

# The City Record

Official Publication of the City of Cleveland

May the Twenty-Ninth, Two Thousand and Two

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

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# DIRECTORY OF CITY OFFICIALS

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

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	4326 Daisy Avenue	44109
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

### MAYOR - Jane L. Campbell

Terrell Cole, Executive Assistant  
Erik Janas, Executive Assistant  
Rodney Jenkins, Executive Assistant  
David M. McGuirk, Executive Assistant  
Timothy Mueller, Executive Assistant  
Henry Guzman, Director, Office of Equal Opportunity  
Margreat A. Jackson, Legislative Affairs Liaison

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

**DEPT. OF FINANCE** - Robert H. Baker, Director, Room 104;  
Frank Badalamenti, Manager, Internal Audit

**DIVISIONS:** Accounts - Mark Miller, Acting Commissioner, Room 19  
Assessments and Licenses - Dedrick Stephens, Commissioner, Room 122  
City Treasury - Algeron Walker, Treasurer, Room 115  
Financial Reporting and Control - Joel Nacion, Acting 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** - Darnell Brown, Acting 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** - Michael G. Konicek, Acting 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 Tasky, 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** - Greg Huth, Acting Director, Room 210

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

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

**COMMUNITY RELATIONS BOARD** - Room 11, John E. Barnes, Jr., 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.; \_\_\_\_\_, 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 Richard F. Horvath, President; Finance Director Betsy Hruby, Secretary; Council President Frank G. Jackson.

**BOARD OF SIDEWALK APPEALS** - Service Director Mark Ricchiuto; Law Director Richard F. Horvath; Councilman Martin J. Sweeney.

**BOARD OF REVIEW** - (Municipal Income Tax) - Law Director Richard F. Horvath; Utilities Director Darnell Brown; 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, Richard F. Horvath; Chairman; Finance Director Betsy Hruby; 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 Emanuella Groves	12B
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Mary E. Kilbane	14C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	12A

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

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WEDNESDAY, MAY 29, 2002

No. 4616

## CITY COUNCIL

MONDAY, MAY 27, 2002

### The City Record

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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. — **Public Health 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

NO MEETING

### THE CALENDAR

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

#### ORDINANCES

##### Ord. No. 1869-01.

By Councilman Lewis.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Newton Avenue to Jerry L. Maddox.

##### Ord. No. 2168-01.

By Councilman Lewis.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1882 and 1876 East 71st Street to Wilma Braxton McMullan.

##### Ord. No. 135-02.

By Councilman Lewis.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program

and located on East 55th and Linwood Avenue to The Eleanor B. Rainey Memorial Institute, Inc.

##### Ord. No. 284-02.

By Councilman Lewis.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 69th Street to Lynette Stover.

##### Ord. No. 285-02.

By Councilman Lewis.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 71st Street to Renaud Simmons.

##### Ord. No. 279-02.

By Councilmen Westbrook, Cimperman, Jackson and Scott (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1121-01, passed July 18, 2001; to supplement said ordinance by adding new Sections 2 and 3; and to renumber existing Sections 2, 3, 4 and 5 to new Sections 4, 5, 6 and 7, relating to mitigation construction on Doan Brook for the Department of Port Control.

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

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

**Section 1.** That the title and Section 1 of Ordinance No. 1121-01, passed July 18, 2001, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Port Control to enter into agreements with public authorities to pay or reimburse directly related costs incurred by such entities for the purpose of implementing mitigation construction on Doan Brook, for the Department of Port Control; determining the method of making the public improvement of constructing wetland and stream mitigation improvements if a public authority does not do so; and authorizing the Director of Port Control to enter into contract for the making of such improvement.

Section 1. That the Director of Port Control is hereby authorized to enter into agreements with public authorities necessary to pay or reimburse directly related costs incurred by such entities for the purpose of implementing mitigation construction on Doan Brook as required by federal or State statutes, regulations,

permits, or orders in an amount not to exceed **Five Million Five Hundred Thousand Dollars (\$5,500,000)**.

**Section 2.** That the existing title and Section 1 of Ordinance No. 1121-01, passed July 18, 2001, are hereby repealed.

**Section 3.** That Ordinance No. 1121-01, passed July 18, 2001, is hereby supplemented by enacting new Sections 2 and 3 to read, respectively, as follows:

Section 2. That provided a public authority will not be implementing mitigation construction on Doan Brook, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing mitigation construction on Doan Brook, for the Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement. **That the design for the project to be implemented shall be reviewed by the Design Review Committee and the City Planning Commission.**

Section 3. That provided a public authority will not be implementing mitigation construction on Doan Brook, the Director of Port Control is hereby authorized to enter into contract for the making of the above public improvement responsible bidder after competitive bidding for a gross price. Upon request of said Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

**Section 4.** That existing Sections 2, 3, 4 and 5 of Ordinance No. 1121-01, passed July 18, 2001, are hereby renumbered, respectively, to new Sections 4, 5, 6 and 7.

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

**Ord. No. 358-02.**

By Councilmen Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a contract with the National Junior Tennis League of Cleveland to provide a summer tennis program.

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to enter into a contract, with the National Junior Tennis League of Cleveland to provide youth tennis services, for the summer of 2002.

**Section 2.** That the cost of such contract shall not exceed **\$35,000** and shall be paid from Fund No. 01-700402-638000, Request No. 106785.

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

**Ord. No. 405-02.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with World Wide Flight Services for operation of a cargo facility at Cleveland Hopkins International Airport.

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 Ordina-

nances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is hereby authorized to enter into a Lease By Way of Concession with World Wide Flight Services for the use and occupancy of approximately 3,500 square feet of space in the former ACFI cargo building at Cleveland Hopkins International Airport in connection with its operation of a **cargo facility, for a term of five (5) years with one five-year option which may be requested by World Wide Flight Services upon ninety (90) days written notice to the Director of Port Control prior to the expiration of the initial term. Any such request shall be approved or rejected by the Director of Port Control. The rent for the first year shall be determined at a rate of \$7.50 per square foot. The rent for each and every subsequent year of the initial term, and each and every year of the option term shall be adjusted with the National Consumer Price Index ("CPI") but said rent shall never be less than \$7.50 per square foot during any year. As used in this section, "CPI" means the National Consumer Price Index for all Urban Consumers, U.S. City Average, as compiled by the United States Department of Labor or, if the United States Department of Labor no longer publishes such a Consumer Price Index, any comparable index published by another branch or Department of the Federal government.**

The term shall commence on the date of execution of the Agreement.

**Section 2.** That the Lease By Way of Concession authorized herein shall be prepared by the Director of Law, and shall contain such additional provisions as he deems necessary to protect and benefit the public interest.

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

**Ord. No. 473-02.**

By Councilmen Scott, Johnson, Cimperman and Jackson (by departmental request).

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to make alterations and modifications in Contract No. 58113 for site improvements to the Miles Standish Elementary School with R.J. Platten Contracting Co. for the Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to make the following alterations and modifications in Contract No. 58113 with R.J. Platten Contracting Co. for site improvements to the Miles Standish Elementary School, for the Department of Parks, Recreation and Properties:

**MILES STANDISH ELEMENTARY SCHOOL  
SITE IMPROVEMENTS**

**ADDITIONS — ORIGINAL ITEMS**

ITEM	DESCRIPTION	AMOUNT
Item 18	Furnish / Install 6" Concrete (235 S.F. @ 3.80/S.F.)	\$ 893.00
Item 40	Pyrus cal.'Cleve. Select' /3" caliper (4 EA @ \$380.00)	1,520.00

**CREDIT — ORIGINAL ITEMS**

ITEM	DESCRIPTION	AMOUNT
Item 3	Construction Sign	\$ 1,600.00
Item 4	Classified Fill (ODOT 23)/(80 C.Y. @ \$25.00/C.Y.)	2,000.00
Item 5	Additional Excavation (100 C.Y. @ \$20.00/C.Y.)	2,000.00
Item 6	Stone Base #304 (100 C.Y. @ \$25.00/C.Y.)	2,500.00
Item 7	Rock Excavation (100 C.Y. @ \$30.00/C.Y.)	3,000.00
Item 12	Furnish/Install 12" PVC (80 L.F. @ \$39.00/L.F.)	3,120.00
Item 16	Sheathing & Bracing (1 M.B. @ \$550.00)	550.00
Item 17	Additional Fill Sand (200 TN @ \$10.00/TN)	2,000.00
Item 27	Furnish / Install 3' C.L.F. (130 L.F. @ \$27.00)	3,510.00
Item 28	Furnish / Install 8"x8" Bollards (8 EA @ \$210.00)	1,680.00
Item 29	Furnish / Install 6"x6" Rem. Bollards (2 EA @ \$450.00)	900.00
Item 47	Hedra Helix / 2-1/2" P.P. (850 EA @ \$2.20 EA)	1,870.00
Item 48	Hemerocallis 'Stella D'Oro' / No. 1 (207 EA @ \$15.40)	3,187.80
Item 55	Acer platanoides 'Fairview' / 3" cal. (2 EA @ \$550.00)	1,100.00
Item 59	Furnish / Install 4" Mulch (800 S.Y. @ \$5.50/S.Y.)	4,400.00
Item *	Contingency (5% of Original Contract Amount)	11,892.03

**NEW ITEMS FOR SUBSIDIARY**

ITEM	DESCRIPTION	AMOUNT
Item 60	C.O. #1 Concrete work (Lump Sum)	\$35,048.50
Item 61	C.O. #2 Fence work (Lump Sum)	9,015.00
Item 62	Demo/Remove Sandstone & Conc. Walks (Lump Sum)	5,250.00
Item 63	Furnish/Install 6" concrete (3,260 S.F. @ \$3.80/S.F.)	12,388.00
Item 64	Furnish/Install 3" Red Oaks (8 Required @ \$545.00/EA)	4,360.00
Item 65	Sawcut, Demo. & Remove Asphalt (Lump Sum)	2,887.50
Item 66	Demo. & Remove Existing Guardrail (Lump Sum)	500.00
Item 67	Demo. & Remove Existing Pipe Rail Fence (Lump Sum)	1,800.00
Item 68	Furn./Inst. 12"x24" El. Pl. Edge (275 L.F. @ \$25.00/L.F.)	6,875.00
Item 69	Furnish/Install Orn. Fence (125 L.F. @ \$75.00/L.F.)	9,375.00
Item 70	Furnish/Install 3" Pear Trees (3 required @ \$457.00/EA)	1,371.00
Item 71	Furnish/Install Erie Sh. Yew / 24" (50 req. @ \$71.00/EA)	3,550.00
Item 72	Furnish/Install Fothergilla g./ 18" (100 req. @ \$42.00/EA)	4,200.00
Item 73	Furn./Inst. Topsoil / 12" Depth (60 C.Y. @ \$25.00/C.Y.)	1,500.00
Item 74	Furnish/Install Mulch / 3" Depth (15 C.Y. @ \$25.00/C.Y.)	375.00
Item 75	Furnish/Install 6" Concrete (200 S.F. @ \$3.80/S.F.)	760.00
Item 76	Furnish/Install Topsoil / 4" depth (233 S.Y. @ \$3.25/S.Y.)	757.25
Item 77	Furnish/Install seed (233 S.Y. @ \$1.65/S.Y.)	384.45
Item 78	Furnish/Install Topsoil / 1" depth (280 S.Y. @ \$2.00/S.Y.)	560.00
Item 79	Furnish/Install Seed (280 S.Y. @ \$1.65/S.Y.)	462.00
Item 80	Demo/Remove Concrete Pavement (Lump Sum)	2,975.00
Item 81	Furnish/Install 6" Concrete (1,700 S.F. @ \$3.80/S.F.)	6,460.00
Item 82	Demo/Remove Conc. Retain. Wall & Pave. (Lump Sum)	13,160.00
Item 83	Concrete Retaining Wall (Lump Sum)	15,000.00
Item 84	Replace 6" Walk (850 S.F. @ \$3.80/S.F.)	3,230.00
Item 85	Orn. Fence / Retaining Wall (140 L.F. @ \$75.00/L.F.)	10,500.00

ADDITIONS (Overruns)	2,413.00
<u>+ NEW ITEMS</u>	<u>152,743.70</u>
TOTAL ADDITIONS TO ORIGINAL CONTRACT	155,156.70
TOTAL ADDITIONS	155,156.70
<u>- TOTAL CREDITS</u>	<u>45,309.83</u>
TOTAL SUBSIDIARY AMOUNT	109,846.87
ORIGINAL CONTRACT AMOUNT	249,732.53
<u>SUBSIDIARY AMOUNT</u>	<u>+ 109,846.87</u>
REVISED CONTRACT AMOUNT	359,579.40

which alteration has been recommended in writing by the said Director of Parks, Recreation and Properties, countersigned by the mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Parks, Recreation and Properties and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$109,846.87, to be paid from Fund Nos. 20 SF 361, **20 SF 370**, and 20 SF 354.

**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.

**Ord. No. 538-02.**

By Councilmen Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into contract with the Greater Cleveland Roundtable for diversity management training for field training officers and recruits, for the Division of Police, Department of Public Safety.

**Ord. No. 598-02.**

By Councilmen Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to amend Contract No. 58916 with Slavic Village Development to provide additional community development services in the agency's service area.

Whereas, pursuant to Ordinance Nos. 840-01, passed June 11, 2001 and 913-01, passed June 19, 2001, the Director of Community Development entered into Contract No. 58916 with Slavic Village Development to provide, among other things, land reutilization and beautification activities within their service area; and

Whereas, additional land reutilization and beautification activities are desired; and

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

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

**Section 1.** That the Director of Community Development is authorized to amend Contract No. 58916 with Slavic Village Development to provide for additional land reutilization and beautification activities and to increase the amount of the contract by \$12,000. Said increase shall be paid from Fund No. 14 SF 027, Request No. 104692.

**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.

**Ord. No. 638-02.**

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

An emergency ordinance authorizing the Director of Economic Development to lease property at 3634 Euclid Avenue from MidTown Associates, LLC for a term not to exceed three years, for the public purpose of enabling the City Empowerment Zone staff to better serve the residents of the Zone by providing easier access to staff and programming; authorizing the purchase by contract of furniture, articles, telecommunications equipment, signage, moving expenses and other necessary equipment.

**Ord. No. 679-02.**

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

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to provide services necessary to perform a boundary survey for all land leased to the Ohio Department of Natural Resources from the City of Cleveland for Cleveland Lakefront State Park sites.

**Ord. No. 729-02.**

By Councilmen Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a cash donation from Dollar Bank for recreational purposes.

**Ord. No. 732-02.**

By Councilman Jackson.

An emergency ordinance to vacate a portion of Chadakoin Court S.E., East 57th Street, Tivoli Court S.E., and East 59th Place hereinafter described.

**Ord. No. 762-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of plow blades and curb bumpers, for the Division of Streets, Department of Public Service.

**Ord. No. 763-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of emulsion and purging solution, and labor and materials necessary to maintain emulsion equipment, for the Division of Streets, Department of Public Service.

**Ord. No. 764-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of gutter broom sets and tube and gutter brooms, for the Division of Streets, Department of Public Service.

**Ord. No. 765-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of cold mix material, for the Division of Streets, Department of Public Service.

**Ord. No. 766-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of SSI tack coat, for the Division of Streets, Department of Public Service.

**Ord. No. 767-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of guard rail elements, posts, end wings, and hardware, for the Division of Streets, Department of Public Service.

**Ord. No. 771-02.**

By Councilmen Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of small equipment, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period of one year with a one-year option to renew.

**Ord. No. 774-02.**

By Councilmen Johnson and Jackson (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 361-02, passed April 1, 2002, relating to a contract with Neighborhood Centers

Association to implement educational, recreational and cultural programs in various school buildings during evening hours.

**Ord. No. 830-02.**

By Councilman Jackson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one office mailer-folder-inserter, including maintenance for a period not to exceed one year, for the Division of Assessments and Licenses, Department of Finance.

**Ord. No. 833-02.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Department of Public Service facilities; authorizing the Director of Public Service to enter into contract for the making of such improvement; and authorizing said director to employ one or more professional consultants to design the improvement.

**Ord. No. 834-02.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Department of Finance facilities; authorizing the Director of Public Service to enter into contract for the making of such improvement; and authorizing said director to employ one or more professional consultants to design the improvement.

**Ord. No. 835-02.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving Cleveland City Hall; authorizing the Director of Public Service to enter into contract for the making of such improvement; and authorizing said director to employ one or more professional consultants to design the improvement.

**Ord. No. 836-02.**

By Councilmen Cimperman, Cinton, Gordon, Sweeney and Jackson (by departmental request).

An emergency ordinance to amend the title, Sections 1, 2, 5, 6, 7, and 10 of Ordinance No. 406-02, passed April 15, 2002, relating to the improvement of West 25th Street between Brooklyn-Brighton Bridge and Detroit Avenue.

**Ord. No. 898-02.**

By Councilman Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into an agreement with American Express to provide accounts payable recovery service.

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

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

**Section 1.** That the Director of Finance is hereby authorized to enter into an agreement with American Express to provide accounts payable recovery services on the basis of its proposal dated February 11, 2002. The agreement shall require American Express to conduct an independent analysis of the City of Cleveland's accounts payable transactions to determine the nature and extent of potential overpayments made to vendors between the time period of January 1, 1999 and December 31, 2001.

**Section 2.** That the agreement shall provide that the City of Cleveland will pay American Express a contingency fee of thirty-three percent (33%) of all overpayments actually recovered. The agreement shall also provide that the City of Cleveland will not be liable for any time or expenses other than the contingency fee.

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

**Section 4. That, upon conclusion of the accounts payable recovery services authorized herein, the Director of Finance shall provide the Chairman of the Finance Committee with a report summarizing the overpayments recovered pursuant to the contract with American Express.**

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

**Ord. No. 905-02.**

By Councilman Sweeney.

An emergency ordinance to vacate a portion of Industrial Parkway S.W. hereinafter described.

**Ord. No. 906-02.**

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

An emergency ordinance to amend the title, Sections 1, 7, 11, and 12 of Ordinance No. 2368-92, passed December 14, 1992, as amended, relating to the rehabilitation of Memphis Avenue from Ridge Road to Pearl Road; and to supplement said ordinance by adding new Sections 9a, 9b, 9c, 9d and 9e thereof.

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

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

**Section 1.** That the title, Sections 1, 7, 11, and 12 of Ordinance No. 2368-92, passed December 14, 1992, as amended by Ordinance Nos. 1454-97, passed November 24, 1997 and 1402-2000, passed November 13, 2000, are hereby amended to read, respectively, as follows:

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of Memphis Avenue from Ridge Road to Pearl Road to the County of Cuyahoga; authorizing the Director of Public Service to enter into any agreements relative thereto; to apply for and

accept an allocation of County Motor Vehicle License Tax Funds for the improvement; and to authorize the Director of Public Service to cause payment of the City of Cleveland's share to the County of Cuyahoga for its portion of said improvement; determining the method of making the above public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said Director to employ professional design consultants to implement such improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is hereby given to construct the following improvement in accordance with plans, specifications and estimates approved by ODOT: The rehabilitation of Memphis Avenue from Ridge Road to Pearl Road (the "Improvement").

Section 7. That the Director of Public Service is hereby authorized to enter into an agreement with the Board of Commissioners of the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

a) That the City will prepare or cause to be prepared construction plans and specifications for the Improvement, including necessary engineering reports, under current County Engineer standards for construction of County roads and bridges and the City will agree to provide the County with a complete set of as-built plans upon completion of the Improvement.

(b) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other times that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of such additional items is approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of said construction and of preliminary and design engineering therefor, but the City shall not be responsible for the cost of supervision of said construction.

(c) That the City hereby agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project.

(d) That if the project is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the aforesaid funds.

Section 11. That this Council hereby authorizes payment to the County of Cuyahoga for the City's share of the cost of the Improvement and/or acceptance from the County by the City of its share of the Improvement.

Section 12. That the costs of the Improvement, services and property acquisition herein contemplated

shall be paid from Fund Nos. 20 SF 190, 20 SF 181, 20 SF 146, 20 SF 170, 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 344 and 20 SF 353, Request Nos. 14325 and 22511.

**Section 2.** That the existing title, Sections 1, 7, 11, and 12 of Ordinance No. 2368-92, passed December 14, 1992, as amended by Ordinance Nos. 1454-97, passed November 24, 1997 and 1402-2000, passed November 13, 2000, are hereby repealed.

**Section 3.** That Ordinance No. 2368-92, passed December 14, 1992, as amended by Ordinance Nos. 1454-97, passed November 24, 1997 and 1402-2000, passed November 13, 2000, is hereby supplemented by adding new Sections 9a, 9b, 9c, 9d and 9e to read, respectively, as follows:

Section 9a. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating Memphis Avenue from Ridge Road to Pearl Road, for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement.

9b. That the Director of Public Service is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of said Improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

9c. That the Director of Public Service is hereby authorized to employ by contract one or more design consultants or one or more firms of design consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the Improvement.

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

9d. that notwithstanding any provision of the Codified Ordinances of Cleveland Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for such property shall not exceed its appraised value.

9e. That the Director of Public Service is hereby authorized to execute on behalf of the City all documents necessary to acquire such property and to employ and pay all fees for title companies, surveys,

escrows, appraisers, and all other costs necessary for the acquisition of such property.

**9f. That the Director of Public Service is hereby authorized to make Relocation Assistance Program payments to eligible claimants in the amounts to which they are entitled pursuant to the Rules and Regulations established by the Director of the Ohio Department of Transportation.**

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

**Ord. No. 907-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into contract without competitive bidding with The McLean Company for the purchase of one cab and chassis unit with oil distributor body, for the Division of Motor Vehicle Maintenance, Department of Public Service.

**Ord. No. 914-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance to amend the title, Section 7 of Ordinance No. 294-98, passed April 6, 1998, relating to the repair and resurfacing of Ridge Road from Brookpark Road to Denison Avenue to the County of Cuyahoga; and to supplement said ordinance by adding new Section 9a thereto.

**Ord. No. 920-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to employ surveyors or firms of surveyors, to provide professional surveying services on various capital projects for a period not to exceed one year.

**Ord. No. 921-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of traffic signals, poles, controllers, sign blanks, reflective sheeting and other related materials, for the Division of Traffic Engineering, Department of Public Service.

**Ord. No. 922-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to cause payment of the City's share to Cleveland Metroparks for the Scenic Byways trail and overlook construction project.

**RESOLUTION**

**Res. No. 546-02.**

By Councilman Dolan (by request).

An emergency resolution declaring the intention to vacate portions of Fernshaw Avenue and Riveredge Road.

**BOARD OF CONTROL**

May 22, 2002

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 22, 2002, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Directors Glending, Dumas, Director Romero, Acting Director Huth, Director Fumich.

Absent: Director Taylor.

Others: Myrna Branche, Commissioner Purchases and Supplies.

Henry Guzman, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

**Resolution No. 303-02.**

By Director Baker.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952 the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of April, 2002 in the amount of \$126.81, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero and Acting Director Huth.

Nays: None.

Absent: Directors Fumich and Taylor.

**Resolution No. 304-02.**

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 607-00, adopted September 6, 2000, approving the bid of Jack Doheny Supplies of Ohio, Inc. for labor and materials to repair and maintain combination sewer and catch basin cleaners (all items), for the Division of Water Pollution Control, Department of Public Utilities, is hereby amended by deleting, after "May 15, 2000", the words "shall not exceed the amount of \$140,000.00" and substituting therefor "which on the basis of the estimated quantity would amount to \$210,000.00", and by deleting in the second sentence after "such commodities", the words "not exceeding the estimated contract amount" and substituting therefor "but not to exceed a total of \$210,000.00".

Be it further resolved that all other provisions of said Resolution No. 607-00 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 305-02.**

By Acting Director Brown.

Resolved by the Board of Control of the City of Cleveland that the bid of Orion Painting & Contracting, Inc. for the following: Whale Mural Maintenance, all items, for the Division of Cleveland Public Power, Department of Public Utilities, received on the 17th day of April 2002, pursuant to the authority of Ordinance No. 1151-01, passed July 18, 2001, which on the basis of the order quantity would amount to \$44,000.00 (Net, 30 Days), is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 306-02.**

By Acting Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 624-01, passed July 18, 2001, O.R. Colan Associates, Inc. ("Consultant") is hereby selected upon the nomination of the Director of Port Control from a list of qualified consultants or firms of consultants available for such employment and determined after a full and complete canvass by said Director as the consulting firm to be employed by contract for the purpose of providing turnkey acquisition, relocation and property management services for various parcels of real property on Ruple Parkway and Grayton Road.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with O.R. Colan Associates, Inc. based on its proposal dated April 11, 2002. The compensation for such services shall be an amount not to exceed One Hundred Ninety Nine Thousand Three Sixty Six and 32/100 Dollars (\$199,366.32). The contract authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by O.R. Colan Associates, Inc. for the above-mentioned contract is hereby approved:

Subconsultants	Services
Guardian Title Agency	Title Search and Update, Closing, Deed Preparation, Title Commitment
C.P. Braman Appraisal Service, Inc. (FBE)	Appraisal
Greater Cleveland Home Inspection Services (MBE)	Home Inspection
Sandra Heath Associates (FBE)	Clerical Staff
Alpha-Omega Chemical Company (MBE)	Asbestos Abatement



## Superior Demolition

Demolition

Cook Paving & Demolition  
(MBE)Demolition,  
Final Grading and  
Hydro-Seeding of Lots

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 307-02.**

By Acting Director Konicek.

Whereas, The Plain Dealer wishes to utilize the banquet room and West Concourse at Burke Lakefront Airport (the "Airport") for three (3) job fairs (the "Events") on the following dates: June 3, September 9 and December 9, 2002; and

Whereas, the City is willing to grant The Plain Dealer the privilege, permit and license to conduct the Events at the Airport; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Port Control is hereby authorized to enter into an agreement (the "Agreement") granting The Plain Dealer the privilege, permit and license to conduct the Events in the banquet room and West Concourse at Burke Lakefront Airport from 11:00 a.m. to 6:00 p.m. on the following dates: June 3, September 9 and December 9, 2002, and to use and occupy the rooms for such period of time before the Events as necessary for preparation. The Plain Dealer shall pay the City a \$1,700.00 fee per each Event, shall reimburse the City for the cost of two (2) City employees to perform custodial and building maintenance work related to the conduct of the Events, shall arrange for the conduct of the Events and such other activities as may be approved, appropriate and incidental to the Events, and shall be responsible at its expense for providing traffic control, security and clean up.

Be it further resolved that the Agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director deems necessary to benefit and protect the public interest.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 308-02.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Cenweld Corp. for an estimated quantity of various salt

spreader, insert and plow parts and labor if necessary, item 1 and 8, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on October 31, 2001, pursuant to the authority of Ordinance No. 367-01, passed by the Council of the City of Cleveland on April 9, 2001, which on the basis of the estimated quantity would amount to Eighty Five Thousand and no/100 Dollars (\$85,000.00) (Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

## Requisition No. 105788

which shall be certified against such contract in the sum of Four Thousand Two Hundred Fifty and no/100 Dollars (\$4,250.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract and which, together with all other contracts entered into pursuant to the above mentioned ordinance, does not in total exceed \$150,000.00.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 309-02.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Concord Road Equipment Mfg. Co., Inc. for an estimated quantity of various salt spreader, insert and plow parts and labor if necessary, item 5, 6 and 7, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on October 31, 2001, pursuant to the authority of Ordinance No. 367-01, passed by the Council of the City of Cleveland on April 9, 2001, which on the basis of the estimated quantity would amount to Twenty Thousand and no/100 Dollars (\$20,000.00) (Net) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

## Requisition No. 105789

which shall be certified against such contract in the sum of One Thousand and no/100 Dollars (\$1,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract and which, together with all other contracts entered into pursuant to the above mentioned ordinance, does not in total exceed \$150,000.00.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 310-02.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Newell Equipment, Inc. for an estimated quantity of various salt spreader, insert and plow parts and labor if necessary, item 2 and 4, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on October 31, 2001, pursuant to the authority of Ordinance No. 367-01, passed by the Council of the City of Cleveland on April 9, 2001, which on the basis of the estimated quantity would amount to Forty Thousand and no/100 Dollars (\$40,000.00) (Net) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

## Requisition No. 105791

which shall be certified against such contract in the sum of Two Thousand and no/100 Dollars (\$2,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract and which, together with all other contracts entered into pursuant to the above mentioned ordinance, does not in total exceed \$150,000.00.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 311-02.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that

the bid of Jones Equipment, Inc. for an estimated quantity of various salt spreader, insert and plow parts and labor if necessary, item 3, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on October 31, 2001, pursuant to the authority of Ordinance No. 367-01, passed by the Council of the City of Cleveland on April 9, 2001, which on the basis of the estimated quantity would amount to Five Thousand and no/100 Dollars (\$5,000.00) (0%, Net 10 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 105790 which shall be certified against such contract in the sum of One Thousand and no/100 Dollars (\$1,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract and which, together with all other contracts entered into pursuant to the above mentioned ordinance, does not in total exceed \$150,000.00.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchitto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.  
Absent: Director Taylor.

**Resolution No. 312-02.**

By Director Draper.

Resolved by the Board of Control of the City of Cleveland that the bid of Ohio Materials Handling, Inc. for an estimated quantity of gas powered cushion forklift truck, 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 April 3, 2002, pursuant to the authority of Ordinance No. 497-01, which was passed by Cleveland City Council on May 21, 2001, on the basis of the estimated quantity would amount to Sixteen Thousand, Eight Hundred Seventy Five and 00/100 Dollars (\$16,875.00) (0% 90 days), 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: 119061 as specified, which shall be certified against such contract in the sum of Sixteen Thousand, Eight Hundred Seventy Five and 00/100 Dollars (\$16,875.00).

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

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchitto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.  
Absent: Director Taylor.

**Resolution No. 313-02.**

By Acting Director Glending.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of F. Buddie Contracting Ltd. for the public improvement of Estabrook Park Site Improvements, for Base Bid Items #A1 - #A11, #A14, #A15, #A17 - #A19 and Alternate Items #1A, #2A and #3A including the 5% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on July 25, 2001, pursuant to the authority of Ordinance No. 1817-01, passed on March 11, 2002, upon a unit basis for the improvement in the aggregate amount of Twenty Four Thousand, Six Hundred Forty Three and 50/100 Dollars (\$24,643.50), 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 F. Buddie Contracting, Ltd. for the aforementioned public improvement hereby is approved:

<u>Subcontractors</u>	<u>Responsibility</u>
United Ready Mix (MBE)	Concrete
Lito Trucking (MBE)	Trucking
Barrow Sign (FBE)	Signage

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchitto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.  
Absent: Director Taylor.

**Resolution No. 314-02.**

By Acting Director Glending.

Whereas, pursuant to the authority of Ordinance No. 470-02, passed by the Cleveland City Council on April 1, 2002, and Resolution No. 172-02, adopted by this Board of Control on April 3, 2002, the Director of Parks, Recreation and Properties entered into Contract No. 59146 with Flex-Tech Professional Services, Inc. for

professional services necessary to supply temporary and seasonal personnel for the seasonal programs of the Department of Parks, Recreation and Properties;

Whereas, in said Resolution No. 172-02 and Contract No. 59146, the consultant's name is incorrectly stated as Flex-Tech Professional Services, Inc.; and

Whereas, the agency has requested the City's consent to the assignment of all monies due or becoming due under said Contract No. 59146 to Initial Transfer, FT, Ltd., d.b.a. Flex-Tech Professional Services and First Merit Bank, N.A.; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 172-02, adopted April 3, 2002, is hereby amended to substitute "Initial Transfer FT, Ltd. d.b.a. Flex-Tech Professional Services" for "Flex Tech Professional Services, Inc." as the temporary employment agency to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City of Cleveland in order to provide professional services necessary to supply temporary and seasonal personnel for the seasonal programs of the Department of Parks, Recreation and Properties.

Be it further resolved that the request of Initial Transfer FT, Ltd. d.b.a. Flex-Tech Professional Services for the City's consent to the assignment of all monies due or becoming due under said Contract No. 59146 to Initial Transfer, FT, Ltd., d.b.a. Flex-Tech Professional Services and First Merit Bank, N.A is hereby granted.

Be it further resolved that the Director of Parks, Recreation and Properties is authorized to execute all documents and do all things necessary to effect the name change and consent to assign hereby authorized.

Be it further resolved that all other provisions of said Resolution No. 172-02 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchitto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.  
Absent: Director Taylor.

**Resolution No. 315-02.**

By Acting Director Glending.

Whereas, Resolution No. 294-02, adopted by this Board on May 15, 2002, authorized the Director of Parks, Recreation & Properties to enter into a contract with Envirocom Construction as the lowest responsible bidder for the public improvement of various park site improvements, in the aggregate amount of Two Hundred Twenty Six Thousand Six Hundred and 00/100 dollars (\$226,600.00); and

Whereas, said Resolution No. 294-02 incorrectly identified the authorizing ordinance number; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 294-02 adopted May 15, 2002, is hereby

amended by deleting "Ordinance No. 1605-98" where appearing and substituting therefor "Ordinance No. 1728-2000".

Be it further resolved that all other provisions of said Resolution No. 294-02 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Aboussal, Ciaccia, Savas, Director Ricchuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 316-02.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 103-24-077 and 103-24-078 under said Land Reutilization Program; and

Whereas, Ordinance No. 283-02 passed April 29, 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, Kelly Rice 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. 283-02 passed April 29, 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 Kelly Rice for the sale and development of Permanent Parcel Nos. 103-24-077 and 103-24-078, 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 \$3,500.00, 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 Directors Aboussal, Ciaccia, Savas, Director Ricchuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 317-02.**

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 017-07-012 located at 3469 West 86th Street in Ward 18; 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, Kimberly Ols, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 18 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Kimberly Ols for the sale and development of Permanent Parcel No. 017-07-012 located at 3469 West 86th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Chandra, Acting Directors Aboussal, Ciaccia, Savas, Director Ricchuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 318-02.**

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 126-01-093 located at 2474 East 82nd Street in Ward 6; and

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

Whereas, Laverne Brown, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 6 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Laverne Brown for the sale and development of Permanent Parcel No. 126-01-093 located at 2474 East 82nd Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Chandra, Acting Directors Aboussal, Ciaccia, Savas, Director Ricchuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.

Absent: Director Taylor.

**Resolution No. 319-02.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 127-07-014, 127-07-104 and 127-07-061 under said Land Reutilization Program; and

Whereas, Ordinance No. 223-02 passed April 29, 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, KINBESS, 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. 223-02 passed April 29, 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 KINBESS, LLC for the sale and development of Permanent Parcel Nos. 127-07-014, 127-07-104 and 127-07-061, 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 \$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 the Land Reutilization Program.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.  
Absent: Director Taylor.

**Resolution No. 320-02.**

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 119-34-095 located at 2332 East 90th Street in Ward 6; and

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

Whereas, Carlene Tipton, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 6 has consented to the proposed sale;
2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;
3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Carlene Tipton for the sale and development of Permanent Parcel No. 119-34-095 located at 2332 East 90th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.  
Absent: Director Taylor.

**Resolution No. 321-02.**

By Acting Director Huth.

Be it resolved by the Board of Control of the City of Cleveland that, Resolution Number 137-01,

adopted March 7, 2001, as amended by Resolution Number 216-02, adopted April 17, 2002, directing the Commissioner of Purchases and Supplies to sell certain City-owned land to Nisman-Rozgonyi Enterprises LLC, is hereby amended by deleting "Twenty Four Thousand, Nine Hundred Twelve Dollars and fifty cents (\$24,912.50)" and inserting in lieu thereof One Dollar (\$1.00).

Be it further resolved that all other provisions of said Resolutions Number 137-01 & 216-02 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.  
Absent: Director Taylor.

**Resolution No. 322-02.**

By Acting Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Independence Excavating Inc. for the public improvement of the SMIRF (Creek Road Complex) Project, Base Bid A including alternate four and alternate eight, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on the 10th day of May 2002, pursuant to the authority of Ordinance No. 2015-2000 passed May 14, 2001, upon a unit basis for the improvement in the aggregate amount of Eighteen Million Four-Hundred Ten Thousand, One Hundred Eighty-Eight Dollars and Eighty Cents (\$18,410,188.80), is hereby affirmed and approved as the lowest responsible bid, and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control that the employment of the following subcontractors by Independence Excavating Inc. is hereby approved:

<u>Subcontractor</u>	<u>MBE/FBE %</u>	<u>Subcontract Amount</u>
Granger Trucking Inc.	MBE 0.03%	\$5,000.00
Bernie Jenkins, Inc.	MBE 0.14%	\$25,000.00
New Era Builders	MBE 41.00%	\$7,500,000.00
Ballast Fence	FBE 0.14%	\$25,000.00
Burkeshire Construction	FBE 0.06%	\$10,000.00
Lee Infrastructure	FBE 0.06%	\$10,000.00

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director Fumich.

Nays: None.  
Absent: Director Taylor.

**Resolution No. 323-02.**

By Acting Director Glending.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Whitmer Company for an estimated quantity of swimming pool chemicals (Item 1, Item 2, and Item 3), for the Division of Recreation, Department of Parks, Recreation and Properties, for the period one (1) year beginning with the date of execution of a contract, received on the 9th day of May 2002, pursuant to the authority of Ordinance No. 356-02, passed April 1, 2002, which on the basis of the estimated quantity would amount to One Hundred Four Thousand Five Hundred Thirty Three and 00/100 Dollars (\$104,533.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties 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. 118392 which shall be certified against such contract in the sum of Fifty Seven Thousand and 00/100 Dollars (\$57,000.00).

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

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Ciaccia, Savas, Director Ricchuto, Acting Director Carroll, Director Draper, Acting Director Glending, Dumas, Director Romero, Acting Director Huth and Director 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.

ANNE BLOOMBERG,  
President

**SCHEDULE OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, JUNE 10, 2002**

**9:30 A.M.**

**Calendar No. 02-103:** Appeal of Don Scott (Ward 2)

Don Scott, owner, appeals under Section 329.02 of the Codified Ordinances from the decision of Richard L. Silva, Commissioner of Park Maintenance & Properties, that the properties in question, parcel numbers 121-21-012, 121-21-058, 121-21-059, 121-21-073 and 121-21-078, were in violation of Section 209.01 of the Cleveland Codified Ordinances, where no owner or person in possession or control of any lot or land within the city shall fail to keep such lot or land free of refuse, etc. (as noted in Section 209.01). The Department of Parks, Recreation & Properties abated the nuisances on August 31, 1999 and billed the property owner for reimbursement.

**Calendar No. 02-110:** 16709 Puritas Avenue (Ward 20)

Madeleine Zamar, owner, appeals to install a 6' high wood fence to the north, south, east and west of a consolidated 72' x 118' parcel located in a Two-Family District on the south side of Puritas Avenue; said installation being contrary to the Fence Regulations, where a 6' high fence is proposed and fences in the actual front yard shall not exceed 4' in height as stated in Section 358.04(a) of the Codified Ordinances.

**Calendar No. 02-111:** 1836-38 West 38th Street (Ward 13)

James Paul Curley, owner, appeals to construct an 18'-4" x 43' two-story frame family room and bedroom addition with a second story porch to a one family dwelling, all situated on an approximate 22' x 63' parcel located in a Two-Family District on the west side of West 38th Street at 1836 through 1838 West 38th Street; said construction being contrary to the Yards and Courts Requirements of Section 357.08(b), where a 20' rear yard setback is required and 11'-6" is proposed and Section 357.09(2)(b), where an aggregate 10' interior side yard of 3' and 7' is required and an aggregate 3' interior side yard of 1' and 2' is proposed and contrary to the Nonconforming Use Requirements, where an existing nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

**Calendar No. 02-113:** 3300 Woodbine Avenue (Ward 13)

Jack Kline and Ruth Boland, owners, appeal to construct a 22' x 59' two-story frame, one family house with an attached garage all situated on an approximate 32' x 101' parcel located in a Two-Family District on the north side of Woodbine Avenue at 3300 Woodbine Avenue; said construction being contrary to the Area Requirements, where a minimum lot area of 2,816 sq. ft. is proposed and 4,800 sq. ft. is required as stated in Section 355.04 of the Codified Ordinances.

**Calendar No. 02-115:** 8100 Dorver Drive (Ward 12)

Dave J. Rakoczy, owner, appeals to enclose an existing 6' x 20' first floor open front porch to extend the existing living room of a 20' x 24' one family house all situated on a 40' x 122' parcel located in a Two-Family District on the south side of Dorver Drive at 8100 Dorver Drive; said enclosure being contrary to the Yards and Courts Requirements, where a 12' front yard setback is proposed and 20' is required as stated in Section 357.04(a) of the Codified Ordinances.

**Calendar No. 02-116:** 1570 East 105th Street (Ward 8)

William McMillan, owner, appeals to establish use of the first floor of an existing approximate 50' x 136' two-story retail building all situated on a 50' x 150' parcel located in a Local Retail Business District on the west side of East 105th Street at 1570 East 105th Street; said use being contrary to the Business District Regulations, where assembly halls and places of amusement are not permitted in a Local Retail Business District but first permitted in a General Retail Business District if more than 500' from a Residence District and the proposed site abuts a Residential District and contrary to the Off-Street Parking and Loading Requirements, where no parking area is proposed and 20,400 sq. ft. of parking area is required as stated in Section 349.04(e) of the Codified Ordinances.

**Calendar No. 02-117:** Julius C. Fossa 8514 Broadway Avenue (Ward 2)

Julius C. Fossa, owner, appeals under the authority of Section 329.02(c), where the appellant has the right to appeal to the Board of Zoning Appeals from a Warning Notice issued by the Division of Building and Housing for failure to remove barbed wire fencing by January 31, 2002 existing on a 75' x 128' parcel located on the south side of Broadway Avenue at 8514 Broadway Avenue; said fencing being contrary to the Fence Regulations, where any nonconforming barbed wire must be removed no later than December 31, 2001 as stated in Section 358.06(c) of the Codified Ordinances.

**Calendar No. 02-125:** 1936-48 West 25th Street (Ward 13)

Fries and Schuele LLC, owner, appeals to expand the use of an existing approximate 122' x 143' five-story building by adding nine stores with retail space on the 1st floor and 117 dwelling units on the upper 13 floors and to be serviced by a 42 space parking lot, all situated on an acreage parcel located in a General Retail Business District on the south side of Carroll Avenue between West 25th Street and West 26th Street at 1936-1948 West 25th Street; said expansion being contrary to the Off-Street Parking and Loading Requirements of Section 349.04, where 133 parking spaces are required and 42 spaces are provided and contrary to the Height Regulations of Section 353.01(b), where the maximum height allowed is a "3" Height District is 115' and 175' is proposed and contrary to the Area Requirements of Section 355.04, where the

maximum gross floor area permitted is 9,000 sq. ft. and 168,000 is proposed and contrary to the Yards and Courts Requirements of Section 357.08, where the required rear yard shall equal 15% of the depth of lot and no rear yard is provided and no side yard is provided and an 8' side yard is required as stated in Section 357.09(2)(c) of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**TUESDAY, MAY 28, 2002**

At the meeting of the Board of Zoning Appeals on Tuesday, May 28, 2002, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 02-88:** 6412-24 Gertrude Avenue - Lot 1

**Calendar No. 02-89:** 6412-24 Gertrude Avenue - Lot 2

**Calendar No. 02-90:** 6412-24 Gertrude Avenue - Lot 3

**Calendar No. 02-91:** 6412-24 Gertrude Avenue - Lot 4

**Calendar No. 02-92:** 6412-24 Gertrude Avenue - Lot 5

**Calendar No. 02-93:** 6412-24 Gertrude Avenue - Lot 6

**Calendar No. 02-94:** 6412-24 Gertrude Avenue - Lot 7

**Calendar No. 02-95:** 6412-24 Gertrude Avenue - Lot 8

Broadway Area Homes appealed to construct eight 18' x 36' three-story single family houses with 18' x 20'-6" attached garages on eight 32.5' x 80' parcels in a Local Retail Business District.

**Calendar No. 02-96:** 13437-39 Lorain Avenue

L. Friedman, owner, and Robert and Maryland Gonzalez, tenants, appealed to establish use of a 58' x 120' one-story masonry building as a day care facility on a 60' x 152' parcel in a General Retail Business District.

**Calendar No. 02-97:** 5918 Bangor Avenue

Leo Aukerman, owner, appealed to install 29 linear feet of 4' high chain link fencing to the west front yard of a 43' x 125' parcel in a Two-Family District.

**Calendar No. 02-98:** 3500 Lorain Avenue

3500 LTD, owners, appealed to renovate a 5-story masonry bank and office building and to expand and renovate a parking lot in Local Retail Business and Two-Family Districts.

**Calendar No. 02-75:** 1866 West 44th Street

D. Celeste, owner, appealed to construct a 20' x 60' two-story, one

family dwelling unit on a 30' x 135' parcel in a Two-Family District.

The following appeals were **Denied**:

**Calendar No. 02-79:** 3884 Silsby Road Michalyn and Lawrence Blasius, owners, appealed to construct a 22' x 26' one-story gambrel garage to the rear of a 40' x 161' tapered parcel in a Two-Family District.

**Calendar No. 02-102:** 6502 St. Clair Avenue

John Dunlop, owner, and Richard Shurney, lessee, appealed to change the use of a 28' x 120' two-story masonry building into a barber shop, car wash and auto detailing shop in a Local Retail Business District.

The following appeal was **Postponed**:

**Calendar No. 02-56:** 14113-15 Jenne Avenue postponed to June 10, 2002.

**On Tuesday, May 28, 2002, in Executive Session:**

The following appeals were heard by the Board on Monday, May 20, 2002, and said decisions were adopted and approved in Executive Session on May 28, 2002:

The following appeals were **Approved**:

**Calendar No. 02-80:** 3154 West 82nd Street

Nydia Pagan, owner, appealed to install a 4' high chain link fence to the front (east) of a 35' x 124' parcel in a One-Family District.

**Calendar No. 02-81:** 3815 John Avenue

Guy Singer, owner, appealed to construct a 20' x 27' one-story, frame accessory garage with a deck on top on a 32' x 132' parcel in a Two-Family District.

**Calendar No. 02-82:** 16009 West Park Road

Chris Chillemi, owner, appealed to construct a 22' x 32' one-story, frame accessory garage on a 53' x 273' parcel in a One-Family District.

**Calendar No. 02-86:** 7422 Harvard Avenue

Dan Sultzman, d.b.a. Dave's, appealed to construct a 170' x 286' grocery store with 138 parking spaces on a 233' x 581' parcel in zoning for General Retail Business, Semi-Industry and Two-Family Districts.

**Calendar No. 02-99:** 3939 Payne Avenue

Michael Chesler and Terry Coyne, owners, appealed to change the use of a one-story masonry building into an animal care facility and kennel in a Residence Industry District.

**Calendar No. 02-101:** 4253 Fulton Road

Memphis Fulton Association, owner, appealed to change the use of a one-story 72' x 110' retail store tenant space area into a fitness center in a Shopping Center District.

EUGENE CRANFORD, JR.,  
Secretary

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

Re: Report of the Meeting of  
May 22, 2002

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

\* \* \*

### Docket A-14-02.

RE: Appeal of Zaclon, Incorporated, Owner Property located on the premises known as 2981 Independence Road from a NOTICE OF VIOLATION — FIRE CODE dated December 19, 2001 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-14-02 has been POSTPONED; to be rescheduled for June 5, 2002.

\* \* \*

### Docket A-35-02.

RE: Appeal of Mark Harrah, Owner of the One Family Residential Property and Existing Swimming Pool located on the premises known as 3914 Cypress Avenue from a NOTICE OF NONCONFORMANCE (3117.03(G)(H) — no swimming pool shall be located within ten (10) feet from the property lines) of the Commissioner of the Division of Building and Housing, dated March 8, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to remain in its present location, noting the agreement of most of the neighbors and the proper isolation of the pool; and to waive the late filing fees. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

\* \* \*

### Docket A-46-02.

RE: Appeal of Commissioners, Cuyahoga County of Ohio, Owner of the Regional Criminal Justice Center located on the premises known as 1215 West 3rd Street from a LIMITATION ON THE PERMIT — ELEVATOR CODE of the Commissioner of the Division of Building and Housing, dated August 7, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-46-02 has been WITHDRAWN at the request of the Appellant.

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### Docket A-47-02.

RE: Appeal of Rosemary E. Hubbard, Owner of the One Dwelling Unit Two Story Frame Residential Property located on the premises known as 17208 Stockbridge Avenue from a 30 DAY FIRE CONDEMNATION ORDER — MS of the Commissioner of the Division of Build-

ing and Housing, dated February 22, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY FIRE CONDEMNATION ORDER — MS and LETTER OF INTENTION TO DEMOLISH by granting the three (3) months in which to abate of the violations. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the 30 DAY FIRE CONDEMNATION ORDER — MS and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by September 5, 2002. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

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### Docket A-57-02.

RE: Appeal of The Lithuanian Village Inc., Owner of the Two Story Masonry Property located on the premises known as 877 East 185th Street from a NOTICE OF VIOLATION — HVAC/GENERAL MAINTENANCE of the Commissioner of the Division of Building and Housing, dated February 15, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC). No action this date; the docket will be rescheduled for June 5, 2002.

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### Docket A-72-02.

RE: Appeal of Laura A. Barry, Owner of the Single Family Residential Property and Existing Swimming Pool located on the premises known as 18307 Landseer Road from a NOTICE OF NONCONFORMANCE (3117.03(G)(H) — no swimming pool shall be located within ten (10) feet from the property lines) of the Commissioner of the Division of Building and Housing, dated April 18, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to remain in its present location, approximately six (6) feet from the adjacent property line, noting the concurrence of the neighbors; and to waive the late filing fees. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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### Docket A-76-02.

RE: Appeal of Barbara Spaan, Owner of the Two Family Residential Property and Proposed Swimming Pool located on the premises known as 4383 West 57th Street from a NOTICE OF NONCONFOR-

MANCE (3117.03(G)(H) — no swimming pool shall be located within ten (10) feet from the property lines/provides: 8'-8", 3'-4", & 6') of the Commissioner of the Division of Building and Housing, dated May 8, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot setback requirements as requested, noting the agreement of the adjacent neighbors. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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**Docket A-78-02.**

RE: Appeal of Lee Puterbaugh, Owner of the Single Family Residential Property and Existing Swimming Pool located on the premises known as 18220 Landseer Road from a NOTICE OF NONCONFORMANCE (3117.03(G)(H) — no swimming pool shall be located within ten (10) feet from the property lines) of the Commissioner of the Division of Building and Housing, dated April 17, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to remain in its present location, approximately three (3) feet from the adjacent property line, noting the concurrence of the neighbors and compliance with other ordinances; and to waive the late filing fees. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-79-02.**

RE: Appeal of Irens Montanaz (Superior Beverage), Owner of the Property located on the premises known as 6029 Superior Avenue from an ADJUDICATION ORDER (proposed awnings) of the Commissioner of the Division of Building and Housing, dated May 6, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit the awning to be erected as indicated, with the provision that evidence of the method of support for the awning be presented to the Division of Building and Housing at the time the Appellant applies for the permit. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

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**Docket A-83-02.**

RE: Appeal of James J. King, Owner of the Two Family Residential Property and Proposed Swimming Pool located on the premises known as 4383 West 57th Street from a NOTICE OF NONCONFORMANCE (3117.03(G)(H) — no swim-

ming pool shall be located within ten (10) feet from the property lines/provides: 5') of the Commissioner of the Division of Building and Housing, dated May 08, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to be installed approximately five (5) feet from the adjacent property line, noting the letter of concurrence from the neighbor. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- A-24-02—Samuel Mirakian.
A-43-02—R & B Properties.

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

\* \* \*

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

- A-38-02—Scott Pickering.
A-45-02—Case Western Reserve University.

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

\* \* \*

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

- A-40-02—Andrew M. Hardy Jr.
A-68-02—George Arquilla, III.

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

\* \* \*

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

- A-62-02—Jacobs Investment Management Co.

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

\* \* \*

**APPROVAL OF MINUTES:**

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

May 8, 2002

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

\* \* \*

EUGENE CRANFORD, JR., Secretary

**PUBLIC NOTICE**

**Fair Employment Wage Board Meeting Schedule for 2002**

The Fair Employment Wage Board will meet on the following Wednesdays from 3:00-4:00 p.m. in City Hall Room 210:

- June 19, 2002
September 18, 2002
December 11, 2002

**NOTICE OF PUBLIC HEARING**

**Notice of Public Hearing By the Council Committee On City Planning**

Mercedes Cotner Committee Room 217 City Hall, Cleveland, Ohio On Wednesday, June 12, 2002 1:00 P.M.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a Public Hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, June 12, 2002, at 1:00 p.m., to consider the following ordinance now pending in the Council:

**Ord. No. 417-02.**

By Councilman Brady. An ordinance to change the zoning of properties on the north and south side of Lorain Avenue west of West Boulevard and on the south side of Lorain Avenue east of Bosworth Road. (Map Change Nos. 2041, 2042 and 2043, Sheet No. 2)

All interested persons are urged to be present or to be represented at the above time and place.

JOSEPH C. CIMPHERMAN Chairman Committee on City Planning

May 29, 2002 and June 5, 2002

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

#### WEDNESDAY, JUNE 12, 2002

**Personal Protective Equipment-Level A Suits**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1726-98, passed by the Council of the City of Cleveland, November 16, 1998.

**Diving Dry-Suits for the Harbor Unit**, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 497-01, passed by the Council of the City of Cleveland, May 21, 2001.

**Unarmed, Uniform Security Guard Services**, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 127-02, passed by the Council of the City of Cleveland, April 22, 2002.

May 22, 2002 and May 29, 2002

#### THURSDAY, JUNE 13, 2002

**Vehicle Maintenance Equipment**, for the Division of Cleveland Public Power, Department of Public Safety, as authorized by Ordinance No. 843-01, passed by the Council of the City of Cleveland, June 11, 2001.

THERE WILL BE A MANDATORY PRE-BID MEETING ON THURSDAY, MAY 30, 2002, AT 2:00 P.M., LOCATED AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Automotive Parts and Supplies**, for the Repair, Replacement and Maintenance of Airport Maintenance Vehicles and Equipment for Subject Items No. 5, for the Vari-

ous Divisions of the Department of Port Control, as authorized by Ordinance No. 1003-01, passed by the Council of the City of Cleveland, June 19, 2001.

#### WEDNESDAY, JUNE 26, 2002

**Hauling and Disposing of Water Plant Residuals**, for the Division of Water Department of Public Utilities, as authorized by Ordinance No. 213-02, passed by the Council of the City of Cleveland, April 8, 2002.

May 22, 2002 and May 29, 2002

#### WEDNESDAY, JUNE 12, 2002

**Henritze Park Site Improvement**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1728-2000, passed by the Council of the City of Cleveland, April 9, 2001.

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

**Network Hardware**, for the various divisions of the Department of Public Service, as authorized by Ordinance No. 1198-2000, passed by the Council of the City of Cleveland, August 8, 2000.

May 29, 2002 and June 5, 2002

#### THURSDAY, JUNE 13, 2002

**W. 25th Street/Pearl Road Rehabilitation**, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 406-02, passed by the Council of the City of Cleveland, April 15, 2002.

ONLY THOSE CONTRACTORS WHICH ARE PRE-QUALIFIED WITH THE OHIO DEPARTMENT OF TRANSPORTATION ARE ELIGIBLE TO SUBMIT BIDS FOR THIS CONSTRUCTION PROJECT. THERE WILL BE A REFUNDABLE FEE OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

May 29, 2002 and June 5, 2002

#### FRIDAY, JUNE 14, 2002

**Purchase, Install and Maintain Replacement Lamps and Fixtures for the Computerized Lighting System at Willard Park**, for the Division of Parking Facilities, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1748-01, passed by the Council of the City of Cleveland, October 22, 2001.

May 29, 2002 and June 5, 2002

#### WEDNESDAY, JUNE 19, 2002

**Printer Consumables**, for the Divisions of Cleveland Public Power and Water, Department of Public

Utilities, as authorized by Ordinance No. 1051-01, passed by the Council of the City of Cleveland, July 18, 2001.

THERE WILL BE A MANDATORY PRE-BID MEETING ON WEDNESDAY, JUNE 12, 2002 AT 10:00 A.M. AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Labor and Materials Necessary to Provide Electrical Parts and Equipment Necessary to Maintain, Repair and Modify Existing Airfield, Parking and Terminal Lighting System**, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 124-02, passed by the Council of the City of Cleveland, March 25, 2002.

May 29, 2002 and June 5, 2002

#### FRIDAY, JUNE 21, 2002

**Bar-Coding and Handheld Computing Solution**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2365-01, passed by the Council of the City of Cleveland, March 4, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING ON WEDNESDAY, JUNE 12, 2002 AT 9:00 A.M. LOCATED AT THE DISTRIBUTION MAINTENANCE, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105. FOLLOWED BY A MANDATORY SITE SURVEY.

**Transfer and Disposal of Bulk Waste Contract "B"**, for the Division of Waste Collection, Department of Public Service, as authorized by Ordinance No. 478-02, passed by the Council of the City of Cleveland, April 8, 2002.

**Disposal of Construction and Demolition Debris Contract "C & D"**, for the Division of Waste Collection, Department of Public Service, as authorized by Ordinance No. 471-02, passed by the Council of the City of Cleveland, April 8, 2002.

**Transfer and Disposal of Tires Contract "T"**, for the Division of Waste Collection, Department of Public Service, as authorized by Ordinance No. 480-02, passed by the Council of the City of Cleveland, April 8, 2002.

May 29, 2002 and June 5, 2002

### ADOPTED RESOLUTIONS AND ORDINANCES

**Res. No. 1018-02.**

By Councilmen Cimperman, Zone, O'Malley and Jones.

An emergency resolution urging the state legislature to reenact Ohio Revised Code Section 4582.07 requiring port authorities to publish development plans and to hold public hearings on those plans and stating Council's intention to hold hearings on the development and operation of the port.



Whereas, the Cleveland-Cuyahoga County Port Authority was established to create and retain jobs in Northeast Ohio and has turned the industrial lakefront into a job producing asset and has done so admirably since 1968; and

Whereas, the voters passed a renewal levy for the Cleveland-Cuyahoga County Port Authority on the May 7, 2002; and

Whereas, according to credible independent research, the Port of Cleveland, which includes the Cleveland-Cuyahoga County Port Authority, is crucial to 10,000 maritime and related jobs in the area, \$350 million in annual family income, \$200 million in tax income for schools and communities, and 17,000 jobs in trade zones; and

Whereas, Ohio Revised Code Section 4582.07, enacted in 1955, required the board of directors of a port authority to prepare or cause to be prepared a plan for the future development, construction and improvement of the port and its facilities setting forth the location and character of the work to be undertaken by the port authority, and the board was required to publish information about the proposed plan in local newspapers and then hold a public hearing on the plan in which comments from the public were solicited; and

Whereas, in April, 2001, the state legislature repealed ORC Section 4582.07, eliminating the requirement for port authorities to publish development and construction plans and eliminating the requirement that public hearings be held to permit comments on those plans; and

Whereas, while this Council of the City of Cleveland is supportive of the mission and objectives of Cleveland-Cuyahoga County Port Authority, this Council strongly advocates that development, planning and proposed improvements for the Port must be done openly and with input from the public; and

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

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

**Section 1.** That the Council of the City of Cleveland is supportive of the mission and objectives of Cleveland-Cuyahoga County Port Authority and strongly advocates that any plans for the development and improvement of the Port must be done openly and with input from the public, and therefore urges the state legislature to reenact Ohio Revised Code Section 4582.07 that was repealed in April, 2001.

**Section 2.** That this Council intends to hold hearings over the summer months to discuss and review the development and operations of the Port Authority and its impact on the City of Cleveland.

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

Adopted May 20, 2002.  
Effective May 23, 2002.

**Res. No. 1019-02.**

**By Councilman Jackson.**

**An emergency resolution fixing the summer schedule of meetings of the Council of the City of Cleveland.**

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

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

**Section 1.** That the schedule of meetings during the summer months for the Council of the City of Cleveland is hereby fixed as follows:

July 17, 2002  
August 14, 2002

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk of Council prior to each of the above meeting dates. The Council will resume regular session at 7:00 P.M. on Monday, September 9, 2002.

**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 May 20, 2002.  
Effective May 23, 2002.

**Res. No. 1020-02.**

**By Councilman Polensek.**

**An emergency resolution opposing loans made by the State of Ohio and the Cuyahoga County Commissioners and the lease made by the Cleveland Cuyahoga County Port Authority to assist TRW in relocating and equipping 30 employees to work in Warrensville Heights as opposed to Cleveland.**

Whereas, it was recently reported that the State of Ohio and the Cuyahoga County Commissioners have issued low interest loans to TRW in order to relocate 30 employees to Warrensville Heights and to purchase equipment for use by those employees; and

Whereas, in addition to those loans totaling \$791,000, the Cleveland-Cuyahoga County Port Authority will lease equipment to TRW for use at the Warrensville Heights site; and

Whereas, TRW was once a vital and integral part of the Collinwood neighborhood until its management chose to relocate from the City of Cleveland leaving many of its workers without employment; and

Whereas, the State of Ohio, the Cleveland-Cuyahoga County Port Authority and the Cuyahoga County Commissioners should refrain from actions, such as making loans and leases, that encourage businesses such as TRW from relocating from the City of Cleveland; and

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

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

**Section 1.** That the Council of the City of Cleveland expresses its opposition to loans made by the State of Ohio and the Cuyahoga County Commissioners and the lease made by the Cleveland Cuyahoga County Port Authority to assist TRW in relocating and equipping 30 employees to work Warrensville Heights as opposed to Cleveland.

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

Adopted May 20, 2002.  
Effective May 23, 2002.

**Res. No. 1021-02.**

**By Councilmen Westbrook, Zone, Jones, O'Malley, Cintron, and Dolan. An emergency resolution urging the Administration to reestablish the Fourth of July fireworks display at Edgewater Park.**

Whereas, Clevelanders welcome the opportunity to celebrate the Fourth of July holiday by barbecuing, swimming and watching fireworks with family and friends; and

Whereas, traditionally the fireworks display for Cleveland had been held at Edgewater Park; and

Whereas, for the past two years the fireworks display was held at a location other than Edgewater Park, and that decision proved to have a negative impact on the number of Clevelanders that were able to enjoy the display; and

Whereas, this Council of the City of Cleveland urges the Administration to reestablish the Fourth of July fireworks display at Edgewater Park so that Cleveland residents can return to their decades old family tradition of starting their day with grilling breakfast outdoors and ending it with marshmallow toasting while watching fireworks over Lake Erie; and

Whereas, this Council encourages Clevelanders to join with family and friends to enjoy a safe and professional fireworks display at Edgewater Park as opposed to igniting fireworks at home since such displays have potentially dangerous and injurious consequences; and

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

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

**Section 1.** That this Council of the City of Cleveland urges the Administration to reestablish the Fourth of July fireworks display at Edgewater Park.

**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 May 20, 2002.  
Effective May 23, 2002.

**Ord. No. 737-01.**  
**By Councilmen Gordon, Lewis and Patmon (by departmental request).**  
**An emergency ordinance to amend Sections 347.07, 343.11 and 347.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to repeal Section 225.07, as amended by Ordinance No. 653-92, relating to tattooing and body piercing.**

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

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

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

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

Section 347.07, as amended by Ordinance No. 876-97, passed June 16, 1997,

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

are hereby amended to read, respectively, as follows:

**Section 343.11 General Retail Business Districts**

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

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

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

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

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

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

C. The sale of apparel of all kinds;

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

E. The sale of other goods or merchandise;

F. Eating places of all types;

G. Service establishments: service establishments permitted in a Local Retail Business District without lim-

itation on the number of persons engaged in such work or business; mortuary or undertaking establishment; printing shop, provided not more than five persons are engaged in such work or business; research laboratory, radio or television station, telephone exchange or transformer station, provided all buildings and structures except fences and barriers are located not less than fifteen feet from a Residence District; hospital, sanitarium, convalescent home, rest home, nursing home, orphanage or home for the infirm or aged, provided that all main buildings are not less than fifteen feet from any adjoining premises in a Residence District not used for a similar purpose; cat and dog hospital or pet shop, provided noise and odors are effectively confined to the premises.

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

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

1. Service garage.

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

3. Parking lot.

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

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

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

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

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

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

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

M. Transportation services: railroad station; public service station;

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

N. Office, display or sales space of a wholesale, jobbing or distributing establishment and specifically mentioned as permitted only in a less restricted district, in connection with which not more than twenty-five percent of the floor area of the building or part of the building occupied by the establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise and provided that:

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

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

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

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

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

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

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

slaughtering room until removed from the premises.

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

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

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

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

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

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

(3) Hotels.

(4) Motels.

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

#### **Section 347.07 Adult Entertainment**

(a) Purpose. Based upon evidence and findings of negative secondary effects of adult entertainment uses presented in hearings before the Council and in studies from other communities, including the cities of Indianapolis and New York, the Council finds that adult entertainment uses in Cleveland cause negative secondary effects and has created this section to regulate adult entertainment uses to promote the health, safety, morals, and general welfare of the citizens of Cleveland by establishing reasonable and uniform regulations to prevent concentration of adult entertainment uses and location near specified other uses. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult enter-

tainment materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to adult entertainment materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult entertainment to their intended market. Additionally, it is not the intent or effect of this section to condone or legitimize the distribution of obscene material.

(b) Definitions. As used in this Zoning Code:

(1) "Specified sexual activities" means any of the following:

A. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;

B. sex acts, actual or simulated, including masturbation, intercourse, oral copulation or sodomy;

C. excretory functions as part of or in connection with any of the activities set forth in A and B above.

(2) "Specified anatomical areas" means:

A. Less than completely and opaquely covered: (1) human genitals, (2) pubic region, (3) buttocks, or (4) female breast below a point immediately above the top of the areola; or

B. Human male genitals in a discernably turgid state, even if completely and opaquely covered.

(3) "Adult Bookstore" or "Adult Video Store" means an establishment, which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

A. Books, magazines, newspapers, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions, slides, laser discs, compact discs or other visual representations, which are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or

B. Instruments, devices, or other paraphernalia, except prophylactic products, designed or marketed for use in connection with "specified sexual activities."

An establishment may have other principal business purposes that do not involve the offering for sale or rental material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purpose will not serve to exempt an establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the above specified materials.

(4) "Adult Motion Picture Theater" means a commercial establishment, regardless of capacity, where films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." This definition of adult motion picture theater does not include the definitions of adult video arcade and adult cabaret, which are separate uses.

(5) "Adult Video Arcade" means any place to which the public is permitted or invited wherein one or more enclosed or screened areas or booths are maintained wherein still or motion picture machines, projectors, video, compact or laser disc players or other image-producing devices are operated or maintained to show images to five or fewer persons per enclosed area or booth at any one time, and where the images so displayed are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(6) "Adult Cabaret" means a commercial establishment, including a nightclub, bar, restaurant or similar establishment, which regularly features persons who expose specified anatomical areas, or dancers, strippers or similar live entertainers in performances which are distinguished or characterized by the exposure of "specified anatomical areas" or by the depiction or description of "specified sexual activities," or films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by the depiction or description of "specified anatomical areas" or "specified sexual activities." This definition of adult cabaret does not include the definitions of adult live entertainment arcade or adult theater, which are separate uses.

(7) "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who expose "specified anatomical areas" or live performances which are distinguished or characterized by the exposure of "specified anatomical areas" or by the depiction or description of "specified sexual activities." This definition of adult theater does not include the definition of adult live entertainment arcade, which is a separate use.

(8) "Adult Live Entertainment Arcade" means any place to which the public is permitted or invited wherein one or more enclosed or screened areas or booths are maintained for viewing by five or fewer persons at any one time live entertainment such as a dance routine, strip performance or other similar entertainment, which live entertainment is distinguished or characterized by the exposure of "specified anatomical areas" or by the depiction or description of "specified sexual activities."

(c) Location. Uses defined in divisions (b)(3) Adult Bookstore, or Adult Video Store (b)(4) Adult Motion Picture Theater, (b)(5) Adult Video Arcade, (b)(6) Adult Cabaret, (b)(7) Adult Theater and (b)(8) Adult Live Entertainment Arcade of this section are designated "adult entertainment" uses. Where permitted in a use district, adult entertainment uses are subject to the following location restrictions:

(1) No adult entertainment use shall be established on a lot or lots within 1,000 feet of a residence district.

(2) No two adult entertainment uses shall be located in the same premises or on the same lot. An adult entertainment use may never

be an accessory use as that term is used in this Zoning Code.

(3) No adult entertainment use shall be established on a lot or lots within 1,000 feet of another lot or lots containing an existing adult entertainment use, or of a lot or lots where there is no building or structure, but for which a valid and current permit or certificate of occupancy is issued for an adult entertainment use.

(4) No adult entertainment use shall be established on a lot or lots within 1,000 feet of a pool or billiard hall or a video or pinball arcade or tattooing or body piercing establishment.

(5) No adult entertainment use shall be located on a lot or lots within 1,000 feet of a premises, which may be one or more lots, having as its principal use: a church, synagogue or mosque; special education, preschool, kindergarten, elementary, junior high or high school; education or training facility for mentally or physically disabled persons; public or nonprofit community center in which there are regular programs for minors; public library; public park; public recreation center; playground; hospital; clinic; infirmary; nursing or convalescent home; home for the aged; rest home; orphanage or day care center.

(d) Permit Applications. The City shall approve or disapprove the portion of the completed application requiring review under division (c) within thirty (30) calendar days of submission.

(e) Signs and Exterior Display. No adult entertainment use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" by display, decorations, sign, show window or other opening from any public view.

(f) Disseminating and Displaying Material Harmful to Juveniles. All adult entertainment uses shall comply with applicable state and local laws regarding the dissemination and display of material harmful to juveniles.

**Section 347.12 Amusement, Recreation, Tattooing and Body Piercing Uses**

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

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

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

(b) Where permitted in a particular use district, tattooing and body piercing uses, as described in Section 343.11(b)(2)P., are subject to the following location regulations:

(1) Separation. No such use shall be established within one thousand (1,000) feet of a residential district or day care center, kindergarten,

elementary or secondary school, public library, church, playground, public or nonprofit recreation center or community center.

(2) Spacing. No such use shall be established within one thousand (1,000) feet of another such use.

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

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

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

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

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

Section 347.07, as amended by Ordinance No. 876-97, passed June 16, 1997,

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

are hereby repealed.

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

Passed May 20, 2002.  
Effective May 22, 2002.

**Ord. No. 2021-01.**

**By Mayor White.**

**An emergency ordinance authorizing the Director of Port Control to issue credits against rent to Host International, under its Lease By Way of Concession, City Contract No. 33958, for certain improvements approved by the Director.**

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

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

**Section 1.** That the Director of Port Control ("Director") is hereby authorized to issue credits against rent to Host International, Inc. under its Lease By Way of Concession ("Lease"), City Contract No. 33958, for electrical upgrades on Concourse B and in the main terminal and for replacement of windows in the food court, all as approved by the Director. The cost of said improvements shall be credited against concession fees due the City under the Lease, in the amount of Three Hundred Seventy-Five Thousand Dollars (\$375,000) and shall be

amortized over a one year period beginning upon the effective date of this ordinance.

**Section 2.** That the Director is further authorized to execute any documents necessary and appropriate to issue such credits against rent.

**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 May 20, 2002.  
Effective May 23, 2002.

**Ord. No. 2163-01.**

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

**An emergency ordinance to repeal Sections 241.01 to 241.40 and 241.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances, relating to food shops and food handlers; and to supplement said codified ordinances by enacting new Sections 241.01 to 241.35 and 241.99 thereof, relating to food shops; and to repeal Sections 245.01 to 245.12 relating to frozen desserts.**

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

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

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

Sections 241.01 to 241.02, as enacted by Ordinance No. 511-76, passed June 14, 1976,

Sections 241.03, 241.04, 241.041, 241.05, 241.051 and 241.06, as amended by Ordinance No. 2025-2000, passed December 18, 2000,

Sections 241.07 and 241.08, as enacted by Ordinance No. 511-76, passed June 14, 1976,

Sections 241.09, as amended by Ordinance No. 2025-2000, passed December 18, 2000,

Sections 241.10, 241.11, 241.12, 241.13, 241.14, 241.15, 241.16, 241.17, 241.18, and 241.19, as enacted by Ordinance No. 511-76, passed June 14, 1976,

Section 241.20, 241.21, and 241.22, as amended by Ordinance No. 2025-2000, passed December 18, 2000,

Section 241.23, as enacted by Ordinance No. 511-76, passed June 14, 1976,

Section 241.232, as amended by Ordinance No. 430-93, passed June 14, 1993,

Section 241.24 and 241.25, as enacted by Ordinance No. 511-76, passed June 14, 1976,

Section 241.26 and 241.27, as amended by Ordinance No. 2025-2000, passed December 18, 2000,

Section 241.28, 241.29, 241.30, 241.31, 241.32, 241.33, 241.34, 241.35, 241.36, 241.37, 241.38, 241.39 and 241.40, as enacted by Ordinance No. 511-76, passed June 14, 1976,

Section 241.99, as amended by Ordinance No. 430-93, passed June 14, 1993, and

Sections 245.01 to 245.12, as enacted by Ordinance No. 2025-2000, passed December 18, 2000, are hereby repealed.

**Section 2.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 241.01 to 241.35 and 241.99 thereof, to read, respectively, as follows:

**CHAPTER 241  
FOOD SHOPS**

**Section 241.01 Rules and Regulations**

The Director of Public Health and Welfare is hereby authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this chapter. Such rules and regulations upon adoption, shall be published in the City Record for two consecutive weeks and shall be in effect on and after fifteen days from the second publication therein. Such rules and regulations shall have the force and effect of this chapter and continue in effect until revoked by the Director or by ordinance of Council.

**Section 241.02 Enforcement and Inspection**

The Commissioner of Environment, and any officer or employee designated for that purpose by the Commissioner are hereby charged with the enforcement of this chapter. Any such person shall have the right to enter and inspect any place where the business of food, drugs, cosmetics or devices is engaged in. No person shall refuse or hinder inspection, or fail to answer all reasonable questions relative to handling food, drugs, devices or cosmetics, or fail to furnish upon request any records deemed necessary for the enforcement of this chapter. The Commissioner may also take or cause to be taken for examination, free of charge, any food, drug, device or cosmetic, or component of such articles, for the detection of unwholesomeness, adulteration, misbranding or fraud, and he may embargo, condemn, forbid the sale of or cause to be destroyed any food, drug, device or cosmetic, or component thereof, which is unwholesome, adulterated, misbranded, fraudulent or detrimental to health.

**Section 241.03 Definitions**

(a) As used in this chapter: The definitions contained in Ohio Revised Code Chapter 3715 and Chapter 3717 pertaining to the administration and enforcement of food safety programs are hereby adopted and incorporated by the City of Cleveland as if set forth herein.

(b) "Food shop" applies to "retail food establishment" and "food service operation."

**Section 241.04 Quality and Labeling Standards**

(a) The definitions and standards of identity, the standard of quality, the standard of fill of container and the labeling requirements for any food sold or manufactured in the City shall be those established for interstate commerce by the United States Food and Drug Administration and Ohio Department of Agriculture.

(b) Unless otherwise specified in this chapter, the definitions and standards of identity and the labeling requirements for meat, meat by-

products and meat food products sold or manufactured in the City shall be those of the Ohio Department of Agriculture.

**Section 241.05 Food Shop Licenses and Fees; Food Vehicle Permit**

(a) No food shop shall be operated without the person, firm, association or corporation conducting such business first applying for and obtaining an annual license issued by the Commissioner of Assessments and Licenses. No business vehicle used regularly for the transportation, delivery, vending or peddling of food except a commercial carrier transporting food incidental to other deliveries, shall transport, deliver, vend or peddle food in the City without the owner obtaining an annual food vehicle permit for such vehicle.

(b) Ohio Revised Code Chapter 3715 and Chapter 3717, pertaining to the licensing administration and enforcement of food safety programs by the local licensing authority is hereby adopted and incorporated by the City of Cleveland as if set forth herein.

(c) For a food vehicle permit the annual fee shall be ten dollars (\$10.00).

(d) Food vehicle permits shall expire not later than the last day of February of the next ensuing year after issuance, and they shall not be transferable except in accordance with Section 3717.46 of the Revised Code.

(e) The holder of a food service operation license as defined by state law shall not be required to obtain a retail food establishment license except when the activities of a retail food establishment and a food service operation are carried on within the same facility by the same person or entity, then the determination of what license applies shall be made according to the primary business of the person or entity as determined by the licensor, the City of Cleveland Director of Public Health as described in Section 3717.44 of the Revised Code.

(f) For a mobile food service operation or mobile retail food establishment, the annual fee shall be Two Hundred Sixty-Three Dollars and Forty-Four Cents (\$263.44).

(g) For a vending food service operation, the annual fee shall be Twenty-Nine Dollars and Ten Cents (\$29.10).

(h) For a temporary food service operation and temporary retail food establishments, the fee shall be Twenty Dollars (\$20.00) per five-day event.

(i) The Commissioner of Assessments and Licenses may also collect fees for collection and bacteriological examination of samples taken from a food shop in an amount equal to the cost of such collection and examination as determined by the Commissioner of Environment.

(j) The Commissioner of Assessments and Licenses may also collect fees for plan reviews of food shops of an amount equal to thirty percent (30%) of the food shop license fee for said shops, except for plans pertaining to mobile or temporary food service operations or vending locations.

(k) The Commissioner shall submit all applications for a food shop license to the City of Cleveland Director of Public Health for

approval or disapproval of such application.

(l) The Commissioner is authorized to collect license fees for retail food establishments and food service operations and deposit such fees into a fund created pursuant to Sections 3717.25 and Section 3717.45 of the Revised Code.

(m) For purposes of this Section, noncommercial organizations are defined as organizations such as churches, or non-profit organizations operated exclusively for charitable purposes as defined in division (B)(12) of Section 5739.02 of the Revised Code, provided that displayed foods are not displayed for more than seven (7) consecutive days or more than fifty-two (52) separate days per year.

(n) For a food service operation, a penalty of twenty five percent (25%) of any license fee required by this section or fifty dollars (\$50.00), whichever is less must be paid prior to the issuance of the license if the required license fee is not paid on or before the date it is due.

(o) For a retail food establishment the penalty shall be as set forth in ORC 3717.23.

**Section 241.06 License or Permit Disapproval; Revocation; Suspension; Appeals**

(a) The Commissioner of Environment shall have the power to order the disapproval of an application for a license or permit, or the revocation of any license or permit for a period of up to thirty (30) days, if the applicant licensee or permit holder does not comply with all the sanitary laws of this chapter or makes false statements in connection with any license or permit.

(b) The Commissioner of Environment may disapprove an application for license or permit, or suspend any license or permit for a period of up to thirty (30) days, if the applicant licensee or permit holder is charged with the fraudulent issuance or use of food stamp coupons in violation of federal, state or local laws, including but not limited to 7 U.S.C. Section 2016, RC 2913.46 and 5101.54; or the fraudulent issuance of use of "WIC" coupons in violation of Section 625.27; or, violation of federal drug abuse or drug paraphernalia laws, state drug abuse or drug paraphernalia laws pursuant to RC Chapter 2925, et seq., or local drug abuse or drug paraphernalia laws pursuant to Codified Ordinance Chapter 607, et seq. Any suspension under this division (b) of this section shall take effect only after a hearing before the Commissioner of Environment.

(c) The Commissioner of Environment shall revoke any license or permit if the applicant licensee or permit holder is convicted of violating any one of the laws set forth in division (b) of this section.

(d) Upon receipt of notice from the Commissioner of Environment that an application for a license or permit has been disapproved, or that a license or permit has been revoked or suspended, the Commissioner of Assessments and Licenses shall forthwith notify the applicant for such license or permit of such disapproval, or revoke or suspend the license or permit, as the case may be.

(e) Upon notice of disapproval of an application for a license or permit, or upon the revocation, or suspension of a license or permit, the applicant, licensee or permit holder may appeal such order as provided in Sections 3717.29 and 3717.49 of the Ohio Revised Code and in conformance with the rules of procedure adopted thereunder. In such cases, the Commissioner of Environment is charged with presiding over the hearing and is authorized to render a decision denying, suspending or revoking a license, or render a decision removing or continuing a suspension. All other appeals may be made to the Board of Zoning appeals as established pursuant to Charter Section 76-6. Appeals to the Board of Zoning appeals shall be in writing and delivered to the secretary of the Board within ten (10) days from the making of the order appealed from. The Board shall fix the time of hearing such appeal and shall sustain, modify or disapprove such order in which the appeal has been perfected.

(f) If a food shop license or permit has been revoked due to a violation of any one of the laws set forth in division (b) of this section, then such food shop may not reapply for a license or permit to operate such business at the same location for a period of six (6) months after the date of the revocation.

**Section 241.07 Display of License and Permit**

Every license issued according to this chapter shall be displayed in a conspicuous place upon the wall and close to the entrance of the premises where such business is conducted. Food vehicles shall have displayed the name and address of the business on the side on such vehicle in letters at least two inches high and shall have displayed in conformity with Section 3717.23 of the Ohio Revised Code on such vehicle a food vehicle permit issued by the Commissioner of Assessments and Licenses.

**Section 241.08 Food Shop Sanitation**

Every food shop and all parts thereof and appurtenant thereto, shall be kept clean and sanitary at all times and free from any accumulation of filth and waste material.

**Section 241.09 Food Handling Premises to be Free of Insects and Rodents**

All buildings and portions of buildings in which food is prepared, stored or served shall be of rat-proof construction and insect and rodent free. When flies are prevalent, all openings to the outer air shall be effectively screened and doors shall be self-closing unless other effective means are provided to prevent their entrance.

**Section 241.10 Animals Prohibited**

No live animals shall be brought into, or kept in any room in which food is prepared, processed, stored or served except that guide dogs accompanying their blind masters may not be prohibited.

**Section 241.11 Walls, Ceilings, Floors; Light and Ventilation**

The walls and ceilings of food shops shall be of smooth construc-

tion and easily cleanable material and shall be kept clean, in good repair and well-painted. Floors shall be of impervious material and smooth construction and shall be kept clean. Rooms where food is handled shall be well-ventilated and food preparation and utensil washing areas shall be adequately lighted and sufficient in size for their purpose.

**Section 241.12 Water Supply**

Every food shop shall have running hot and cold water, abundant in supply and under adequate pressure supplied to conveniently located sinks, and if necessary, other devices for the processing of food and washing of equipment. The water shall be of safe, sanitary quality.

**Section 241.13 Sanitary Facilities**

(a) Every food shop shall be provided with adequate toilet facilities. Such facilities shall be clean, in good repair and properly ventilated. All toilet room doors shall be tight fitting and self-closing and no toilet room shall open directly into any room where food is prepared or served. Conveniently located hand-washing facilities shall be provided for all toilet rooms, including wash bowl supplied with running hot and cold water, soap and sanitary towels or other approved drying facilities. Such hand-washing facilities shall not be used for the washing of food or food equipment. No employee shall resume work after using the toilet room without washing his hands. When deemed necessary, auxiliary hand-washing facilities shall be provided in the food preparation area.

(b) No clothing shall be kept in an objectionable manner in any food shop and when deemed necessary, suitable dressing rooms shall be provided for employees.

**Section 241.14 Equipment and Utensils**

All equipment in food shops shall be designed, constructed and so placed as to be easily cleanable, and shall be in good repair and kept clean. No utensils shall be made wholly or in part of lead, cadmium or other substances which food may affect to form dangerous or unwholesome substances. Utensils shall be stored and handled in a manner to prevent contamination. Drying cloths, table cloths and napkins shall be clean and used only for their intended purposes.

**Section 241.15 Wastes**

All food shop wastes, whether liquor or solid, combustible or non-combustible, whether inside or outside the shop, shall be kept in such a manner as not to become a nuisance. All stored garbage and rubbish shall be kept in suitable, tightly covered containers.

**Section 241.16 Living and Sleeping Quarters**

No building or portion of a building where food is prepared for sale shall be used for living purposes unless the portion of the building so used is separated from the food shop. There shall be no direct opening between rooms where food is stored, prepared or served to the public, and rooms used for living purposes.

**Section 241.17 Offensive Substances and Odors**

In any room where food is processed, no barbering, shoe repairing, laundering or other operation where offensive substances or odors may be set free, shall be allowed.

**Section 241.18. Reserved.**

**Section 241.19 Transportation**

No food shall be transported unless it is so covered that it is protected from dust, dirt, insects and other contaminating substances. Every vehicle transporting food shall be kept in a clean, sanitary condition.

**Section 241.20 Display**

No food shall be displayed in, upon or over any street, alley, sidewalk, or other public place in the City, except in districts designated by the City as market districts. Produce or other foodstuffs displayed outside on the food shop's property shall be displayed so as to be protected from contamination.

**Section 241.21 Licensing Outdoor Restaurants: Procedure and Fee**

(a) To provide for issuance of annual licenses by the Commissioner of Assessments and Licenses and to direct the Director of Public Health to develop rules for such operations not inconsistent with state statutes and regulations, application shall be accepted by the Commissioner of Assessments and Licenses from restaurants, the approval of which will allow them to serve food and beverages outdoors.

(b) Each license application shall have included with it a sketch of the premises showing what outdoor areas are proposed to be used for the serving of food and beverages.

(c) Before any food shop may expand its operation to an outdoor area, it must submit a new application and new sketch of the premises to the Commissioner of Assessments and Licenses and obtain approval as required herein.

(d) This section shall in no way supercede any applicable portions of City or state health regulations.

(e) On the approval of the application by the Commissioner of Environment, the Commissioner of Assessments and Licenses shall issue the food shop license. Denial of a food shop license may be appealed to the Board of Zoning Appeals.

(f) After issuance of the food shop license, each applicant must submit an application for a permit pursuant to Chapter 513 of these codified ordinances.

**Section 241.22 Adulterated or Misbranded Food**

No person, firm or corporation shall sell, keep for sale, store or serve any food or drink that is unclean, unwholesome, spoiled, unfit for human consumption, adulterated, misbranded, not labeled if required to be labeled or which does not conform to standard. All milk, milk products, frozen desserts, meat, meat by-products and meat food products, shellfish and ice shall be from approved, inspected sources.

**Section 241.23 Cleanliness of Food Handlers**

All food handlers shall be clean in their habits and shall wear clean

garments. When deemed necessary, food handlers shall wear caps, nets or other hair coverings when preparing or serving food. Food handlers shall not expectorate or use tobacco in any form in rooms where food is prepared or served.

**Section 241.24 Adulterated or Misbranded Drugs or Cosmetics**

No person, firm or corporation shall sell or offer for sale in the City any drug, cosmetic or device that is adulterated, misbranded or fraudulent.

**Section 241.25 Vending Machines**

(a) No person shall employ a coin-operated or other mechanical dispensing device for vending of food or drink unless the machine is constructed of suitable material and designed for easy, thorough cleaning and sanitizing and is maintained in clean, sanitary surroundings. Each machine shall be filled with wholesome ingredients, handled under sanitary conditions and transported in a clean, sanitary manner.

(b) Food in vending machines shall not be admixed with any trinket, prize or other similar novelty made of plastic, metal or other non-nutritive substances.

(c) Whenever requested by the official charged with the enforcement of this chapter, the owner or operator of such mechanical devices for dispensing food and drink, or his representatives, shall assist in making inspection of the interior of such machines at all reasonable hours.

**Section 241.26 Sources of Poultry and Game**

No poultry or game shall be brought into the City for sale except in conformity with all applicable Federal and State and City laws and regulations including Chapters 3715 and 3717 of the Ohio Revised Code.

**Section 241.27 Sale of Poultry by Weight**

Poultry shall be sold by weight only.

**Section 241.28 Inspections Required**

(a) No person, firm or corporation shall sell, keep for sale, store or deliver within the City any meat, meat by-product or meat food product that is adulterated, mislabeled or not labeled if required to be labeled.

(b) No uninspected meat, meat by-product or meat food product shall be sold, kept for sale, stored or delivered within the City, and no meat, meat by-product or meat food product shall be brought into the City from any plant or place not having Federal inspection, State inspection or inspection by any other acceptable official agency.

**Section 241.29 Standards for Hamburg or Hamburger**

(a) As used in this chapter, "hamburger" or "hamburger" means comminuted fresh or fresh frozen skeletal beef, with or without the addition of beef fat as such, containing not more than a total of thirty percent beef fat or suet, as determined by chemical analysis.

(b) No person, firm, partnership, corporation or association shall display, sell or offer for sale any hamburger or hamburger containing ex-

cessive fat, added chemicals, preservatives, coloring matter or any other matter than beef, beef fat or suet, except that salt, pepper and other seasoning may be added in conditional proportions.

**Section 241.30 Standards for Ground Beef, Ground Steak, Ground Chuck, Chopped Beef, Chopped Steak, etc.**

(a) As used in this chapter, "ground beef," "ground meat," "ground steak," "ground chuck," "chopped beef," "chopped steak," and similar comminuted beef products means comminuted fresh or fresh frozen skeletal beef, without the addition of beef fat as such, containing not more than a total of thirty percent beef fat, or suet as determined by chemical analysis.

(b) No person, firm, partnership, corporation or association shall display, sell or offer for sale any ground beef, ground meat, ground steak, ground chuck, chopped beef, chopped steak and similar comminuted beef products containing excessive fat, added chemicals, preservatives, coloring matter or any other matter except that salt, pepper and other seasoning may be added in conditional proportions.

**Section 241.31 Standards for Pork Sausage and Breakfast Sausage**

(a) As used in this chapter, "pork sausage" means comminuted fresh or smoked pork with fat content not more than fifty percent either in casing or bulk, with or without the addition of seasoning. "Breakfast sausage" shall be composed of fresh or cured meat and fresh fat, with a fat content not more than fifty percent. It may be derived from trimmings or beef, pork, veal, lamb or mutton. It may be seasoned and smoked.

(b) No person, firm, partnership, corporation or association shall display, sell or offer for sale any pork sausage or breakfast sausage which contains excessive fat or which contains preservative.

(c) When comminuted meat contains any pork, it shall be labeled as containing pork.

**Section 241.32 Enforcement Requiring Extra Services; Costs**

Whenever the enforcement of the provisions of this chapter requires extraordinary services, the person, firm or corporation requesting such extraordinary services shall pay the cost of such services as determined by the Department of Public Health and Welfare.

**Section 241.33 Perishable Food Labeling**

(a) "Person" means any individual, partnership, partner, firm, company, corporation, association or any other legal entity, or their legal representatives, assigns, employees or successors.

(b) "Perishable Food" means any food which has not been frozen, canned or dried, and which has not been prepared by the seller of the food for human consumption without further preparation or cooking.

(c) No person shall sell or offer for sale to another person in the City of Cleveland, for human consumption, perishable food:

(1) if the perishable food is marked by a sell-by-date, later than six months after said sell-by-date; or

(2) if the perishable food is marked by a sale expiration date, later than said sale expiration date.

(d) No person shall sell or offer for sale to another person in the City of Cleveland, for human consumption, perishable foods which at one time were marked with a sell-by-date or sale expiration date, if such sell-by-date or sale expiration date has been falsified, removed, concealed, altered, defaced or erased.

(e) No person shall sell or offer for sale to another person in the City of Cleveland, for human consumption, perishable food which had at one time been frozen unless a sign has been conspicuously posted which states that the food had been previously frozen and unless the words "PREVIOUSLY FROZEN" appear on all labels and signs on which the price for the food is listed in lettering no less than one half the size of the price. As used in this division, "conspicuously posted sign" means a sign no less than two feet by two feet in size and visible to customers.

(f) Nothing in this section shall limit or alter the prohibitions and requirements regarding adulterated or misbranded food.

**Section 241.34 Safe Food Sanitation Standards**

The definitions and standards for safe sanitation in retail food establishments and food service operations shall be any established as the Ohio Uniform Food Safety Code, promulgated by The Ohio Director of Agriculture and Ohio Public Health Council pursuant to Section 3717.05 of the Revised Code.

**Section 241.35 Categories and Fees**

(a) Each application to the Commissioner of Licenses and Assessments for a food service operation license required pursuant to Section 3717.43 of the Revised Code, or for a retail food establishment license required pursuant to Section 3717.23 of the Revised Code shall be accompanied by a combined license and inspection fee as follows:

(1) Food Service Operations and Retail Food Establishments less than 25,000 square feet of floor space:

Risk Level	Fee
Level I	\$ 140.00
Level II	176.00
Level III	398.00
Level IV	450.00

(2) Food Service Operations and Retail Food Establishments greater than 25,000 square feet of floor space:

Risk Level	Fee
Level I	\$ 219.00
Level II	260.00
Level III	899.00
Level IV	942.00

(3) Non-Commercial Food Service Operations and Non-Commercial Retail Food Establishments less than 25,000 square feet of floor space:

Risk Level	Fee
Level I	\$ 70.00
Level II	88.00
Level III	199.00
Level IV	225.00

(4) Non-Commercial Food Service Operations and Non-Commercial Retail Food Establishments greater than 25,000 square feet of floor space:

Risk Level	Fee
Level I	\$ 109.50
Level II	130.00
Level III	444.50
Level IV	471.00

(b) The risk level categories described herein shall have the meaning established in any rules promulgated pursuant to Chapters 3715 and 3717 of the Ohio Revised Code.

#### Section 241.99 Penalty

Unless otherwise specified in this chapter, whoever violates any of the provisions of this chapter, or of any provisions amending or supplementing such provisions, shall be guilty of a first degree misdemeanor and fined no more than One thousand Dollars (\$1,000.00) or imprisoned for not more than six months, or both.

**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 May 20, 2002.

Effective May 23, 2002.

#### Ord. No. 278-02.

**By Councilmen Westbrook, Cimperman and Jackson (by departmental request).**

**An emergency ordinance to amend the title and Section 1 of Ordinance No. 1013-01, passed July 18, 2001; to supplement said ordinance by adding new Sections 2 and 3; and to renumber existing Sections 2 and 3 to new Sections 4 and 5, relating to wetland and stream mitigation programs for the Department of Port Control.**

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

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

**Section 1.** That the title and Section 1 of Ordinance No. 1013-01, passed July 18, 2001, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Port Control to enter into agreements with public authorities to pay or reimburse directly related costs incurred by such entities for the purpose of implementing the wetland and stream mitigation programs, including but not limited to stormwater improvements at Milligan Gardens, for the Department of Port Control; determining the method of making the public improvement of constructing wetland and stream mitigation improvements if a public authority does not do so; and authorizing the Director of Port Control to enter into contract for the making of such improvement.

**Section 1.** That the Director of Port Control is hereby authorized to

enter into agreements with public authorities necessary to pay or reimburse directly related costs incurred by such entities for the purpose of implementing the wetland and stream mitigation programs, including but not limited to stormwater improvements at Milligan Gardens, as required by federal or State statutes, regulations, permits, or orders in an amount not to exceed Eight Million Dollars (\$8,000,000).

**Section 2.** That the existing title and Section 1 of Ordinance No. 1013-01, passed July 18, 2001, are hereby repealed.

**Section 3.** That Ordinance No. 1013-01, passed July 18, 2001, is hereby supplemented by enacting new Sections 2 and 3 to read, respectively, as follows:

**Section 2.** That provided a public authority will not be implementing the wetland and stream mitigation program, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing wetland and stream mitigation improvements, for the Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement. That the design for the project to be implemented shall be reviewed by the Design Review Committee and the City Planning Commission.

**Section 3.** That provided a public authority will not be implementing the wetland and stream mitigation program, the Director of Port Control is hereby authorized to enter into contract for the making of the above public improvement responsible bidder after competitive bidding for a gross price. Upon request of said Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

**Section 4.** That existing Sections 2 and 3 of Ordinance No. 1013-01, passed July 18, 2001, are hereby renumbered, respectively, to new Sections 4 and 5.

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

Passed May 20, 2002.

Effective May 23, 2002.

#### Ord. No. 474-02.

**By Councilmen Cimperman, Johnson and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the 2002 Urban Parks and Recreation Recovery Program, for the rehabilitation of Lincoln Park; determining the method of making the public improvement of rehabilitating Lincoln Park and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.**

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

a municipal department; now, therefore,

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to apply for and accept a grant in the amount of \$480,000.00, from the 2002 Urban Parks and Recreation Recovery Program for the rehabilitation of Lincoln Park, for the purposes set forth in the application and according thereto; that the Director of Parks, Recreation and Properties is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 474-02-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects, including the obligation of the City of Cleveland to provide cash matching funds in a sum not to exceed \$206,000, from Fund Nos. 10 SF 166 and 20 SF 370 and from the fund or funds which are credited the proceeds of the sale of 2002 general obligation bonds which include this purpose.

**Section 3.** That pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating Lincoln Park for the Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 4.** That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

**Section 5.** That the cost of said improvement hereby authorized shall be paid from fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance and cash from matching funds committed pursuant to Section 2 of this ordinance. (RL 107951)

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

Passed May 20, 2002.

Effective May 23, 2002.

#### Ord. No. 589-02.

**By Councilmen Westbrook and Jackson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of gate operating devices and parts necessary to maintain, repair or replace existing gate operating devices, for the various divisions of the Department of Port Control.**



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

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

**Section 1.** That the Director of Port Control is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of gate operating devices and parts necessary to maintain, repair or replace existing gate operating devices in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 109751)

**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 May 20, 2002.  
Effective May 23, 2002.

**Ord. No. 590-02.**  
**By Councilmen Westbrook and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Port Control to employ one or more consultants or one or more firms of consultants to provide professional services necessary to conduct annual audits of select vendors and concessionaires for Fiscal Year 2002 for the various divisions of the Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to employ by contract one or more consultants or one or more firms of consultants to provide professional services necessary to conduct annual audits of select vendors and concessionaires for Fiscal Year 2002 for

the various divisions of the Department of Port Control.

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

**Section 2.** That the costs for such contract herein authorized shall be paid from Fund No. 60 SF 001, Request No. 113523.

**Section 3.** That the Director of Port Control shall prepare a report summarizing the findings of each audit conducted pursuant to this ordinance and provide a copy of the report to the Aviation & Transportation Committee.

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

Passed May 20, 2002.  
Effective May 23, 2002.

**Ord. No. 591-02.**  
**By Councilmen Westbrook and Jackson (by departmental request).**  
**An emergency ordinance authorizing the purchase by requirement contract of work uniforms, for the various divisions of the Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of work uniforms in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which

purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 113518)

**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 May 20, 2002.  
Effective May 23, 2002.

**Ord. No. 592-02.**  
**By Councilmen Westbrook and Jackson (by departmental request).**  
**An emergency ordinance authorizing the purchase by requirement contract of air filters and related parts necessary to maintain air handling units, for the various divisions of the Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary air filters and related parts to maintain air handling units, in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 109741)

**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 May 20, 2002.  
Awaiting the approval or disapproval of the Mayor.

**Ord. No. 594-02.**  
**By Councilmen Reed and Jackson**  
**(by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair overhead doors, for the Division of Fire, Department of Public Safety, for a period not to exceed one year.**

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

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

**Section 1.** That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of labor and materials necessary to repair overhead doors, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Fire, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 116265)

**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 May 20, 2002.  
 Effective May 23, 2002.

**Ord. No. 637-02.**  
**By Councilmen Cimperman, Gordon, Johnson, White and Jackson**  
**(by departmental request).**

**An emergency ordinance authorizing the Directors of Community Development and Parks, Recreation and Properties to operate the City-owned parking lots located on the northeast and southeast corners of St. Clair Avenue and East 12th Street; and to amend Section 133.331 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1828-95, passed December 18, 1995, relating to parking fees for Community Development surface lots.**

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 Directors of Community Development and Parks, Recreation and Properties are hereby authorized to operate the City-owned parking lots located on the northeast and southeast corners of St. Clair Avenue and East 12th Street and to employ the necessary employees for the management and operation of the lots referenced herein.

**Section 2.** That the costs for such City employees contemplated herein shall be paid from the fees collected from the operation of the parking lots referenced above and such fees collected are appropriated as follows:

Personnel.....	\$197,392
Other.....	\$ 40,720.

**Section 3.** That Section 133.331 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1828-95, passed December 18, 1995, is hereby amended to read as follows:

**Section 133.331 Parking Fees for Community Development and Parks, Recreation and Properties Surface Lots**

The Commissioner of Parking Facilities shall collect fees and charges at surface parking lots under the control of the Departments of Community Development and Parks, Recreation and Properties in accordance with the following schedule:

- (a) Daily rate (flat rate-pay enter) up to \$10.00;
- (b) Special rate (flat rate-pay enter) up to \$15.00;
- (c) Monthly rate (flat rate-pay enter) up to \$140.00 per month.

**Section 4.** That Section 133.331 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1828-95, passed December 18, 1995, is hereby repealed.

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

Passed May 20, 2002.  
 Awaiting the approval or disapproval of the Mayor.

**Ord. No. 676-02.**  
**By Councilmen Westbrook and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to enter into a requirement contract with SimplexGrinnell for the maintenance, repair and upgrade of current access control, fire and security systems, including CCTV equipment, for the Division of Cleveland Hopkins International Airport, Department of Port Control.**

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 hereby determined that the within commodities are non-competitive and cannot be secured from any source other than SimplexGrinnell. Therefore, the Director of Port Control is hereby authorized to make a written requirement contract with said SimplexGrinnell, for the maintenance, repair and upgrade of current access control, fire and security systems, including CCTV equipment, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 113516)

**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 May 20, 2002.  
 Effective May 23, 2002.

**Ord. No. 678-02.**  
**By Councilman Cimperman.**  
**An emergency ordinance to vacate a portion of West 10th Street hereinafter described.**

Whereas, on the day of December 10, 2001, the Council of the City of Cleveland adopted Resolution No. 2200-01 declaring its intention to vacate a portion of West 10th Street, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 2200-01 has been served upon the owners of all the property abutting West 10th Street affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 9th day of April 9, 2002, the Board of Revision of Assessments approved the vacation of West 10th Street, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating West 10th Street, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of the following described real property; situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being all that portion of the Easterly (25.00 feet) of West 10th Street (50.00 feet wide) extending Southerly 55.00 feet from the most Southerly line of West 10th Street (50.00 feet wide) vacated by the Council of the City of Cleveland by Ordinance Number 392-63, passed by the Council of the City of Cleveland, on August 15, 1963, be and the same is hereby vacated.

**Section 2.** That there be and hereby is reserved to the City of Cleveland an easement for existing Division of Water equipment.

The description of the easement is as follows:

That portion of the Easterly (25.00 feet) of West 10th Street (50.00 feet wide) extending Southerly 55.00 feet from the most Southerly line of West 10th Street (50.00 feet wide) vacated by the Council of the City of Cleveland, on August 15, 1963.

That no structures shall be hereinafter erected on the premises described in this easement except those constructed in accordance with the approval of, and in compliance with, plans approved by the Commissioner of the Division of Water, of the City of Cleveland.

**Section 3.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of West 10th Street, herein provided by sending him a copy of this Ordinance.

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

Passed May 20, 2002.  
Effective May 23, 2002.

**Ord. No. 723-02.  
By Councilman Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to enter into contract without competitive bidding with Sybase, Inc. for the purchase of software support and maintenance of MITIS software, for the Division of Taxation, Department of Finance, for a period of one year, with two one-year options to renew.**

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 hereby determined that the within services are non-competitive and cannot be secured from any source other than Sybase, Inc. Therefore, the Director of Finance is hereby authorized to make a written contract with said Sybase upon the basis of their proposal dated July 27, 2001, for software support and maintenance of MITIS software, for a one year term commencing upon execution of a contract, with two (1) year options exercisable by the Director of Finance, to renew for an additional one-year term, and cancelable upon thirty days written notice by said Director, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Taxation, Department of Finance.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 81 SF 001, Request No. 106654.

**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 May 20, 2002.  
Effective May 23, 2002.

**Ord. No. 724-02.  
By Councilmen Westbrook and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to enter into contract with Raytheon Systems Company for professional services necessary to conduct a site preparation and installation report and a site evaluation survey report at Cleveland Hopkins International Airport to support the installation of a precision runway monitor at said airport.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to enter into contract with Raytheon Systems Company for professional services necessary to conduct a site preparation and installation report and a site evaluation survey report at Cleveland Hopkins International Airport to support the installation of a precision runway monitor at said airport on the basis of their proposal dated April 19, 2002, in the total sum of \$500,000.00, payable from any funds or subfunds to which are credited any federal grants for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request No. 118194.

**Section 2.** That upon execution of the contract authorized in Section 1 of this Ordinance, the Director of Port Control shall notify the Chairman of the Aviation & Transporta-

tion Committee of the funds used to certify the contract.

**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 May 20, 2002.  
Effective May 23, 2002.

**Ord. No. 726-02.  
By Councilman Cimperman.  
An emergency ordinance authorizing the Director of Public Service to issue a permit to Mr. Joel Cole, President of Network Parking, to encroach into the right-of-way of Broom Court N.W. with parking and landscaping for the development of this area.**

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

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

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Mr. Joel Cole, President of Network Parking, Suite 848, Terminal Tower, 50 Public Square, Cleveland, Ohio 44113, their successors and assigns, for the construction, use and maintenance of parking and landscaping areas for the development of this area, which will encroach into the public right-of-way of Broom Court N.W. at the location described as follows:

**LEGAL DESCRIPTION/PROPOSED ENCROACHMENT AREA OF BROOM COURT N.W.**

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Original Two Acre Lot Nos. 55 and 56, bounded and described as follows:

Beginning at a 5/8" iron pin monument found at the intersection of the centerlines of West St. Clair Avenue (99.00 feet wide) and West 3rd Street (formerly Seneca Street) (99.00 feet wide);

Thence South 33°-49'-30" East along the centerline of West 3rd Street, 223.43 feet to the intersection of the centerline of Broom Court N.W. (16.50 feet wide);

Thence South 56°-09'-10" West along the centerline of Broom Court, 49.50 feet to a point on the Southwesterly line of West 3rd Street, projected and the principal point of beginning;

Thence North 33°-49'-30" West along the Northwesterly projection of the Southwesterly line of West 3rd Street, 8.25 feet to the intersection of the Southwesterly line of

West 3rd Street and the Northwest-erly line of Broom Court;

Thence South 56°-09'-10" West along the Northwesterly line of Broom Court, 216.58 feet to a point on the Southwesterly line of afore-said Original Lot No. 55, and the Northeastly corner of land conveyed to System Parking Inc. by deed dated February 11, 1983 and recorded in Volume 83-0036, Page 143 of Cuyahoga County Records;

Thence South 33°-46'-42" East along the Southwesterly line of Original Lot No. 55 and the North-easterly line of land so conveyed, 16.50 feet to a point on the South-easterly line of Broom Court;

Thence North 56°-09'-10" East along the Southeasterly line of Broom Court, 216.60 feet to the Southwesterly line of West 3rd Street;

Thence North 33°-49'-30" West along the Northwesterly projection of the Southwesterly line of West 3rd Street, 8.25 feet to the principal place of beginning and containing 0.0820 acres of land as calculated and described by The North Coast Engineering and Surveying Co., Inc. in July of 2001, be the same more or less, but subject to all legal high-ways.

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

**Section 3.** That the permit herein authorized shall reserve reasonable right of entry to the City of Cleve-land; and that said Permit shall require Permittee to provide Commercial General Liability Insur-ance, including Completed Opera-tions Coverage, and that Permittee shall maintain the permitted encroachment area, and that the Permittee shall pay any applicable taxes and assessments due and/or owing on the permitted encroach-ment area.

**Section 4.** That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleve-land has been properly indemnified

against any and all loss which may result from said permit.

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

Passed May 20, 2002.

Effective May 23, 2002.

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**Ord. No. 730-02.**

**By Councilmen Lewis and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Ceridian Benefits Services (formerly Applied Benefits Research, Inc. dba COBRASERV) for professional services necessary to administer the City's COBRA program for the Department of Personnel and Human Resources, for a period of one year, with a one-year option to renew.**

Whereas, this ordinance consti-tutes an emergency measure provid-ing for the usual daily operation of a municipal department; now, there-fore,

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

**Section 1.** That the Director of Personnel and Human Resources is hereby authorized to enter into contract with Ceridian Benefits Ser-vices (formerly Applied Benefits Research, Inc. dba COBRASERV) for professional services necessary to administer the City's COBRA program on the basis of its pro-posal dated March 15, 2002, for a period of one year, with an option to renew for an additional one-year period, exercisable by the Director of Personnel and Human Re-sources.

**Section 2.** That the costs for such services shall be paid from Fund No. 01-040201-632400, Request No. 107512.

**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 May 20, 2002.

Effective May 28, 2002.

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**Ord. No. 731-02.**

**By Councilmen Lewis and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Integrated Consul-tant Services, Ltd. to provide work-ers' compensation actuarial and auditing services for the Depart-ment of Personnel and Human Resources, for a period of six months, for one six-month option to renew.**

Whereas, this ordinance consti-tutes an emergency measure provid-ing for the usual daily operation of a municipal department; now, there-fore,

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

**Section 1.** That the Director of Personnel and Human Resources is hereby authorized to enter into contract with Integrated Consulting Services, Ltd. to provide workers' compensation actuarial and auditing services on the basis of their proposal dated November 21, 2001, for a six-month term commencing upon execution of a contract, with one (1) option exercisable by the Director of Personnel and Human Resources, to renew for an addi-tional six-month term, upon the pas-sage of an ordinance by City Coun-cil and cancelable upon thirty days written notice by said Director, payable from Fund No. 01-040201-632000, Request No. 107505, for the Department of Personnel and Human Resources.

**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 May 20, 2002.

Effective May 23, 2002.

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**Ord. No. 853-02.**

**By Councilmen Lewis and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Personnel and Human Resources to accept allocations of grants from the State of Ohio Department of Jobs and Family Services, under the Workforce Investment Act, Title I; to appropriate funds to provide for administration of the 2003 Workforce Investment Act Programs by the Department of Personnel and Human Resources; and to enter into contracts with various entities necessary to implement the program.**

Whereas, the Workforce Investment Act of 1998, Public Law 105-220 ("WIA"), the purpose of which is to "pro-vide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by partici-pants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the pro-ductivity and competitiveness of the Nation"; and

Whereas, in accordance with the WIA, the Governor of the State of Ohio has designated Ohio Workforce Areas for the WIA throughout Ohio and the Governor has designated the geographic boundaries of the City of Cleve-land ("City") as Ohio Workforce Area (OWA) No. 3; and

Whereas, in accordance with the agreement required by the WIA and approved by the Governor, for the WIA Program Year ("PY") 2003 for the period of July 1, 2002 through June 30, 2004, between the Chairman of the Workforce Investment Board of Cleveland ("WIBC") and the City, the City has been designated the WIA grant recipient; administrative entity; and OWA No. 3; and

Whereas, the Secretary of the United States Department of Labor has issued allotments of the WIA funds to the Ohio Department of Jobs and Family Services which has issued allocations under WIA Title I to the City for PY 2003 subject to the approval of the Local Workforce Investment Plan; and

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

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

**Section 1.** That the Director of Personnel and Human Resources is hereby authorized to accept the following allocations of grants from the State of Ohio Department of Jobs and Family Services under the WIA, Title I - Workforce Investment Systems for the delivery of allowable program services to eligible individuals, and to credit said grants to the fund and subfunds designated herein:

<u>GRANT NAME</u>	<u>FUND</u>	<u>AMOUNT</u>
Youth Activities	16 SF 203	\$8,442,269.00
<ul style="list-style-type: none"> <li>● Occupational Skills Training</li> <li>● On-The-Job Training</li> <li>● Customized Training</li> <li>● Paid Work Experience</li> <li>● Supportive Services</li> <li>● Job Readiness Training</li> <li>● Follow-up/Mentoring</li> <li>● Job Development</li> <li>● Job Fairs, WIB Meetings, Providers Meetings, Employee Recognition</li> <li>● Workshops/Counseling</li> </ul>		
Adult Employment and Training	16 SF 203	\$7,628,269.00
<ul style="list-style-type: none"> <li>● Occupational Skills Training</li> <li>● On-The-Job Training</li> <li>● Customized Training</li> <li>● Paid Work Experience</li> <li>● Specialized Population</li> <li>● Supportive Services</li> <li>● Job Readiness Training</li> <li>● Follow-up</li> <li>● Job Development</li> <li>● Job Fairs, WIB Meetings, Providers Meeting, Employee Recognition</li> <li>● Workshops/Counseling</li> </ul>		
Dislocated Worker Employment and Training	16 SF 203	\$4,314,420.00
<ul style="list-style-type: none"> <li>● Occupational Skills Training</li> <li>● On-the-Job Training</li> <li>● Customized Training</li> <li>● Paid Work Experience</li> <li>● Supportive Services</li> <li>● Job Readiness Training</li> <li>● Follow-Up</li> <li>● Job Development</li> <li>● Job Fairs, WIB Meetings, Providers Meetings, Employee Recognition</li> <li>● Workshops/Counseling</li> </ul>		
<b>TOTAL</b>		<b>\$20,384,958.00</b>

The Director of Personnel and Human Resources is hereby authorized to file all papers and execute all documents necessary to accept and receive the funds under said grants.

**Section 2.** That the following sums from the grant specified in this ordinance are hereby appropriated for the purposes set forth in the grant agreement.

**Section 3.** That the Director of Personnel and Human Resources is hereby authorized to enter into contracts with various entities to provide services under the Workforce Investment Act, which shall include services for youth, adult employment and training services and services related to dislocated worker employment and training.

**Section 4.** That the total aggregate cost of the contracts authorized above shall not exceed \$20,384,958.00 and shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance and are hereby appropriated for this purpose.

**Section 5.** That the 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 May 20, 2002.

Effective May 23, 2002.

**Ord. No. 923-02.**  
**By Councilmen Britt and Jackson**  
**(by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to enter into a license agreement with the County of Cuyahoga for the use of garage space necessary to store vehicles for the Division of House of Corrections, Department of Public Health, for a period not to exceed one year.**

Whereas, the City of Cleveland requires certain space located at 19700 Miles Road, in Warrensville Heights, Ohio for the public purpose of the use of garage space necessary to store vehicles for the Division of House of Corrections; and

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

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

**Section 1.** That the Director of Public Health is authorized to enter into a license agreement with the County of Cuyahoga granting use of approximately 8,000 square feet of garage space located at 19700 Miles Road, in Warrensville Heights, Ohio, necessary to store vehicles used for the operation of the Division of House of Corrections.

**Section 2.** That the term of the license agreement authorized by this ordinance shall not exceed one year, and shall be at no cost to the City.

**Section 3.** That the license agreement shall include a provision that the County of Cuyahoga shall be indemnified against any injury, accident or loss while the City of Cleveland is using their property.

**Section 4.** That the license agreement shall be prepared by the Director of Law and shall contain additional terms and conditions necessary to effect the license agreement authorized by this ordinance.

**Section 5.** That the Director of Public Health and the Director of Law, and other appropriate city officials, are authorized to execute such other documents and certificates, and take such other action as may be necessary or appropriate to effect the license agreement authorized by this ordinance.

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

Passed May 20, 2002.  
 Effective May 23, 2002.

**Ord. No. 1006-02.**  
**By Councilman Brady.**  
**An emergency ordinance to amend Section 1 of Ordinance No. 1747-2001, passed March 11, 2002 relating to the public improvement of installing flooring at Halloran Park.**

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. 1747-2001, passed March 11, 2002, are hereby amended to read as follows:

Section 1. The public improvements authorized in all of the sections herein shall include improvements to the following City-owned parks and recreation facilities total expenditures not to exceed the amount authorized herein:

Halloran Park for flooring	\$43,700.00
Cudell Recreation Center for wiring	12,000.00
Cudell Recreation for locker Rooms	6,000.00
Clark Recreation Center for interior Windows	10,000.00
Clark Recreation Center for gutters	10,000.00
Rockefeller Park Phase VI	268,000.00
Rockefeller Park Greenhouse	175,000.00
Parks in the 11 Odd Wards	2,750,000.00
Kovacac, Glenville, Sterling, Central, Cory, Lonnie Burten, Clark and Zone Recreation Centers for pool Steps	12,000.00
Thurgood Marshall Recreation Center and Sterling Recreation Center for new Lockers	50,000.00
Lonnie Burten Recreation Center for Lobby furniture	15,000.00
Hough Multipurpose Center for replacement of 2 HVAC Units	78,000.00
Gunning Park Recreation Center Phase II Improvements	118,000.00

**Section 2.** That Section 1 of Ordinance No. 1747-2001, passed March 11, 2002, is hereby repealed.

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

Passed May 20, 2002.  
 Effective May 23, 2002.

**Ord. No. 1007-02.**  
**By Councilman Britt.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Hermes Easter Seal Run on June 29, 2002, sponsored by Hermes Sports and Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Hermes Easter Seal Run, sponsored by Hermes Sports and Events, on June 29, 2002, beginning at East Boulevard and Bellflower, East Boulevard to Euclid, Euclid to Chester, Chester to

Martin Luther King Drive, Martin Luther King Drive to Superior Ramp, Superior Ramp to Superior, Superior to East Boulevard, East Boulevard to East 108th, East 108th to finish, 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 May 20, 2002.  
 Effective May 23, 2002.

**Ord. No. 1008-02.**  
**By Councilman Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Hermes Race For The Cure Event on September 28, 2002, sponsored by Hermes Sports and Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Hermes Race For The Cure, sponsored by Hermes Sports and Events, on September 28, 2002, beginning at Erieside and East 9th, Erieside to West 3rd, West 3rd to St. Clair, St. Clair to West 9th, West 9th to Huron, Huron to Prospect, Prospect to East 13th, East 13th to Lakeside, Lakeside to East 9th, East 9th, to Voinovich Park, 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 May 20, 2002.  
 Effective May 23, 2002.

**Ord. No. 1009-02.****By Councilman Britt.**

**An emergency ordinance consenting and approving the issuance of a permit for the V. A. Medical Center Wheelchair Games Event on July 13, 2002, sponsored by V.A. Medical Center.**

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 V. A. Medical Center Wheelchair Games Event, sponsored by V. A. Medical Center, on July 13, 2002, beginning at Martin Luther King Drive and East 105th, Martin Luther King Drive to East 88th, turn around, return, Martin Luther King Drive to East 105th, 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 May 20, 2002.

Effective May 23, 2002.

**Ord. No. 1010-02.****By Councilman Cimperman.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Historic Gateway Neighborhood Corporation for the Downtown Neighborhood Arts and Cultural Festival through the use of Ward 13 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with the Historic Gateway Neighborhood Corporation over a two-year period for the Downtown Neighborhood Arts and Cultural Festival, for the public purpose of providing cultural art and music education to Cleveland residents through the use of Ward 13 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$26,500 and shall be paid from Fund No. 10 SF 166.

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

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

Passed May 20, 2002.

Effective May 23, 2002.

**Ord. No. 1011-02.****By Councilman Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Hermes American Memorial (5K Run/Walk) on May 25, 2002, sponsored by Hermes Sports and Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Hermes American Memorial (5K Run/Walk), sponsored by Hermes Sports and Events, on May 25, 2002, beginning at Lakeside and East 13th, Lakeside to East 9th, East 9th to N. Marginal, N. Marginal to East 26th, turn around, N. Marginal to East 9th, East 9th to Lakeside, Lakeside to East 13th, 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 May 20, 2002.

Effective May 23, 2002.

**Ord. No. 1012-02.****By Councilman Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Hermes Corporate Challenge (Cycling) Event on July 29, 2002, sponsored by Hermes Sports and Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Hermes Corporate Challenge (Cycling), sponsored by Hermes Sports and Events, on July 29, 2002, beginning at N. Marginal and Mundy Parking Lot, N. Marginal to East 55th, turn around and 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 May 20, 2002.

Effective May 23, 2002.

**Ord. No. 1013-02.****By Councilman Jackson**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a grant agreement with McKnight and Associates for surveying, design and planning of park improvements for Barkwill Park in order to carry out the public purpose of providing recreational facilities to the residents of Cleveland through the use of Ward 5 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to enter into a grant agreement with McKnight and Associates for surveying, design and planning of park improvements for Barkwill Park in order to carry out the public purpose of providing recreational facilities to the residents of Cleveland through the use of Ward 5 Neighborhood Equity Funds and the sale of 2002 G.O. bonds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$19,000 and shall be paid from Fund No. 10 SF 166.

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

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

Passed May 20, 2002.  
Effective May 23, 2002.

**Ord. No. 1014-02.**

**By Councilman Jackson.**

**An emergency ordinance authorizing Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract without competitive bidding with Oracle Corporation for the acquisition of multi-server licenses, upgrades and technical support for the Cleveland Integrated Justice Information System, for a period of one year, with a one-year option to renew, with respect to the technical support services.**

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

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

**Section 1.** That it is hereby determined that the within commodities and services are non-competitive and cannot be secured from any source other than Oracle Corporation. Therefore, the Director of Finance, on behalf of the Cleveland Municipal Court, is hereby authorized to make a written contract with Oracle Corporation for the acquisition of multi-server licenses, upgrades and technical support for the Cleveland Integrated Justice Information. The contract shall be for a one year term commencing February 23, 2002, with one (1) option exercisable by the Director of Finance, to renew for an additional one-year term with respect to the technical support services, and cancellable upon thirty days written notice by said Director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Finance, on behalf of the Cleveland Municipal Court.

**Section 2.** That the costs for such commodities and services herein contemplated shall be paid from Fund No. 01-011503-641400, Request No. 101189.

**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 May 20, 2002.  
Effective May 23, 2002.

**Ord. No. 1015-02.**

**By Councilman Jackson.**

**An emergency ordinance to amend the title, the third whereas clause, Section 1 and Section 11 of Ordinance No. 1913-01, passed April 29, 2002, relating to the expenditure of Economic Development Initiative Grant funds for various expenditures relating to the Homeownership Zone Project and to enter into contracts with Burten, Bell Carr Development, Inc.**

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

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

**Section 1.** That the title, the third whereas clause, Section 1 and Section 11 of Ordinance No. 1913-01, passed April 29, 2002, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Community Development to expend Economic Development Initiative Grant funds for acquisition, architectural and engineering costs, second mortgage assistance, infrastructure for the Homeownership Zone Project and any eligible uses set forth in 24 CFR 570.703 and approval by HUD; and to enter into all contracts and related documents with Burten, Bell Carr Development, Inc., or its designee, for the acquisition, architectural and engineering, second mortgage assistance and any eligible uses set forth in 24 CFR 570.703 and approved by HUD for the Homeownership Zone; and determining the methods of, and authorizing the Directors of Community Development, Public Service, Public Utilities and other City officials, as appropriate, to enter into contracts for the construction of public improvements, amenities and related matters; and authorizing and approving related matters.

Whereas, Burten, Bell Carr Development, Inc. or its designee, (hereinafter referred to as "Developer") asked the City to provide funds to acquire real property pursuant to 24 CFR 570.703(a), for housing rehabilitation pursuant to 24 CFR 570.703(h), for second mortgage assistance to homebuyers pursuant to 24 CFR 570.703(i)(2), for other eligible uses set forth in 24 CFR 570.703 which are approved by HUD and for the City to conduct infrastructure activities pursuant to 24 CFR 570.703(l) each related to the development and sale of 420 new, single, double and townhouse homes and the rehabilitation of 45 units of single family housing in the Homeownership Zone; and

**Section 1.** That the Director of Community Development is hereby authorized to enter into and execute all contracts and all necessary documents for and on behalf of the City of Cleveland with Burten, Bell Carr Development, Inc., or its designee, (hereinafter "Developer") to provide funds for one or more of the eligible activities set forth in 24 CFR 570.703 including architectural and engineering costs, acquisition of real property, housing rehabilitation and second mortgage assistance to homebuyers in the Homeownership Zone after receiving approval from HUD of the activity.

**Section 11.** That the cost of all contracts authorized by this ordinance shall be paid from Fund Nos. 13 SF 886 and 54 SF 001.

**Section 2.** That the existing title, the third whereas clause, Section 1 and Section 11 of Ordinance No. 1913-01, passed April 29, 2002, are hereby repealed.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

Passed May 20, 2002.  
Effective May 23, 2002.

**Ord. No. 1016-02.**

**By Councilman Rybka.**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with William A. Spetrino, Inc. for professional services for the design and construction inspection of the Morganic Garden expansion project in Ward 12.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to enter into a professional services contract with William A. Spetrino, Inc. for the design and construction inspection of the Morganic Garden expansion project at East 65th Street and Kenyon in Ward 12.

**Section 2.** That the cost of such services herein authorized shall not exceed Seven Thousand Five Hundred Fifty Dollars (\$7550.00) and shall be paid from Fund 20 SF 370.

**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 May 20, 2002.  
Effective May 23, 2002.

**Ord. No. 1017-02.**

**By Councilman Westbrook.**

**An emergency ordinance determining the method of making the public landscaping improvements to the Clark Commons, and authorizing the Director of Parks, Properties, and Recreation to enter into contract for the making of such improvement.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make public right-of-way improvements at the Clark Commons located at West 88th Street and Clark Avenue in Ward 18 of the City of Cleveland for the Department of Parks, Properties, and Recreation, by contract duly let to the lowest responsible bidder after competitive bidding for the improvement.

**Section 2.** That the Director of Parks, Properties, and Recreation is authorized to enter into a contract for the making of the above improvement with the lowest responsible bidder after competitive



bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract (UPON A UNIT BASIS).

**Section 3.** That the Director of Parks, Properties, and Recreation is also authorized to enter into a professional services contract with McKnight and Associates for the purpose of providing professional services to develop a landscape improvement plan for the Clark Commons.

**Section 4.** That the cost of said contract shall be in an amount not to exceed \$27,562 and shall be paid from Fund No. 10 SF 166.

**Section 5.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

Passed May 20, 2002.  
Effective May 23, 2002.

**COUNCIL COMMITTEE MEETINGS**

**Friday, May 24, 2002**

**Employment, Affirmative Action and Training Committee: 1:00 p.m.** — Present: Lewis, Chairman; Conwell, Vice Chairman; Reed, Polensek, Coats. Excused: Cintron, Johnson.

**Tuesday, May 28, 2002**

**Community and Economic Development Committee: 9:30 a.m.** —

Present: Gordon, Chairman, Cimperman, Vice Chairman; Reed, Scott, Cintron, Zone, Lewis, Jones, Coats.

**Employment, Affirmative Action and Training Committee: 1:30 p.m.**

— Present: Lewis, Chairman; Conwell, Vice Chairman; Reed, Cintron, Polensek, Coats. Excused: Johnson.

**Wednesday, May 29, 2002**

**City Planning (Zoning) Committee: 1:00 p.m.** — Present: Cimperman, Chairman; Rybka, Vice Chairman; O'Malley, Scott, Westbrook. Excused: Conwell, Lewis.

**City Planning Committee: 1:30 p.m.** — Present: Cimperman, Chairman; Rybka, Vice Chairman; O'Malley, Scott, Westbrook. Excused: Conwell, Lewis.

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