for the improvement of, use of, and maintenance of City of Cleveland recreation centers.

**Section 3.** That this ordinance is declared to be an emergency measure and, provided it receives the

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

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

**Ord. No. 42-03.**

**By Council Member Jackson.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on the west side of East 80th Street, a.k.a. Permanent Parcel Number 127-02-011 to Shear Service, Inc.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 127-02-011 as more fully described below, to Shear Service, Inc.

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

P. P. No. 127-02-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 75 in Charles H. Seymour's Subdivision of part of Original One Hundred Acre Lot No. 431, as shown by the recorded plat in Volume 5, Page 38 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 80th Street (formerly Atlantic Street) and extending back of equal width 132 feet 3 inches, as appears by said plat.

Also subject to all zoning ordinances, if any.

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

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market

Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

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

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

**Ord. No. 43-03.**

**By Council Member White.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Miles Avenue to Giltz and Associates, Inc.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 136-20-001, 136-20-002, 136-20-003 and 136-20-004, as more fully described below, to Giltz and Associates, Inc.

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

P. P. Nos. 136-20-001, 136-20-002, 136-20-003 and 136-20-004

Beginning on the Southerly line of Miles Avenue, 70 feet wide, as shown by the recorded plat in Volume 11, Page 14 of Cuyahoga County Records, at the Northeasterly corner of land conveyed to the State of Ohio by deed dated December 9, 1959, and recorded in Volume 9781, Page 159 of Cuyahoga County Deed Records; thence due East (assumed

bearing) along said Southerly line of Miles Avenue, a distance of 170.00 feet to the Northwesterly corner of land conveyed to Mary W. Okuly by deed dated June 24, 1957, and recorded in Volume 8887, Page 56 of Cuyahoga County Records; thence South 00° 5' 10" West (assumed bearing) along the Westerly line of land so conveyed to Mary W. Okuly, distance of 123.22 feet to the Southwesterly corner thereof, said point being also on the Northerly line of land conveyed to Harold F. and F.R. Hoffman by deed dated June 22, 1968, and recorded in Volume 12340, Page 167 of Cuyahoga County Deed Records; thence South 89° 23' 20" West (assumed bearing) along the Northerly line of land so conveyed to Harold F. and F.R. Hoffman and the Northerly line of land conveyed to Joseph E. and C. Sorace by deed dated January 12, 1960, and recorded in Volume 9791, Page 395 of Cuyahoga County Deed Records, distance of 177.00 feet to the Northwesterly corner thereof and the Easterly line of East 93rd Street, 60 feet wide; thence North 00° 05' 10" East (assumed bearing) along the Easterly line of said East 93rd Street, distance of 116.10 feet to the Southeasterly corner of land conveyed to the State of Ohio as aforesaid; thence North 37° 51' 12" East (assumed bearing) along the Southeasterly line of land so conveyed to the State of Ohio, a distance of 11.41 feet to the place of beginning.

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

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

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

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

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

**Ord. No. 44-03.****By Council Member Johnson.**

**An emergency ordinance to supplement the Codified Ordinances of the City of Cleveland, Ohio, 1976 by enacting new Section 133.091 relating to prohibiting the Commissioner of Recreation from using persons convicted of a crime to coach and/or manage any program sponsored by the Division of Recreation and requiring background checks.**

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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 133.091 thereof, to read as follows:

**Section 133.091 Prohibition of Certain Persons from Coaching Programs Sponsored by the Division of Recreation; Background Checks.**

(a) The Commissioner of Recreation is prohibited from allowing any person who has been convicted of a crime, other than a traffic offense or a minor misdemeanor, from coaching and/or managing any program sponsored by the Division of Recreation.

(b) To ensure compliance with division (a), the Commissioner shall require background checks to be completed on any person volunteering to be coach or manager of a Division of Recreation sponsored program. The Commissioner may require background checks at any time during the period a person acts as a coach or manager for the Division of Recreation. A volunteer, prospective or otherwise, shall complete any and all documentation required by the Commissioner of Recreation, including supplying fingerprints if necessary, for conducting the background checks contemplated in this division.

**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 Parks, Recreation, and Properties, Personnel and Human Resources, Finance, Law; Committees on Public Parks, Property and Recreation, Employment, Affirmative Action and Training, Legislation, Finance.

**Ord. No. 46-03.****By Council Member Gordon.**

**An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Metropolitan Strategy Group to provide a comprehensive study relating to foreclosures occurring in the City of Cleveland during certain years for the Department of Community Development.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into one or more contracts with Metropolitan Strategy Group for professional services necessary to provide a comprehensive study relating to foreclosures occurring in the City of Cleveland during the years 1997, 1999, and 2001, including but not limited to, compiling information describing reason for foreclosure, describing loan terms and lender identification, making recommendations for improving data storage, data collection, and preventing future foreclosures, and providing technical assistance to map related information, on the basis of their amended proposal dated July 18, 2002, in the total sum of \$25,000, payable from Fund No. 14 SF 027, Request No. 125725, for the Department of Community Development.

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

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

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

**Ord. No. 40-03.****By Council Members Jackson, Britt, Lewis and Scott (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to employ one or more professional consultants to review the processes and controls of the City of Cleveland's Empowerment Zone.**

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

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

**Section 1.** That the Director of Economic Development is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to review the processes and controls of the City of Cleveland's Empowerment Zone, including but not limited to assessing current Empowerment Zone processes and procedures, providing a comprehensive risk analysis of contracts, and other reports and services, and developing an action plan and provide assistance for improving services and operations within the Empowerment Zone.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Economic Development from a list of qualified consultants available for the employment as may be determined

after a full and complete canvass by the Director of Economic Development for the purpose of compiling the list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Economic Development, and certified by the Director of Finance.

**Section 2.** That the costs for the services contemplated shall be paid from Fund No. 18 SF 005, Request No. 103582.

**Section 3.** That the Council President shall appoint a subcommittee of City Council members to participate with the Director of Economic Development to review a Request for Proposal, review responses received from prospective bidders, and make recommendations with respect to the nomination of one or more consultants or one or more firms of consultants. Upon the nomination of one or more consultants or one or more firms of consultants, the subcommittee shall continue to work with the Director of Economic Development with respect to the consultants' review of the processes and controls of the Empowerment Zone.

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

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

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

**Ord. No. 45-03.****By Council Member Jackson.**

**An emergency ordinance to supplement the Codified Ordinances of the City of Cleveland, 1976 by amending Sections 659.01 through 659.04, and Section 178.07 as amended by Ordinance No. 737-02 passed April 22, 2002 regarding predatory lending.**

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

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

**Section 1.** That Sections 659.01 through 659.04, and Section 178.07 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, as amended by Ordinance No. 737-02 passed April 22, 2002, are amended to read, respectively, as follows:

**Section 659.01 Definitions**

(a) "Affiliate" means any entity that controls, is controlled by, or is under common control with another entity, as the term "control" is defined under the Bank Holding Company Act, 12 U.S.C. §§ 1841 - 1849, including any successors in interest or alter egos.

(b) "Annual percentage rate" means the annual percentage rate for the loan calculated according to the provisions of the federal Truth in Lending Act (15 U.S.C. §1601 et. seq.), and the regulations promul-

gated thereunder by the Federal Reserve Board (as said Act and regulations are amended from time to time).

(c) "Business Entity" means any individual, domestic corporation, foreign corporation, association, syndicate, joint stock company, partnership, joint venture, or unincorporated association, including any parent company, subsidiary, exclusive distributor or company affiliated therewith, engaged in a business or commercial enterprise.

(d) "City" means the City of Cleveland, its departments, boards and commissions.

(e) "Points and Fees" means:

(1) All items required to be disclosed under sections 226.4(a) and 226.4(b) of Title 12 of the Code of Federal Regulations, as amended from time to time, except the interest rate or time-price differential;

(2) Subject to the exclusions provided in this section, all charges for items listed under section 226.4(c)(7) of Title 12 of the Code of Federal Regulations, as amended from time to time, but only if the lender receives direct or indirect compensation in connection with the charge or the charge is paid to an affiliate of the lender; otherwise the charges are not included within the meaning of the phrase "points and fees"; and

(3) All compensation paid directly or indirectly to a mortgage broker, including a broker that originates a loan in its own name in a tablefunded transaction, not otherwise included in divisions (1) or (2) of this section.

"Points and fees" shall not include any charges or fees excluded by paragraphs (c) through (e) of Regulation Z of the Truth in Lending Act, section 226.4 of Title 12 of the Code of Federal Regulations; however, notwithstanding the foregoing, any fees for preparing loan-related documents, such as deeds, mortgages, and reconveyance or settlement documents shall be included in the definition of "points and fees".

(f) "Predatory loan" means a loan that is secured by owner-occupied residential real property located within the City of Cleveland on which there is situated a dwelling for not more than four families, a condominium unit, or a cooperative unit, if:

(1) at any time over the life of the loan for a **fixed interest rate loan**, or at the time a loan is consummated for a **variable interest rate loan**, the annual percentage rate of the loan equals or exceeds by more than four and one half (4 1/2) percentage points but less than or equal to eight (8) percentage points in the case of a mortgage **that is a first lien when it is made**, or equals or exceeds by more than six and one half (6 1/2) percentage points but less than or equal to ten (10) percentage points in the case of a mortgage **that is junior when it is made**, the yield on Treasury securities having comparable periods of maturity to the loan maturity as of the fifteenth day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor; and

(2) that was made under circumstances that involve any of the following acts or practices or that con-

tains any of the following loan terms:

A. "Loan Flipping". "Flipping" a loan means the refinancing of an existing loan secured by owner-occupied residential real estate in the City of Cleveland on which there is situated a dwelling for not more than four families, a condominium unit, or a cooperative unit when:

i. More than 50% of the prior debt refinanced bears a lower interest rate than the new loan unless the **lender has received notice from a counselor** employed by a housing counseling agency approved by the Department of Housing and Urban Development, **that the borrower has received counseling describing the loan transaction and its impact on the borrower;**

ii. The borrower's payment of prepaid finance charges and closing costs reduces the interest rate but it will take more than five (5) years for the borrower to recoup the transactions costs; or

iii. A mortgage is refinanced that originated, or was subsidized or guaranteed by or through a state, tribal or local government, or non-profit organization, which bears either a below-market interest rate, or has nonstandard payment terms beneficial to the borrower, such as payments that vary with income, are limited to a percentage of income, or where no payments are required under specified conditions, and where, as a result of the refinancing, the borrower will lose one or more of the benefits of the mortgage, unless the borrower has received counseling from a certified housing counseling agency regarding such refinancing and the borrower and current holder of the loan consent in writing to the refinancing.

B. "Balloon Payments". A loan that contains a scheduled payment that is more than twice as large as the average of earlier scheduled payments or which contains a provision that gives the lender, in its sole discretion, the right to accelerate the indebtedness in the absence of the default of the borrower. The term "balloon payment" shall not apply to (i) any loan with a maturity of one year **or less**, if the purpose of the loan is a "bridge" loan connected with the acquisition or construction of a dwelling intended to become the consumer's principal dwelling, or (ii) a **home equity line of credit secured by the borrower's primary dwelling**.

C. "Negative Amortization". Terms under which the outstanding principal balance will increase at any time over the course of the loan because the regular periodic payments do not cover the full amount of interest due.

D. "Points and Fees". The financing of points and fees in excess of four (4) percentage points of the total loan amount if the loan amount is \$16,000 or greater, or \$800 if the loan amount is less than \$16,000.

E. "Increased Interest Rate". A loan that provides for an interest rate applicable after default that is higher than the interest rate that applies before default.

F. "Advance Payments". A loan which includes terms under which more than two periodic payments required under the loan are consolidated and paid in advance from the

loan proceeds provided to the borrower.

G. "Mandatory Arbitration". A loan which contains a mandatory arbitration clause that limits in any way the right of the borrower to seek relief through a court of law or equity.

H. "Prepayment Penalties". A loan under which a borrower must pay a prepayment penalty for paying all or part of the principal before the date on which the principal is due. Any method of computing a refund of unearned scheduled interest is a prepayment penalty if it is less favorable to the consumer than the actuarial method, as "actuarial method" is defined in division (A) of Section 1349.25 of the Revised Code. The term "prepayment penalties" shall not include prepayment penalties imposed in accordance with the Home Ownership and Equity Protection Act of 1994, 15 U.S.C.A. 1639 (c)(2), as amended, and the regulations adopted thereunder by the federal reserve board, as amended.

I. "Financing of Credit Insurance". The financing of single premium credit life, credit disability, credit unemployment, or any other life or health insurance, directly or indirectly, into one or more loans.

J. "Lending Without Home Loan Counseling". Except in conformity with the provisions of division (b)(1)(B) of Section 659.02, failing to receive notice from a counselor employed by a housing counseling agency approved by the Department of Housing and Urban Development that the borrower has received counseling **describing** the loan transaction and **its impact on** the borrower based upon the information provided by borrower and lender to the counselor at the time counseling is provided to the borrower.

K. "Lending Without Due Regard to Repayment". Except in conformity with the provisions of division (b)(1)(B) of Section 659.02, making, issuing or originating a loan without reasonable belief at the time the loan is consummated that the borrower or borrowers (when considered collectively in the case of multiple borrowers) will be able to make the scheduled payments to repay the obligation based upon a consideration of their current and expected income, current obligations, employment status, and other financial resources (other than the borrower's equity in the dwelling which secures repayment of the loan). A borrower shall be presumed to be able to make the scheduled payments to repay the obligation if, at the time the loan is consummated, or at the time of the first rate adjustment in the case of a lower introductory interest rate (i) the borrower's scheduled monthly payments on the loan (including principal, interest, taxes, insurance and assessments), combined with the scheduled payments for all other debt, do not exceed 50% of the borrower's documented and verified monthly gross income, and (ii) provided that the borrower has sufficient "residual income" as defined in the guidelines established in 38 C.F.R. §36.4337(e) and VA form 26-6393 to pay essential monthly expenses after paying the scheduled payments and any additional debt.

L. The payment by a lender to a contractor on a home improvement

contract from the proceeds of a loan, other than:

i. by an instrument payable to the borrower or borrowers;

ii. by an instrument payable jointly to the borrower and the contractor, provided however that no more than 30% of the total proceeds of the loan shall be disbursed to the contractor at the time of closing; or

iii. at the election of the borrower, by a third party escrow agent in accordance with terms established in a written agreement signed by the borrower, the lender and the contractor before the date of payment. However, "predatory loan" shall not include a loan that is made primarily for a business purpose unrelated to the residential real property securing the loan.

**For purposes of division (f)(1) of this Section, if the terms of the home loan include an initial or introductory period, and the annual percentage rate is less than that which will apply after the end of such initial or introductory period, then the annual percentage rate that shall be taken into account for purposes of this Section shall be the first annual percentage rate adjustment that is calculated and disclosed in conformance with the provisions of division (b) of Section 659.01 for the period after the initial or introductory period.**

(g) "Home Improvement Contractor" means any person who engages in the business of making home improvements, and who undertakes or offers to undertake or agrees to perform any home improvement, whether or not such person is registered, or subject to the licensing and registration requirements of Chapter 3107 of the Codified Ordinances of the City of Cleveland, and whether or not such person is a general contractor.

#### **Section 659.02 Predatory Lending Practices Prohibited**

(a) Prohibited Conduct.

Subject to the limitations of division (b) of this section:

(1) Issuing Predatory Loans. No person or business entity shall make, issue, or arrange a predatory loan, or assist others in doing so. A person who, when acting in good faith, fails to comply with this division will not be deemed to have violated this division if the person establishes that the compliance failure was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid such errors, and within 60 days after the discovery of the compliance failure and prior to the institution of any action under this Chapter or the receipt of written notice of compliance failure, the borrower is notified of the compliance failure, appropriate restitution is made, and whatever adjustments are necessary are made to the loan to either, at the choice of the borrower, (i) make the predatory loan satisfy the requirements of this Chapter, or (ii) change the terms of the loan in a manner beneficial to the borrower so that the loan will no longer be considered a predatory loan subject to the provisions of this Chapter. Examples of a bona fide error include clerical, calculation, computer malfunction and programming, and printing errors. An error of legal judgment with respect to a

person's obligations under this Chapter is not a bona fide error.

(2) Lending Without Home Loan Counseling. No person or business entity shall make, issue or arrange, or assist others in making, issuing or arranging, any loan that is secured by owner-occupied residential real property located within the City of Cleveland on which there is situated a dwelling for not more than four families, a condominium unit, or a cooperative unit in which either:

A. the annual percentage rate at consummation will exceed by more than eight (8) percentage points for first lien loans, or by more than ten (10) percentage points for subordinate-lien loans, the yield on Treasury securities having comparable periods of maturity to the loan maturity as of the fifteenth day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor; or

B. the total points and fees payable by the consumer at or before loan closing will exceed the greater of eight (8) percent of the total loan amount, or \$400; the \$400 figure shall be adjusted annually on January 1 by the annual percentage rate change in the consumer price index that was reported on the preceding June 1, unless that person or business entity first receives notice from a counselor employed by a housing counseling agency approved by the Department of Housing and Urban Development that the borrower has received counseling **describing** the loan transaction and **its impact** on the borrower based upon the information provided by borrower and lender to the counselor at the time counseling is provided to the borrower.

(3) Payments to Home Improvement Contractors. A home improvement contractor may not receive directly and solely from the lender, the proceeds of a loan that is secured by owner-occupied residential real property located within the City of Cleveland on which there is situated a dwelling for not more than four families, a condominium unit, or a cooperative unit in which, **at any time over the life of the loan for a fixed interest rate loan, or at the time a loan is consummated for a variable interest rate loan**, the annual percentage rate of the loan equals or exceeds by more than four and one half (4 1/2) percentage points in the case of a mortgage **that is a first lien when it is made**, or equals or exceeds by more than six and one half (6 1/2) percentage points in the case of a mortgage **that is junior when it is made**, the yield on Treasury securities having comparable periods of maturity to the loan maturity as of the fifteenth day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor.

(4) Incorporating Governmental Financial Assistance Funds. All persons shall be barred from promoting, utilizing, packaging, or in any other way incorporating funds from any of the programs administered by the City in combination with any predatory loan. Any contract, lease, grant or other agreement entered into by the City with any person or business entity shall contain a provision requiring that the person or

business entity, in the administration of governmental housing assistance funds, abide by the provisions of this division as though its administration of such funds was directly subject to the provisions of this division.

(b) Activities of Certain Financial Institutions Exempted.

(1) Division (a) of this section is not applicable in the following circumstances:

A. With respect to a lender duly licensed as may be required under State law, solely because of the presence of a loan provision described in divisions (f)(2)(B), (C) or (H) of Section 659.01, provided that such provision(s) are made in conformity with the requirements of federal law pursuant to the Alternative Mortgage Transaction Parity Act, 12 U.S.C. §3803 and provided that any such loan is not otherwise predatory as defined in division (f) of Section 659.01; or

B. In the case of a loan made pursuant to the Ohio's Mortgage Loan Act, R.C. §1321.51 et. seq., solely because the loan contains any provision authorized by such act, provided that any such loan is not otherwise predatory as defined in division (f) of Section 659.01.

(2) Divisions (a)(1) and (a)(2) of this section are not applicable with respect to a State chartered bank, bank and trust company, savings bank, private bank, national bank, or a State or federally chartered savings and loan association, a federally chartered savings bank, a State or federally chartered credit union.

(3) This section shall apply to affiliates of the entities enumerated in division (b)(2) of this section, except insofar as such affiliates are themselves one of those financial institutions.

#### **Section 659.03 Notice to Customers of Home Improvement Loans**

(a) No person or business entity that **knowingly** funds a home improvement loan **under the circumstances described in this section** shall fail to furnish the notice described in this section. At least three (3) business days prior to closing, every lender who **knowingly** funds a home improvement loan shall furnish a notice along with any home improvement loan for any work to be performed on owner-occupied residential real estate located within the City of Cleveland on which there is situated a dwelling for not more than four families, a condominium unit, or a cooperative unit and **which loan is secured by that real estate, shall furnish a notice to the borrower.** That notice shall be furnished as a separate document, printed in 16 point font, with the signature line at the top of the page, and shall be in substantially the same form as the following, as may

be amended from time to time by the Department of Consumer Affairs:

#### **IMPORTANT NOTICE TO CUSTOMERS OF HOME IMPROVEMENT CONTRACTORS**

I received this notice on this date: \_\_\_\_\_ (date)  
 \_\_\_\_\_ signature of  
 home owner(s)



If you need a loan to pay for home improvements:

BE CAREFUL. A lender will probably want to take a mortgage on your house.

You should not borrow more than you can afford or more than you need. The loan you are being offered may be a predatory loan. You may be eligible for a different loan which charges significantly less interest or fees. Be very cautious about consolidating your debt with a home mortgage. Beware that if you default on this loan you could lose your house! In certain cases, it is now the law in Cleveland that before you sign a home loan you must receive housing counseling assistance.

For the name, address and phone number of a housing counseling or legal services agency in your neighborhood, turn this notice over to see the list of agencies printed on the reverse side.

(b) For purposes of division (a) of this section, a "home improvement loan" shall not include a loan commonly known as a "home equity line of credit".

Section 659.04 Certification of Compliance to be Recorded

No lender or, if applicable, mortgage broker, shall fail to submit the certification of compliance to the Cuyahoga County Recorder's Office as described in this section. At the time of recording a mortgage on owner-occupied residential real property located in the City of Cleveland on which there is situated a dwelling for not more than four families, a condominium unit, or a cooperative unit, and which mortgage secures a loan where the annual percentage rate of the loan equals or exceeds by more than four and one half (4 1/2) percentage points in the case of a mortgage that is a first lien when it is made, or equals or exceeds by more than six and one half (6 1/2) percentage points in the case of a mortgage that is junior when it is made, the yield on Treasury securities having comparable periods of maturity to the loan maturity as of the fifteenth day of the month immediately preceding the month in which the application of the extension of credit is received by the creditor, the lender and, if applicable the mortgage broker, shall submit a certification of compliance to the Cuyahoga County Recorder's Office for recording along with the mortgage instrument and deed. It is not necessary to record a certificate of compliance for a loan that is made primarily for a business purpose unrelated to the residential real property securing the loan. The certification of compliance shall be substantially in the following form and shall comply with any formatting requirements promulgated from time to time by the Cuyahoga County Recorder's Office.

CERTIFICATION

The undersigned lender and mortgage broker certify, that to the best of our knowledge, information and belief, the attached mortgage, described below, entered into between \_\_\_\_\_ (name of lender) and \_\_\_\_\_ (name of borrower) on \_\_\_\_\_ (date of execution) for the property located at \_\_\_\_\_ (street address

of property) contains the following characteristics and terms:

Type of mortgage:
Purchase Money Non-purchase Money
(circle one)

First Mortgage Junior Mortgage
(circle one)

a. The annual percentage rate of the loan at closing is \_\_\_\_\_

b. The applicable Treasury Rate (i.e., the yield on Treasury securities having comparable periods of maturity to the loan maturity as of the fifteenth day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor) is \_\_\_\_\_

c. The total loan amount is \_\_\_\_\_

d. The total amount of points and fees (as defined in division (e) of Section 659.01) is \_\_\_\_\_

e. The percentage of points and fees (calculated according to the equation d/(c-d)x100) financed is \_\_\_\_\_

f. The borrower has or has not (circle one) received housing counseling. A notice of housing counseling is or is not (circle one) attached to this certification.

g. The mortgage does or does not (circle one) violate any provisions of Chapter 659 of the Codified Ordinances of the City of Cleveland, 1976.

Date: \_\_\_\_\_

\_\_\_\_ Mortgage Lender

\_\_\_\_ Name and Title of Officer

\_\_\_\_ Address

\_\_\_\_ Telephone Number

OR

\_\_\_\_ Mortgage Broker

\_\_\_\_ Name and Title of Officer

\_\_\_\_ Address

\_\_\_\_ Telephone Number

\_\_\_\_ State of Ohio Registration No.

I, [lender], have filled out each blank space of this document and have given it to the customer and it is true and accurate.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

I, [mortgage broker], have filled out each blank space of this document and have given it to the customer and it is true and accurate.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

I, [borrower], have received and reviewed with the contractor a copy of this document.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Section 178.07 Affidavit

The affidavit required by division (a) of Section 178.05 shall be in the following form and shall contain the information herein required:

STATE OF OHIO
COUNTY OF CUYAHOGA

SS:AFFIDAVIT OF INTENT

I, \_\_\_\_\_, a duly-authorized representative of \_\_\_\_\_, being first sworn, depose and say as follows:

1. That for the purpose of becoming an eligible depository for active deposits of the City of Cleveland, the undersigned affiant states that it will develop lending and financing opportunities and make "best efforts" to undertake a defined lending program of committed action in support of residential and commercial development in Cleveland's neighborhoods.

Affiant states that such best efforts shall include, but are not limited to:

A. The presence of identifiable trained personnel in real estate with sole responsibility and lending authority and a clearly defined focus on "neighborhood development" finance as defined in Section 178.04 of the Codified Ordinances of Cleveland, Ohio, 1976.

B. Cooperation with and support of non-profit neighborhood development organizations in the successful implementation of "neighborhood development" finance, through vehicles such as grants, below-market financing and equity investments.

C. A willingness to participate in the financing of publicly-subsidized neighborhood development projects.

D. A commitment to affirmatively market and make available banking services throughout Cleveland's neighborhoods.

E. The cooperative establishment of investment services through incentive programs such as linked deposits and compensating balance transactions.

2. Further, the affiant represents that neither [insert institution desiring to become City depository], nor any of its affiliates, (i) will make predatory loans as defined in Chapter 659 of the Codified Ordinances of the City of Cleveland, Ohio, 1976; (ii) will violate Section 1349.27 of the Revised Code.

3. Further, the affiant agrees to submit the information required in Section 178.05 of the Codified Ordinances of Cleveland, Ohio, 1976, to the Director of Finance on an annual basis.

4. Further, the affiant agrees to submit statements and information of such affirmative participation as required in this affidavit which has occurred within the annual review period.

Section 2. That existing Sections 659.01 through 659.04 and Section 178.07, as amended by Ordinance No. 737-02 passed April 22, 2002, are hereby repealed.

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

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

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

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

**Res. No. 41-03.  
By Council Members Coats and  
Reed.**

**An emergency resolution opposing the profiling of suspects based solely upon race, ethnic origin, religion, or other similar factor and encouraging the federal government to assist local law enforcement agencies in their efforts to provide education and training for law enforcement officers regarding appropriate investigative and enforcement techniques.**

Whereas, all Americans have a right to expect equal treatment by law enforcement offices, prosecuting authorities, judges and correctional officials; and

Whereas, discriminatory enforcement of criminal laws has a corrosive effect on American cities and towns, undermines the confidence of the community in law enforcement, and interferes with efforts to prevent crime and prosecute offenders; and

Whereas, unfortunately, our country has a long history of disparate treatment in our criminal justice system; and

Whereas, numerous studies confirm that racial minorities, especially African Americans and Latinos, are more likely to be arrested, more likely to be prosecuted and more likely to be incarcerated for offenses that whites accused of the same crime; and

Whereas, the City of Cleveland supports federal legislation and action which eliminates discrimination in the enforcement of our criminal justice system; and

Whereas, the City of Cleveland opposes profiling of suspects based solely on race, ethnic origin, religion, or other similar factor; and

Whereas, the Council encourages the federal government to assist local law enforcement agencies in their efforts to provide education and training for law enforcement officers regarding appropriate investigative and enforcement techniques; 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 opposes profiling of suspects based solely upon race, ethnic origin, religion, or other similar factor.

**Section 2.** That this Council encourages the federal government to assist local law enforcement agencies in their efforts to provide education and training for law enforcement officers regarding appropriate investigative and enforcement techniques.

**Section 3.** That the Clerk of Council is hereby directed to transmit copies of this resolution to U.S. Senator Michael DeWine, U.S. Senator Dennis Kucinich, and Congresswoman Stephanie Tubbs-Jones.

**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 adoption.

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

**Res. No. 47-03.  
By Council Members Westbrook,  
Reed, Sweeney and Coats.**

**An emergency resolution encouraging the Transportation Security Administration to reconsider and review Security Directive SD 1542-02-03A to determine if exceptions may be granted under certain circumstances and encouraging the U.S. Senate and U.S. House of Representatives to pass legislation granting exceptions to Security Directive SD 1542-02-03A when certain conditions are met.**

Whereas, the Department of Transportation, Transportation Security Administration ("TSA") issued Security Directive SD 1542-02-03A on November 8, 2002; and

Whereas, this Security Directive requires all airport operators to conduct certain security measures for each employee of a vendor working in a sterile area of the airport and for each airport operator employee who works in a sterile area; and

Whereas, airport operators were required within ten (10) calendar days of receipt of the Security Directive to submit information, including an employee's name, social security number, date of birth, city and state of birth, and current residential address, to the Aviation Security Clearinghouse for all employees who work in the sterile area of an airport; and

Whereas, security staff at Cleveland Hopkins International Airport compiled and submitted the requested information for more than seven hundred (700) vendor employees; and

Whereas, Cleveland Hopkins International Airport received a criminal background check report for each individual whose name and information was submitted to the Aviation Security Clearinghouse; and

Whereas, any employee convicted of one or more of the disqualifying offenses is prohibited from accessing a sterile area of the airport; and

Whereas, fifteen (15) vendor employees at Cleveland Hopkins International Airport were convicted of a disqualifying offense; and

Whereas, such employees are prohibited from accessing a sterile area of Cleveland Hopkins International Airport and, therefore, these fifteen (15) vendor employees were either fired or forced to resign; and

Whereas, several of these employees were convicted of a disqualifying offense several years ago; and

Whereas, several of these employees have been model employees for several years and the TSA's Security Directive appears to be unfair and unnecessarily restrictive as applied to these employees; and

Whereas, in these instances, the effect of the TSA's Security Directive is contrary to the spirit of fair employment; and

Whereas, this Council feels that individuals who have paid their debt to society for a criminal offense should be permitted the opportunity to obtain gainful employment; and

Whereas, this Council encourages the TSA to reconsider and review Security Directive SD 1542-02-03A to determine if exceptions may be granted under certain circumstances; and

Whereas, this Council encourages the U.S. Senate and U.S. House of Representatives to pass legislation granting exceptions to Security Directive SD 1542-02-03A when certain conditions are met; 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 encourages the TSA to reconsider and review Security Directive SD 1542-02-03A to determine if exceptions may be granted under certain circumstances.

**Section 2.** That this Council encourages the U.S. Senate and U.S. House of Representatives to pass legislation granting exceptions to Security Directive SD 1542-02-03A when certain conditions are met.

**Section 3.** That the Clerk of Council is hereby directed to transmit copies of this resolution to President George Bush, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congressman Dennis Kucinich, Congresswoman Stephanie Tubbs-Jones, Congressman Steven LaTourette, Congressman Sherrod Brown, Congressman Ralph Regula, and the Secretary of the United States Department of Transportation.

**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 adoption.

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

**SECOND READING EMERGENCY  
ORDINANCES PASSED**

**Ord. No. 1540-02.**

By Council Member Conwell.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Eleanor B. Rainey Memorial Institute for providing an after school arts education program in order to carry out the public purpose of providing education to the residents of Cleveland through the use of Ward 9 Neighborhood Equity Funds.

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

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

**Ord. No. 2157-02.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with IMG Motorsports - Cleveland, Inc. for use of certain premises at Burke Lakefront Airport to conduct the "Grand Prix" auto races, for a period not to exceed five years.

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

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

**Ord. No. 2227-02.**

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

An emergency ordinance authorizing the Director of Port Control to enter into an amendment to Contract No. 28672 between the City of Cleveland and Trans World Airlines, LLC to delete certain space from their lease.

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

1. In Section 1, line 6, after "office" insert **"retroactive to October 21, 2002,"**.

Amendment agreed to.

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

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

**Ord. No. 2470-02.**

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

An emergency ordinance to amend Sections 8, 31 and 37 of Ordinance No. 469-02, passed April 1, 2002, as amended, relating to compensation for various classifications.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance.

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

**Ord. No. 8-03.**

By Council Members Westbrook, Cimperman and Jackson (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 \$48,500,000, 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, City Planning Commission,

Finance, Law; Passage recommended by Committees on Aviation and Transportation, City Planning, Finance.

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

**SECOND READING EMERGENCY RESOLUTIONS ADOPTED**

**Res. No. 2336-02.**

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

An emergency resolution declaring the intention of the City of Cleveland to locate the Workforce Development/One-Stop Career or a satellite office within a one-mile radius of the West 25th Avenue and Clark area.

Approved by Directors of Personnel and Human Resources, Finance, Law; Adoption recommended by Committees on Employment, Affirmative Action and Training, Finance.

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

**Res. No. 2397-02.**

By Council Members Conwell, Scott, Zone, Coats, O'Malley, Reed and Jones.

An emergency resolution encouraging and supporting the creation of a 511 traveler information system for the State of Ohio; encouraging the State of Ohio to implement a 511 traveler information system; and encouraging the Director of the Ohio Department of Transportation to submit a grant application for 511 planning.

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

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

**LAID ON THE TABLE**

**Ord. No. 926-02.**

By Councilmen O'Malley and Brady.

An emergency ordinance to enact Sections 675A.01 to 675A.11 and 675A.99 of the Codified Ordinances of Cleveland, Ohio, 1976 relating to door-to-door solicitors; and to amend Section 675.01, as amended by Ordinance No. 532-93, passed June 14, 1993, relating to definitions and chapter scope of peddlers and produce dealers.

**Ord. No. 2110-02.**

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

An emergency ordinance appropriating Community Development Block Grant funds for administrative expenses of the Department of Community Development.

**Ord. No. 2383-02.**

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

An emergency ordinance authorizing the Director of Port Control to enter into professional services contracts, purchase contracts and requirement contracts to obtain marketing and advertising services,

materials, and equipment necessary to promote the Cleveland Hopkins International and Burke Lakefront Airports, for a period of one year.

Without objection, Ordinance Nos. 926-02, 2110-02, and 2383-02 were relieved of further consideration of all committees and was laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 21. Nays 0. Legislation tabled.

**MOTION**

The Council Meeting adjourned at 8:11 p.m. to meet on Monday, January 27, 2003 at 7:00 p.m. in the Council Chambers.



Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

January 8, 2003

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 8, 2003, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Director Konicek, Acting Director McGraw, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Pesti and Director Fumich.

Absent: Director Taylor.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Carol Whitaker, Acting Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

**Resolution No. 1-03.**

By Director Baker.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952 the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of December, 2002 in the amount of \$2,294.52, hereto attached and made a part hereof, is hereby received, approved and filed.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Director Konicek, Acting Direc-

tor McGraw, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Pesti, and Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 2-03.**

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on October 31, 2002 for Labor and Materials to Maintain Card Access and Electronic Security Systems for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 1388-2000, passed by the Council of the City of Cleveland on October 9, 2000 are hereby rejected.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Director Konicek, Acting Director McGraw, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Pesti, and Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 3-03.**

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to Article 8 of the Agreement and Lease between the City of Cleveland and the Original Scheduled Airlines and the Additional Scheduled Airlines, the 2003 Annual Budget and calculation of the Rentals and Landing Fee Rates shall be adopted and effective as of January 1, 2003.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Director Konicek, Acting Director McGraw, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Pesti, and Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 4-03.**

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of E. J. Ward, Inc. for the following: automated fuel dispensing system upgrade for the Division of Motor Vehicle Maintenance, Department of Public Service, received on November 13, 2002, pursuant to the authority of Ordinance No. 1424-02, passed by the Council of the City of Cleveland July 17, 2002, which on the basis of the order quantity would amount to Two Hundred Thirty-Four Thousand Four Hundred Ninety-Nine and 42/100 Dollars (\$234,499.42) (Net) is hereby approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a contract for such items.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Director Konicek, Acting Director McGraw, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Pesti, and Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 5-03.**

By Acting Director Carroll.

Resolved, by the Board of Control of the City of Cleveland that the bid

of Memorial Services Inc. DBA F.J. Corrigan Funeral Services for an estimated quantity of Indigent Burials (all items) for the Division of Health, Department of Public Health, for the period of one (1) year beginning with the date of execution of a contract, received on the 20th day of November, 2002 pursuant to the authority of Ordinance No. 680-02 passed May 13, 2002, which on the basis of the estimated quantity would amount to Twenty Nine Thousand Five Hundred Ten and 00/100 (\$29,510.00) Dollars (5% — 30 days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Health is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 113146

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

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Director Konicek, Acting Director McGraw, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Pesti, and Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 6-03.**

By Director Draper.

Resolved by the Board of Control of the City of Cleveland that the bid of Tom Paige Catering Company, for prisoner meals, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of expiration of the previous contract, with one one-year option to renew, received on October 30, 2002 pursuant to the authority of Ordinance No. 1102-02, passed by Cleveland City Council on June 17, 2002, which on the basis of the estimated quantity would amount to Four Hundred Seventy-Seven Thousand, One Hundred Forty-Eight and 80/100 Dollars (\$477,148.80), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 119632

as specified, which shall be certified against such contract in the sum of Forty Thousand 00/100 Dollars (\$40,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as

may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Director Konicek, Acting Director McGraw, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Pesti, and Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 7-03.**

By Acting Director Glending.

Whereas, Resolution No. 790-02, adopted by this Board on December 4, 2002, under the authority of Ordinance No. 1013-02, passed by the Cleveland City Council on May 20, 2002, as amended by Ordinance No. 1394-02, passed by the Cleveland City Council on July 17, 2002, authorized the Director of Parks, Recreation & Properties to enter into a contract with R. DiLillo & Company as the lowest responsible bidder for the public improvement of Barkwill Park, in the aggregate amount of Three Hundred Five Thousand, Four Hundred Ten and 88/100 Dollars (\$305,410.88); and

Whereas, the City desires to amend Resolution No. 790-02 to include the clarification and additional funding available under authority of Ordinance Nos. 1748-99 and 2479-02; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 790-02 adopted December 4, 2002, affirming and approving R. DiLillo & Company as the lowest responsible bidder for certain improvements to Barkwill Park site is hereby amended by adding "Ordinance No. 1748-99, passed on April 17, 2000," before "Ordinance No. 1013-02," and by adding "as amended by Ordinance No. 2479-02, passed on December 16, 2002," after "Ordinance No. 1394-02, passed on July 17, 2002."

Be it further resolved that all other provisions of said Resolution No. 790-02 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Director Konicek, Acting Director McGraw, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Pesti, and Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 8-03.**

By Acting Director Glending.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Nerone & Sons for the public improvement of Kenneth L. Johnson Aquatic Playground & Site Improvements, for Base Bid Items #1 - #72, #74 - #77, Alternate Item #A2 and Add Alternate Item #AA1 including the 3% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on September 13, 2002, pursuant to the authority of Ordinance No. 1114-02, passed on June 17, 2002, Ordinance No. 930-2000, passed on June 19, 2000 as amended by Ordinance No. 1594-2000, passed on

November 27, 2000, upon a unit basis for the improvement in the aggregate amount of Seven Hundred Thirty Thousand Four Hundred Thirty Six and 18/100 Dollars (\$730,436.18), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Nerone & Sons for the aforementioned public improvement hereby is approved:

<u>Subcontractors</u>	<u>Responsibility</u>
Gateway Electric	(MBE) — Electrical
Lito Trucking	(MBE) — Trucking
Ballast Fence	(FBE) — Fencing
Collinwood Concrete	(FBE) — Ready Mix Concrete

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Director Konicek, Acting Director McGraw, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Pesti, and Fumich.  
Nays: None.  
Absent: Director Taylor.

**Resolution No. 9-03.**

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

Whereas, City has acquired Permanent Parcel No(s). 015-08-130, 015-12-003, 015-15-015, 015-10-045, 015-110-046 under said Land Reutilization Program; and

Whereas, Ordinance No. 2244-02 passed December 9, 2002, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Civic Builders LLC has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2244-02 passed December 9, 2002, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Civic Builders LLC for the sale and development of Permanent Parcel No(s). 015-08-130, 015-12-003, 015-15-015, 015-10-045, 015-10-046, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is hereby determined to be not less than

the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Director Konicek, Acting Director McGraw, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Pesti, and Fumich.

Nays: None.  
Absent: Director Taylor.

**Resolution No. 10-03.**

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. 007-12-033 and 007-12-071 located on York 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, Norwood Collins and Vickie Collins, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcels; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

2. The parcels are either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchasers of said parcels are 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 Norwood Collins and Vickie Collins for the sale and development of Permanent Parcel No. 007-12-033 and 007-12-071 located on York 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 parcels shall be \$1.00 each, which amount is hereby determined to be not less than the Fair Market value of said parcels for uses in accordance with said Program.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Director Konicek, Acting Director McGraw, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Pesti, and Fumich.

Nays: None.  
Absent: Director Taylor.

**Resolution No. 11-03.**

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 287-02, passed by the Council of the City of Cleveland on March 4, 2002, this Board of Control hereby approves Twenty Thousand Dollars (\$20,000.00) as the amount of the Mortgage Loan to Michael E. Wilcox, 3238 East 140th Street, Cleveland, Ohio 44120, as approved by the Housing Advisory Board on February 27, 2001 and ratified on March 20, 2001.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Director Konicek, Acting Director McGraw, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Pesti, and Fumich.

Nays: None.  
Absent: Director Taylor.

**Resolution No. 12-03.**

By Director Draper.  
Resolved by the Board of Control of the City of Cleveland that the bid of Aon Risk Services, Inc. of Ohio for aviation insurance, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on December 18, 2002 pursuant to the authority of Ordinance No. 2172-02, passed by Cleveland City Council on November 11, 2002, which on the basis of the estimated quantity would amount to One Hundred Eighteen Thousand Seven Hundred Three and 00/100 Dollars (\$118,703.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No: 119637  
as specified,  
which shall be certified against such contract in the sum of One Hundred Eighteen Thousand Seven Hundred Three and 00/100 dollars (\$118,703.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or

less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Director Konicek, Acting Director McGraw, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Pesti, and Fumich.

Nays: None.

Absent: Director Taylor.

JEFFREY B. MARKS,  
Secretary

## CIVIL SERVICE NOTICES

### General Information

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

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

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

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

REYNALDO GALINDO,  
President

## SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 27, 2003

9:30 A.M.

**Calendar No. 02-357:** 3895 West 136th Street (Ward 20)

Motion for Reconsideration having been granted on January 6, 2003, Michael A. Sopko, owner, appeals for reconsideration of a denial decision on December 23, 2002, based on new evidence to install approximately 57 linear feet of 4' high chain link fencing to the rear and side yards of a 35' x 120' corner parcel located in an A1 One-Family District on the east side of West 136th Street at 3895 West 136th Street; said installation being contrary to the Fence Regulations, where only ornamental fences shall be installed in actual front yards and actual side street yards if located in a residential district and within 4' of the side street property line as stated in Section

358.04(c)(1) of the Codified Ordinances.

**Calendar No. 03-5:** 11805 McGowan Avenue (Ward 20)

Henry Wiseman, owner, appeals to construct as 10' x 15' porch with a ramp to the front of an existing one family dwelling house all situated on a 35' x 104' parcel located in an A1 One-Family District on the south side of McGowan Avenue at 11805 McGowan Avenue; said construction being contrary to the Yards and Courts Requirements, where a 10' porch projection is proposed and no open porches or porticos shall project more than 6' and do not aggregate a vertical area in any story more than 20% of the area of the facade in that story as stated in Section 357.13(b)(4) of the Codified Ordinances.

**Calendar No. 03-6:** 5109 Memphis Avenue (Ward 16)

Michael Haviaras, owner, appeals to construct a 20' x 31' one-story addition to an existing 31' x 75' one-story diner and change the use from storage to a restaurant all situated on a 74' x 150' parcel located in a Local Retail Business District on the south side of Memphis Avenue at 5109 Memphis Avenue; said construction and change of use being contrary to the Specific Use Regulations of Section 3437.08(a), where trash areas shall be screened with opaque fencing not lower than the height of the refuse container and the proposed screening is partly opaque and partly chain link fencing and contrary to the Off-Street Parking and Loading Requirements of Section 349.04(f), where 16 parking spaces are required and 12 are proposed and contrary to the Landscaping and Screening Requirements of Section 352.09, where an 8' wide transition strip is required at the rear of the property where the property in question abuts a One-Family District and none is proposed and Section 352.10, where a 6' landscaping strip is required along Memphis and West 52nd Street and a 3' strip is proposed along Memphis and a 1' strip is proposed along West 52nd Street and contrary to the Yards and Courts Requirements, where 4 parking spaces in the front of the lot are within the setback area and a 1' front yard setback is proposed and a 20' front yard setback is required as stated in Section 357.09 of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 13, 2003

At the meeting of the Board of Zoning Appeals on Monday, January 13, 2003, the following appeals were heard by the Board:

The following appeals were **Approved:**

**Calendar No. 02-365:** 3824 Martin Luther King Drive

First Greater New Zion Missionary Baptist Church appealed to construct a 5,770 sq. ft. one-story, 28' high masonry sanctuary on a parcel in a General Retail Business District.

**Calendar No. 02-369:** 4147 Pearl Road  
Nunzio Marzano appealed to construct as 30' x 32' one-story addition to a cabinet shop on a 57' x 270' parcel in a Local Retail Business District.

**Calendar No. 02-370:** 2123 West 7th Street

Timothy McBride appealed to renovate the interior and exterior of an 18' x 57' single family house and convert the attic to a master bedroom in a Multi-Family District.

**Calendar No. 02-371:** 4500 Lee Road  
4500 Ltd. appealed to add barbed wire to an existing fence on the east and south of a parcel in a Semi-Industry District; subject to condition.

**Calendar No. 02-372:** 1917 West 25th Street

Tony Iwais appealed to change the use of the first floor of a two-story building into a restaurant in a General Retail Business District.

**Calendar No. 02-194:** 2097 West 28th Street

R. Scott Neiswander appealed to construct a 27' x 32' three-story, frame one family house on a 32' x 59' parcel in a Two-Family District.

**Calendar No. 02-195:** 2712 Chatham Avenue

R. Scott Neiswander appealed to construct a 27' x 32' three-story, frame one family house on a 32' x 59' parcel in a Two-Family District.

**Calendar No. 02-351:** 6830 Beaver Avenue

Joseph Cooper appealed to establish use of a one-story masonry garage as an auto repair garage on a 105' x 403' parcel in a Semi-Industry District.

The following appeal was **Denied:**

**Calendar No. 02-366:** 3304 a.k.a. 3316 East 126th Street

Mt. Pleasant Church of God appealed to construct a parking lot on a parcel located in a Two-Family District.

The following appeal was **Withdrawn:**

**Calendar No. 02-355:** 7512 Broadway Avenue

Chester Partika appealed to establish use of a 93' x 227' parcel as a used car lot and construct a 30' x 39' one-story office and repair garage building on a 99' x 230' parcel in a Semi-Industry District.

The following appeals were **Postponed:**

**Calendar No. 02-367:** 4243 Fulton Road postponed to February 10, 2003.

**Calendar No. 02-312:** 1891-1905 East 93rd Street postponed to January 27, 2003.

**On Monday, January 13, 2003, in Executive Session:**

The following appeals were heard by the Board on Monday, January 6, 2003, and said decisions were adopted and approved in Executive Session on Monday, January 13, 2003:

The following appeals were **Approved:**

**Calendar No. 02-358:** 9719 a.k.a. 9721 Ramona Boulevard

Damascus Missionary Baptist Church appealed to construct a 15 space asphalt parking lot on a 100' x 150' parcel in a B1 Two-Family District.

**Calendar No. 02-363:** 1414 East 115th Street

Luther Pettit appealed to install 154 linear feet of 5' high chain link fencing around the perimeter of a 44' x 110' corner parcel in a Local Retail Business District.

**Calendar No. 02-364:** 2197 Columbus Road

Niagara Homes Ltd. appealed to construct a 16' x 16' third floor dormer to the rear of a two-story, one family house on a 22' x 135' parcel in a Semi-Industry District.

The following appeals were **Denied:**

**Calendar No. 02-353:** 3441 West 45th Street

Sidney Small appealed to change the use of two dwelling unit house to a four dwelling unit house in a Two-Family District.

**Calendar No. 02-360:** 14201-05 Harvard Avenue

Eleare Kinney appealed to change the use of a two-story store building into a night club in a General Retail Business District.

**Calendar No. 02-361:** Appeal of Marc Batulewick 18415 Melville Road

Marc Batulewick appealed from a Violation Notice issued by the Division of Building and Housing regarding Access and Maintenance of Off-Street Parking Space Requirements.

EUGENE CRANFORD, JR.,  
Secretary

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

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

For All Departments

**Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, City Hall, immediately thereafter.**

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

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

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

**FRIDAY, FEBRUARY 7, 2003**

**Rehabilitation of Ramp Around Concourse C,** for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 2374-02 pending.

**THERE WILL BE A MANDATORY PRE-BID MEETING & OEO MATCHMAKER SESSION IMMEDIATELY FOLLOWING THE PRE-BID MEETING, FRIDAY, JANUARY 24, 2003 AT 9:30 A.M. AT CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ANALEX BUILDING AUDITORIUM, LOCATED AT 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135. THERE WILL BE A NON-REFUNDABLE FEE OF THREE HUNDRED (\$300.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

January 8, 2003 and January 15, 2003

**WEDNESDAY, FEBRUARY 12, 2003**

**Maintenance and Repair of Overhead Doors,** for Various Divisions, Department of Finance, as authorized by Ordinance No. 2308-02, passed by the Council of the City of Cleveland, December 9, 2002.

**Window Washing Services,** for Various Divisions, Department of Finance, as authorized by Ordinance No. 2306-02, passed by the Council of the City of Cleveland, December 9, 2002.

**Commercial Gases,** for Various Divisions, Department of Finance, as authorized by Ordinance No. 2307-02, passed by the Council of the City of Cleveland, December 9, 2002.

**Baldwin Chemical/Administration Project No. 305,** for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1975-02, passed by the Council of the City of Cleveland, December 23, 2002.

**THERE WILL BE A PRE-BID MEETING TUESDAY, JANUARY 21, 2003 AT 1:00 P.M. IN PUBLIC UTILITIES AUDITORIUM, LOCATED AT 1201 LAKESIDE AVE., CLEVELAND, OHIO 44114. THERE WILL BE A NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

January 8, 2003 and January 15, 2003

**WEDNESDAY, JANUARY 29, 2003**

**Fertilizers, Pesticides & Grass Seeds for Golf Courses,** for the Division of Recreation, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 81-01, passed by the Council of the City of Cleveland, April 9, 2001.

January 15, 2003 and January 22, 2003

**THURSDAY, JANUARY 30, 2003**

**Aviation Maintenance,** for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2327-02, passed by the Council of the City of Cleveland, December 16, 2002.

January 15, 2003 and January 22, 2003

**THURSDAY, FEBRUARY 13, 2003**

**Liquid De-Icer,** for the Division of Streets, Department of Public Service, as authorized by Ordinance Nos. 1374-02 and 1938-02, passed by the Council of the City of Cleveland, August 14, 2002 and October 7, 2002, respectively.

**Treated Rock Salt,** for the Division of Streets, Department of Public Service, as authorized by Ordinance Nos. 1374-02 and 1938-02, passed by the Council of the City of Cleveland, August 14, 2002 and October 7, 2002, respectively.

January 15, 2003 and January 22, 2003

**Certified MBEs and FBE  
Reporting Period: Fourth Quarter, 2002**

Pursuant to Chapter 187 of the Codified Ordinances of the City of Cleveland, Ohio, listed below are the firms that have been certified as Minority Business Enterprises (MBEs) and Female Business Enterprises (FBEs) by the Mayor's Office of Equal Opportunity during the Fourth Quarter of 2002.

Company	MBE/FBE	Cerdate	Description
Aamco Transmissions	FBE	10/22/2002	Repair transmissions & driveline (ales, cv boots, mounts, etc.) including 4wds, clutches, transfer cases for domestic & foreign cars, light trucks, vans for both automatic & standard shift vehicles
Advanced Federated Protection	MBE	11/5/2002	Installation of alarm & fire systems; closed circuit TV, card access, sprinkler systems
Alpha Omega Landscape & Snowplow, Inc.	FBE	11/27/2002	Complete landscape services, site work including backhoe work
Aries Distribution	FBE	12/9/2002	Distributor: janitorial supplies including paper products
ASC Group, Inc.	FBE	11/7/2002	Cultural resource surveys including archaeology architectural history; also, ecological and wetland surveys
Ballast Construction, d.b.a. Ballast Fence	FBE	11/15/2002	Fencing contractor
Bay-West Electric Co., Inc.	FBE	10/24/2002	Electrical contractor
Bezalel Co., Ltd.	MBE	10/2/2002	General contractor specializing in rehab and renovations of residential properties
Brown, Flynn Communications, Ltd.	FBE	12/13/2002	Strategic marketing communications specializing in community relations management
Builders Glass and Door Corp.	MBE	11/6/2002	Installation, service, repair and maintenance of glass and doors
C.J. Industrial Supply, Inc.	FBE	10/2/2002	Industrial supplies: i.e., hardware, fasteners, tools, pipe and fittings, garden, plumbing, abrasives, etc.
Cavalier Construction & Industrial Corp.	MBE	12/9/2002	Packaging, clean-up, transportation & disposal of non-hazardous oil & grease/debris, hazardous training & management plan, report preparation; general contractor specializing in landscape, masonry, drywall, carpentry, concrete laying
Centralian Consulting Services	MBE/FBE	11/18/2002	Organizational planning, training services, internet/intranet services
Class Construction, Inc.	FBE	12/17/2002	Painting Contractor
Cleveland Granite & Marble Co.	FBE	11/12/2002	Custom stone fabrication; wholesale nature stone products
Cleveland Mechanical Group, Inc.	MBE	10/2/2002	HVAC contractor and plumber, commercial residential
Coleman Development, Inc.	MBE	12/9/2002	Mechanical dismantling and interior wrecking services
Corporate Choice Staffing Services, Inc.	MBE/FBE	12/30/2002	Office support staffing specializing in direct hire; also, bi-lingual
Creative Works, Inc.	FBE	11/13/2002	Marketing consultant, including communications; events planning & implementation
Customized Solutions, Inc.	FBE	10/25/2002	Computerized accounting software with support services
CYA Plumbing, Inc.	FBE	12/17/2002	Plumbing contractor
Dan Platt Draperies, Inc.	FBE	12/27/2002	Custom design window treatments, residential & commercial
DAR Public Relations, Inc.	MBE/FBE	11/13/2002	Public relations, marketing, communications, media relations, advertising, training seminars, special events management and promotions
Datsmarts	FBE	10/30/2002	Web development services, database development, software training
Dentz Painting, Inc.	FBE	12/9/2002	Painting Contractor
Devon Contracting, Inc. dba Burnley Group	MBE	12/9/2002	Concrete flatwork, formwork, and restoration; construction site clean-up
Dobb, Inc.	MBE	11/6/2002	Elderly and disabled transportation service
Dunham & Dunham's Technologies	MBE	10/25/2002	Residential telecommunications including satellites and dish networking programming; installation including poles in concrete base
Dunlop Industries, Inc.	FBE	12/22/2002	Steel erection
East Erie Enterprise, LLC	MBE	12/2/2002	Consultant: Public & private construction, business, political
Epstein Design Partners, Inc.	FBE	12/17/2002	Graphic design



ETNA Parking	MBE	10/25/2002	Provide exclusive right, privilege & obligation of administrative, marketing and operational services of garage parking and surface lots
GAW Enterprises, Ltd.	MBE	10/21/2002	Trucking, snow plowing, landscaping
Gayle's Welding & Fabrication Company	MBE	10/30/2002	Certified welder and steel fabrication
Graddic Company, The	MBE	12/2/2002	General contractor specializing in construction & project management, rehab & remodeling, new construction, specification writing
Group Builders, Inc.	MBE	12/9/2002	General contractor specializing in masonry, carpentry and painting
Hammond Corporation	MBE/FBE	12/31/2002	Mechanical contractor: HVAC, plumbing and process piping
Harry's Painting A Contracting	MBE	10/2/2002	Painting contractor for industrial, commercial, residential, & rental properties
HCI, Inc.	MBE	11/11/2002	General contractor specializing in commercial and industrial building renovations
Institute of Technology Consulting, Inc., The	FBE	12/18/2002	Telecommunications consulting, management & education services, telephone courtesy courses, long distance services
Interconnect Cabling Network Services, Inc.	FBE	10/3/2002	Installation of telecommunication networks: LAN, WAN, WIN; design & consulting of networks, supply network hardware
Italia Plumbing, Inc.	FBE	11/8/2002	Plumbing contractor: supply, install, maintenance repair; back flow inspections
J & H Construction Company	MBE/FBE	12/11/2002	General contractor specializing in building restoration, masonry including footers, interior demolition, excavation, power cleaning
J.B. Neal Associates	MBE/FBE	10/22/2002	Consultant: employee relations, workforce education
Janitorial Services, Inc.	MBE	10/31/2002	Janitorial services: cleaning of walls, windows, carpet, light fixtures; building maintenance
Jay's Boom Trucking	MBE	11/18/2002	Boom trucking and material handling
Johmyell Contractors, Inc.	MBE/FBE	12/9/2002	General contractor
K.L.E. Construction Company	MBE	11/1/2002	General contractor specializing in installation of reinforcement steel, welding & ornamental iron work; concrete work
L.M.R. Construction Co., Inc.	FBE	12/7/2002	Masonry contractor
L.T. Davis and Associates, Inc.	MBE	10/14/2002	Real estate appraiser
LDW Construction Company	MBE/FBE	12/31/2002	General contractor specializing in clean-outs, janitorial, removal of defective paint, installation of chain link fences
Lee Marie's Plastering Company	MBE	11/11/2002	Plasterer Contractor specializing in lath, backerboard, plastering, wood & metal studs, exterior drivit, senergy & all types of stucco
Lee Infrastructure Restoration, Inc.	MBE/FBE	12/7/2002	Infrastructure rehab including manholes, storage tanks, flooring, walls, highways; materials for casting, rings, risers
Lott Construction Company, Inc.	MBE	12/9/2002	General contractor specializing in excavation, underground utilities, bridges, water mains, culvert, water & sewer construction
MCGIX Corporation	MBE	10/30/2002	Management consulting and information technology services
MCM Company, Inc.	FBE	11/12/2002	General contractor, constructment management, project management services
Micro Plus	MBE	12/10/2002	Supplier: computer hardware, software, peripherals (printers, modems, monitors, diskettes)
Minority Electric Company	MBE/FBE	10/2/2002	Electrical contractor
Montalvo, Inc.	MBE	12/11/2002	General contractor specializing in interior & exterior improvements and renovations; residential,& commercial; supplier: plumbing, mechanical, interior finishes, construction materials
Nancy Devins Yetman, Inc. dba Creative Cater	FBE	11/12/2002	Catering services
New Concepts Consulting, Inc.	MBE/FBE	12/9/2002	Customized software, database design development, network installation & support, web page dev., client server/mainframe placement. Software training; video production, editing
New Look Paving & Sealcoating, Inc.	MBE	10/2/2002	General contractor specializing in asphalt, concrete and sealcoating
Nowak Mechanical Services, Inc.	FBE	12/14/2002	HVAC contractor including sprinkler & fire protection, boilers, hydronics & temp controls, service, install, repair

Outside In, Inc., The	MBE	10/18/2002	Interior and exterior plantscaping. Landscape architectural services: planning & urban design, site, park, recreational and transportation design, environmental designs and studies
Pneumatic Specialties, Inc.	FBE	11/18/2002	Air dryers, air compressors, fittings, tubing for pressurization of cables within the telecommunications industry
Polytech, Inc.	MBE	10/10/2002	Engineering: mechanical, electrical, structural, environmental, transportation and civil engineering; consulting architectural, planning and construction management
Post Painting, Inc.	FBE	10/23/2002	Commercial painting and wallcovering contractor
Precious Communications, Inc.	MBE	12/9/2002	Voice & data communications; electronic business systems, PBX & paging systems, network design, voice mail, cellular & pay phones, fiber optics
Precision Engineering & Contracting, Inc.	MBE	11/11/2002	General contractor specializing in site work, construction management, engineering services
Premium Technical Services	MBE	12/9/2002	Video inspection of sewer systems; inspection of construction projects; plan layouts with use of computers
Prime Engineering & Architecture, Inc.	MBE/FBE	12/9/2002	Architectural & engineering services: civil, structural, geotechnical, material testing and site development
Pyramid Cleaning Group, Inc., The	MBE	11/18/2002	Mobile pressure wash and steam cleaning
Quality Ribbons and Supplies Co.	FBE	10/21/2002	Office and computer supplies, equipment; janitorial supplies
Quick Employment	MBE/FBE	11/12/2002	Employment services: skilled labor, general labor, medical, office, etc.; pre-employment screening
R. Heard Painting	MBE	11/7/2002	Painter: exterior and interior
Ralph C. Tyler, P.E., P.S., Ltd.	MBE	12/9/2002	Engineering: civil, electrical, mechanical, rail transit, railroad, structural, transportation; architectural design; surveying and project management
Ramsay Construction Corporation	MBE	10/2/2002	General contractor specializing in rehab, construction management and carpentry
Relocation Specialists, Inc.	FBE	12/25/2002	Office and industrial relocation, management consulting
Ridge Painting Company, Inc.	FBE	11/22/2002	Paint contractor: interior, exterior, commercial, industrial, and residential
Rittman Inc. dba Mull Iron	MBE	11/14/2002	Fabrication & erection of structural, ornamental & misc. steel products
RMC, Inc.	MBE	12/9/2002	Cleaning/cement mortar lining of distribution water mains; repair, replace and plug of water mains & appurtenances; general contractor specializing in carpentry, millwork, excavation, backfill, restoration, concrete, repave, restoration & removal
Rockport Construction Materials	FBE	11/6/2002	General contractor specializing in rigid paving, structural concrete, underground utility work; recycled materials: sand, soil, etc.
Roger's Towing, Inc.	FBE	11/25/2002	Towing of automobiles and trucks
Roman Floors	MBE/FBE	10/10/2002	Furnish and install carpet, tile and other floor coverings, carpet cleaning
S & B Floor Covering, Inc.	MBE	12/9/2002	Supplier: supply and install carpet, O.C.T. ceramic tile, painting and wall covering
September & Associates	FBE	12/24/2002	Commercial and residential real estate appraising
Smart Solutions dba Microage Computer Store	MBE	12/9/2002	Computer store: personal computers, networks, peripherals, and support services
Star Beverage Corp.	MBE	10/9/2002	Manufacture, market, ship and sell carbonated and non-carbonated soft drinks
Suburban Janitorial Service, Inc.	FBE	10/24/2002	Janitorial and cleaning services
Teamor & Associates	MBE	12/9/2002	Law firm
Texcel, Incorporated	MBE	12/9/2002	Computer system integration and services including consulting
Thermo-Tec Insulation, Inc.	FBE	11/12/2002	Insulation contractor
Thomas Bros. Landscaping, Inc.	MBE	11/21/2002	Landscaping and snowplowing
Top Quality Cleaning	FBE	12/27/2002	Janitorial services
U.S. Utility Contractor Co., Inc.	FBE	11/6/2002	Electrical line distribution and construction; telephone line construction and distribution
United International Consultants, Inc.	MBE	10/23/2002	Sanitary & environmental engineering consulting services; operation and maintenance manuals preparation
United Ready Mix	MBE	10/22/2002	Manufacture and distribute ready mix concrete
Wester Communications Group	MBE/FBE	11/27/2002	Public relations

**ADOPTED RESOLUTIONS  
AND ORDINANCES**

**Res. No. 15-03.**

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

**An emergency resolution requesting the County Auditor to make tax advances during the year 2003, under Section 321.34 of the Ohio Revised Code.**

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

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

**Section 1.** That the County Auditor is requested to draw, and the County Treasurer is requested to pay, on draft or drafts made payable to the Treasury of the City of Cleveland, any money that may be in the County Treasury from time to time during the year 2003 and credited to the account of the City of Cleveland and lawfully applicable to the purpose of the 2003 fiscal year. The payments will be made on the request of the Director of Finance or the Mayor of the City of Cleveland.

**Section 2.** That the Clerk of Council is directed to transmit a certified copy of this resolution to the Auditor of Cuyahoga County.

**Section 3.** That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 January 6, 2003.

Effective January 9, 2003.

**Res. No. 16-03.**

**By Council Member Britt.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 2609 East 110th Street and repealing Resolution No. 1156-02, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 2609 East 110th Street by Resolution No. 1156-02 adopted by the Council on June 3, 2002; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Patricia J. Britt and Applicant, Clarmada C. Hodge, DBA East 110th Drive Thru, 2609 East 110th Street, Cleveland, Ohio 44104, Permanent Number 3884165, a copy of which is in the file for this address with the City Law Department; and

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

a municipal department; now, therefore,

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

**Section 1.** That objection to the renewal of a C2 and C2X Liquor Permit to 2609 East 110th Street be and the same is hereby withdrawn and Resolution No. 1156-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 6, 2003.

Effective January 9, 2003.

**Res. No. 17-03.**

**By Council Member Britt.**

**An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 8302 Cedar Avenue, 1st Floor and repealing Resolution No. 1607-02, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C1 Liquor Permit to 8302 Cedar Avenue, 1st Floor by Resolution No. 1607-02 adopted by the Council on August 14, 2002; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Patricia J. Britt and Applicant, Devious McDade, DBA DE & TS Maxwell Cutrate, 8302 Cedar Avenue, 1st Floor, Cleveland, Ohio 44103, Permanent Number 2068613, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to the renewal of a C1 Liquor Permit to 8302 Cedar Avenue, 1st Floor be and the same is hereby withdrawn and Resolution No. 1607-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 6, 2003.

Effective January 9, 2003.

**Res. No. 18-03.**

**By Council Member Polensek.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit at 16921 St. Clair Avenue, 1st Floor, Front Only and repealing Resolution No. 1675-02, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 16921 St. Clair Avenue, 1st Floor, Front Only by Resolution No. 1675-02 adopted by the Council on August 14, 2002; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement by and through City Council Representative, Michael D. Polensek and Applicant, James D. Sanders, President of Jason Family, Inc., 16921 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 4251884, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to the transfer of ownership of a D5 Liquor Permit to 16921 St. Clair Avenue, 1st Floor, Front Only be and the same is hereby withdrawn and Resolution No. 1675-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted January 6, 2003.

Effective January 9, 2003.

**Res. No. 19-03.**

**By Council Member Reed.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 11902 Kinsman Avenue and repealing Resolution No. 1690-02, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 11902 Kinsman Avenue by Resolution No. 1690-02 adopted by the Council on August 14, 2002; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Zachary Reed and Applicant, King E. Baker, DBA B & B Drive Thru Beverage & Food Mart, 11902 Kinsman Avenue, Cleveland, Ohio 44120, Permanent Number 0390153-0010, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to the renewal of a C2 and C2X Liquor Permit to 11902 Kinsman Avenue be and the same is hereby withdrawn and Resolution No. 1690-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 6, 2003.  
Effective January 9, 2003.

**Res. No. 20-03.**  
**By Council Member Reed.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 12301 Imperial Avenue and repealing Resolution No. 1445-02, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 12301 Imperial Avenue by Resolution No. 1445-02 adopted by the Council on July 17, 2002; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement by and through City Council Representative, Zachary Reed and Applicant, Hiam Toyeh Assed, President of Hiam A. Inc., 12301 Imperial Avenue, Cleveland, Ohio 44120, Permanent Number 3820139, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 12301 Imperial Avenue be and the same is hereby withdrawn and Resolution No. 1445-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted January 6, 2003.  
Effective January 9, 2003.

**Ord. No. 2243-02.**  
**By Council Members Polensek, Johnson, Gordon, Cimperman and Jackson (by departmental request).**

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

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 any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for the public purpose of park and recreational purposes, the following described property:

Permanent Parcel No. 113-17-011  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Euclid Township Tract No. 16 and bounded and described as follows:

Beginning at a point in the Southerly line of Lake Shore Boulevard (80 feet wide distant North 70° 28' 05" East 1366.82 feet therein from its point of intersection with the Easterly line of East 156th Street (60 feet wide);

Thence continuing North 70° 28' 05" East 698.21 feet along said Southerly line of Lake Shore Boulevard to its point of intersection with the Easterly line of said Tract No. 16;

Thence South 0° 28' 45" West 374.62 feet along said Easterly line of Tract No. 16 to a point;

Thence South 70° 28' 05" West 569.88 feet to a point;

Thence North 19° 31' 55" West 352.00 feet to the place of beginning, according to a survey by Robert H. Krause, Sr. Registered Ohio Surveyor No. 2885, July 10, 1967, be the same more or less, but subject to all legal highways.

The consideration to be paid for the property shall not exceed its appraised value.

**Section 2.** That the Director of Community Development is authorized to execute on behalf of the City all documents necessary to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraiser, and all other costs necessary for the acquisition of the property.

**Section 3.** That the costs of the improvement, services and property acquisition contemplated shall be paid from Fund Nos. 20 SF 340 and 20 SF 377.

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

from and after the earliest period allowed by law.

Passed January 6, 2003.  
Effective January 9, 2003.

**Ord. No. 2450-02.**  
**By Council Member Jackson (by departmental request).**

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

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

Whereas, until completion of the assessment, development of a data and voice strategic plan and full implementation of the strategic plan, it is necessary to renew and extend certain agreements with SBC Global Services, Inc. (formerly known as Ameritech Information Systems) to continue and maintain uninterrupted Centrex telephone services; and

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

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

**Section 1.** That it is determined that the within service is non-competitive and cannot be secured from any source other than SBC Global Services, Inc. (formerly known as Ameritech Information Systems). Therefore, the Director of Finance is authorized to enter into amendments to the various agreements with SBC Global Services, Inc. for Centrex telephone services, to renew and extend the agreements, upon the existing terms and conditions, until January 5, 2004 and for such additional period as necessary to continue and maintain uninterrupted Centrex service until full implementation of the Citywide data and voice system strategic plan.

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

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

Passed January 6, 2003.  
Effective January 9, 2003.

**Ord. No. 12-03.**  
**By Council Member Cintron.**  
**An emergency ordinance to amend Section 1 of Ordinance No. 2399-02, passed December 9, 2002 as it pertains to the Spanish American Committee sponsoring the Three Kings Day Program through the use of Ward 14 Neighborhood Equity Funds.**

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

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

**Section 1.** That Section 1 of Ordinance No. 2399-02, passed December 9, 2002 is hereby amended to read respectively as follows:

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with the Spanish American Committee for the Three Kings Day Program effective from December 5, 2001 to January 21, 2003 for the public purpose of providing food to needy families and underprivileged children through the use of Ward 14 Neighborhood Equity Funds.

**Section 2.** That Section 1 of Ordinance No. 2399-02, passed December 9, 2002 is hereby repealed.

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

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

Passed January 6, 2003.  
 Effective January 9, 2003.

**Ord. No. 13-03.**  
**By Council Member Conwell.**  
**An emergency ordinance authorizing certain persons to engage in peddling in Ward 9. (Tyronne Battle).**

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business district, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 9; and

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

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

**Section 1.** That this Council consents, as required by, Section 675.07 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 9: Tyronne Battle at the southwest corner of Cornell Road and Dorm Court.

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

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

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

Passed January 6, 2003.  
 Effective January 9, 2003.

**Ord. No. 14-03.**  
**By Council Members Lewis and Jackson (by departmental request).**  
**An emergency ordinance to amend Section 17 of Ordinance No. 469-02, passed April 1, 2002, as amended by Ordinance No. 2448-02, passed December 16, 2002, relating to compensation for various classifications.**

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

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

**Section 1.** That Section 17 of Ordinance No. 469-02, passed April 1, 2002, as amended by Ordinance No. 2448-02, passed December 16, 2002, is amended to read as follows:

Section 17. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

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

**Section 2.** That existing Section 17 of Ordinance No. 469-02, passed April 1, 2002, as amended by Ordinance No. 2448-02, passed December 16, 2002, is repealed.

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

Passed January 6, 2003.  
 Effective January 9, 2003.

**REPRINT**

**Ord. No. 1952-02.**  
**By Council Member Britt.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Juno Jog on October 12, 2002, sponsored by the Cleveland Health Museum.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Juno Jog, sponsored by Cleveland Health Museum, on October 12, 2002, beginning at East 89th and Euclid, Euclid to East 101st, East 101st to Mt. Sinai Drive, Mt. Sinai Drive to MLK, MLK to Lagoon (on bike path), return same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary

in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed September 30, 2002.  
 Effective October 7, 2002.

Lewis, Chair; Conwell, Vice Chair; Reed, Cintron, Polensek, Coats. Authorized Absence: Johnson.

**2:00 P.M.**

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

**Tuesday, January 14, 2003**  
**9:30 A.M.**

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

**Wednesday, January 15, 2003**  
**10:00 A.M.**

**Public Safety Committee:** Present: Reed, Chair, Britt, Vice Chair; Coats, Brady, Jones, Zone, White, Cimperman, Conwell.

**1:30 P.M.**

**City Planning (Zoning) Committee:** Present: Cimperman, Chair; Rybka, Vice Chair; O'Malley, Conwell, Scott, Lewis, Westbrook.

**COUNCIL COMMITTEE MEETINGS**

**Monday, January 13, 2003**  
**9:30 A.M.**

**Employment, Affirmative Action and Training Committee:** Present:

**Index**

O—Ordinance; R—Resolution; F—File

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;

Bold type in sections indicates amendments

**Agreements**

Vending machines — concession agreements — City parks and various City-owned and City-leased buildings (O 39-03)..... 32

**Appreciation**

Salwan, Lillian (R 70-03) ..... 32

**Appropriations**

Community Development Department — administrative expenses — Appropriating Community Development Block Grant funds (O 2110-02) ..... **39-T**

**Board of Control — Barkwill Park**

Site improvements — amend BOC Res. 790-02 — Division of Research, Planning and Development, Dept. of Parks, Recreation and Properties (BOC Res. 7-03)..... 40

**Board of Control — Cleveland Hopkins International Airport Division**

Annual Budget, 2003- Rentals and Landing Fee Rates — Lease with Original Scheduled Airlines and Additional Scheduled Airlines — effective 1/1/03 (BOC Res. 3-03)..... 40

**Board of Control — Community Development Department**

Marvin Avenue (Ward 14) — various parcels — to Civic Builders LLC per Ord. 2244-02 (BOC Res. 9-03) ..... 41  
 York Avenue (Ward 14) — PPN 007-12-033/071 — to Norwood Collins and Vickie Collins (BOC Res. 10-03) ..... 41

**Board of Control — Finance Department**

Sale of scrap, personal property and by-products — Report for December 2002 — Division of Purchases and Supplies (BOC Res. 1-03)..... 39

**Board of Control — Health Division**

Burials of indigent dead — contract per Ord. 680-02 to Memorial Services Inc., d.b.a. F.J. Corrigan Funeral Services — Dept. of Public Health (BOC Res. 5-03)..... 40

**Board of Control — Housing Advisory Board**

Wilcox, Michael E. — 3238 East 140th Street — mortgage loan / grant assistance (BOC Res. 11-03)..... 41

**Board of Control — Kenneth L. Johnson Recreation Center**

Aquatic Playground and site improvements — contract per Ord. 930-2000, 1594-2000, 1114-02 to Nerone & Sons — Division of Research, Planning and Development, Dept. of Parks, Recreation and Properties (BOC Res. 8-03)..... 40

**Board of Control — Land Reutilization Program**

Marvin Avenue (Ward 14) — various parcels — to Civic Builders LLC per Ord. 2244-02 (BOC Res. 9-03)..... 41  
York Avenue (Ward 14) — PPN 007-12-033/071 — to Norwood Collins and Vickie Collins (BOC Res. 10-03)..... 41

**Board of Control — Land Reutilization Program (Ward 14)**

Marvin Avenue (Ward 14) — various parcels — to Civic Builders LLC per Ord. 2244-02 (BOC Res. 9-03)..... 41  
York Avenue (Ward 14) — PPN 007-12-033/071 — to Norwood Collins and Vickie Collins (BOC Res. 10-03)..... 41

**Board of Control — Leases**

Annual Budget, 2003- Rentals and Landing Fee Rates — Lease with Original Scheduled Airlines and Additional Scheduled Airlines — effective 1/1/03 (BOC Res. 3-03)..... 40

**Board of Control — Motor Vehicle Maintenance Division**

Automated fuel dispensing system upgrade — contract per Ord. 1424-02 to E.J. Ward, Inc. - Dept. of Public Service (BOC Res. 4-03)..... 40

**Board of Control — Parks, Recreation and Properties Department**

Barkwill Park site improvements — amend BOC Res. 790-02 — Division of Research, Planning and Development (BOC Res. 7-03)..... 40  
Kenneth L. Johnson Aquatic Playground and site improvements — contract per Ord. 930-2000, 1594-2000, 1114-02 to Nerone & Sons — Division of Research, Planning and Development (BOC Res. 8-03)..... 40

**Board of Control — Police Division**

Insurance, aviation — contract per Ord. 2172-02 to Aon Risk Services, Inc. of Ohio - Dept. of Public Safety (BOC Res. 12-03)..... 41  
Meals for prisoners — contract per Ord. 1102-02 to Tom Paige Catering Company — Dept. of Public Safety (BOC Res. 6-03)..... 40

**Board of Control — Port Control Department**

Annual Budget, 2003- Rentals and Landing Fee Rates — Lease with Original Scheduled Airlines and Additional Scheduled Airlines — effective 1/1/03 (BOC Res. 3-03)..... 40

**Board of Control — Public Health Department**

Burials of indigent dead — contract per Ord. 680-02 to Memorial Services Inc.,  
 d.b.a. F.J. Corrigan Funeral Services — Division of Health  
 (BOC Res. 5-03) ..... 40

**Board of Control — Public Improvement Contracts**

Barkwill Park site improvements — amend BOC Res. 790-02 — Division of Research, Planning  
 and Development, Dept. of Parks, Recreation and Properties  
 (BOC Res. 7-03) ..... 40

Kenneth L. Johnson Aquatic Playground and site improvements — contract per Ord. 930-2000,  
 1594-2000, 1114-02 to Nerone & Sons — Division of Research, Planning and  
 Development, Dept. of Parks, Recreation and Properties  
 (BOC Res. 8-03) ..... 40

**Board of Control — Public Safety Department**

Insurance, aviation — contract per Ord. 2172-02 to Aon Risk Services, Inc. of Ohio —  
 Division of Police (BOC Res. 12-03) ..... 41

Meals for prisoners — contract per Ord. 1102-02 to Tom Paige Catering Company — Division  
 of Police (BOC Res. 6-03) ..... 40

**Board of Control — Public Service Department**

Automated fuel dispensing system upgrade — contract per Ord. 1424-02 to E.J. Ward, Inc. —  
 Division of Motor Vehicle Maintenance (BOC Res. 4-03) ..... 40

**Board of Control — Public Utilities Department**

Card access and electronic security systems maintenance — per Ord. 1388-2000 — all bids  
 rejected — Division of Water (BOC Res. 2-03) ..... 40

**Board of Control — Purchases and Supplies Division**

Sale of scrap, personal property and by-products — Report for December 2002 — Dept. of  
 Finance (BOC Res. 1-03) ..... 39

**Board of Control — Requirement Contracts**

Burials of indigent dead — contract per Ord. 680-02 to Memorial Services Inc.,  
 d.b.a. F.J. Corrigan Funeral Services — Division of Health, Dept. of Public Health  
 (BOC Res. 5-03) ..... 40

Insurance, aviation — contract per Ord. 2172-02 to Aon Risk Services, Inc. of Ohio —  
 Division of Police, Dept. of Public Safety (BOC Res. 12-03) ..... 41

Meals for prisoners — contract per Ord. 1102-02 to Tom Paige Catering Company — Division  
 of Police, Dept. of Public Safety (BOC Res. 6-03) ..... 40

**Board of Control — Research, Planning and Development Division**

Barkwill Park site improvements — amend BOC Res. 790-02 — Dept. of Parks, Recreation and  
 Properties (BOC Res. 7-03) ..... 40

Kenneth L. Johnson Aquatic Playground and site improvements — contract per Ord. 930-2000,  
 1594-2000, 1114-02 to Nerone & Sons — Dept. of Parks, Recreation and Properties  
 (BOC Res. 8-03) ..... 40

**Board of Control — Standard Purchase Contracts**

Automated fuel dispensing system upgrade — contract per Ord. 1424-02 to E.J. Ward, Inc. —  
 Division of Motor Vehicle Maintenance, Dept. of Public Service  
 (BOC Res. 4-03) ..... 40

**Board of Control — Water Division**

Card access and electronic security systems maintenance — per Ord. 1388-2000 — all bids  
 rejected — Dept. of Public Utilities (BOC Res. 2-03) ..... 40



**Board of Zoning Appeals — Report**

Beaver Avenue, 6830, (Ward 5) – Joseph Cooper, owner — appeal heard on 1/13/03  
 (Cal. 02-351)..... 42

Broadway Avenue, 7512, (Ward 12) – Chester Partika, owner — appeal withdrawn on 1/13/03  
 (Cal. 02-355)..... 42

Chatham Avenue, 2712, (Ward 14) – R. Scott Neiswander, owner appeal heard on 1/13/03  
 (Cal. 02-195)..... 42

Columbus Road, 2197, (Ward 14) – Niagra Homes, Ltd., owner c/o Mike McBride, agent —  
 appeal granted and adopted on 1/13/03 (Cal. 02-364) ..... 43

East 115th Street, 1414, (Ward 9) – Luther Pettit, owner — appeal granted and adopted on  
 1/13/03 (Cal. 02-363)..... 43

East 126th Street, 3304, (a.k.a. 3316 East 126th Street), (Ward 4) – Mt. Pleasant Church  
 of God, owner c/o Brother Moore — appeal heard on 1/13/03  
 (Cal. 02-366)..... 42

East 93rd Street, 1891-1905, (Ward 7) – Kinder Care Learning Centers, owners  
 c/o Emos Curtis, agent — appeal postponed to 1/27/03 on 1/13/03  
 (Cal. 02-312)..... 43

Fulton Road, 4243, (Ward 15) – Memphis fulton Associates Limited Partnership, owner c/o  
 Paran Management and Larry Wolf, agents — appeal postponed to 2/10/03 on  
 1/13/03 (Cal. 02-367)..... 42

Harvard Avenue, 14201-05, (Ward 1) – Eleare Kinney, owner, and Claude Carson, agent —  
 appeal denied and adopted on 1/13/03 (Cal. 02-360) ..... 43

Lee Road, 4500, (Ward 1) – 4500 Ltd., owner c/o Arthur Kopittke — appeal heard on 1/13/03  
 (Cal. 02-371)..... 42

Martin Luther King Drive, 3824, (Ward 2) – First Greater New Zion Missionary Baptist  
 Church, owner c/o Reverend Albert Maiden — appeal heard on 1/13/03  
 (Cal. 02-365)..... 42

Melville Road, 18415, (Ward 11) – Marc Batulewick, owner — appeal denied and adopted on  
 1/13/03 (Cal. 02-361)..... 43

Pearl Road, 4147, (Ward 15) – Nunzio Marzano, owner — appeal heard on 1/13/03  
 (Cal. 02-369)..... 42

Ramona Boulevard, 9719, (Ward 4) – Damascus Missionary Baptist Church, owner c/o Curtis  
 Williams — appeal granted and adopted on 1/13/03  
 (Cal. 02-358)..... 43

West 25th Street, 1917, (Ward 14) – Tony Iwais, owner — appeal heard on 1/13/03  
 (Cal. 02-372)..... 42

West 28th Street, 2097, (Ward 14) – R. Scott Neiswander, owner appeal heard on 1/13/03  
 (Cal. 02-194)..... 42

West 45th Street, 3441, (Ward 14) – Sidney Small, owner — appeal denied and adopted on  
 1/13/03 (Cal. 02-353)..... 43

West 7th Street, 2123, (Ward 13) – Timothy McBride, owner — appeal heard on 1/13/03  
 (Cal. 02-370)..... 42

**Board of Zoning Appeals — Schedule**

McGowan Avenue, 11805, (Ward 20) – Henry Wiseman, owner — appeal to be heard on 1/27/03  
 (Cal. 03-5)..... 42

Memphis Avenue, 5109, (Ward 16) – Michael Haviaras, owner — appeal to be heard on 1/27/03  
 (Cal. 03-6)..... 42

West 136th Street, 3895, (Ward 20) – Michael A. Sopko, owner — appeal to be heard  
 on 1/27/03 (Cal. 02-357) ..... 42

**Bonds**

Subordinated airport revenue — \$48,500,000, — issuance and sale — improve the airport  
 system (O 8-03)..... 39

**Burke Lakefront Airport**

Grand Prix auto races — Lease By Way of Concession — IMG Motorsports Cleveland, Inc.  
 (O 2157-02) ..... 39

Marketing and advertising services, materials — professional services contracts —  
 Cleveland Hopkins International and Burke Lakefront Airports  
 (O 2383-02)..... **39-T**

**City of Cleveland Bids**

Aviation maintenance — Department of Public Safety — Division of Police — per Ord.  
 2327-02 — bid due January 30, 2003 (advertised 1/15/2003 and 1/22/2003) ..... 43

Baldwin Chemical / Administration Project No. 305 — Department of Public Utilities —  
 Division of Water — per Ord. 1975-02 — bid due February 12, 2003  
 (advertised 1/8/2003 and 1/15/2003) ..... 43

Commercial gases — Department of Finance — per Ord. 2307-02 — bid due February 12, 2003  
 (advertised 1/8/2003 and 1/15/2003) ..... 43

Concourse C ramp rehabilitation — Department of Port Control — Division of Cleveland  
 Hopkins International Airport — per Ord. 2374-02 — bid due February  
 7, 2003 (advertised 1/8/2003 and 1/15/2003) ..... 43

Fertilizers, pesticides and grass seed for golf courses — Department of Parks, Recreation  
 and Properties — Division of Recreation — per Ord. 81-01 — bid due January 29, 2003  
 (advertised 1/15/2003 and 1/22/2003)..... 43

Liquid deicer — Department of Public Service — Division of Streets — per Ord. 1374-02 and  
 1938-02 — bid due February 13, 2003 (advertised 1/15/2003 and 1/22/2003) ..... 43

Overhead door repair — Department of Finance — per Ord. 2308-02 — bid due February 12, 2003  
 (advertised 1/8/2003 and 1/15/2003) ..... 43

Rock salt, treated — Department of Public Service — Division of Streets — per Ord.  
 1374-02 and 1938-02 — bid due February 13, 2003 (advertised 1/15/2003 and 1/22/2003) ..... 43

Window washing services — Department of Finance — per Ord. 2306-02 — bid due February 12, 2003  
 (advertised 1/8/2003 and 1/15/2003) ..... 43

**City Planning Commission**

Peddlers and produce dealers — enact Sects. 675A.01 to 675A.11 and 675A.99 — amend Sec.  
 675.01 (O 926-02) ..... **39-T**

**Cleveland Hopkins International Airport**

Marketing and advertising services, materials — professional services contracts —  
 Cleveland Hopkins International and Burke Lakefront Airports  
 (O 2383-02)..... **39-T**

Security Directive SD 1542-02-03A — Transportation Security Administration — encourage  
 — reconsider and review (R 47-03) ..... 38

**Codified Ordinances**

Background checks — coach and/or manager of any program — Division of Recreation — new  
 Section 133.091 (O 44-03)..... 34

Peddlers and produce dealers — enact Sects. 675A.01 to 675A.11 and 675A.99 — amend Sec.  
 675.01 (O 926-02) ..... **39-T**

Predatory lending — amending Sections 659.01 through 659.04, and Section  
 178.07 (O 45-03) ..... 34

**Communications**

National City Community Dev. Corp. — 20th Anniversary News Letter (F 48-03)..... 31

Res. No. 191-02 — receipt letter — Congressman Dennis J. Kucinich (F 49-03)..... 31

**Community Development**

Administrative expenses — Appropriating Community Development Block Grant  
 funds (O 2110-02)..... **39-T**

E. 80th St. — PPN 127-02-011 — Land Reutilization Program — Shear Service, Inc.  
 (O 42-03) ..... 33

Eleanor B. Rainey Memorial Institute — after school arts education program — Ward  
 9 Neighborhood Equity Funds (O 1540-02) ..... 38

Euclid/Prospect II Community Development Plan — appropriate property — Treatment Area  
 Block 3, Site B (O 38-03) ..... 32

Lakeshore Blvd., 16300 — acquire property — park and recreational purposes  
 (O 2243-02) ..... **48**

Metropolitan Strategy Group — contracts — study — foreclosures (O 46-03)..... 34

Miles Ave. — Land Reutilization Program — Giltz and Associates, Inc. (O 43-03)..... 33

Spanish American Committee — Three Kings Day Program — Ward 14 Neighborhood Equity  
 Funds (O 12-03)..... **49**

**Community Development Block Grant Program**

Community Development Department — administrative expenses — Appropriating Community  
Development Block Grant funds (O 2110-02) ..... **39-T**

**Condolences**

Donahue, William E. (R 63-03) ..... 32  
Kaminski, Joseph “Duke” (R 68-03) ..... 32  
Lewis Polk, Anita (R 65-03) ..... 32  
Schwertner, Thomas E. (R 67-03)..... 32  
Smith Rogers, Louise Hart (R 64-03) ..... 32  
Warren Hooper, Garfield, Jr. (R 66-03) ..... 32

**Contracts**

Metropolitan Strategy Group — study — foreclosures (O 46-03) ..... 34  
SBC Global Services, Inc. — Centrex telephone services — amendments to contracts  
— Finance (O 2450-02) ..... **48**  
Trans World Airlines, LLC — Contract No. 28672 — amendment (O 2227-02) ..... 39

**County Auditor**

Tax advances — year 2003 — request (R 15-03) ..... **47**

**Department of Transportation**

Security Directive SD 1542-02-03A — Transportation Security Administration — encourage  
— reconsider and review (R 47-03) ..... 38

**Economic Development Department**

Empowerment Zone — review the processes and controls — professional consultants  
(O 40-03) ..... 34

**Empowerment Zone**

Empowerment Zone — review the processes and controls — professional consultants  
(O 40-03) ..... 34

**Finance Department**

Compensation — Sects 8, 31 and 37 of Ord. No. 469-02 (O 2470-02) ..... 39  
SBC Global Services, Inc. — Centrex telephone services — amendments to contracts  
— Finance (O 2450-02) ..... **48**  
Subordinated airport revenue — \$48,500,000, — issuance and sale — improve the airport  
system (O 8-03) ..... 39  
Tax advances — year 2003 — request — County Auditor (R 15-03) ..... **47**

**Funds**

Community Development Department — administrative expenses — Appropriating Community  
Development Block Grant funds (O 2110-02) ..... **39-T**

**Health Department**

Peddlers and produce dealers — enact Sects. 675A.01 to 675A.11 and 675A.99 — amend Sec.  
675.01 (O 926-02) ..... **39-T**

**Land Reutilization Program**

E. 80th St. — PPN 127-02-011 — Shear Service, Inc. (O 42-03) ..... 33  
Miles Ave. — Giltz and Associates, Inc. (O 43-03) ..... 33

**Lease by Way of Concession**

Grand Prix auto races — IMG Motorsports Cleveland, Inc. (O 2157-02) ..... 39

**Liquor Permits**

Cedar Ave., 8302 — objection — withdraw (Ward 6) (R 17-03).....	47
E. 105th St., 965 — new (Ward 8) (F 53-03) .....	31
E. 110th St., 2609 — objection — withdraw (Ward 6) (R 16-03).....	47
E. 140th St., 662 — transfer (Ward 10) (F 60-03).....	32
E. 49th St., 3291 — transfer (Ward 5) (F 59-03).....	31
Euclid Ave., 17234 — new (Ward 10) (F 52-03) .....	31
Imperial Ave., 12301 — objection — withdraw (Ward 3) (R 20-03) .....	48
Kinsman Ave., 11902 — objection — withdraw (Ward 3) (R 19-03).....	47
Lakewood Hts Blvd, 13501 — new (Ward 19) (F 51-03) .....	31
Lorain Ave., 13027 — new (Ward 20) (F 56-03) .....	31
Payne Ave., 4409 — new (Ward 13) (F 54-03) .....	31
Pearl Rd., 3753 — transfer (Ward 15) (F 58-03).....	31
Spring Rd., 1503 — new (Ward 15) (F 50-03) .....	31
St. Clair Ave., 16921 — objection — withdraw (Ward 11) (R 18-03) .....	47
W. 130th St., 4611 — transfer (Ward 20) (F 57-03) .....	31
W. Huron St., 230 #72-76 — new (Ward 13) (F 55-03).....	31

**Neighborhood Equity Funds**

Eleanor B. Rainey Memorial Institute — after school arts education program — Ward 9 (O 1540-02).....	38
Spanish American Committee — Three Kings Day Program — Ward 14 (O 12-03) .....	49

**Ohio Department of Transportation (ODOT)**

511 traveler information system — supporting creation (R 2397-02) .....	39
---	----

**Parks**

Vending machines — concession agreements — City parks and various City-owned and City-leased buildings (O 39-03).....	32
--	----

**Parks, Recreation and Properties Department**

Background checks — coach and/or manager of any program — Division of Recreation — new Section 133.091 (O 44-03).....	34
Lakeshore Blvd., 16300 — acquire property — park and recreational purposes (O 2243-02) .....	48
Morgana Park Site Improvements — Contract No. 59152 (F 62-03).....	32
Vending machines — concession agreements — City parks and various City-owned and City-leased buildings (O 39-03).....	32

**Peddlers**

Battle, Tyronne (Ward 9) (O 13-03) .....	49
--	----

**Personnel Department**

Compensation — amend Sec. 17 of Ord. No. 469—02 (O 14-03) .....	49
Compensation — Sects 8, 31 and 37 of Ord. No. 469-02 (O 2470-02).....	39
Workforce Development/One-Stop Career — intention to locate — W. 25th Ave. & Clark Area (R 2336-02) .....	39

**Port Control Department**

Grand Prix auto races — Lease By Way of Concession — IMG Motorsports Cleveland, Inc. (O 2157-02) .....	39
Marketing and advertising services, materials — professional services contracts — Cleveland Hopkins International and Burke Lakefront Airports (O 2383-02).....	39-T
Subordinated airport revenue — \$48,500,000, — issuance and sale — improve the airport system (O 8-03) .....	39
Trans World Airlines, LLC — Contract No. 28672 — amendment (O 2227-02).....	39

**Purchases and Supplies Division**

Lakeshore Blvd., 16300 — acquire property — park and recreational purposes  
(O 2243-02) ..... 48

**Races/Walks**

Juno Jog — permit — Oct. 12 — Cleveland Health Museum (O 1952-02)..... 50-R

**Recognition**

The Cleveland Orchestra (R 69-03) ..... 32

**Resolutions — Miscellaneous**

511 traveler information system — supporting creation (R 2397-02) ..... 39  
Profiling — opposing — education and training law enforcement officers  
(R 41-03) ..... 38  
Security Directive SD 1542-02-03A — Transportation Security Administration — encourage  
— reconsider and review (R 47-03) ..... 38

**Revenue Bonds**

Subordinated airport revenue — \$48,500,000, — issuance and sale — improve the airport  
system (O 8-03) ..... 39

**Safety Department**

Peddlers and produce dealers — enact Sects. 675A.01 to 675A.11 and 675A.99 — amend Sec.  
675.01 (O 926-02) ..... 39-T

**Salaries**

Compensation — amend Sec. 17 of Ord. No. 469—02 (O 14-03) ..... 49  
Compensation — Sects 8, 31 and 37 of Ord. No. 469-02 (O 2470-02) ..... 39

**Spanish American Committee**

Three Kings Day Program — Ward 14 Neighborhood Equity Funds  
(O 12-03) ..... 49

**Statement of Work Acceptance**

M. DiGioia Co., — Contract No. 59070 A — Department of Public Utilities  
(F 61-03) ..... 32  
Morgana Park Site Improvements — Contract No. 59152 — Parks, Recreation and Properties  
(F 62-03) ..... 32

**Tabled Legislation**

Community Development Department — administrative expenses — Appropriating Community  
Development Block Grant funds (O 2110-02) ..... 39-T  
Marketing and advertising services, materials — professional services contracts —  
Cleveland Hopkins International and Burke Lakefront Airports  
(O 2383-02)..... 39-T  
Peddlers and produce dealers — enact Sects. 675A.01 to 675A.11 and 675A.99 — amend Sec.  
675.01 (O 926-02) ..... 39-T

**Utilities Department**

M. DiGioia Co., — Contract No. 59070 A (F 61-03) ..... 32

**Ward 02**

Miles Ave. — Land Reutilization Program — Giltz and Associates, Inc. (O 43-03)..... 33

**Ward 03**

Imperial Ave., 12301 — objection — withdraw (R 20-03) .....	48
Kinsman Ave., 11902 — objection — withdraw (R 19-03) .....	47
Smith Rogers, Louise Hart — condolence (R 64-03) .....	32

**Ward 05**

Donahue, William E. — condolence (R 63-03) .....	32
E. 49th St., 3291 — transfer (F 59-03) .....	31
E. 80th St. — PPN 127-02-011 — Land Reutilization Program — Shear Service, Inc. (O 42-03) .....	33

**Ward 06**

Cedar Ave., 8302 — objection — withdraw (R 17-03) .....	47
E. 110th St., 2609 — objection — withdraw (R 16-03) .....	47
Juno Jog — permit — Oct. 12 — Cleveland Health Museum (O 1952-02) .....	50-R

**Ward 08**

E. 105th St., 965 — new (F 53-03) .....	31
Lewis Polk, Anita — condolence (R 65-03) .....	32
The Cleveland Orchestra — recognition (R 69-03) .....	32

**Ward 09**

Battle, Tyronne — peddling (O 13-03) .....	49
Eleanor B. Rainey Memorial Institute — after school arts education program — Ward 9 Neighborhood Equity Funds (O 1540-02) .....	38
Lewis Polk, Anita — condolence (R 65-03) .....	32
The Cleveland Orchestra — recognition (R 69-03) .....	32

**Ward 10**

E. 140th St., 662 — transfer (F 60-03) .....	32
Euclid Ave., 17234 — new (F 52-03) .....	31

**Ward 11**

Lakeshore Blvd., 16300 — acquire property — park and recreational purposes (O 2243-02) .....	48
St. Clair Ave., 16921 — objection — withdraw (R 18-03) .....	47
Warren Hooper, Garfield, Jr. — condolence (R 66-03) .....	32

**Ward 13**

Euclid/Prospect II Community Development Plan — appropriate property — Treatment Area Block 3, Site B (O 38-03) .....	32
Payne Ave., 4409 — new (F 54-03) .....	31
W. Huron St., 230 #72-76 — new (F 55-03) .....	31

**Ward 14**

Spanish American Committee — Three Kings Day Program — Neighborhood Equity Funds (O 12-03) .....	49
Workforce Development/One-Stop Career — intention to locate — W. 25th Ave. & Clark Area (R 2336-02) .....	39

**Ward 15**

Pearl Rd., 3753 — transfer (F 58-03) .....	31
Spring Rd., 1503 — new (F 50-03) .....	31

**Ward 17**

Kaminski, Joseph "Duke" — condolence (R 68-03)..... 32  
Schwertner, Thomas E. — condolence (R 67-03)..... 32

**Ward 19**

Lakewood Hts Blvd, 13501 — new (F 51-03) ..... 31

**Ward 20**

Lorain Ave., 13027 — new (F 56-03)..... 31  
Salwan, Lillian — appreciation (R 70-03) ..... 32  
W. 130th St., 4611 — transfer (F 57-03)..... 31