

The City Record

Official Publication of the City of Cleveland

October the Sixteenth, Two Thousand and Two

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

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DIRECTORY OF CITY OFFICIALS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



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WEDNESDAY, OCTOBER 16, 2002

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CITY COUNCIL

MONDAY, OCTOBER 14, 2002

The City Record

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VALARIE J. McCALL

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, October 14, 2002.

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

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

Also present were Mayor Campbell, Directors Chandra, Konicek, Mok, Ricchiuto, Hudecek, Romero, Sims, Fumich, Taylor, Ronaye and Wilson, Acting Directors Carrol, Abouserhal, Schade and Velkoff, Rodney Jenkins, Executive Assistant, David McGuirk, Executive Assistant, Craig Tame, Executive Assistant, Timothy Mueller, Executive Assistant, Erik Janas, Celeste Glasgow, Director of Communications and Margreat A. Jackson, Legislative Affairs Liaison, John Goersmeyer and Jeffrey D. Johnson, Special Assistant were also present.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Pastor Anthony Singleton of Emmanuel Christian Church, located at 8201 Superior Avenue in Ward 7. Pledge of Allegiance.

MOTION

On the Motion of Council Member Westbrook, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Coats.

COMMUNICATIONS

File No. 2017-02.

From the Division of Purchases and Supplies re: Mayor's Emergency Requisition/Purchase Orders — Willow Street Bridge Repair, Phase I—Temporary Repair and Lift. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 2018-02.

Re: New Application — 2598330 — Ezeldean, Inc., d.b.a. Dollar Lots, 7120 Denison Avenue. (Ward 17). Received.

File No. 2019-02.

Re: New Application — 0134278 Sheree A. Allen, d.b.a. Turps Megabyte, 4139 Lee Road. (Ward 1). Received.

File No. 2020-02.

Re: Transfer of Ownership Application — 4683964 — Kitchen Window, Inc., d.b.a. Whitmores Barbeque, 17121 Euclid Avenue. (Ward 10). Received.

File No. 2021-02.

Re: Transfer of Ownership Application — 7107955 — RTP Dream Investments, Inc., d.b.a. Variety Beverage, 11824 Lorain Avenue. (Ward 19). Received.

File No. 2022-02.

Re: New Application — 5052946 — Lauren Unlimited Corp., d.b.a. Neighborhood Market, 11831 Union Avenue. (Ward 3). Received.

STATEMENT OF WORK ACCEPTED

File No. 2023-02.

From the Department of Parks, Recreation and Properties re: PI #58463B, Triangle Park Site Improvements. Received.

MOTION

File No. 2038-02.

By Council Member Gordon that pursuant to the Rules of Council, Rule 12-1 be invoked and the following employees of Cleveland City Council be officially voted upon as

official employees of Cleveland City Council: Eileen Flynn, Maureen Harper, Debbie Ivy, Robert Ma, Peter Pudner, Came Rentz, Rebecca Schaltenbrand, Dwayne Simpson, Teresa Stevenson, and Joseph Titran. Seconded by Council Member Sweeney.

Council President Jackson instructed the members of Council to state the name of the employee when responding to the roll call. A roll call ensued for each employee and the aforementioned employees received unanimous approval by all 21 members of Council.

Those who voted in the affirmative were Council Members Jackson, Brady, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Gordon, Johnson, Jones, Lewis, O'Malley, Polensek, Reed, Rybka, Scott, Sweeney, Westbrook, White and Zane.

CONDOLENCE RESOLUTIONS

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

Res. No. 2039-02—Patsy Williams Materazzo.

Res. No. 2053-02—M. Thomas Moore.

CONGRATULATION RESOLUTIONS

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

Res. No. 2040-02 — Ray's Sausage Company, Inc.

Res. No. 2041-02—St. John Nepomucene Church.

Res. No. 2042-02—Bishop A. Edward Pevec.

Res. No. 2043-02 — Elder Joseph Whitthorne.

Res. No. 2044-02—Jeffrey H. Friedman.

Res. No. 2045-02 — Jesse O. Anderson.

Res. No. 2046-02—Judge Peter M. Sikora.

RECOGNITION RESOLUTIONS

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

Res. No. 2047-02—James Gepperth.

Res. No. 2048-02—Dennis McNulty.

Res. No. 2049-02—Dick Russ.

Res. No. 2050-02—Betty Long.

Res. No. 2051-02—Gladys V. Hall.

APPRECIATION RESOLUTION

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

Res. No. 2052-02—Linda L. Miley.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 2024-02.

By Council Member Jackson (by departmental request).

An emergency ordinance to make additional appropriations of Seven Hundred Thousand Dollars (\$700,000) of the Enterprise Funds.

Whereas, there is an unappropriated balance in the Enterprise Funds of Seven Hundred Thousand Dollars (\$700,000); 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 unappropriated balance in the Enterprise Funds of the City is appropriated as follows, provided that the Director of Finance obtains an Amended Certificate of Estimated Resources that includes \$700,000 in the Enterprise Funds.

**ENTERPRISE FUNDS
DEPARTMENT OF PARKS, RECREATION AND PROPERTIES**

Division of Convention Center & Stadium-Convention Center		\$ 700,000	\$ 700,000
I Personnel and Related Expenses	\$ 700,000		
II Other Expenses	\$ —		
TOTAL PARKS, RECREATION, & PROPERTIES	\$ 700,000		\$ 700,000
TOTAL ENTERPRISE FUNDS	\$ 700,000		\$ 700,000

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

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

Ord. No. 2025-02.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials to install carpeting, module wall systems and office furniture, for the various divisions of the Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for

the requirements for the period of two years of the necessary items of labor and materials to install carpeting, module wall systems and office furniture, in the estimated sum of \$375,000.00 to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of the contract or contracts shall be charged

against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 122450)

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

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

Ord. No. 2026-02.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary for miscellaneous building maintenance services, for the various divisions of the Department of Public Utilities, for a period not to exceed two years.

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

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

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

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 122442)

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

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

Ord. No. 2027-02.
By Council Members Lewis, Johnson, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a property adoption agreement with the Cleveland Clinic Foundation for improvements to the northeast corner of East 93rd Street and Chester Avenue.

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 and Section 133.24 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to enter into a property adoption agreement with the Cleveland Clinic Foundation to landscape and maintain the property identified as Permanent Parcel No 119-08-060 which is located at the northeast corner of East 93rd Street and Chester Avenue. The Cleveland Clinic Foundation may make landscaped and/or parking related improvements to the adopted property which will be used for the Cleveland Clinic Foundation's proposed kindercare project. The Cleveland Clinic Foundation shall maintain the adopted property during the term of the property adoption.

Section 2. That this property adoption shall not be construed as a conveyance of any right, title, or interest in public property, but is the grant of a privilege revocable at the will of Council.

Section 3. That the Director of Parks, Recreation and Properties is authorized to accept the gift of any landscaped and/or parking related improvements and maintenance made to the adopted property.

Section 4. That the property adoption agreement authorized shall be prepared by the Director of Law and shall contain any additional terms and conditions necessary to protect and benefit the public interest.

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

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

Ord. No. 2028-02.
By Council Members Johnson, White and Jackson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 133.172 relating to licensing the image of the Cleveland Browns Stadium.

Whereas, the City of Cleveland owns the intellectual property rights to the image of the Cleveland Browns Stadium; and

Whereas, the City has received a request from a manufacturer to use the image of the Cleveland Browns Stadium on a Cleveland Browns throw blanket and pillow and the City may receive similar requests; 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 Codified Ordinances of Cleveland, Ohio, 1976, are

supplemented by adding new Section 133.172 to read as follows:

Section 133.172 Licensing the Image of the Cleveland Browns Stadium

Notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation and Properties may issue to any person or entity a nonexclusive license to use the image of the Cleveland Browns Stadium ("Intellectual Property") for a fee determined by the Board of Control. Any license issued shall not be construed to convey any right, title or interest in the Intellectual Property or in any improvements, changes, and/or modifications to the Intellectual Property.

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

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

Ord. No. 2029-02.
By Council Member Coats.

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

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 determined to make the public improvement of grading and paving, constructing streets, sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, utility boxes, casting adjustments, appurtenances, streetscaping, landscaping, installing water and sewer mains and connections, installing electrical service and connections, streetlighting, and other related infrastructure improvements in conjunction with the Hurston Court/Cliffview West project, for the Departments of Community Development, Public Service or Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Directors of Community Development, Public Service or Public Utilities are autho-

rized to enter into one or more contracts for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 14 SF 027, 52 SF 001 and 17 SF 008, Request Nos. 125721, 45702 and 103524.

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

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

Ord. No. 2030-02.

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

An emergency ordinance to amend Section 1 of Ordinance No. 1119-02, passed June 17, 2002, relating to contracts with various agencies to provide social service programs.

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

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

Section 1. That Section 1 of Ordinance No. 1119-02, passed June 17, 2002, is amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into contract with the following agencies to provide social service programs:

YOUTH

Alta Social Settlement House
Bellflower Center for Prevention of Child Abuse, Inc.
Boys & Girls Clubs of Cleveland (Broadway)
Boys & Girls Clubs of Cleveland (King Kennedy)
Boys & Girls Clubs of Cleveland (Mt. Pleasant)
Boys & Girls Clubs of Cleveland (West Side)
Brooklyn Memorial Community Youth Center
Catholic Charities Services Corp. (Martin DePorres Center)
Chorale (The)
Clergy United For Juvenile Justice, Inc.
Cleveland Police Athletic League
Community Relations/Youth at Risk
Cultural and Educational Institute for Boricua Advancement aka Julia deBurgos Cultural Arts Center
Division of Recreation/Recreational Activities/Collinwood
East End Neighborhood House
Eastside Ecumenical Church Consortium (The)
Euclid-St. Clair Development Corporation

Full Gospel Evangelistic Center, Inc.

GLAD Center, Inc.

Goodrich-Gannett Neighborhood Center

Greater Cleveland Neighborhood Center Association

Harvard Community Services Center

Karamu House, Inc.

Lexington-Bell Community Center

Merrick House

Near West Theatre, Inc.

Nottingham Youth Center, Inc.

Old Brooklyn Neighborhood Services, Inc.

Phillis Wheatley Association

Professional Flair, Inc.

Safety Department/Cleveland Municipal School District

Salvation Army (The)

Services For Independent Living, Inc.

West Side Ecumenical Ministry

YMCA — Broadway Branch

YMCA — Brooklyn Branch

YMCA — Downtown-/West Side Branches

YMCA — Glenville Branch

YMCA — Midtown East Branch

YMCA — West Park

ELDERLY

Alta Social Settlement House

Catholic Charities Services Corp. (Hispanic Senior Center)

Catholic Charities Services Corp. (Martin dePorres Center Wards 10/11)

Community Re-Entry, Inc.

Cory Senior Citizens Program, Inc.

East End Neighborhood House

EBC's Fery Development Corporation

Famicos Foundation

Golden Age Centers of Greater Cleveland, Inc.

Golden Age Centers of Greater Cleveland, Inc. (Home Base)

Greater Cleveland Neighborhood Centers Association

Phillis Wheatley Association

Salvation Army (Tremont)

Senior Citizen Resources, Inc.

Senior Citizen Resources, Inc. (Transportation)

Senior Outreach Services (Ward 6/Community Socialization)

Senior Outreach Services (Centers for Families and Children)

Vocational Guidance Services

Werner Community Outreach, Inc.

West Side Community House

FAMILY

AACCESS-Ohio

American Sickle Cell Anemia Association

Cleveland Church of Christ Economic Development, Inc. (Custom Enrichment)

Cleveland Mediation Center

El Barrio

Free Clinic

Hijos De Borinquen Spanish American Center

Merrick House (The)

Mum-Ford Visual Health Care, Inc.

Near West Side Multi-Service Corporation-/May Dugan

Recovery Resources

Vietnamese Community

West Side Multi Service Corporation — Consortium

OTHER

Achievement Center for Children

Allegheny West Conference Corporation of Seventh Day Adventists (Better Living Center)

Catholic Charities Health and Human Services (Women Shelter)

Community Re-Entry (New Life Center)

Domestic Violence Center

Golgotha Baptist Church, Inc.

Greater Cleveland Neighborhood Centers Association

Hunger Network of Greater Cleveland

National Federation of the Blind

New Cleveland Food Basket

Parkworks, Inc.

Salvation Army (The)

Spanish American Committee for a Better Community

Starting Point

Triumph House

West Side Community House

Section 2. That existing Section 1 of Ordinance No. 1119-02, passed June 17, 2002 is repealed.

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

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

Ord. No. 2031-02.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 188 relating to employment of City residents for certain public improvement contracts.

Whereas, the Council of the City of Cleveland believes strongly in employment opportunities for Cleveland residents; and

Whereas, despite, the expenditure of millions of dollars in the City of Cleveland on projects recently completed or currently under construction, few of the employment opportunities arising from those projects have gone to Cleveland residents; and

Whereas, Cleveland residents pay taxes to support municipal services beneficial to residents and non-residents; and

Whereas, the City of Cleveland has a higher unemployment rate and higher poverty rate than Cuyahoga County and many surrounding communities; and

Whereas, this Council believes that construction contractors working on City-funded projects should employ City residents in the furtherance of the City-funded projects or face financial penalties for failing to do so; and

Whereas, the employment of City residents on construction projects funded, in part or in whole, with City assistance will help alleviate unemployment and poverty in the City; and

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

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

Section 1. That, notwithstanding and as an exception to any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Chapter 188, to read as follows:

**Chapter 188
Cleveland Resident Employment Law**

Section 188.01 Definitions

For purposes of this chapter, the following words, phrases and terms are defined as follows:

(a) "City" means the City of Cleveland, Ohio.

(b) "Construction Contract" means any binding agreement executed on or after the effective date of this chapter whereby the City either grants a privilege or is committed to expend or does expend funds or other resources, in an amount of \$100,000 or more, for the erection, rehabilitation, alteration, conversion, extension, demolition or repair of improvements to real property, including facilities providing utility service and includes the supervision, inspection, and other on-site functions incidental to construction. Construction Contract includes any contract that is entered into by a person or entity that receives a grant, loan, privilege, credit, or resources from the City, in an amount of \$100,000 or more, for the purpose of erecting, rehabilitating, altering, converting, extending, demolishing, or repairing real property or improvements to real property.

(c) "Contractor" means any person or company receiving a Construction Contract from the City of Cleveland, any subdivision of the City, or any individual legally authorized to bind the City pursuant to said Contract.

(d) "Director" means the Director of the Office of Equal Opportunity.

(e) "Residents" or "Residents of the City" shall mean persons domiciled within the boundaries of City of Cleveland. The domicile is an individual's one and only true, fixed and permanent home and principal establishment.

(f) "Skilled and unskilled construction trades workers" includes all work site foremen, journeyworkers, including technical engineers, apprentices, construction trainees and elevator construction helpers and apprentices that are in a bona fide apprenticeship training program that is certified by the U.S. Department of Labor, Bureau of Apprenticeship and Training. Also included are other workers appropriate for construction activities. Salaried superintendents are excluded from this special provision.

(g) "Subcontractor(s)" means any person or company that assumes by secondary contract some or all of the obligations of the original contractor.

Section 188.02 Employment of City Residents

(a) Any construction contract awarded after the effective date of this chapter and which is funded entirely or in part by the City of Cleveland, or fully or in part with federal grant opportunities for the poor, minorities, and/or unemployed including, without limitation, Community Development Block Grants, Urban Development Action Grants and Economic Development Administration Grants in which the City agrees to expend at least \$100,000 or more, and where not otherwise prohibited by federal, state or local law, shall contain a provision requiring residents of the City to perform forty percent (40%) of the total construction worker hours performed by the contractor and the

subcontractor(s) in the categories of skilled and unskilled construction trade workers and shall contain a provision detailing the penalties for failure to do so as set forth in Section 188.05. Of the forty percent (40%) Resident worker hours, no less than ten percent (10%) must be performed by persons who qualify as low income persons, under the poverty guidelines for the 48 Contiguous States and the District of Columbia, as periodically defined and published in the Federal Register by the U.S. Department of Health and Human Services under authority of 42 USCA Section 9902(2). Poverty guideline figures which are in use at the execution of the construction contract shall be used in determining who is a low income person(s).

(b) The percentage levels set forth in Section 188.02(a) are intended as minimum goals for utilization of Residents of the City of Cleveland on the construction projects and shall not be construed as limiting or deferring the full utilization of Residents of the City beyond this numerical level. Contractors and subcontractor(s) shall make efforts to the greatest extent feasible to utilize Residents of the City of Cleveland in unskilled and skilled labor positions.

(c) In determining the total Employee Work Hours to be furnished at the construction site, there shall be included the number of hours devoted to all tasks customarily performed on a construction site, whether or not such tasks are, in fact, performed on the construction site. Employee work hours performed by non-Ohio Residents shall be excluded in determining total work hours.

(d) Prior to the commencement of work, each contractor and subcontractor(s) shall complete and submit to the Director a work force table. This document shall identify the estimated work force requirements for the duration of the job, broken down by trade and month. These documents shall be revised as required, but not less than once a month. A contractor's or subcontractor(s)' failure to provide this document or the furnishing of substantially false or misleading information in this document, shall be considered non-compliance with the terms of this Chapter.

Section 188.03 Exceptions and Waivers

(a) The Director shall develop standards and procedures for reducing or waiving the minimum percentage level of Residents set forth in Section 188.02. Such standards and procedures shall be provided to Council for review and publication in the City Record within thirty (30) days of the passage of this chapter. Such standards and procedures shall specify that the employment of the minimum percentage of Residents may be reduced only when a bidder can demonstrate the impracticality or excessive cost of complying with this percentage level for particular contracts or classes of employees. The Director shall use the standard of "efforts to the greatest extent feasible" in establishing standards and procedures.

(b) A waiver or reduction may be deemed appropriate by the Director if a bidder has unsuccessfully

solicited a sufficient number of Residents of the City to perform the work identified in the bid solicitation and has documented such effort to the satisfaction of the Director. In addition, such standards and procedures shall require that a bidder seeking a waiver or reduction shall have provided timely notice of the need of qualified Residents of the City of Cleveland to an appropriate source of referrals, which source shall be entitled to comment on any waiver or reduction application. If the Director determines that a lesser percentage standard is appropriate with respect to a particular contract subject to competitive bidding prior to the bid solicitations for such contract, such bid solicitations shall include a statement of such revised standards.

(c) The Director shall file his determination on all reductions he determines or is requested, or waiver requests made pursuant to this paragraph with the Clerk of City Council, the President of City Council, and the Employment Affirmative Action and Training Committee, within five (5) working days of making such determination.

Section 188.04 Monitoring by Director; Reporting by Contractor

(a) The Director shall separately monitor the utilization of Residents of the City of Cleveland on all applicable projects in skilled and unskilled construction trades workers positions, and shall report his findings in writing to the Clerk of City Council, the President of City Council, and to the Employment Affirmative Action and Training Committee of this Council on a bi-monthly basis.

(b) The contractor shall provide for the maintenance of all employee residency records to ensure that Residents of the City are employed on the construction project. The contractor and subcontractor(s) shall maintain copies of personnel documents supportive of every Cleveland employee's actual record of residence.

(c) The contractor shall designate a principal officer of its firm to be responsible for administering the residency requirement goals for the contractor and all of its subcontractor(s) pursuant to the requirements detailed in this Chapter. This officer shall meet regularly, or as may be required, with the Director or his designee to ensure compliance with the residency requirements set forth herein. Primary responsibility for meeting established goals shall remain with the contractor. Weekly certified payroll reports (U.S. Department of Labor Form WH-347 or equivalent) shall be submitted to the Director for applicable construction contracts and shall identify clearly the actual residence of every employee on each submitted certified payroll. The first time an employee's name appears on a payroll, a hire date for the employee should be written in after the employee's name.

(d) Full access to the contractors' and subcontractor(s)' employment records shall be granted to the Director, his designated agents, the Chief of Police, or any duly authorized representative thereof. The contractor and subcontractor(s) shall maintain all relevant personnel data in records for a period of

at least three (3) years after final completion of work. This retention period may be extended in writing by the Director based upon audit irregularities.

(e) At the direction of the Director, affidavits and other supporting documentation will be required of the contractor and/or subcontractor(s) to verify or clarify an employee's actual address when doubt or lack of clarity has arisen.

Section 188.05 Violation and Penalty

(a) When work on the construction project is completed, and in the event that the Director determines that the contractor and/or subcontractor(s) has failed to fulfill the requirements of Section 188.02 concerning hours of work performed by Residents of the City or has failed to report in the manner set forth in Sections 188.02 and 188.04, the City is deemed to have been damaged. Good faith efforts on the part of the contractor and/or subcontractor(s) to provide employment to Residents of the City shall not suffice to replace the actual, verified achievement of the requirements of Section 188.02.

(b) In the event of noncompliance with Section 188.02, 1/4 of 1 percent of the approved contract value for the applicable contract shall be surrendered by the contractor and/or subcontractor(s) to the City in payment for each percentage of shortfall toward the residency percentage set forth in Section 188.02.

(c) Failure to report the residency of employees in accordance with Section 188.04 shall result in the surrender of the entire penalty provided in section (b) hereof, and such penalty shall be calculated as if no Residents of the City were employed on the construction project.

(d) Any organization who willfully falsifies statements or the certification of payroll data is guilty of a misdemeanor of the first degree and subject to a fine of not more than five thousand dollars (\$5,000). Upon conviction, such organization shall be barred from contracting with the City on any construction project subject to this Chapter for a period of five (5) years.

(e) Any retainage to cover contract performance that may become due to the contractor and/or subcontractor(s) pursuant to the Codified Ordinances of the City of Cleveland may be withheld by the City pending the determination by the Director whether the contractor and/or subcontractor(s) must surrender damages as provided in this paragraph. The City of Cleveland may also sue the contractor and/or subcontractor(s) for breach of contract.

(f) All funds collected by the City of Cleveland for violation of Sections 188.02 and/or 188.04 shall be deposited into a special account which shall be created for the sole purpose of receiving said funds. The funds deposited into this account shall be used by the Director for the operation of the Office of Equal Opportunity provided such funds have been appropriated for that purpose and the Director obtains the necessary legislative authority.

(g) In addition to assessing the monetary damages set forth above, the City may, for a period of five (5) years after a violation of this

chapter, require the contractor and/or subcontractor(s) to post a surety bond or other appropriate security in an amount representing twenty percent (20%) of the contract price for any subsequent contract on which the contractor and/or subcontractor(s) bid, which the contractor and/or subcontractor(s) shall agree and shall be required to forfeit in its entirety in the event that full compliance with the requirements of this chapter are not achieved during the performance of any future contract. This surety bond shall be in addition to such other surety bonds that are required pursuant to the Codified Ordinances of Cleveland, Ohio.

(h) Any person who is employed on a construction project subject to the provisions of this chapter and who knowingly supplies false information concerning his or her residence is guilty of a misdemeanor of the first degree and subject to imprisonment for a period not to exceed (6) months and a fine of not more than one thousand dollars (\$1,000). Upon conviction, such person shall be barred from employment on any construction project subject to this Chapter for a period of five (5) years.

Section 188.06 Severability

Each section and each part of each section of this Cleveland Resident Employment Law is hereby declared to be an independent section or part of a section, and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any section or part of a section or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby. It is further declared to be the legislative intent that the other provisions of this Code would have been adopted independently of such section or parts of a section, which are held to be invalid.

Section 188.07 Duration

This residency code is enacted as a temporary measure to alleviate the lack of use of Cleveland Residents on City of Cleveland Construction Projects found to exist by the Council of the City of Cleveland. This code shall remain in full force and effect, subject to periodic review by the Council of the City of Cleveland. The City Council shall regularly, but at a minimum of once every five (5) years, determine whether there is a continuing need to ensure adequate residency employment, and make relevant findings in support of that determination, and, if necessary amend this Chapter as appropriate.

Section 188.08 Effective Date

This chapter shall be effective and be in force immediately upon its passage and approval by the Mayor or the earliest period allowed by 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.

Referred to Directors of Office of Equal Opportunity, Finance, Law; Committees on Employment, Affirmative Action and Training, Legislation, Finance.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 2032-02.

By Council Member Cimperman. An emergency ordinance to amend Section 2 of Ordinance No. 606-02, passed April 1, 2002 relating to an agreement with Sculpture Center, 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 Section 2 of Ordinance No. 606-02, passed April 1, 2002, are hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed **\$8,390** and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 606-02, passed April 1, 2002, are hereby repealed.

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

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

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

Ord. No. 2033-02.

By Council Member Cimperman. An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to The Historic Warehouse District to hang five banners on W. 6th St., Lakeside Ave., & St. Clair Ave., using Cleveland Public Power utility poles (by separate permission) publicizing their special event for the period of October 10, 2002 to December 31, 2002, inclusive.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to The Historic Warehouse District, 614 Superior Avenue NW, Suite 714, Cleveland, Ohio 44113, to install, maintain and remove 5-banners to be hung on Cleveland Public Power utility

poles, (by separate permission), for the period of October 10, 2002 to December 31, 2002, inclusive, publicizing their special event, and which banners are to be placed at the following pole locations and on the following pole numbers: West 6th Street: S.W. Corner of Johnson Ct., No Tag; SW Corner of Lakeside Ave., No Tag; Lakeside Avenue: SE Corner of West 6th St., No Tag; SE Corner of West 4th St., No Tag; St. Clair Avenue: NW Corner of West 4th St.; and which pole and banner locations shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be placed must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners, and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 2034-02.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Walk As-One/Rock-As-One Walkathon on May 3, 2003, sponsored by The National Conference for Community and Justice.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Walk-as-One/Rock-As-One-Walkathon, sponsored by The National Conference for Community and Justice, on May 3, 2003, beginning at The Rock and Roll Hall of Fame and Museum Plaza at East 9th, south on East 9th to Superior, west on Superior to West 6th, north on West 6th to Lakeside, east on Lakeside to West 3rd, north on West 3rd behind Browns Stadium, east behind Browns Stadium to Harbor Walkway, east on Harbor Walkway to East 9th, north on East 9th to The Rock and Roll Hall of Fame and Museum Plaza, 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 neces-

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

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

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

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

Ord. No. 2035-02.

By Council Member Zone.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Department of Public Health to stretch a banner at 7719 Detroit Avenue, for the period from October 14, 2002 to October 21, 2002, inclusive, publicizing Lead Poisoning Prevention Campaign.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Department of Public Health to install, maintain and remove a banner at 7719 Detroit Avenue, for the period from October 14, 2002 to October 21, 2002, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 2036-02.

By Council Member Jones.

An emergency resolution objecting to a New C1 Liquor Permit to 4139 Lee Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Sheree A. Allen, DBA Turps Megabyte, 4139 Lee Road, Cleveland, Ohio 44128, Permanent Number 0134278; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Sheree A. Allen, DBA Turps Megabyte, 4139 Lee Road, Cleveland, Ohio 44128, Permanent Number 0134278; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

from and after the earliest period allowed by law.

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

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

Res. No. 2037-02.

By Council Member Polensek.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 17910 Lakeshore Boulevard and repealing Resolution No. 1631-01, objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 17910 Lakeshore Boulevard by Resolution No. 1631-01 adopted by the Council on August 15, 2001; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Michael D. Polensek and Applicant, Mark McGraw, Vice President of C & CS Corner Tavern, Inc., DBA Time Out Grill, 17910 Lakeshore Boulevard, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 17910 Lakeshore Boulevard, be and the same, is hereby withdrawn and Resolution No. 1631-01, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1373-02.

By Council Member Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to the Greater Cleveland Regional Transit Authority to encroach into the public right-of-way of the Central Business District with 47 Information Holders to show RTA Route Changes and to create a permanent RTA Information System in 47 specific areas.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Relieved of Commit-

tee on City Planning; Passage recommended by Committees on Public Service, Finance; when amended as follows:

1. In Section 2, line 1 and line 5, strike "banner" and insert "information holders"; and in Section 4, lines 1 and 2, strike "Banner Systems" and insert "information holders".

2. In Section 5 at the end add the following: "That the Permit shall contain a restrictive provision stating that when the information holders are not being used to advise the public of temporary route changes or stop locations that they shall contain only RTA-related information."

Amendments agreed to.

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

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

Ord. No. 1521-02.

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

An emergency ordinance determining the method of making the public improvement of inspecting and rehabilitating cycle E water tanks; and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

1. In the title, line 4 and Section 1, line 3, strike "rehabilitating" and insert in lieu thereof: "assessing".

Amendments agreed to.

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

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

Ord. No. 1531-02.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, to enact new Sections 141.22 and 141.23 relating to the establishment of the Division of Air Quality; to repeal Section 141.21, as enacted by Ordinance No. 1996-90, passed April 8, 1991; to provide the transfer of funds within the Department of Public Health; and to amend Section 38 of Ordinance No. 469-02, passed April 1, 2002, as amended, relating to compensation for various classifications.

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

1. Insert new Section 8 to read as follows:

"Section 8. That one year after passage of this ordinance, the Commissioner of Air Quality shall review the activities of the Division of Air

Quality in all matters germane to duties related to air quality, including, but not limited to, planning, managing and implementing divisional air programs and policies; enforcement and compliance monitoring; and other duties required by ordinance or the Director of Public Health. Upon completion of the review, the Commissioner of Air Quality shall submit a report on the state of air quality in the City of Cleveland to the Council Committee on Health and Human Services."

2. Renumber existing Section 8 to new "Section 9."

Amendments agreed to.

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

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

Ord. No. 1542-02.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with Buckeye Area Development Corporation, or its designee, to provide financial assistance in the form of a Community Development Float Loan to partially finance the construction of single-family lease-purchase homes in the Buckeye area.

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

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

Ord. No. 1884-02.

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

An emergency ordinance approving amendments to the Plan of Operation and Governance for the City's electric aggregation program.

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

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

The Council Meeting adjourned at 7:38 p.m. to meet on Monday, October 21, 2002, at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

October 9, 2002

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 9, 2002, at 10:00 a.m. with Mayor Campbell presiding.

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

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Carol Whitaker, Acting Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 660-02.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Cooper Landscaping, Inc. for an estimated quantity of labor and materials necessary to repair tree lawns and landscaping maintenance, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 1st day of August 2002, pursuant to the authority of Ordinance No. 2104-2000, passed March 19, 2001 which on the basis of the estimated quantity would amount to Two Hundred Fifty Thousand and no/100 Dollars (\$250,000.00) (2% Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 122428 which shall be certified against such contract in the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Cooper Landscaping Inc. for the disposal of debris at landfill sites for the above-mentioned Requirement Contract is hereby approved:

<u>SUBCONTRACTOR</u>	<u>MBE/FBE</u>
Top Gun Inc.	\$2,400.00 (MBE) (.96%)

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 661-02.

By Director Mok.

Whereas, pursuant to the authority of Ordinance No. 1125-01, passed

by the Cleveland City Council on June 19, 2001, and Board of Control Resolution No. 419-02, adopted July 10, 2002, the City, through its Director of Port Control, was authorized to enter into agreement with Brown and Caldwell Ohio, LLC ("Consultant"), for the purpose of providing professional environmental services necessary for the design and modification of storm water pollution prevention plans for the expansion program at Cleveland Hopkins International Airport;

Whereas, said resolution incorrectly referenced March 4, 2002 as the date of the cost proposal; and

Whereas, said resolution incorrectly stated the total contract amount as Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000); now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland that said Resolution No. 419-02, adopted July 10, 2002, is hereby amended by deleting reference to the cost proposal date of "March 4, 2002", and substituting therefor the date of "September 24, 2002" where appearing.

Be it further resolved by the Board of Control of the City of Cleveland that said Resolution No. 419-02, adopted July 10, 2002, is hereby further amended by correcting the stated contract amount from Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) to an amount not to exceed Three Hundred Twenty Five Thousand and 00/100 Dollars (\$325,000.00), where appearing.

Be it further resolved that all other provisions of said Resolution No. 419-02 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 662-02.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1642-97, passed by the Council of the City of Cleveland November 24, 1997 and as amended by Ordinance No. 1960-99, passed by the Council of the City of Cleveland April 10, 2000, the firm of URS Corporation, Inc.-Ohio ("Consultant") is hereby selected upon the nomination of the Director of Public Service from a list of qualified consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Public Service as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City in order to provide general engineering services with respect to the Carter Road, Columbus Road, Center Street, West 3rd Street, Willow Avenue and Eagle Avenue lift bridges. The work to be done with respect to said lift bridges by the Consultant shall be as determined by the Director of Public Service.

Be it further resolved that the Director of Public Service hereby is authorized to enter into contract with said Consultant based upon its proposal dated September 20, 2002, which contract shall provide that the compensation to be paid shall not

exceed \$100,000.00. The contract authorized hereby shall be prepared by the Director of Law and shall contain such other provisions, as said Director deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subcontractors by URS Corporation, Inc.-Ohio for the contract herein authorized hereby is approved:

SUBCONTRACTORS

Polytech, Incorporated
(MBE — 16.1%)

KS Associates Inc.
(FBE — 6.9%)

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 663-02.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to authority of Ordinance No. 697-02, passed by the Council of the City of Cleveland June 3, 2002, the firm of KS Associates, Inc. is hereby selected upon the nomination of the Director of Public Service from a list of qualified consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Public Service as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City in order 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.

Be it further resolved that the Director of Public Service hereby is authorized to enter into a written contract with KS Associates, Inc. based on its proposal dated May 24, 2002 and its amended proposal dated September 5, 2002, provided that the compensation to be paid shall not exceed One Hundred Twenty-Nine Thousand and 00/100 Dollars (\$129,000.00). The agreement 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 that the employment of the following subcontractors by KS Associates, Inc. for the professional services contract authorized above hereby is approved:

DLZ Ohio, Inc.
614 West Superior Avenue
Cleveland, Ohio 44113
(MBE) — \$35,700 — (27.14%)

LV Surveying, Inc.
11528 Royalton Road
North Royalton, Ohio 44133
(FBE) — \$24,645 — (13.68%)

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 664-02.

By Director Ricchiuto.

Whereas, Resolution 634-02 adopted by the Board of Control on September 25, 2002, approving the bid of Bituminous Products Company for an estimated quantity of SSI tack coat, for the Division of Streets, Department of Public Service, incorrectly stated the amount of the initial Requisition; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 634-02 adopted by the Board of Control on September 25, 2002, approving the bid of Bituminous Products Company for an estimated quantity of SSI tack coat, for the Division of Streets, Department of Public Service, is hereby amended by deleting the amount of requisition No. 123315 and substituting therefor, "Three Thousand Four Hundred and 00/100 Dollars (\$3,400.00)".

Be it further resolved that all other provisions of said Resolution No. 634-02 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 665-02.

By Director Draper.

Resolved by the Board of Control of the City of Cleveland that the bid of Action Door for an estimated quantity of overhead door repair, for the Division of Fire, Department of Public Safety, for the period of one year beginning with the date of execution of a contract, received on August 9, 2002, pursuant to the authority of Ordinance No. 594-02, passed by Cleveland City Council on May 20, 2002, which on the basis of the estimated quantity would amount to Sixty Thousand, and 00/100 Dollars (\$60,000), 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. 116422

as specified,

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

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 666-02.

By Director Draper.

Resolved by the Board of Control of the City of Cleveland that the bid of Globe Manufacturing Co., d.b.a. Cairns Protective Clothing, for an estimated quantity of turnout cloth-

ing, item nos. 1 and 2, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 2, 2002, pursuant to the authority of Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Ninety Nine Thousand, Seven and 00/100 Dollars (\$99,007.00) 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. 116423

as specified

which shall be certified against such contract in the sum of Nine Thousand Nine Hundred and 70/100 Dollars (\$9,900.70).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 667-02.

By Acting Director Glending.

Resolved, by the Board of Control of the City of Cleveland that the bid of Al's High Tech, Inc., d.b.a. Al's Electric Motor Service for an estimated quantity of all items, for the Division of Property Management, Department of Parks, Recreation and Properties, for the period of one (1) year beginning with the date of execution of a contract, received on July 17, 2002, pursuant to the authority of Ordinance No. 539-02, passed April 22, 2002, which on the basis of the estimated quantity would amount to Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), 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 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. 128714

which shall be certified against such contract in the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, but not to exceed total amount of \$75,000.00, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 668-02.

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. 001-08-086 located at 1340 West 87th 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, Paula DeJesus and Angel Caban, abutting/adjacent landowners, have 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 purchasers of said parcel are neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Paula DeJesus and Angel Caban for the sale and development of Permanent Parcel No. 001-08-086 located at 1340 West 87th 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, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 669-02.

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. 006-20055 located at 2065 West 45th Street in Ward 14; and

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

Program parcels to adjacent or abutting landowners; and

Whereas, Luis M. Torres and Betty L. Torres, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Luis M. Torres and Betty L. Torres for the sale and development of Permanent Parcel No. 006-20-055 located at 2065 West 45th 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, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 28, 2002

9:30 A.M.

Calendar No. 02-273: 10931 Detroit Avenue (Ward 19)

Horizon Developers, prospective purchaser c/o Bill Hahn, agent, appeal to construct four 20' x 40' single family 3-story, frame townhouse dwelling units, with partial roof decks and 20' x 20' attached garages all situated on a 64' x 107' parcel located in a Residence Office District on the southwest corner of West 100th Street and Detroit Avenue at 10931 Detroit Avenue; said construction being contrary to the Area Requirements of Section 355.04(a), where a 9,600 sq. ft. lot is required and a 6,938 sq. ft. lot is proposed and contrary to the Yards and Courts Requirements of Section 357.05, where a 5' side street yard setback is required and 0' is proposed and Section 357.08(2)(b)(1), where a 20' rear yard setback is required and 5' is proposed and an interior side yard setback of 4' is proposed and 12' is required as stated in Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 02-279: 750 Huron Road (Ward 13)

SBC/Ameritech, owner c/o Karl Kressler, and Patrick Farrell, agent, appeal to construct an approximate 42' x 60' loading dock area addition to the rear of an existing seven-story building situated on an acreage parcel located in a General Retail Business District on the southwest corner of East 8th Street and Huron Road at 750 Huron Road; said construction and addition being contrary to the Off-Street Parking and Loading Requirements, where a 15'-8" front yard setback is proposed and loading docks are required to be not less than 50' from the street as stated in Section 349.17 of the Codified Ordinances.

Calendar No. 02-280: 13513 Rugby Road (Ward 10)

Popie and Lizzie Howard, owners, appeal to enclose an existing 7' x 18' masonry porch with tempered glass units and screens all situated on a 34' x 120' parcel located in a B-1 Two-Family District on the north side of Rugby Road at 13513 Rugby Road; said enclosure being contrary to the Yards and Courts Requirements, where the proposed porch projects 7' and enclosed front porches shall not project more than 4' as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 02-281: 7820 Beman Avenue (Ward 12)

Valerie Tomlinson, owner, appeal to enclose an existing 5' x 20' masonry porch with tempered glass units and screens all situated on a 35' x 140' parcel located in a B-1 Two-Family District on the south side of Beman Avenue at 7820 Beman Avenue; said enclosure being contrary to the Yards and Courts Requirements, where the proposed porch projects 5' and enclosed front porches shall not project more than 4' as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 02-282: 3307 Scranton Road (Ward 14)

Metro Lofts LLC, owner c/o Douglas Wahl, agent, appeal to change the use of an existing 27,435 sq. ft. three-story warehouse building into 21 loft apartments all situated on an approximate 205' x 236' irregular shaped parcel located in a Multi-Family District on the east side of Scranton Road at 3307 Scranton Road; said change of use being contrary to the Landscaping and Screening Requirements of Section 352.09, where a 4' wide transition strip is required between the parking lot and the abutting residential district and contrary to the Area Requirements of Section 355.04, where a 10,400 sq. ft. maximum gross floor area is permitted and 27,435 sq. ft. is proposed and contrary to the Yards and Courts Requirements of Section 357.14(a)(1), where parking of motor vehicles in the setback area long Corning Avenue is prohibited and contrary to the Fence Regulations, where a 6' high fence in the setback area is proposed and fences in the actual front yards and actual side street yards shall not exceed 4' in height as stated in Section 358.04(a) of the Codified Ordinances.

Calendar No. 02-283: 14602 Milverton Road (Ward 4)

Blanche Foster, owner, appeals to construct a 10' x 10' deck with a disability ramp to the rear of an existing house situated on an approximate 50' x 122' irregular shaped corner parcel located in a One-Family District on the south side of Milverton Road at 14602 Milverton Road; said construction being contrary to the Yards and Courts Requirements, where a ramp and deck are proposed and side street yard encroachments allow for steps and landings up or down to floor levels as stated in Section 357.13(b)(2) of the Codified Ordinances.

Calendar No. 02-284: 3648 East 116th Street (Ward 3)

Henry Person, owner, appeals to install approximately 90 linear feet of 4' high chain link fencing to the front perimeter of a 40' x 133' parcel located in a Local Retail Business District on the west side of East 116th Street at 3648 East 116th Street; said installation being contrary to the Fence Regulations, where a chain link fence is proposed and the type of fencing permitted in the front yard is ornamental and shall be 50% open as stated in Section 358.04(a) of the Codified Ordinances.

Calendar No. 02-285: 3111 East 93rd Street (Ward 4)

Jamal Hanani, owner, and Nanja Sundram, agent, appeal to construct a new service station with 3 pump islands all situated on an approximate 150' x 170' corner parcel located in a Local Retail Business District on the southeast corner of Dickens Avenue and East 93rd Street at 3111 East 93rd Street; said construction being contrary to the Business District Requirements of Section 343.01, where service stations are not permitted in a Local Retail Business District but first permitted in a General Retail Business District and Section 343.18(d), where the maximum width of a dri-

veway shall be 30' and 43' is proposed and contrary to the Yards and Courts Requirements of Section 357.14(a), where parking in the setback area is prohibited and contrary to the Fence Regulations, where fences in the front yard shall not exceed 4' in height and be 50% open and an 8' high rear yard fence is proposed and rear yard fences shall not exceed 6' in height as stated in Section 358.05(a)(2) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 14, 2002

At the meeting of the Board of Zoning Appeals on Monday, October 14, 2002, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 02-248 to 02-253: 3103-3119 Clinton Avenue

West 32nd Clinton LLC appealed to construct a 22' x 25' single family 3-story, frame dwelling unit, (Bldg. "C"), with a roof deck level and a 20' x 22' attached garage on a 28' x 64' parcel and an overall 186' x 205' parcel in a Residence Industry District.

Calendar No. 02-254 to 02-256: 1513-1517 West 32nd Street

West 32nd Clinton LLC appealed to construct a 22' x 25' single family 3-story, frame dwelling unit, (Bldg. "B"), with a roof deck level and a 20' x 22' attached garage on a 25' x 62' parcel and an overall 186' x 205' parcel in a Residence Industry District in a Residence Industry District.

Calendar No. 02-257 to 02-261: 3110-3118 Vine Court

West 32nd Clinton LLC appealed to construct a 22' x 25' single family 3-story, frame dwelling unit, (Unit "A"), with a roof deck level and a 20' x 22' attached garage on a 25' x 62' parcel and an overall 186' x 205' parcel in a Residence Industry District.

Calendar No. 02-265: 1519 West 32nd Street

West 32nd Clinton LLC appealed to use a 25' x 62' parcel of an overall 186' x 205' parcel as a common area and a parking lot in a Residence Industry District.

Calendar No. 02-264: 2395 Tremont Avenue

Mustfa E. Ayad, owner, and ZiZi Properties, prospective purchaser, appealed to construct six 18' x 32' single family 3-story, frame townhouse dwelling units, with units 1 & 2 having a 20' x 23' attached garage and 4 units having a 12' x 32' attached garage on a 63' x 198' parcel in a Two-Family District.

Calendar No. 02-269: 4251-57 Rocky River Drive

Vincent Gonzalez, owner, appealed to expand a 49' x 72' two-story brick, 4 dwelling unit and 3

stores building to include after business hours holistic classes in a Two-Family District.

Calendar No. 02-272: 4365 West 145th Street

Charles Pavlik appealed to install 43 linear feet of 6' high board-on-board wood fencing on the north and south side of a 45' x 109' parcel in a One-Family District.

The following appeals were **Denied**:

Calendar No. 02-270: 17510 Lorain Avenue

Charles Piscatelli, owner, and Daniel Gerber, prospective purchaser, appealed to establish the use of a one-story masonry building as an auto repair building in a Shopping Center District.

Calendar No. 02-271: 17600 Lakeshore Boulevard

Ante Susnjara, owner, and Sarah Kennedy, prospective purchaser, appealed to establish the use of a one-story masonry service station building as an auto repair garage in a Multi-Family District.

The following appeals were **Postponed**:

Calendar No. 02-266: 7000 Euclid Avenue postponed to November 4, 2002.

Calendar No. 02-160: 10318-20 Lorain Avenue postponed to November 18, 2002.

The following appeals were **Withdrawn**:

Calendar No. 02-123: 12417-19 Buckeye Road

Guy L. Moore appealed to change the use of a two-story masonry five dwelling units and two stores building into a home for disabled clients in a Local Retail Business District.

Calendar No. 02-192: 3123 Woodbine Avenue

Andrew Denk appealed to construct a 14' x 20' one-story detached, frame accessory garage to the rear of a 40' x 93' parcel in a Two-Family District.

Calendar No. 02-225: 3380 West 65th Street

Donald McMahan appealed to establish the use of a 90' x 120' one and two story metal garage and a 352' x 765' parcel as a used car lot, auto repair, junkyard and used car parts sales in a General Retail Business District.

On Monday, October 14, 2002, in Executive Session:

The following appeals were heard by the Board on Monday, October 7, 2002, and said decisions were adopted and approved in Executive Session on October 14, 2002:

The following appeals were **Approved**:

Calendar No. 02-231: 11905 Superior Avenue

Tops Markets and the Superior & Lakeview Development Company appealed to install 395' of 3' high chain link fencing on top of a 6' masonry wall to the north and west

of an acreage parcel located in General Retail Business and Semi-Industry Districts.

Calendar No. 02-244: 13527 Puritas Avenue

Joseph Gaglione appealed to construct and repair a 10' x 19' front porch of a single dwelling house in a One-Family District.

Calendar No. 02-247: 18921 Homeway Road

Daniel R. Warren appealed to install 35 linear feet of 5' high wooden fencing to the north, east and south of a 40' x 136' parcel in a One-Family District.

Calendar No. 02-205: 1260 West 4th Street

1260 West 4th Street LLC appealed to change the use of a six-story masonry warehouse storage building into 17 parking spaces on the first floor and 19 condominium units on the second through sixth floors in a Limited Retail Business District.

The following appeal was **Denied**:

Calendar No. 02-246: 15605 Alonzo Avenue a.k.a. 4473 East 156th Street

Richard and Anne Prince appealed to change the use of a 24' x 40' nonconforming structure into one dwelling unit on a 52' x 125' lot in a One-Family District.

Calendar No. 02-262: Appeal of 1476 Davenport Ltd. Partn.

Matthew Lombardy appealed for Davenport Ltd Partnership from a violation notice issued June 13, 2002 for the location at 1613 Davenport Avenue by the Department of Community Development, Division of Building.

Calendar No. 02-182: 6601 Union Avenue

Dorothy Collins appealed to change the use of a 35' x 40' one-story service station on a 40' x 130' parcel into used auto sales and lot in a General Retail Business District.

Calendar No. 02-207: 3118 West 14th Street

Mike Hornyak appealed to install 33' of 6' high board on board fencing to the south of a 71' x 100' parcel in a Multi-Family District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
October 9, 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-187-01.

RE: Appeal of Freeway Industrial Properties, Owner of the Property located on the premises known as

246 East 131st Street from a NOTICE OF VIOLATION—FIRE CODE of the Chief of the Division of Fire, dated November 6, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).
 No action this date; the docket will be rescheduled when notified by the Law Department.

* * *

Docket A-60-02.

RE: Appeal of Samuel Mirakian & Associated Real Estate Management Co., Owner of the Multi-Family Masonry Property located on the premises known as 2836 Franklin Avenue (a.k.a. 1577-67 West 29th Street) from a NOTICE OF VIOLATION—ELECTRICAL of the Commissioner of the Division of Building and Housing, dated March 18, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-60-02 has been WITHDRAWN at the request of the appellant.

* * *

Docket A-121-02.

RE: Appeal of Stelia Pellegrino, Owner of the One Story Masonry Commercial Property located on the premises known as 4359 Rocky River Drive (a.k.a. 4359-63 Rocky River Drive) from a NOTICE OF VIOLATION—UNAUTHORIZED USE of the Commissioner of the Division of Building and Housing, dated July 3, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-121-02 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-123-02.

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

There will no action on Docket A-123-02 at this time, but to require that the Appellant submit plans to the Building Department alienating the R-1/R-2 areas as a first step to getting acceptance as a R-1/R-2, and to reschedule the docket for October 23, 2002.

* * *

Docket A-130-02.

RE: Appeal of Northcoast Developers, Inc., Owner of the Two Story Masonry Commercial Property located on the premises known as 2801 Grand Avenue from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing, dated June 26, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-130-02 has been POSTPONED; to be rescheduled for November 6, 2002.

Docket A-145-02.

RE: Appeal of John A. Marinucci, Owner of the Two Story Four Dwelling Unit Apartment Building located on the premises known as 1962-64 East 126th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing, dated July 19, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to require that an approved hard-wired smoke detector and fire alarm system be installed in the building, and to grant the variances to the other requirements in the Adjudication Order dated July 19th, 2002. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-148-02.

RE: Appeal of 1476 Davenport L.P., Owner of the Parking Lot and Tower located on the premises known as 1613 Davenport Avenue (a.k.a. 1613-1825 Davenport Avenue) from a NOTICE OF VIOLATION—ILLEGAL USE of the Commissioner of the Division of Building and Housing, dated June 13, 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 DENY the Appellant's request for an "Extension Of Time" and to REMAND the property at 1613 Davenport Avenue (a.k.a. 1613-1825 Davenport Avenue) to the Division of Building and Housing for supervision and any required further action, with the understanding that the problem will be resolved by the end of the year and that a Geotech Report will be submitted to the Building Department within thirty (30) days if necessary. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-150-02.

RE: Appeal of Famicos Bebe, Inc., Owner of the Two Story Elderly Care Facility located on the premises known as 966 East 146th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing, dated September 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 eighty-two (82) feet travel distance requirement and permit the travel distance to the exterior stairway to be seventy-five (75) feet, noting that the variance is for seven (7) feet; to require that limited area type side wall sprinkler heads be installed in both stairwells to afford additional exiting protection, noting that the total occupancy is forty-three (43) with children no less than three (3) years of age.

A motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

APPROVAL OF RESOLUTIONS:

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-89-02—Alan G. Dylag.
 A-99-02—Empigard Metal Finishing, Inc.

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

* * *

APPROVAL OF MINUTES:

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

September 25, 2002

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

* * *

EUGENE CRANFORD, JR.,
 Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 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, OCTOBER 23, 2002

Ward 21 Park Site Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1748-99 and 1114-02, respectively.

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

Labor & Materials Necessary to Repair and Maintain Pump Stations, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 346-02, passed by the Council of the City of Cleveland, April 22, 2002.

October 9, 2002 and October 16, 2002

THURSDAY, OCTOBER 24, 2002

Fire Hydrants & Hydrants Parts, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A MANDATORY PRE-BID MEETING AT 10:30 A.M. ON THURSDAY, OCTOBER 17, 2002 AT DIVISION OF WATER PIPE REPAIR CONFERENCE ROOM, LOCATED AT 4600 HARVARD AVENUE, CLEVELAND, OHIO.

New Tires, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 917-02, passed by the Council of the City of Cleveland, June 17, 2002.

Meyer Snow Plow and Spreader Parts & Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 910-02, passed by the Council of the City of Cleveland, June 17, 2002.

Lumber, for Various Divisions, Department of Finance, as authorized by Ordinance No. 1067-02, passed by the Council of the City of Cleveland, August 14, 2002.

October 9, 2002 and October 16, 2002

FRIDAY, OCTOBER 25, 2002

Pre-Sort Mail Services, for the Various Divisions, Department of Finance, as authorized by Ordinance No. 1059-02, (pending).

THERE WILL BE A PRE-BID MEETING ON TUESDAY, OCTOBER 15, 2002 AT 3:00 P.M. LOCATED AT CITY HALL FINANCE CONFERENCE ROOM (RM. 104), 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

Office Supplies, for the Various Divisions, Department of Finance, as authorized by Ordinance No. 1069-02, (pending).

THERE WILL BE A MANDATORY PRE-BID MEETING ON TUESDAY, OCTOBER 15, 2002 AT 2:00 P.M. LOCATED AT CITY HALL FINANCE CONFERENCE ROOM (RM. 104), 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

October 9, 2002 and October 16, 2002

WEDNESDAY, OCTOBER 30, 2002

Prisoner Meals, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1102-02, passed by the Council of the City of Cleveland, June 17, 2002.

October 9, 2002 and October 16, 2002

THURSDAY, OCTOBER 31, 2002

Labor and Materials to Maintain Card Access and Electronic Security Systems, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1388-2000, passed by the Council of the City of Cleveland, October 9, 2000.

THERE WILL BE A PRE-BID MEETING ON MONDAY, OCTOBER 21, 2002 AT 2:00 P.M., LOCATED AT CARL B. STOKES, PUBLIC UTILITIES BUILDING, FOURTH FLOOR CONFERENCE ROOM, 1201 LAKESIDE AVE., CLEVELAND, OHIO 44114.

October 9, 2002 and October 16, 2002

FRIDAY, NOVEMBER 1, 2002

Deicing Chemical, for Various Divisions, Department of Port Control, as authorized by Ordinance No. 1258-02, passed by the Council of the City of Cleveland, August 14, 2002.

October 9, 2002 and October 16, 2002

WEDNESDAY, NOVEMBER 6, 2002

Two (2) Altantek, Model 85DSS Printer/Laminator, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 1597-02, passed by the Council of the City of Cleveland, August 14, 2002.

Air Compressor Parts & Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 989-02, passed by the Council of the City of Cleveland, June 17, 2002.

October 9, 2002 and October 16, 2002

THURSDAY, NOVEMBER 7, 2002

Remanufactured Auto/Light Truck Transmission, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2028-01, passed by the Council of the City of Cleveland, February 11, 2002.

October 16, 2002 and October 23, 2002

FRIDAY, NOVEMBER 8, 2002

Purchase of Shop and Diagnostic Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1424-02, passed by the Council of the City of Cleveland, July 17, 2002.

October 16, 2002 and October 23, 2002

WEDNESDAY, NOVEMBER 13, 2002

Turbine Emission Testing, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 586-02, passed by the Council of the City of Cleveland, June 10, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING HELD AT 2:00 P.M. ON THURSDAY, OCTOBER 31, 2002 AT CLEVELAND PUBLIC POWER, LOCATED AT 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Paper Products, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 2357-01, passed by the Council of the City of Cleveland, April 22, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING HELD AT 10:00 A.M. ON THURSDAY, OCTOBER 31, 2002 AT CLEVELAND PUBLIC POWER, LOCATED AT 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 16, 2002 and October 23, 2002

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 1934-02.**

By Council Member Sweeney (by request).

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted October 7, 2002.

Effective October 9, 2002.

Res. No. 1989-02.

By Council Member Gordon.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 3314 Broadview Road and repealing Resolution No. 1651-02, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 3314 Broadview Road by Resolution No. 1651-02 adopted by the Council on August 14, 2002; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer based upon and pursuant to a cooperation agreement signed September 15, 2002, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a D1, D2,

D3 and D3A Liquor Permit to 3314 Broadview Road, be and the same is hereby withdrawn and Resolution No. 1650-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted October 7, 2002.

Effective October 9, 2002.

Res. No. 1990-02.

By Council Members Jones and White.

An emergency resolution urging the Ohio Senate to reject HB 274, which would allow citizens the right to carry concealed weapons with the proper permit.

Whereas, HB 274 would authorize the carrying of concealed firearms by citizens in the State of Ohio that have a firearm permit; and

Whereas, HB 274 has been passed out of the Ohio House of Representatives, and is now in the Ohio Senate for further review and discussion; and

Whereas, HB 274 is a reflection on the most recent trend of states passing such laws on concealed weapons; and

Whereas, there are approximately thirty-three states that have the right to carry concealed weapons; and

Whereas, carrying concealed weapons can increase the likelihood of violent crimes by firearms, which can pose a threat to the health and safety of many communities; and

Whereas, the violent crime rate had increased 17.8% in the State of Florida between 1987 and 1992, which has a carrying concealed weapons law; and

Whereas, in every year from 1987 and 1992, according to the FBI's Uniform Crime Report, Florida has had the highest rate of violent crime in the nation; and

Whereas, in the State of Michigan, which has a concealed weapons law since July 1, 2001, the state police estimated that the number of concealed weapons will increase from 51,954 to approximately 125,000, based on trends in other states with similar laws; and

Whereas, according to the analysis by the Center to Prevent Handgun Violence, violent crime actually rose in 12 of the 29 states, which liberalized their carrying concealed weapons laws from 1992 to 1997; and

Whereas, in the State of Utah during 2001, concealed carry permits were issued to some individuals wanted on an outstanding warrant; and

Whereas, this Council believes that carrying concealed weapons creates an armed society at risk, which could endanger the lives of citizens throughout various communities; 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 strongly urges the Ohio Senate to reject HB 274, which would allow citizens the right to carry concealed weapons with the proper permit.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the appropriate members of the Ohio Senate.

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 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 October 7, 2002.

Effective October 9, 2002.

Res. No. 1991-02.

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

An emergency resolution urging the Cleveland Municipal School District and the Mayor of the City of Cleveland to implement the Cleveland Public Schools Fire Intern/Cadet Program, as part of the Cleveland Municipal School District's Martin Luther King Jr. Law and Public Service Magnet School, with the purpose of preparing students in the Cleveland Municipal School District for public safety careers with local governments.

Whereas, Vanguards of Cleveland, the local chapter of the International Association of Black Professional Firefighters, is interested in establishing and implementing a program to attract and prepare students in the Cleveland Municipal School District for public safety careers in local government; and

Whereas, this program, the "Cleveland Municipal School District Fire Intern/Cadet Program" would operate as part of the Cleveland Municipal School District's Martin Luther King Jr. Law and Public Service Magnet School; and

Whereas, this Fire Intern/Cadet Program would also involve the cooperation and assistance of the City of Cleveland; and

Whereas, this Fire Intern/Cadet Program will train students for public safety careers in fire service and medical service; and

Whereas, the primary objective of this Fire Intern/Cadet Program is to produce firefighters and other public safety personnel who are well trained, dedicated to public service, and able to effectively and efficiently perform public safety duties; and

Whereas, this Fire Intern/Cadet Program will include a curriculum that meets or exceeds minimum standards necessary to excel in public safety service; and

Whereas, the goal is to begin a pilot Fire Intern/Cadet Program for the 2003-2004 school year; and

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

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

Section 1. That this Council urges the Cleveland Municipal School District and the Mayor of the City of

Cleveland to establish and implement the Cleveland Public Schools Fire Intern/Cadet Program, as part of the Cleveland Municipal School District's Martin Luther King Jr. Law and Public Service Magnet School, with the purpose of preparing students in the Cleveland Municipal School District for public safety careers with local governments.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Barbara Byrd-Bennett, Chief Executive Officer, Cleveland Municipal School District.

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 October 7, 2002.

Effective October 9, 2002.

Res. No. 1992-02.
By Council Member Lewis.
An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 1054 East 71st Street, 1st Floor Front.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from 1054 Corp., DBA Quick Stop, 1054 East 71st Street, 1st Floor Front, Cleveland, Ohio 44103 Permanent Number 6548559 to Donya Kareem, Inc., DBA Quick Stop, 1054 East 71st Street, 1st Floor Front, Cleveland, Ohio 44103, Permanent Number 2260087; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from 1054 Corp., DBA Quick Stop, 1054 East 71st Street, 1st Floor Front, Cleveland, Ohio 44103 Permanent Number 6548559 to Donya Kareem, Inc., DBA Quick Stop, 1054 East 71st Street, 1st Floor Front, Cleveland, Ohio 44103, Permanent Number 2260087; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 7, 2002.

Effective October 9, 2002.

Res. No. 1993-02.
By Council Members O'Malley, Jackson, Pierce-Scott, Jones, Reed, Lewis, Gordon and Johnson.

An emergency resolution calling upon the Campbell administration to investigate any banks and lending institutions that refuse to lend to residents of the City of Cleveland and urging the administration to cease doing business, financial or otherwise, with such institutions if said institutions fail to provide loans to City residents based solely upon the existence of the City's anti-predatory lending ordinance.

Whereas, on April 22, 2002, Cleveland City Council passed Ordinance No. 737-02, predatory lending legislation that regulates lending for home purchases and renovations by prohibiting predatory loans as defined in the ordinance; and

Whereas, Ordinance No. 737-02 recognizes that predatory lenders are thriving in Cleveland because many citizens from Cleveland's neighborhoods are unable to access legitimate financing for home purchases and renovations; and

Whereas, many senior citizens and homeowners in Cleveland are targeted by unethical home improvement contractors, mortgage brokers, mortgage lenders and finance companies engaging in predatory lending practices that result in foreclosure and/or stripping the home of equity; and

Whereas, predatory lenders charge exorbitant fees and interest rates and are persuading citizens to incur mortgage debt in excess of their needs or ability to pay, often through fraudulent means; and

Whereas, it is the intent and purpose of Ordinance No. 737-02 to protect the citizens of Cleveland and its neighborhoods from lending practices which strip hard earned equity from city residents and contribute to the problem of vacant and abandoned houses by making loans that families cannot afford to repay; and

Whereas, it is also the intention of Ordinance No. 737-02 to further

protect the citizens of Cleveland by: (1) collecting and making available to the public information necessary for city residents to protect themselves against predatory lending practices; (2) preventing the lenders engaged in predatory lending and those persons providing referrals and services to those lenders from enjoying the privilege of doing business with the City of Cleveland; and (3) preventing predatory lenders and those persons providing referrals and services to those lenders from taking advantage of city programs designed to encourage home ownership and home repair; and

Whereas, it has come to this Council's attention that, because of the existence of Ordinance No. 737-02, residents of the City of Cleveland have been refused home mortgages, refinancing of home mortgages, and various other loans; and

Whereas, it is incumbent upon this administration to protect its citizens by investigating whether any bank or other financial institution refuses to comply with Ordinance No. 737-02 by refusing to make loans to Cleveland residents; and

Whereas, any financial institution that effectively redlines Cleveland citizens in such manner should not be able to do business with the City of Cleveland, and the administration should immediately cease making deposits and investments, and doing any financial business with such entities; and

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

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

Section 1. That this Council hereby calls upon the Campbell administration to investigate any banks and lending institutions that refuse to lend to residents of the City of Cleveland and urges the administration to cease doing business, financial or otherwise, with such institutions if said institutions fail to provide loans to City residents based solely upon the existence of the City's anti-predatory lending ordinance.

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 October 7, 2002.

Effective October 9, 2002.

Res. No. 1994-02.
By Council Member Reed.
An emergency resolution objecting to a New C1 Liquor Permit to 11831 Union Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Lauren Unlimited Corp., DBA Neighborhood Market, 11831 Union Avenue, Cleveland, Ohio 44105, Permanent Number 5052946; and

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

Whereas, the applicant does not qualify to be a permit holder and/or

has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and.

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Lauren Unlimited Corp., DBA Neighborhood Market, 11831 Union Avenue, Cleveland, Ohio 44105, Permanent Number 5052946; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 7, 2002.

Effective October 9, 2002.

Ord. No. 1059-02.
By Councilman Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of pre-sort mail service, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is 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 pre-sort mail service 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 City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 104722)

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 October 7, 2002.

Effective October 9, 2002.

Ord. No. 1069-02.
By Councilman Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of office supplies, for the various divisions of City government, for a period not to exceed two years.

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of office supplies 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 City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the

initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 104721)

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 October 7, 2002.

Effective October 9, 2002.

Ord. No. 1539-02.
By Council Member Coats.
An emergency ordinance to amend Section 1 of Ordinance No. 914-01, passed June 19, 2001, relating to authorizing the Director of Community Development to enter into contract with various agencies to provide social 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 Section 1 of Ordinance No. 914-01, passed June 19, 2001, is amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into contracts with the following agencies to provide social services programs:

YOUTH

A Cultural Exchange
Bellflower Center for Prevention of Child Abuse, Inc.
Boys & Girls Clubs of Cleveland (Broadway)
Boys & Girls Clubs of Cleveland (Mt. Pleasant)
Boys & Girls Clubs of Cleveland (West Side)
Brooklyn Memorial Community Youth Center
Catholic Charities Services Corp. - Martin dePorres Center
Cleveland Mediation Center
Cleveland Police Athletic League
Community Relations/Youth At Risk
Division of Recreation/Recreational Activities
Collinwood Community Services Center (Recreation Activity)
East End Neighborhood House
Esperanza, Inc.
GLAD Center, Inc
Goodrich-Gannett Neighborhood Center
Greater Cleveland Neighborhood Centers Association
Harvard Community Services Center
Cultural and Educational Institute for Boricua Advancement, a.k.a. Julia de Burgos Cultural Arts Center
Karamu House, Inc.
Lexington-Bell Community Center
Merrick House
Nottingham Youth Center, Inc.
Safety Department/Greater Cleveland Roundtable
Services for Independent Living, Inc.
The Chorale
The Salvation Army

West Side Ecumenical Ministry
Westown Community Development Corporation
YMCA (Broadway Branch)
YMCA (Downtown / West Side Branches)
YMCA (Glenville Branch)
YMCA (Midtown East Branch)
YMCA (West Park)

ELDERLY

Alta Social Settlement House
Catholic Charities Services Corp. (Hispanic Senior Center)
Catholic Charities Corp. - Martin dePorres Center
Center for Families and Children
Collinwood Community Services Center
Community Re-entry, Inc.
Community Socialization Program
Cory Senior Citizens Program, Inc.
East End Neighborhood House
EBC's Fery Development Corporation
Golden Age Centers of Greater Cleveland, Inc.
Greater Cleveland Neighborhood Centers Association
Phillis Wheatley Association, Inc.
Salvation Army (Tremont)
Senior Citizen Resources, Inc.
Senior Outreach Services
Vocational Guidance Services
Werner Community Outreach, Inc.
West Side Community House

FAMILY

AACCESS-Ohio
American Sickle Cell Anemia Association
Custom Enrichment
El Barrio
Free Clinic
HiJos De Borinquen Spanish American Center
Merrick House, Inc.
Mum-Ford Visual Health Care, Inc.
Near West Side Multi-Service Corporation / May Dugan
Neighborhood Counseling Service
Vietnamese Community
West Side Multi-Service Corporation - Consortium

OTHER

Achievement Center for Children
Better Living Center
Catholic Charities / Womens Shelter
Community Re-Entry
Domestic Violence Center
Guardian House Shelter, Inc., a.k.a. G.B.C.
Hunger Network
National Federation of the Blind
New Cleveland Food Basket
Salvation Army
Spanish American Committee for a Better Community
Starting Point
Triumph House
University Settlement
West Side Community House

Section 2. That existing Section 1 of Ordinance No. 914-01, passed June 19, 2001, is repealed.

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

Passed October 7, 2002.
Effective October 9, 2002.

Ord. No. 1718-02.
By Council Member Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to 1100 Carnegie L.P., General Partner for the Hilton Garden Inn to encroach into the right-of-way of Webster Avenue S.E. with a directional sign.

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 1100 Carnegie L.P., 1022 Carnegie Avenue, Cleveland, Ohio 44115, its successors and assigns, for the construction, use and maintenance of a directional sign which will encroach into the public right-of-way of Webster Avenue S.E. at the location described as follows:

ENCROACHMENT AREA/WEBSTER AVENUE S.E./DIRECTIONAL SIGN

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio at the location described as follows:

Beginning on the Southerly line of Webster Avenue S.E. (60.00 feet wide) at its intersection with the Easterly line of East 9th Street (99.00 feet wide);

Thence Easterly, along said Southerly line of Webster Avenue S.E. about 9.00 feet to a point;

Thence Northerly, at right angles to the last described line, about 3.00 feet to a point;

Thence Westerly, and parallel with the Southerly line of Webster Avenue S.E. as aforesaid, about 9.00 feet to a point;

Thence Southerly, about 3.00 feet to the place of beginning.

Section 2. That said directional sign 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 directional sign is constructed.

Section 3. That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any objects to utility poles or other objects.

Section 4. That the Permit herein authorized shall reserve right of ingress and egress to the City of Cleveland, and that said Permit shall require the Permittee to provide Commercial General Liability Insurance, including Completed Operations Coverage, and that the Permittee shall maintain the permitted encroachment area, and that the Permittee shall pay any applicable taxes and assessments due and/or owing on the permitted encroachment area.

Section 5. That this permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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 October 7, 2002.
Effective October 9, 2002.

Ord. No. 1725-02.
By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance to amend the title of Ordinance No. 929-02, passed June 10, 2002; and to supplement the ordinance by adding new Section 3a, relating to the Director of Community Development entering into or amending contracts or memoranda of understanding with various public, private or governmental agencies or entities and City departments to implement Community Development programs.

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

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

Section 1. That the title of Ordinance No. 929-02, passed June 10, 2002, is amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, Community Development or local development corporations, private for profit entities, and various governmental entities and to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's Community Development programs and to expend funds for the operation of programs administered by the Department of Community Development.

Section 2. That the existing title of Ordinance No. 929-02, passed June 10, 2002, is repealed.

Section 3. That Ordinance No. 929-02, passed June 10, 2002, is supplemented by adding new Section 3a to read as follows:

Section 3a. That, after receiving the required approval stated in Section 4 of this ordinance, the Director of Community Development is authorized to enter into or amend contracts with the State of Ohio, Cuyahoga County, Cuyahoga Metropolitan Housing Authority, Cleveland Municipal School District, Regional Transit Authority, Northeast Ohio Regional Sewer District, Cleveland Metroparks, and such other governmental entities as defined under the Ohio Revised Code to implement activities and programs that are eligible under the Community Development Block Grant Program and are consistent with the City's Community Development objectives and policies.

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

Passed October 7, 2002.
Effective October 9, 2002.

Ord. No. 1845-02.**By Council Members Sweeney, Johnson, Reed and Jackson (by departmental request).****An emergency ordinance authorizing the purchase, lease or lease to purchase by requirement contract of various types of heavy duty vehicles and apparatus for various divisions of the Departments of Public Service, Parks, Recreation and Properties, and Public Safety.**

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

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

Section 1. That the Director of Public Service is authorized to make a written requirement contract or contracts 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 various types of heavy duty vehicles and apparatus set forth as follows:

2002 HEAVY DUTY VEHICLES AND APPARATUS

	Quantity	User	Unit Price	Total Est. Cost
Pumper	4	Fire	375,000	1,500,000
Aerial Ladder	1	Fire	550,000	550,000
Aerial Platform	1	Fire	650,000	650,000
Rescue Squad Vehicle	1	Fire	375,000	375,000
Cab/Chassis-w/10 cy Rear Ldr.	2	Parks	80,000	160,000
Cab/Chassis-w/25 cy Rear Ldr.	3	Parks	155,000	465,000
Cab/Chassis-w/25 cy Rear Ldr.	10	Waste	155,000	1,550,000
Cab/Chassis-w/Amb. Module	1	EMS	165,000	165,000
Cab/Chassis w/Dp-Plow-Inst. Tandem	1	Streets	130,000	130,000
Asphalt Grinder	1	Streets	375,000	375,000
Cab/Chassis w/concrete body	1	Streets	185,000	185,000
				6,105,000

in the estimated sum of \$6,250,000, to be purchased, leased or leased to purchase by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Departments of Public Service, Parks, Recreation and Properties, and 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 the 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 the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase or procurement thereunder, which purchase or procurement, together with all subsequent purchases or procurements, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

Section 3. That the City may enter into a lease-purchase arrangement for the heavy duty vehicles and apparatus with a bank, leasing company or any other organization that is not the manufacturer or vendor of the vehicles or apparatus that submitted a bid for the sale, lease or lease to purchase described in this ordinance, provided that: (I) the Director of Finance determines that it is in the best interest of the City to enter into that lease-purchase arrangement, (II) the maximum term of any lease-purchase arrangement does not exceed ten (10) years, (III) the aggregate principal obligation of the City under the lease-purchase arrangement does not exceed \$7,000,000, (IV) if the lease-purchase arrangement provides that the lease payments are to have a principal component and an interest component, the maximum interest rate for the interest component does not exceed seven percent (7%) per annum, (V) the obligations of the City under that lease-purchase arrangement for fiscal years beginning after December 31, 2002 are subject to annual appropriations being made by the City sufficient to pay the lease payments and to meet the other obligations of the City under that lease-purchase arrangement in each of these fiscal years, and (VI) the obligations of the City thereunder for the current fiscal year do not exceed \$210,000, which amount is appropriated for that purpose. The Director of Finance is authorized to sign and deliver, for and on behalf of the City and in the Director's official capacity, such written agreements, certificates and instruments as may be necessary and appropriate in order to provide for that lease-purchase arrangement under the terms and conditions authorized and containing such additional terms and conditions as are acceptable to the Director of Finance and the Director of Law. Those agreements may include a lease-purchase agreement, an escrow agreement for the deposit by the lessor of the purchase price of the vehicles and apparatus, acceptance certificates evidencing the City's acceptance of the vehicles from the vendors, and certificates as to insurance, tax compliance and related matters necessary to carry out the transaction. The lease-purchase arrangement may provide that the lease payments are to have a principal component and an interest component and that the interest component is to be excluded from gross income for federal income tax purposes. In that event, the Director of Finance and other City officials, as appropriate, are authorized to covenant on behalf of the City that (I) the City will use and will restrict the use of the vehicles and apparatus leased by the City under the lease-purchase agreement and will use, and will restrict the investment of, any proceeds of the lease-purchase agreement in such manner and to such extent as may be necessary so that the lease-purchase agreement will not constitute a private activity bond, an arbitrage bond or a hedge bond under the Internal Revenue Code of 1986, as amended (The "Code"), or be treated other than as an obligation to which Section 103(a) of the Code applies, and (II) the City will take or cause to be taken such actions that may be required of it for the interest component of the lease payments to be and to remain excluded from gross income for federal income tax purposes and the City will not take or authorize to be taken any actions that would adversely affect that exclusion. In the event that the City enters into such a lease-purchase arrangement, the Director of Public Service may assign to the lessor under the lease-purchase arrangement, or the lessor's designee, the rights of the City under the contracts for purchase of the vehicles and apparatus authorized in this ordinance. The Director of Law, Clerk of Council and other appropriate officials of the City are authorized to sign and deliver any documents, certificates and other instruments as the Director of Law determines are necessary and appropriate to carry out the transactions authorized by this ordinance.

Section 4. That it is found and determined that all formal actions of the Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

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

Passed October 7, 2002.

Effective October 9, 2002.

Ord. No. 1938-02.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance to amend Section 2 of Ordinance No. 1374-02, passed August 14, 2002, relating to a requirement contract of rock salt and chemical deicer, for the Division of Streets, Department of Public Service.

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

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

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

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

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

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

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

Passed October 7, 2002.
 Effective October 9, 2002.

Ord. No. 1985-02.
By Council Members Coats, Gordon and Jackson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1549-02, passed September 16, 2002, relating to a grant from the Clean Ohio Assistance Fund for Phase II remediation on property located at Ivanhoe and East 152nd Street for the future development of an industrial park and a contract with Second Growth.

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. 1549-02, passed September 16, 2002, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Clean Ohio Assistance Fund, for a Clean Ohio Assessment Grant for Phase II remediation on property located at 1088 Ivanhoe Road, 1050 Ivanhoe Road, 1115 East 152nd Street and 1146 East 152nd Street to be used for the future development of a 40-acre industrial

park to be located at Five Points; and authorizing said Director to enter into contracts with Second Growth to implement the project.

Section 1. That the Director of Economic Development is authorized to apply for and accept a grant in the approximate amount of \$362,214 from the Clean Ohio Assistance Fund, for a Clean Ohio Assessment Grant to conduct the Phase II remediation on property located at 1088 Ivanhoe Road, 1050 Ivanhoe Road, 1115 East 152nd Street and 1146 East 152nd Street to be used for the future development of a 40-acre industrial park to be located at Five Points, for the purposes set forth in the summary and according thereto; that the Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under said grant and that said funds be and they are hereby appropriated for the purposes set forth in the summary for said grant.

Section 2. That the existing title and Section 1 of Ordinance No. 1549-02, passed September 16, 2002, are repealed.

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

Passed October 7, 2002.
 Effective October 9, 2002.

Ord. No. 1986-02.
By Council Members Lewis and Jackson (by departmental request).
An emergency ordinance approving the collective bargaining agreement with City, County and Waste Paper Drivers Union, Local No. 244 and City, County and Waste Paper Drivers Union, Local 244 Seasonal; and to amend Sections 15 and 42 of Ordinance No. 469-02, passed April 1, 2002, as amended, relating to compensation for various classifications.

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

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

Section 1. That, in accordance with division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreements with City, County and Waste Paper Drivers Union, Local No. 244 and City, County and Waste Paper Drivers Union, Local 244 Seasonal, set forth in File No. 1986-02-A, for the period from April 1, 2001 through March 31, 2004, which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

<u>Increase</u>	<u>Effective Date of Increase</u>
Three percent (3%)	April 1, 2001
Three and one-half percent (3.5%)	April 1, 2002
Four percent (4%)	April 1, 2003

Section 2. That Section 15 of Ordinance No. 469-02, passed April 1, 2002, and Section 42 of Ordinance No. 469-02, passed April 1, 2002, as amended by Ordinance No. 639-02, passed April 15, 2002, are amended to read as follows:

Section 15. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<u>Minimum</u>	<u>Maximum</u>
1. Airport Maintenance Man.....	\$11.97	\$16.14
2. Concrete Mixer Driver.....	\$14.82	\$20.03
3. Dog Warden.....	\$11.04	\$14.91
4. Ground Maintenance Truck Driver IL.....	\$12.34	\$16.68
5. Hostler.....	\$ 9.80	\$13.24
6. Parking Enforcement Officer.....	\$ 9.74	\$13.16
7. Street Carry-all Driver.....	\$15.55	\$21.00
8. Street Maintenance Equipment Leader.....	\$16.15	\$21.82
9. Street Equipment Maintenance Specialist.....	\$15.55	\$21.00
10. Tanker Truck Driver.....	\$15.55	\$21.00
11. Tow Truck Operator.....	\$11.80	\$15.96
12. Traffic Controller.....	\$ 9.73	\$13.16
13. Truck Driver.....	\$12.50	\$16.90
14. Waste Collection Driver.....	\$12.33	\$16.66
15. Waste Collection Roll-Off Driver.....	\$15.52	\$21.41

Section 42. Part-Time/Seasonal Group

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

	Minimum	Maximum
1. Box Office Cashier.....	\$10.33	\$13.97
2. Chaplain.....	\$ 8.20	\$11.04
3. Checker.....	\$ 8.70	\$ 9.20
4. Conservation Aide.....	\$ 8.70	\$ 9.20
5. Dentist.....	\$13.38	\$27.48
6. Head Usher.....	\$ 8.20	\$10.91
6a. Law Clerk.....	\$ 8.70	\$12.00
7. Medical Examiner.....	\$21.40	\$56.36
8. Organ Tuner.....	\$ 9.63	\$24.11
9. Park Maintenance Aide.....	\$ 8.70	\$ 9.20
10. Ranger.....	\$ 8.20	\$10.77
11. School Crossing Guard (Per Day).....	\$25.00	\$25.00
12. Section Supervisor.....	\$ 8.70	\$ 9.20
13. Snow Removal Vehicle Operator.....	\$10.40	\$14.46
14. Stage Hand.....	\$19.11	\$26.29
15. Stage Hand Casual.....	\$20.60	\$25.96
16. Stage Hand - Show Rate (Per Show).....	\$64.89	\$85.34
17. Student Aide.....	\$ 8.70	\$ 9.20
18. Student Assistant.....	\$ 8.70	\$ 9.20
19. Usher.....	\$ 8.70	\$ 9.20
20. Usher Captain.....	\$ 8.70	\$ 9.20

Section 3. That existing Section 15 of Ordinance No. 469-02, passed April 1, 2002, and Section 42 of Ordinance No. 469-02, passed April 1, 2002, as amended by Ordinance No. 639-02, passed April 15, 2002, are repealed.

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

Passed October 7, 2002.
Effective October 9, 2002.

Ord. No. 1987-02.

By Council Member Rybka (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to St. John's Nepomucene Church to encroach into the right-of-way of Independence Rd., Fleet Ave. and E. 50th St. to hang six banners using Cleveland Public Power utility poles (by separate permission) for a 2-Year Celebration of the 100th Year Anniversary of the Church's School.

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 St. John Nepomucene Church, 3785 Independence Road, Cleveland, Ohio 44105, for six (6) banners to be hung on Cleveland Public Power utility poles (by separate permission) which will encroach into the public right-of-way of Independence Road, Fleet Avenue and East 50th Street for the two (2) Year Celebration of the 100th Year Celebration of the Church's School at the following locations:

LOCATION: INDEPENDENCE ROAD:	POLE #:	OWNER:	USE:
1. 50-feet from Fleet Avenue	SEI-103.2	CPP	Single Banner
2. Corner of Independence & Fleet Ave.	SEI-103.1	CPP	Single Banner
3. 4906 Fleet Ave. in front of School	SEI-102A	CPP	Single Banner
4. East 50th at the West side of St. John's Church	SEI-100A/2B	CPP	Single Banner
5. E. 50th St. in front of St. John's Church	No Tag	CPP	Single Banner
6. E. 50th St. (East side)1st pole South of Fleet Ave.	SEI-100A-1	CPP	Single Banner

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

Section 3. That nothing in this Permit grants or shall be considered a grant to Permittee any right, privilege or permission to use or attach or affix any objects to poles described in Section 1 of this Ordinance.

Section 4. That this permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been 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 October 7, 2002.
Effective October 9, 2002.

Ord. No. 1988-02. By Council Members Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance to amend Section 4 of Ordinance No. 2030-01, passed March 25, 2002, relating to the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge approaches, utility box and casting adjustments, and appurtenances.

Whereas, the City constructs public improvements as part of the Home Ownership Zone using HUD grant funds; 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 Section 4 of Ordinance No. 2030-01, passed March 25, 2002, is amended to read as follows:

Section 4. That the cost of the improvement authorized shall be paid from Fund Nos. 10 SF 166, 10 SF 168, 13 SF 886, 14 SF 026, 10 SF 057, 11 SF 401 and from the fund or funds which are credited the proceeds of the sale of any general obligation bonds which include this purpose, Request No. 107481.

Section 2. That existing Section 4 of Ordinance No. 2030-01, passed March 25, 2002, is repealed.

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

Passed October 7, 2002. Effective October 9, 2002.

Ord. No. 1995-02. By Council Member Pierce Scott. An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Department of Public Health to stretch a banner at 1161 East 105th Street, for the period from October 14, 2002 to October 22, 2002, inclusive, publicizing the Lead Poisoning Prevention Campaign.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Department of Public Health to install, maintain and remove a banner at 1161 East 105th Street, for the period from October 14, 2002 to October 22, 2002, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

Passed October 7, 2002. Effective October 9, 2002.

COUNCIL COMMITTEE MEETINGS

Monday, October 14, 2002 11:00 A.M.

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

2:00 P.M.

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

Tuesday, October 15, 2002 10:00 A.M.

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

Wednesday, October 16, 2002 10:00 A.M.

Public Safety Committee: Present: Reed, Chair; Britt, Vice Chair; Coats, Brady, Jones, Zone, Conwell. Not excused: Cimperman, White.

1:00 P.M.

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

1:30 P.M.

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

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