

The City Record

Official Publication of the City of Cleveland

October the Eighteenth, Two Thousand

| | |
|-----------------------------|---------------------|
| Mayor | |
| Michael R. White | |
| President of Council | |
| Michael D. Polensek | |
| Clerk of Council | |
| Ruby F. Moss | |
| Ward | Name |
| 1 | Joseph T. Jones |
| 2 | Robert J. White |
| 3 | Odelia V. Robinson |
| 4 | Kenneth L. Johnson |
| 5 | Frank G. Jackson |
| 6 | Patricia J. Britt |
| 7 | Fannie M. Lewis |
| 8 | William W. Patmon |
| 9 | Craig E. Willis |
| 10 | Roosevelt Coats |
| 11 | Michael D. Polensek |
| 12 | Edward W. Rybka |
| 13 | Joe Cimperman |
| 14 | Nelson Cintron, Jr. |
| 15 | Merle R. Gordon |
| 16 | Michael C. O'Malley |
| 17 | Timothy J. Melena |
| 18 | Jay Westbrook |
| 19 | Dona Brady |
| 20 | Martin J. Sweeney |
| 21 | Michael A. Dolan |

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RECYCLE.....Save the Future



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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL—LEGISLATIVE

President of Council—Michael D. Polensek

| Ward | Name | Residence | |
|------|---------------------|--------------------------|-------|
| 1 | Joseph T. Jones | 4691 East 177th Street | 44128 |
| 2 | Robert J. White | 3760 East 126th Street | 44105 |
| 3 | Odelia V. Robinson | 3448 East 123rd Street | 44120 |
| 4 | Kenneth L. Johnson | 2948 Hampton Road | 44120 |
| 5 | Frank G. Jackson | 2327 East 38th Street | 44115 |
| 6 | Patricia J. Britt | 12402 Britton Drive | 44120 |
| 7 | Fannie M. Lewis | 7416 Star Avenue | 44103 |
| 8 | William W. Patmon | 867 East Boulevard | 44108 |
| 9 | Craig E. Willis | 11906 Beulah Avenue | 44106 |
| 10 | Roosevelt Coats | 1775 Cliffview Road | 44112 |
| 11 | Michael D. Polensek | 17855 Brian Avenue | 44119 |
| 12 | Edward W. Rybka | 6832 Indiana Avenue | 44105 |
| 13 | Joe Cimperman | 3053 West 12th Street | 44113 |
| 14 | Nelson Cintron, Jr. | 3032 Vega Avenue | 44113 |
| 15 | Merle R. Gordon | 1700 Denison Avenue | 44109 |
| 16 | Michael C. O'Malley | 6710 Brookside Drive | 44144 |
| 17 | Timothy J. Melena | 6110 West Clinton Avenue | 44102 |
| 18 | Jay Westbrook | 10513 Clifton Boulevard | 44102 |
| 19 | Dona Brady | 3466 Bosworth Road | 44111 |
| 20 | Martin J. Sweeney | 3632 West 133rd Street | 44111 |
| 21 | Michael A. Dolan | 16519 West Park Road | 44111 |

MAYOR – Michael R. White

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

DEPT. OF LAW – Cornell P. Carter, Director, Pinky Carr, Chief Counsel, Room 106
 Lauren Moore, Chief City Prosecutor; Criminal Branch – Justice Center 8th Floor, Court Towers, 1200 Ontario Street
 Karen E. Martinez, Law Librarian, Room 100

DEPT. OF FINANCE – Ronald E. Brooks, Director, Room 104;
 Frank Badalamenti, Manager, Internal Audit
DIVISIONS – Accounts – Marilyn Henderson, Commissioner, Room 19
 City Treasury – Algeron Walker, Treasurer, Room 115
 Assessments and Licenses – Robert C. Brown, Commissioner, Room 122
 Purchases and Supplies – Myrana Branche, Commissioner, Room 128
 Printing and Reproduction – Diane Fritzgerald, Acting Commissioner, 1735 Lakeside Avenue
 Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue
 Financial Reporting and Control – Robert Dolan, Controller, Room 18
 Information Systems Services – Daniel Jarvis, Commissioner, 1404 E. 9th St.

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

DEPT. OF PORT CONTROL – LaVonne Sheffield-McClain, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;
 Cleveland Hopkins International Airport – Mark D. Vanloh, Commissioner
 Burke Lakefront Airport – _____, Commissioner

DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113
DIVISIONS – Waste Collection and Disposal – Randell T. Scott, Acting Commissioner, 5600 Carnegie Avenue.
 Streets – Randell T. Scott, Commissioner, Room 25
 Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
 Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards
 Architecture – Paul Burik, Acting Commissioner, Room 517

DEPT. OF PUBLIC HEALTH – Michele C. Whitlow, Director, Mural Building 1925 St. Clair Avenue
DIVISIONS – Health – Cheri Hahn, Commissioner, Mural Building, 1925 St. Clair Avenue
 Environment – Donald Culp, Commissioner, Mural Building, 1925 St. Clair Avenue
 Correction – Thomas Hardin, Commissioner, Cleveland House of Corrections, 4041 Northfield Road

DEPT. OF PUBLIC SAFETY – Henry Guzmán, Director, Room 230.
DIVISIONS – Police – Martin L. Flask, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street
 Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue
 Traffic Engineering & Parking – Lt. Richard Petrencsik, Commissioner, 4150 East 49th Street, Building #1
 Dog Pound – John Baird, Chief Dog Warden, 2690 W. 7th Street
 Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive

DEPT. OF PARKS, RECREATION & PROPERTIES – Nicholas P. Jackson, Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.
DIVISIONS – Convention Center & Stadium – James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
 Property Management – Tom Nagle, Commissioner, East 49th & Harvard

Parking Facilities – Dennis Donahue, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
 Park Maintenance and Properties – Richard L. Silva, Commissioner, Public Auditorium – E. 6th & Lakeside.
 Recreation – Michael Cox, Commissioner, Room 8
 Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

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

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Jeffrey K. Patterson, Director, Room 121

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

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

COMMUNITY RELATIONS BOARD – Room 11, Dennis D. Dove, Director; Mayor Michael R. White, Chairman EX-Officio; Mary Adele Springman, Vice-Chairman; Councilman Dona Brady, Councilman Joe Cimperman, City Council Representatives; Rev. Bruce Goode, Paula Castleberry, Charles E. McBee, Mary Adele Springman, Esq., Terez E. Woods, Emmett Saunders, John Banno, Mary Jane Buckshot, Kathryn M. Hall, Raymond Negron, Evangeline Hardaway, Edna Fuentes-Casiano, Janet Jankura, Gia Hoa Ryan.

CIVIL SERVICE COMMISSION – Room 119, Anne Bloomberg, President; _____, Vice President; Gregory J. Wilson, Secretary; Timothy J. Cosgrove, Member, Rev. Earl Preston, Member.

SINKING FUND COMMISSION – Michael R. White, President; Betsy Hruby, Asst. Sec'y.; Martin Carmody, Director; Council President Michael D. Polensek.

BOARD OF ZONING APPEALS – Room 516, Carol Johnson, Chairman; Members: Chris Carmody, Margaret Hopkins, Ozell Dobbins, Tony Petkovsek, Eugene Cranford, Jr., Secretary.

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Cornell P. Carter, President; Finance Director Ronald E. Brooks, Secretary; Council President Michael D. Polensek.

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

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Cornell P. Carter; Utilities Director Michael Konicek; Council President Michael D. Polensek.

CITY PLANNING COMMISSION – Room 501 – Hunter Morrison, Director; Anthony J. Coyne, Acting Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Edward D. Small, Councilman Joseph Cimperman.

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

MORAL CLAIMS COMMISSION – Law Director Cornell P. Carter; Chairman; Finance Director Ronald E. Brooks; Council President Michael D. Polensek; Councilman Bill Patmon; 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; Paul Burik, James Gibans, Sandra Morgan, Hunter Morrison, Theodore Sande, Galen Schuerlein, Randall Shorr, Councilman Joseph Cimperman, Councilman Timothy J. Melena, Robert Keiser, Executive Secretary.

CLEVELAND MUNICIPAL COURT JUSTICE CENTER—1200 ONTARIO CENTRAL SCHEDULING DEPARTMENT JUDGE COURTROOM ASSIGNMENTS

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 87

WEDNESDAY, OCTOBER 18, 2000

No. 4532

CITY COUNCIL

MONDAY, OCTOBER 16, 2000

The City Record

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RUBY F. MOSS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

The following Committee is subject to the Call of the Chairman:
Mayor's Appointment Committee: O'Malley, Chairman; Britt, Cimperman, Patmon, Sweeney.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 16, 2000.

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

Councilmen present: Brady, Britt, Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Jones, Lewis, Melena, O'Malley, Patmon, Robinson, Rybka, Sweeney, Westbrook, White and Willis.

Also present were Directors Brooks, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Jackson, Hudecek, Patterson, Warren, Alexander, Dove, Morrison, and Acting Directors Langhenry and Szabo.

Absent: Mayor White and Directors Carter and Guzman.

Pursuant to Ordinance No. 2976-76, the Council Meeting was opened with a prayer offered by Rev. Patricia Hanen of the Episcopal Diocese of Ohio, located at 2230 Euclid Avenue in Ward 13. Pledge of Allegiance.

MOTION

On the motion of Councilman Rybka, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Councilman Cintron.

COMMUNICATIONS

File No. 1778-2000.

From the Northeast Ohio Regional Sewer District — Annual Report 1999 — Choosing Change. Received.

STATEMENT OF WORK ACCEPTED

File No. 1779-2000.

From the Department of Public Utilities re: Fabrizi Trucking & Paving Company, Contract No. 55884 A, completed and accepted on August 31, 2000. Received.

File No. 1780-2000.

From the Department of Public Utilities re: Contract No. 56157, Cleaning and Lining 2000-4-5-6, completed and accepted as September 29, 2000. Received.

COMMUNICATIONS

File No. 1781-2000.

October 9, 2000

The Honorable Michael D. Polensek
Council President
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Polensek:

On April 20 of this year I submitted to Council five outstanding candidates for the City's new Air Pollution Advisory Committee. In a follow up letter dated June 22, I again urged Council to act expeditiously on these nominations in order to take advantage of the City's many positive steps toward solving our air pollution issues.

I am now given to understand that your staff may have misplaced our original nomination letter and accompanying resumes. At this time I am resubmitting my nomination of Chris Trepal, James A. Haviland, Mark W. Pestak, Muqit Sabur, and Kyle Dreyfuss-Wells, along with copies of their resumes, to Council for its consideration. I also urge Council to quickly name its two appointments so that the Committee members may begin to meet.

Sincerely,

MICHAEL R. WHITE
Mayor

Received.
Referred to Committee on Mayor's Appointments.

CONDOLENCE RESOLUTIONS

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

- Res. No. 1782-2000**—John A. Collins.
Res. No. 1783-2000—Constance L. Burlingame.
Res. No. 1784-2000—Nathaniel C. Mumphrey.
Res. No. 1785-2000—William Frank Joiner.
Res. No. 1786-2000—Ola Mae Jordan.
Res. No. 1787-2000—Marcus A. Steele.
Res. No. 1788-2000—Dennis Sweeney.

CONGRATULATION RESOLUTIONS

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

- Res. No. 1789-2000**—MAC/MARAC 2000 Joint Conference.
Res. No. 1790-2000—Farah M. Walters.
Res. No. 1791-2000—Rev. Dr. Kenneth W. Chalker.
Res. No. 1792-2000—Rev. Otis Moss, Jr.
Res. No. 1793-2000—Imam W. Deen Mohammed.
Res. No. 1794-2000—Lillian V. Hall.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1795-2000.
By Mayor White.
An emergency ordinance authorizing the Director of Finance to enter into contract with PeopleSoft USA, Inc. for software maintenance and support services for PeopleSoft modules, for the Division of Financial Reporting and Control, Department of Finance, for a period of one year with two one-year options to renew.

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

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

Section 1. That the Director of Finance is hereby authorized to enter into contract with PeopleSoft USA, Inc. for professional services necessary to provide software maintenance and support services for PeopleSoft modules, for a period of one (1) year commencing June 29, 2000 with two (2) options exercisable by the Director of Finance, to renew for an additional one year term, and cancellable upon thirty days' written notice by said Director, in the total sum of \$243,302.40, payable from Fund No. 01-151001-661600, Request No. 7782, for the Division of Financial Reporting and Control, Department of Finance.

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 Finance, Law; Committee on Finance.

Ord. No. 1796-2000.
By Councilman Patmon (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 996-2000, passed June 19, 2000, relating to a grant from the State of Ohio, Department of Justice for the 2000 TEAM Approach to Violence Against Women Program, and to appropriate the remaining grant funds.

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

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

Section 1. That Section 1 of Ordinance No. 996-2000, passed June 19, 2000, is hereby amended to read as follows:

Section 1. That the Director of Law is hereby authorized to apply for and accept a grant in the amount of \$200,000, from the State of Ohio, Department of Justice, to conduct the 2000 TEAM Approach to Violence Against Women Program, for the purposes set forth in the summary and according thereto; that the Director of Law is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; that one-half of said grant funds are appropriated for the purposes set forth in the summary of the grant, and that appropriation of the remainder of said grant funds shall require further legislation of this Council.

Section 2. That existing Section 1 of Ordinance No. 996-2000, passed June 19, 2000, is hereby repealed.

Section 3. That the remainder of the grant funds are hereby appropriated for the purposes set forth in the summary of the grant.

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

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

Ord. No. 1797-2000.
By Mayor White.

An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. 48468 for rehabilitating the West Concourse apron with Anthony Allega Cement Contractors, Inc., for the Department of Port Control.

Whereas, Ordinance No. 378-95, passed May 24, 1995, authorized the Director of Port Control to enter into a subsidiary agreement to City Contract No. 48468 with Anthony Allega Cement Contractors, Inc.; and

Whereas, an additional subsidiary agreement is now necessary in order to complete City Contract No. 48468; and

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

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

Section 1. That the Director of Port Control is hereby authorized to make the following alterations and modifications in Contract No. 48468 with Anthony Allega Cement Contractors, Inc. for rehabilitating the West Concourse apron, for the Department of Port Control:

ADDITIONS

| ITEM NO. | DESCRIPTION | AMOUNT |
|------------|---|-------------|
| X-20-5.1 | Paint Removal 309 Sq. Ft. @ \$3.30 | \$1,019.70 |
| X-22-4.1 | Pavement Removal 4,714 Sq. Ft. @ \$6.85 | \$32,290.90 |
| X-31-5.1 | Filter Fabric 15,383 S.Y. @ \$1.00 | \$15,383.00 |
| X-35-5.1 | Asphalt Treated Permeable Base 2,000 S.Y. @ \$5.75 | \$11,500.00 |
| P-152.4.1A | Unclassified Excavation 4075 C.Y. @ \$6.60 | \$26,895.00 |

| | | |
|------------|--|-------------------|
| P-152.4.2 | Granular Borrow 606 C.Y. @ \$19.90 | \$12,059.40 |
| P-304-6.2 | 8" Cement Treated Base 859 S.Y. @ \$19.99 | \$17,171.41 |
| P-304-6.2A | 8" Cement Treated Base - Add Alternate 655 S.Y. @ \$11.75 | \$7,696.25 |
| P-501-8.2 | 16" Portland Cement Concrete Pavement 1518 S.Y. @ \$32.90 | \$49,942.20 |
| P-501-8.2S | FAA Incentive for Pavement Strength, 16"; Up to 6% of Pavement Cost | \$2,996.53 |
| D-701-5.12 | Sign Base Removal 2 EA. @ \$200.00 | \$400.00 |
| D-705-5.1 | 6" Underdrain 58.5 L.F. @ \$11.20 | \$655.20 |
| D-705-5.2 | 4" Drain Pipe 27 L.F. @ \$20.00 | \$540.00 |
| D-750-5.4 | Drain Connection 3 EA. @ \$200.00 | \$600.00 |
| D-751-5.1 | Manhole Removal 12 EA. @ \$250.00 | \$3,000.00 |
| D-751-5.6E | Premium Sewer Backfill 196 TN. @ \$7.15 | \$1,401.40 |
| D-751-5.8 | Manhole Reconstruction to Grade 9 EA. @ \$3,000.00 | \$27,000.00 |
| L-108-5.1 | Cable, Underground 2,610 L.F. @ \$3.25 | <u>\$8,482.50</u> |
| | Additions this Subsidiary | \$219,033.49 |

NEW ITEMS

| DESCRIPTION | AMOUNT | |
|---|---------------------------|--------------|
| Lowering of Jetway at Gate B-4; Lump Sum 1 L.S. @ \$5,232.60 | \$5,232.60 | |
| Remove and Relocate Lighting Pole; Lump Sum 1 L.S. @ \$5,255.32 | \$5,255.32 | |
| Glycol & Fuel Tank Closures; Lump Sum 1 L.S. @ \$16,905.76 | \$16,905.76 | |
| 4-Way - 4" Duct Bank Changes; 800 L.F. @ \$3.98 800 L.F. @ \$3,184.00 | \$3,184.00 | |
| Cable Removed; 16,694 L.F. @ \$1.06 16,694 L.F. @ \$17,695.64 | \$17,695.64 | |
| Lowering of two (Delta Airlines) jetbridges to meet new apron pavement elevation. Include all labor, materials, testing and certification. 1 L.F. @ \$59,408.00 | <u>\$59,408.00</u> | |
| | New Items this Subsidiary | \$107,681.32 |

CREDITS

| ITEM NO. | DESCRIPTION | AMOUNT |
|------------|--|------------|
| P-152-4.1 | Unclassified Excavation 36,428 C.Y. @ \$0.10 | \$3,642.80 |
| P-501-8.1S | FAA Incentive For Pavement Strength, 10" L.S. \$298.93 | \$298.93 |

| | | |
|--|--|-------------------------|
| P-501-8.2S | FAA Incentive for Pavement Strength, 16" L.S. \$3,751.48 | \$3,751.48 |
| P-620-5.1 | Runway and Taxiway Painting With Glass Beads 2,088 S.F. @ \$2.20 | \$4,593.60 |
| D-701-5.1 | 12" Reinforced Concrete Pipe 649.5 L.F. @ \$33.50 | \$21,758.25 |
| D-701-5.3 | 18" Reinforced Concrete Pipe 6 L.F. @ \$38.50 | \$231.00 |
| D-701-5.4A | 24" Reinforced Concrete Pipe 6 L.F. @ \$112.20 | \$673.20 |
| D-701-5.5 | 27" Reinforced Concrete Pipe 100 L.F. @ \$50.00 | \$5,000.00 |
| D-701-5.7 | 36" Reinforced Concrete Pipe 55 L.F. @ \$81.00 | \$4,445.00 |
| D-701-5.8 | 48" Reinforced Concrete Pipe 36 L.F. @ \$122.80 | \$4,420.80 |
| D-701-5.9 | Pipe Removal 24" and Under 833 L.F. @ \$9.00 | \$7,497.00 |
| D-701-5.11 | Pipe Abandonment, Grout Filled 29 L.F. @ \$100.00 | \$2,900.00 |
| D-705-5.3 | 8" Drain Pipe 100 L.F. @ \$20.00 | \$2,000.00 |
| D-751-5.2 | Inlet or Catch Basin Removal 7 EA @ \$250.00 | \$1,750.00 |
| D-751-5.3 | Manhole Adjusted to Grade 5 EA. @ \$1,500.00 | \$7,500.00 |
| D-751-5.4 | Inlet or Catch Basin Adjusted to Grade 5 EA. @ \$4,000.00 | \$20,000.00 |
| D-751-5.5 | New Underdrain Cleanout 1 EA. @ \$250.00 | \$250.00 |
| L-125-5.1 | Edge Light, Taxiway 1 EA. @ \$1,300.00 | \$1,300.00 |
| L-125-5.2 | Ground Rod 3 EA. @ \$150.00 | \$450.00 |
| | Credits this Subsidiary | \$92,472.06 |
| Original Contract Price | | \$ 12,675,321.24 |
| First Subsidiary Additions (Ord. 378-95) | | <u>+ 1,536,137.65</u> |
| Revised Contract Amount | | \$ 14,211,458.89 |
| Additions this subsidiary | | \$219,033.49 |
| New Items this subsidiary | | <u>+ 107,681.32</u> |
| Total Additions | | \$326,714.81 |
| Total Additions | | \$326,714.81 |
| Credits this subsidiary | | <u>- 92,472.06</u> |
| Additions this Subsidiary | | \$234,242.75 |
| Additions this Subsidiary | | \$234,242.75 |
| Contingency Amount | | <u>- 27,330.62</u> |
| Total Additions this Subsidiary | | \$206,912.13 |
| Revised Contract Amount | | \$ 14,211,458.89 |
| Total Additions this Subsidiary | | <u>+ 206,912.13</u> |
| TOTAL REVISED CONTRACT AMOUNT | | \$ 14,418,371.02 |

which alteration has been recommended in writing by the said Director of Port Control, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Port Control and the Contractor. This alteration will cause an increase in the amount of the original contract amount, as revised pursuant to Ordinance No. 378-95, passed May 24, 1995, in the sum of \$206,912.13, to be paid from Fund Nos. 60 SF 106, 60 SF 115, 60 SF 118 and the fund and/or sub-funds to which are credited the proceeds of any general airport revenue bonds issued for the purpose that includes this improvement.

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 Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 1798-2000.

By Mayor White.

An emergency ordinance authorizing the Director of Port Control to employ one or more consultants or one or more firms of consultants to provide professional services necessary to conduct annual audits of select vendors and concessionaires for Fiscal Year 2000 for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized to employ by contract one or more consultants or one or more firms of consultants to provide professional services necessary to conduct annual audits of select vendors and concessionaires for Fiscal Year 2000 for the various divisions of the Department of Port Control.

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

Section 2. That the costs for such contract herein authorized shall be paid from Fund No. 60 SF 001, Request No. 30903.

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 1799-2000.

By Councilman Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to the Old Arcade LLC, to encroach into the public right-of-way of Superior Avenue with a Canopy and associated supports for the Hyatt Regency Hotel at the Arcade.

Whereas, this ordinance constitutes an emergency measure pro-

viding for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to the Old Arcade LLC, 401 Euclid Avenue Suite 152, Cleveland, Ohio 44114, its successors and assigns, for the construction, use and maintenance of a canopy with associated supports for the Hyatt Regency Hotel at the Old Arcade LLC, which will encroach into the public right-of-way of Superior Avenue at the location described as follows:

LEGAL DESCRIPTION/PROPOSED ENCROACHMENT/ARCADE, SUPERIOR AVENUE

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Original Ten Acre Lot Number 91 and bounded and described as follows:

Beginning at the intersection of the Southwesterly line of East 6th Street, 50.00 feet wide, with the Southeasterly line of Superior Avenue, 132.00 feet wide;

Thence South 56°-14'-50" West, along the Southeasterly line of Superior Avenue, 149.26 feet to a point being the most Northerly corner of a parcel of land conveyed to The Arcade Company Limited by deed recorded in Volume 14691, Page 851 of Cuyahoga County Records;

Thence continuing South 56°-14'-50" West, along the Southeasterly line of Superior Avenue and the Northwesterly line of land conveyed to the Arcade Company Limited, 60.31 feet to a point and the principal place of beginning of the land to be described;

Thence South 56°-14'-50" West, along the Southeasterly line of Superior Avenue and the Northwesterly line of land conveyed to the Arcade Company Limited, a distance of 30.00 feet to a point;

Thence North 33°-45'-10" West, a distance of 25.00 feet point;

Thence North 56°-14'-50" East, a distance of 30.00 feet to a point;

Thence South 33°-45'-10" East, a distance of 25.00 feet point and the principal place of beginning, containing 750.00 square feet or 0.01722 acres of land;

North is assumed and is based on the assumption that Superior Avenue bears North 56°-14'-50" East, be the same more or less but subject to all legal highways.

Section 2. That said canopy and associated supports 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 canopy is constructed.

Section 3. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

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

Ord. No. 1800-2000.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 513.01 to 513.11 and 513.99 relating to the issuance of temporary public right-of-way occupancy permits for outdoor restaurants.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 513.01 to 513.11 and 513.99 to read, respectively, as follows:

**Chapter 513
ISSUANCE OF TEMPORARY
PUBLIC RIGHT-OF-WAY
OCCUPANCY PERMITS FOR
OUTDOOR RESTAURANTS**

Section 513.01 Definitions

When used in this Chapter, the following words shall have the following meanings:

(a) "Director" means the Director of Public Service or his designee.

(b) "Outdoor Restaurant" means a portion of a public sidewalk, court, alley, street, or other public right-of-way that is used by a business establishment to serve food and beverage.

(c) "Permit" means a temporary public right-of-way occupancy permit authorized by Section 513.02 of the Codified Ordinances.

(d) "Permittee" means the person who owns the outdoor restaurant permitted to occupy an area of the public right-of-way.

(e) "Right-of-way" means any sidewalk, court, alley, street or other area dedicated or otherwise designated for public use and held by the City.

(f) "Unobstructed Walk" means a clear, continuous paved surface free of tree grates, elevator grates and all vertical obstructions.

Section 513.02 Temporary Public Right-of-Way Occupancy Permits

Notwithstanding any codified ordinance to the contrary, the Director of Public Service is hereby authorized to issue temporary public right-of-way occupancy permits revocable at the will of the Council authorizing the placement of outdoor restaurants at permitted locations on sidewalks, courts, alleys, streets or other public rights-of-way in the City, subject to the provisions of this Chapter. A separate encroachment permit for such outdoor restaurants shall not be required.

No owner or operator of a business establishment shall occupy any portion of a public sidewalk, court, alley, street or other public right-of-way with an outdoor restaurant without first obtaining a permit in accordance with this Chapter. Any business owner or operator occupying any portion of a public sidewalk, court, alley, street or other public right-of-way without a permit as required by this Chapter shall be subject to the fines and penalties set forth in Sections 513.09 and 513.99 of this Chapter.

Section 513.03 Application for Permits

Application for a permit shall be made to the Director in a form deemed appropriate by him. Such application shall include, but not be limited to, the following information:

(a) Name, phone number and address of the applicant;

(b) Name and address of the business establishment seeking the temporary occupancy permit;

(c) A description of the proposed area, with photographs, to be occupied by the outdoor restaurant and the hours and days of operation;

(d) Detailed plans drawn to scale showing the locations, number and arrangement of tables, chairs, and other structures, the location of the pedestrian diverters planned to demarcate the occupied area, the location of the entrance to the establishment, the locations of fire exits or fire escapes, and the nature and location of any existing sidewalk obstructions;

(e) A description of the tables, chairs, pedestrian diverters, and other structures, including information about the composition.

(f) A signed statement that the applicant is the owner of the business establishment immediately adjacent to the proposed area to be occupied by an outdoor restaurant;

(g) A description of the type of food and beverage to be served;

(h) Evidence that all required health licenses, including, but not limited to, the license required by section 241.22 of the Codified Ordinances, have been obtained or have been applied for; and

(i) A signed statement that the permittee shall hold harmless the City of Cleveland, its officers and employees and shall indemnify the City of Cleveland, its officers and employees for any claims or damage to property or injury to persons

which may be occasioned by any activity carried on under the terms of the permit. Permittee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee and the city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage in an amount of not less than One Million Dollars (\$1,000,000.00) on account of an accident involving injuries, including death, to one or more persons and property damage insurance in an amount of not less than One Million Dollars (\$1,000,000.00), or a combined single limit of One Million Dollars (\$1,000,000.00) provided however, that this insurance requirement shall not be construed to limit permittee's indemnification obligations to the above-required limits of insurance. Such insurance shall also name the City of Cleveland as an additional insured, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the expiration date of the permit without thirty (30) days' written notice to the Director.

Section 513.04 Permit Fee, Issuance and Duration

Each application for a permit shall be accompanied by a fee of two hundred and fifty dollars (\$250.00). If the applicant is not issued a permit, the fee shall be refunded, except one hundred dollars (\$100.00) for administrative expenses.

On the approval of the application by the Commissioner of Environmental Health, the Director of Public Safety, the Director of Public Service, the Director of the City Planning Commission, the Secretary of the Landmarks Commission, as applicable, and upon compliance with the Council notification provision described below, the Director of Public Service shall issue a permit in accordance with this Chapter. Denial of a permit may be appealed to the Board of Zoning Appeals.

No permit shall be issued until the members of Council of the wards affected have been provided with written notice by the Director of Public Service and until the expiration of thirty (30) days from the date of such notice, unless such period of thirty (30) days is expressly waived by such Council members in writing.

Permits shall be valid for an eight month period, commencing April 1 and ending November 30. Permits may be renewed, on a form provided by the Director, for the following season provided all the requirements of this Chapter are met, and no changes have been made from the previous approved application. The permit renewal fee is two hundred fifty dollars (\$250.00). If there are changes to the application, a new application must be made in accordance with the previous section.

Section 513.05 Permitted Locations

The Director, consistent with the provisions of this chapter and the zoning code, shall establish rules and regulations as the Director deems proper with respect to permitted locations for the operation of outdoor restaurants. The Director shall consider the operation and

location of the outdoor restaurant, the maintenance of the business establishment requesting a permit, the proximity and location of emergency exits, fire standpipes, fire hydrants, driveways, handicap ramps, handicapped parking zones, commercial loading and unloading zones, the condition of the sidewalk, and other factors he deems relevant. The Director may modify the rules and regulations as he deems necessary.

The issuance of permits and the maintenance of tables, chairs and other structures shall be subject to the rules and regulations established by the Director, the zoning code and the following conditions and restrictions:

(a) Outdoor restaurants shall not obstruct emergency exits or fire standpipes;

(b) Outdoor restaurants shall not occupy any portion of the roadway or within two (2) feet of the curb;

(c) Outdoor restaurants shall not be permitted within six (6) feet of any fire hydrant, within five (5) feet of any driveway, within three (3) feet of any sidewalk handicap ramp, or within that portion of the sidewalk parallel to an area designated for parking, handicapped parking or commercial loading and unloading; and

(d) At any location where the clear, continuous, unobstructed sidewalk for the passageway of pedestrians is reduced to less than six (6) feet with the exception of the following areas which shall have clear, continuous unobstructed sidewalk at width of no less than ten (10) feet:

(1) Public Square;

(2) East 9th Street between Carnegie and the East 9th Street Pier, Lakeside Avenue, St. Clair Avenue and Superior Avenue between Ontario Street and East 13th Street; and

(3) Euclid Avenue between Public Square and East 14th Street, Ontario Street between Carnegie Avenue and Lakeside Avenue, East 6th Street between Superior Avenue and Lakeside Avenue.

Section 513.06 Permits

Permits shall be posted in a conspicuous location in a window or other readily visible location of the frontage of the applicant's business establishment. The notice shall be protected from the weather as necessary and shall be clearly visible from the public sidewalk, court, alley or street and not obstructed by awnings, landscaping or other impediments.

Each permit shall contain the following information:

(a) The name and address of the permittee;

(b) A description of the permitted location;

(c) A description of the tables, chairs and other structures;

(d) The expiration date of the permit; and

(e) Any other information the Director deems desirable.

Section 513.07 Requirements and Conditions of Permit

(a) Permittees and their agents shall comply with all of the requirements of this chapter and any applicable state law, while engaged in business at permitted locations.

(b) The outdoor restaurant shall be placed only on the location set forth in the permit.

(c) The outdoor restaurant shall not operate earlier than 6:00 a.m. nor later than 12:00 midnight.

(d) Permittees and their agents shall obey any order of a police officer or other emergency personnel to remove their tables, chairs and other structures from the public right-of-way if necessary to avoid congestion or obstruction in an emergency.

(e) Permittees shall maintain all required health licenses, including, but not limited to, the license required by section 241.22 of the Codified Ordinances.

(f) Permittees and their agents shall be responsible for maintaining all outdoor restaurant structures and associated equipment in good repair, free of corrosion and in a safe, sound and nonhazardous condition.

(g) Permittees and their agents shall be responsible for keeping the general area around the permitted location free of litter. Permittees and their agents shall provide a suitable container for the placement of paper, wrappers, and other similar items used by customers and others within the permitted area.

(h) Permittees shall not cook food in the outdoor restaurant.

(i) Permittees shall not place signs in the outdoor restaurant, except pursuant to a permit issued by the City of Cleveland.

(j) No permit shall be transferable in any manner.

(k) A permit is valid only when used at the location designated in the permit.

Section 513.08 Permit Suspension and Revocation

(a) The Director may suspend or revoke the permit of any permittee if the permittee or his agent fails to abide by the provisions of these Codified Ordinances or state law, or if any required health license has been suspended or revoked.

(b) The Director shall give written notice of suspension or revocation of the permit to the permittee or his agent stating the reasons therefor. If the reason for the suspension or revocation is that a required health license has been suspended or revoked or that the permittee does not currently have an effective insurance policy as required by division (h) of Section

513.03, the action shall be effective upon giving such notice to the permittee or to his agent. Otherwise, such notice shall contain the further provision that the action shall become final and effective ten (10) days thereafter unless, within five (5) days of receipt of notice, the permittee requests a hearing before the Director. The Director shall forthwith hold the requested hearing, at which time the permittee shall be afforded the opportunity to give his version of the facts which gave rise to the Director's action. After the hearing the Director shall determine whether to proceed with the action or to rescind it.

(c) The action of the Director may be appealed to the Board of Zoning Appeals.

Section 513.09 Removal of Tables, Chairs and Other Associated Equipment

Any tables, chairs and other associated equipment placed in a public sidewalk, court, alley, street or other public right-of-way without a permit issued pursuant to this section may be seized and removed. Prior to such seizure and removal, the property owner or operator of the business establishment fronting on the public right-of-way from which the tables, chairs and other associated equipment are to be removed shall be notified and given two (2) days in which to remedy the violation. If the property owner or operator of the business establishment fails to remedy the violation, the City may seize and remove the tables and chairs and other associated equipment.

Notwithstanding any other provisions of this Chapter, the City may seize any tables and chairs and other associated equipment, whether placed with or without a permit, without prior notice if the tables and chairs and other associated equipment are placed in the public right-of-way in such a place or manner as to pose an immediate and serious danger to persons or property or if the condition of the tables, chairs, and associated equipment renders them unsafe, unsound or hazardous so as to pose an immedi-

ate and serious danger to persons or property. After seizure, the City shall promptly notify the owner or operator of the business establishment and such individual shall have the right to request an informal hearing before the Director within ten (10) days after such notification to determine whether the seizure was proper.

As a condition of recovering any tables and chairs and other associated equipment properly seized pursuant to this section, the owner of such tables and chairs and other associated equipment shall pay an impound fee covering the actual cost to the City of transporting and storing such tables and chairs and other associated equipment.

Section 513.10 Taxes

The Permittee shall be responsible for all charges and all federal, state or local taxes, including property taxes, which may now or hereafter be imposed or levied upon the outdoor restaurant and the services provided in connection therewith.

Section 513.11 Regulations

The Director may promulgate such regulations, not inconsistent with the provisions of this Chapter, establishing procedures for the issuance of permits.

Section 513.99 Penalty

Whoever violates any provision of this Chapter shall be guilty of a misdemeanor of the third degree. Each day during which noncompliance or a violation continues shall constitute a separate offense.

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

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

Ord. No. 1801-2000.

By Councilman Jackson (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Dunham Tavern Museum to encroach into the right-of-way of Chester Avenue with the two remaining of the four requested double sided banners to be attached to utility poles on Euclid and Chester Avenues (by separate permission) to celebrate and identify the Museum's 175 years in existence.

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 Dunham Tavern Museum, 6709 Euclid Avenue, Cleveland, Ohio 44103, its successors and assigns, for the construction, use and maintenance of two (2) remaining double sided banners of the four (4) banners requested to be attached to Cleveland Electric Illuminating Company utility poles on Chester Avenue (by separate permission) to celebrate the Museum's 175 years in existence and identifying their location, and which banners will encroach into the public right-of-way of Chester Avenue at the location more fully described as follows:

| LOCATION: | POLE NUMBER: | POLE OWNER: |
|--|--------------|-------------|
| Chester Avenue (behind 6709 Euclid Ave.) | CEI, 49-40-4 | C.E.I. |
| Chester Avenue (behind 6709 Euclid Ave.) | CEI, 49-50-3 | C.E.I. |

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 installed.

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

Section 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.

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

Ord. No. 1802-2000.

By Mayor White.

An emergency ordinance to amend Section 503.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 519-91, passed March 11, 1991, relating to penalty regarding street and sidewalk areas.

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 503.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 519-91, passed March 11, 1991, is hereby amended to read as follows:

Section 503.99 Penalty

(a) Whoever makes any opening or removes the pavement in any street, alley, avenue or public grounds of the City without having first obtained a permit from the Director of Public Service and deposited with him the estimated cost of repairing the work, as provided in this chapter, shall be guilty of a misdemeanor of the first degree. Each opening made without such permit shall constitute a separate offense; provided that any person who, because of an emergency, makes such an opening or removes such pavement outside of the hours during which the Division of Streets is open for business shall have until the close of business on the next business day to obtain a permit and deposit the estimated cost of repairing the work.

(b) Every person, firm or corporation violating Section 503.03 shall be fined not more than one hundred dollars (\$100.00). The existence of a single post, pole or other structure in the streets or sidewalks contrary to the provisions of Section 503.03 constitutes a separate offense. Each day that such post, pole or other structure is allowed to exist in the streets or sidewalks contrary to the provisions of Section 503.03 constitutes a separate offense.

(c) Whoever violates any provision of Sections 503.05 to 503.07 shall be fined not less than one hundred dollars (\$100.00) not more than five hundred dollars (\$500.00), and imprisoned for not more than sixty (60) days, or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

(d) Whoever violates Section 503.09 shall be fined not more than twenty-five dollars (\$25.00).

(e) Every day a gas company neglects or fails to comply with the notice provided for in Section 503.11, it shall be fined ten dollars (\$10.00).

(f) Whoever violates Section 503.12 shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the first offense. A

subsequent offense by the same party in the same area of responsibility shall be fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00). Any further offense by the same party in the same area of responsibility shall result in imprisonment for not less than three nor more than ten days.

Section 2. That Section 503.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 519-91, passed March 11, 1991, is hereby repealed.

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

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

Ord. No. 1803-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of inmate clothing, bedding and shoes, for the Division of Corrections, Department of Public Health.

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

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

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

Section 2. That the cost of said contract shall 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 21857)

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

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

Ord. No. 1804-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of prescription and non-prescription drugs for inmates, for the Division of Corrections, Department of Public Health.

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

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

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

Section 2. That the cost of said contract shall 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 21856)

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

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

Ord. No. 1805-2000.

By Councilman Cimperman

An emergency ordinance to amend Section 457.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1552-A-90, passed June 17, 1991 relating to employees of parking facilities.

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 457.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1552-A-90, passed June 17, 1991 is hereby amended to read as follows:

Section 457.08 Employees

(a) While on duty at the parking facility, each employee shall wear a badge, provided by the parking facility operator, **which shall contain the employee's photograph and identify the individual as an employee of the subject operator.**

(b) **All parking facilities operators shall maintain employees at the parking facility one hour before and two hours after all sporting and special events during which the parking facility is open for business.**

Section 2. That existing Section 457.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1552-A-90, passed June 17, 1991 is hereby repealed.

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

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

Ord. No. 1806-2000.

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

An emergency ordinance to transfer the Division of Traffic Engineering from the Department of Public Safety to the Department of Public Service by supplementing the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 131.151 and 131.152 thereof; to repeal Sections 135.11 and 135.12 thereof; and to amend Sections 403.03 and 403.06 of said codified ordinances, as amended by various ordinances, relating to the Duties of the Division of Traffic Engineering and the Commissioner thereof.

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

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

Section 1. That, upon the concurrence of the Board of Control, as required by Section 77 and 79 of the Charter of the City of Cleveland, the Division of Traffic Engineering is hereby transferred from the Department of Public Safety to the Department of Public Service, and for such purposes the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 131.151 and 131.152 thereof, to read, respectively, as follows:

Section 131.151 Division of Traffic Engineering

There is hereby established in the Department of Public Service, a Division of Traffic Engineering to be administered and controlled by a Commissioner of Traffic Engineering, subject to the provisions of the Charter and ordinances of the City, and to the supervision and direction of the Director of Public Service.

Section 131.152 Duties of Commissioner of Traffic Engineering

The Commissioner of Traffic Engineering shall administer and supervise the affairs of the Division of Traffic Engineering and prepare drawings, standards and specifications; determine parking restrictions; set up time-space progressive movement signal charts; lay out parking restriction zones including, but not limited to, establishing parking meter zones on streets or parts thereof where parking meters shall be installed; lay out roadway markings; check plans for street changes, permits and all matters bearing on traffic safety; receive complaints and suggestions; make personal observations of traffic confusion and hazards; make factual studies from spot maps, collision and condition diagrams; make vehicle studies, speed studies, pedestrian studies, obedience checks, special observations, and parking studies; prepare and disseminate accident statistics; watch accident records, spot maps and high accident area lists; cooperate with safety organizations; submit detailed recommendations; prepare detailed plans and specifications; prepare publicly for proposed changes; follow through to see that recommendations are carried out; and make rechecks after changes have been made. The Commissioner of Traffic Engineering shall perform such other and further duties as Council or the Mayor from time to time require of him.

Section 2. That, upon the concurrence of the Board of Control, as required by Section 77 and 79 of the Charter of the City of Cleveland, the following Sections of the Codified Ordinances of Cleveland, 1976:

Section 135.11, as amended by Ordinance No. 172-55, passed January 24, 1955; and

Section 135.12, as amended by Ordinance No. 1495-87, passed November 23, 1987, are hereby repealed.

Section 3. That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, Section 403.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1684-76, passed June 29, 1976, is hereby amended to read as follows:

Section 403.03 Regulations by Director of Public Service

(a) The Director of Public Service is hereby authorized to adopt regulations as follows:

(1) Designating streets or parts of streets upon which stopping, standing or parking of vehicles is prohibited at all times, prohibited during certain hours or limited for a specified time period.

(2) Designating streets or parts of streets as fire lanes or snow emergency streets with parking prohibited as provided in Sections 451.15 and 451.17.

(3) Designating streets or parts of streets upon which vehicular traffic shall move in only one direction.

(4) Designating streets or parts of streets upon which commercial units are prohibited or restricted to a specified weight.

(5) Closing temporarily any street or portion thereof or restricting the use thereof when required by public safety or convenience.

(6) Prohibiting or requiring left-hand turns by vehicles at designated intersections or other locations, and exempting RTA vehicles from such prohibitions.

(7) Designating streets, parts thereof or other locations for angle parking.

(8) Designating stop or yield intersections.

(b) No such regulation shall permit parking in any of the places prohibited by this Traffic Code, nor shall any such regulation limiting the time of parking or prohibiting parking be deemed to apply on Sundays, holidays, other than Saturday afternoon or between the hours of 6:00 p.m. and 7:00 a.m., unless the regulations and the sign evidencing the same specifically so state. Regulations shall become effective ten days after publication in the City Record and upon the erection of signs sufficient in number to apprise the ordinarily observant person of the existence of the regulation, and shall continue to have the force and effect of ordinances until rescinded by the Director or disapproved by ordinance of Council. However, before adopting any regulation the Director shall notify in writing council members from each ward which are to be affected by such proposed regulation at least thirty days prior to the adoption of such proposed regulation. If the proposed regulation meets with the disapproval of any councilman, then such regulation shall not be adopted. The provisions of the Traffic Code shall be deemed to be regulations adopted under this section and shall continue in full force and effect as such regulations until changed in the manner provided herein. Violations of such regulations so adopted and published shall be subject to the penalties prescribed in Section 403.99.

(c) Council members affected by any proposed regulation of the Director may waive in writing the thirty days notice required by **division (b)** hereof and request that such proposed regulation be published in the next succeeding issue of the City Record in order that the regulation may become effective ten days after such publication and posting of signs as required by **division (b)** hereof.

Section 4. That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, Section 403.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1495-87, passed November 23, 1987, is hereby amended to read as follows:

Section 403.06 Powers of Commissioner of Traffic Engineering and Commissioner of Streets

(a) The Commissioner of Traffic Engineering is hereby authorized to supervise erection and maintenance of traffic control devices as required by this Traffic Code and as the Commissioner of Traffic Engineering may deem necessary to regulate, guide or warn traffic, which are consistent with the provisions of this Traffic Code. All traffic control devices placed pursuant to the provisions of this Traffic Code shall conform to the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways, as set forth in RC 4511.09.

(b) The Commissioner of Traffic Engineering is hereby authorized to:

(1) Designate by appropriate devices or markings upon the surface of the roadway, crosswalks or intersections and at such other places as he deems necessary. **The Commissioner of Streets shall place such devices and markings.**

(2) Establish safety zones of such kind and character and at such places as he deems necessary for the protection of pedestrians.

(3) Determine lanes for traffic at such places as he deems necessary. **The Commissioner of Streets shall mark such lanes on street pavements.**

(4) Determine the right and left side of laned streets. **The Commissioner of Streets shall mark the center line of such streets.**

(5) Establish temporarily a zone of quiet upon any street where a person is seriously ill if requested by the written statement of at least one registered physician certifying to its necessity. A temporary zone of quiet shall embrace all territory within a radius of 200 feet of the building occupied by the person named in the request of the physician, and shall be designated by placing at a conspicuous place in the street a sign bearing the words "Quiet Zone," **which sign shall be placed by the Commissioner of Streets.**

(6) Determine the location of truck zones and **placement** of appropriate signs indicating such and stating the hours during which the provisions regarding truck zones are applicable.

(7) Designate by means of markers or signs placed above, within or adjacent to intersections, the lanes from which right or left turns only shall be made, or the lanes from which right or left turns may be made by vehicles turning at such intersections.

(8) Determine the location of loading and unloading zones where there are physically recessed areas from the street provided for loading and unloading and when no parking is permitted within the block. **The appropriate signs indicating such and stating the hours during which the provisions regarding such loading and unloading zones are applicable shall be placed and maintained by the Commissioner of Streets.**

(9) Determine the location of taxicab stands signs indicating such and stating the prohibitions or provisions relative thereto **shall be placed and maintained by the Commissioner of Streets.**

(10) Establish parking meter zones on streets or parts thereof where parking meters shall be installed and maintained by the Division of Parking Facilities, and where parking shall be regulated by the provisions of Chapter 453.

(11) Establish criteria for the installation of traffic control signals at private accessways. All costs relative to such installations shall be borne by the industrial or commercial establishment or other traffic generator or any part or combination thereof who benefits from such installation.

Section 5. That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, Sections 403.03 and 403.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, respectively, by Ordinance No. 1684-76, passed June 29, 1976, and 1495-87, passed November 23, 1987, are hereby repealed.

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

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

Ord. No. 1807-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 15231 Plato Avenue, and 791 East 156th Street to Northeast Shores Development Corporation.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 115-22-031, and 115-24-063, as more fully described in Section 2 below, to Northeast Shores Development Corporation.

Section 2. That the real property to be sold pursuant to Section 1 of this ordinance is more fully described as follows:

P. P. No. 115-22-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 16 in J. Hale's Subdivision of part of Original Euclid Township Lot No. 42, as shown by the recorded plat in Volume 11 of Maps, Page 20 of Cuyahoga County Records and being 44 feet 8 inches front on the Northerly side of Plato Avenue, N.E., (formerly Laurel Street), and extending back 130 feet on the Easterly line (which is also the Westerly side of East 154th Street), 130 feet on the Westerly line, and having a rear line of 44 feet 8 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 115-24-063

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 45 in Moses and Burton's Subdivision of part of Original Euclid Township Lot No. 42, Tract No. 10, as shown by the recorded plat of said Subdivision in Volume 9 of Maps, Page 33 of Cuyahoga County Records. Said Sublot No. 45 has a frontage of 40 feet on the North-easterly side of East 156th Street (formerly Putnam Street) and extends back between parallel lines 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

Ord. No. 1808-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Cleveland New Homes L.P.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-33-102 as more fully described in Section 2 below, to Cleveland New Homes L.P.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 121-33-102

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 48 in Ingersoll Heights Subdivision of part of Original East Cleveland Township Lots Nos. 418 and 419 as shown by the recorded plat in Volume 32 of Maps, Page 11 of Cuyahoga County Records and being 35 feet front on the Northerly side of Mt. Carmel Road, S.E., and extending back 167.63 feet on the Easterly line, 172.84 feet on the Westerly line and having a real line of 35.38 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-33-103 as more fully described in Section 4 below, to Cleveland New Homes L.P.

Section 4. That the real property to be sold pursuant to Section 3 of this Ordinance is more fully described as follows:

P. P. No. 121-33-103

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 45 in Ingersoll Heights Subdivision of Original One Hundred Acre Lots Nos. 418 and 419, as shown by the recorded plat in Volume 32 of Maps, Page 11 of Cuyahoga County Records, and being 35 feet on the Northeastly side of Mt. Carmel Road, and extending back of equal width 105 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-16-033 as more fully described in Section 6 below, to Cleveland New Homes L.P.

Section 6. That the real property to be sold pursuant to Section 5 of this Ordinance is more fully described as follows:

P. P. No. 126-16-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 86 in the R. Yeakel and W.W. Orwig Allotment of part of Original One Hundred Acre Lots Nos. 417 and 418, as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-16-035 as more fully described in Section 8 below, to Cleveland New Homes L.P.

Section 8. That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P. P. No. 126-16-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 84 in the Yeakel and Orwig Allotment of part of Original One Hundred Acre Lots Nos. 417 and 418, as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Cumberland Avenue, S.E. (formerly Charles Street) 132 feet, 7 inches deep on the Westerly line, 132 feet, 1-1/2 inches deep on the Easterly line, and 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 126-16-053 as more fully described in Section 10 below, to Cleveland New Homes L.P.

Section 10. That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P. P. No. 126-16-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 417, bounded and described as follows:

Beginning on the Northerly line of Kennedy Avenue, S.E., (50 feet wide) distant 183.16 feet Westerly from the Westerly line of Woodhill Road (80 feet wide); thence Westerly along the Westerly line of Kennedy Avenue, S.E., 40 feet; thence Northerly at right angles with said Kennedy Avenue, S.E., 125 feet; thence Easterly parallel with the Northerly line of Kennedy Avenue, S.E., 40 feet; thence Southerly 125 feet to the place of beginning and being further known as Sublot No. 25 in Richard Morrow's Proposed Subdivision of part of Original One

Hundred Acre Lot No. 417, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-16-055 as more fully described in Section 12 below, to Cleveland New Homes L.P.

Section 12. That the real property to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P. P. No. 126-16-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 417 and bounded and described as follows:

Beginning on the Northerly line of Kennedy Avenue, S.E., at a point 84 33/100 feet Easterly from the Easterly line of Yeakel and Orwig's Allotment, as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records; thence Easterly along the Northerly line of Kennedy Avenue, S.E., 40 feet; thence Northerly at right angles with Kennedy Avenue, S.E., 135 feet to an alley; thence Westerly along the Southerly line of said alley; 40 feet to a point, 84 33/100 feet Easterly from the Easterly line of said Yeakel and Orwig's Allotment; thence Southerly at right angles with above described alley, 135 feet to the place of beginning, and being further known as the Easterly 40 feet of Sublot No. 12 in Richard Morrow's Proposed Subdivision, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-16-067 as more fully described in Section 14 below, to Cleveland New Homes L.P.

Section 14. That the real property to be sold pursuant to Section 13 of this Ordinance is more fully described as follows:

P. P. No. 126-16-067

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 34 in Yeakel and Orwig's Subdivision of part of Original One Hundred Acre Lot No. 417 as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records. Said Sublot No. 34 has a frontage of 40 feet on the Northerly side of Kennedy Avenue, S.E., (formerly Kennedy Street) and extends back between parallel lines, 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-16-080 as more fully described in Section 16 below, to Cleveland New Homes L.P.

Section 16. That the real property to be sold pursuant to Section 15 of this Ordinance is more fully described as follows:

P. P. No. 126-16-080

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 80 in the Allotment made by R. Yeakel and W.W. Orwig of part of Original Newburgh Township Lots Nos. 417 and 418, recorded in Volume 5 of Maps, Page 17 of Maps, and Subdivision in Cuyahoga County Records. Sublot No. 80 has a 40 feet frontage on the South side of Kennedy Street (formerly Penn Street) and extends back in a Southerly direction between parallel lines 130 feet to an alley, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-17-056 as more fully described in Section 18 below, to Cleveland New Homes L.P.

Section 18. That the real property to be sold pursuant to Section 17 of this Ordinance is more fully described as follows:

P. P. No. 126-17-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 34 feet of the Southerly 54 feet, 2 inches of Sublot No. 124 in R. Yeakel's Subdivision of part of Original One Hundred Acre Lots Nos. 417 and 425, as shown by the recorded plat in Volume 10 of Maps, Page 25 of Cuyahoga County Records.

Also subject to all zoning ordinances, if any.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-17-057 as more fully described in Section 20 below, to Cleveland New Homes L.P.

Section 20. That the real property to be sold pursuant to Section 19 of this Ordinance is more fully described as follows:

P. P. No. 126-17-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 65 feet 10 inches of Sublot No. 124 in Reuben Yeakel's Subdivision, of part of Original One Hundred Acre Lots Nos. 417 and 425, as shown by the recorded plat in Volume 10 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Cumberland Avenue, S.E., and extending back of equal width 65 feet 10 inches along the Easterly side of East 96 Street, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-17-063 as more fully described in Section 22 below, to Cleveland New Homes L.P.

Section 22. That the real property to be sold pursuant to Section 21 of this Ordinance is more fully described as follows:

P. P. No. 126-17-063

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. One Hundred Thirty (130) in Reuben Yeakel's Subdivision of part of Original One Hundred Acre Lots Nos. 417 and 425, as shown by the recorded plat in Volume 10 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Cumberland Avenue, S.E. (Formerly Charles Street) and extending back between parallel lines 120 feet deep, as appears by said plat, excepting therefrom a strip of 10 feet in even width off the Westerly side of said Sublot.

Subject to Zoning Ordinances, if any.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-01-047 as more fully described in Section 24 below, to Cleveland New Homes L.P.

Section 24. That the real property to be sold pursuant to Section 23 of this Ordinance is more fully described as follows:

P. P. No. 128-01-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lots Nos. 418 and 426 and bounded and described as follows:

Beginning on the Southerly line of Hulda Avenue, S.E. (45 feet wide) on said Southerly line 340 feet Easterly from its intersection with the Southeasterly line of Woodhill Road, S.E.; thence Southerly at right angles to Hulda Avenue, S.E., 108 feet to the Northerly line of land deeded to Waller, March 1, 1866; thence Easterly along said line of land deed to Waller 40 feet to a stake; thence Northerly at right angles to said line of land deeded to Waller, 108 feet to the Southerly line of Hulda Avenue, S.E.; thence Westerly along said line of Hulda Avenue, S.E., 40 feet to the place of beginning, being Sublot No. 9 in H.H. Johnson's proposed Subdivision of Original One Hundred Acre Lots Nos. 481, 425, and 426, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 25. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-02-060 as more fully described in Section 26 below, to Cleveland New Homes L.P.

Section 26. That the real property to be sold pursuant to Section 25 of this Ordinance is more fully described as follows:

P.P. No. 128-02-060

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 116 in the Luna Heights Subdivision of part of Original One Hundred Acre Lots Nos. 417 and 418, as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records and being 35 feet front on the Southerly side of Crestwood Avenue, S.E., and extending back of equal width 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 27. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-02-154 as more fully described in Section 28 below, to Cleveland New Homes L.P.

Section 28. That the real property to be sold pursuant to Section 27 of this Ordinance is more fully described as follows:

P. P. No. 128-02-154

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lots Nos. 418 and 426 and bounded and described as follows:

Beginning on the Southerly line of Hulda Avenue, S.E. (said Southerly line being parallel to and distant 108 feet Northerly measured at right angles from the Northerly line of land conveyed to W.W. Waller by deed dated March 1, 1866 and recorded in Volume 138, Page 243 of Cuyahoga County Records, at a point 1260 feet Easterly measured along said Southerly line) from its point of intersection with the Easterly line of Woodhill Road, S.E.; thence Easterly along said Southerly line of Hulda Avenue, S.E., 40 feet; thence Southerly on a line at right angles to said Southerly line of Hulda Avenue, S.E., 108 feet to said Northerly line of land conveyed to W.W. Waller, as aforesaid; thence Westerly along said Northerly line conveyed to W.W. Waller, 40 feet; thence Northerly 108 feet to the place of beginning, and being further known as Sublot No. 32 in Henry H. Johnson's proposed Subdivision of part of Original One Hundred Acre Lots Nos. 417, 418, 425 and 426, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 29. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-06-013 as more fully described in Section 30 below, to Cleveland New Homes L.P.

Section 30. That the real property to be sold pursuant to Section 29 of this Ordinance is more fully described as follows:

P. P. No. 128-06-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 38 in Bigelow's Allotment of a part of Original One Hundred Acre Lots Nos. 425 and 426 as shown by the recorded plat in Volume 9 of Maps, Page 15 of Cuyahoga County Records, and being 50 feet front on the Southerly side of Shale Avenue, S.E., and extending back of equal width, 126 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 31. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-13-050 as more fully described in Section 32 below, to Cleveland New Homes L.P.

Section 32. That the real property to be sold pursuant to Section 31 of this Ordinance is more fully described as follows:

P. P. No. 128-13-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 39 in Issac H. Marshall's Allotment of part of Original One Hundred Acre Lots Nos. 425 and 426, as shown by the recorded plat in Volume 7 of Maps, Page 20 of Cuyahoga County Records and being 50 feet front on the Southerly side of Stoughton Avenue, S.E., and extending back of equal width 136 feet, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 33. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-17-004 as more fully described in Section 34 below, to Cleveland New Homes L.P.

Section 34. That the real property to be sold pursuant to Section 33 of this Ordinance is more fully described as follows:

P. P. No. 128-17-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bounded and described as follows, to wit: And known as being Sublot No. 20 in the Johnson Realty Company's Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat in Volume 46 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Parkview Avenue (formerly Ledgewood Avenue) and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 35. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-17-070 as more fully described in Section 36 below, to Cleveland New Homes L.P.

Section 36. That the real property to be sold pursuant to Section 35 of this Ordinance is more fully described as follows:

P. P. No. 128-17-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 139 in the Cleveland Realty and Investment Company's Woodland Heights Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat in Volume 56 of Maps, Page 4 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Manor Avenue, and extending back of equal width 138 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 37. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-17-075 as more fully described in Section 38 below, to Cleveland New Homes L.P.

Section 38. That the real property to be sold pursuant to Section 37 of this Ordinance is more fully described as follows:

P. P. No. 128-17-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 134 in Woodland Heights Subdivision of a part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat in Volume 56 of Maps, Page 4 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Subject to restriction recited in Volume 1433, place of beginning 126 of Cuyahoga County Records, filed January 7, 1913.

Also subject to all zoning ordinances, if any.

Section 39. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-17-083 as more fully described in Section 40 below, to Cleveland New Homes L.P.

Section 40. That the real property to be sold pursuant to Section 39 of this Ordinance is more fully described as follows:

P. P. No. 128-17-083

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 126 in the Cleveland Realty and Investment Company's Woodland Heights Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat in Volume 56 of Maps, Page 4 of Cuyahoga County Records, as appears by said plat.

Section 41. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-18-026 as more fully described in Section 42 below, to Cleveland New Homes L.P.

Section 42. That the real property to be sold pursuant to Section 41 of this Ordinance is more fully described as follows:

P. P. No. 128-18-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 245 in Cleveland Realty Investment Company's Woodland Heights Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434 as shown by the recorded plat in Volume 56 of Maps, Page 4 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Mt. Auburn Avenue, and extending back 138.22 feet on the Westerly line, 138.21 feet on the Easterly line, and having a rear line of 35 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

All subject to all zoning ordinances, if any.

Section 43. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-18-028 as more fully described in Section 44 below, to Cleveland New Homes L.P.

Section 44. That the real property to be sold pursuant to Section 43 of this Ordinance is more fully described as follows:

P. P. No. 128-18-028

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 243 and 244 in Woodland

Heights Subdivision of a part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat or said Subdivision in Volume 56 of Maps, Page 4 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northerly line of Mount Auburn, S.E., at the Southeasterly corner of said Sublot No. 243; thence Westerly along said Northerly line of Mount Auburn Avenue, S.E., 35 feet to the Southwesterly corner of said Sublot No. 243; thence in a Northerly direction about 138.37 feet to at point in the Northerly line of said Sublot No. 243 distant 5 feet Easterly (measured along said Northerly line) from the Northwesterly corner of said Sublot No. 243, thence Easterly along, the Northerly line of said Sublot Nos. 243 and 244, 35 feet to a point distant 5 feet Easterly (measured along said Northerly line) from the Northwesterly corner of said Sublot No. 244; thence in a Southerly direction about 138.37 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 45. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-18-086 as more fully described in Section 46 below, to Cleveland New Homes L.P.

Section 46. That the real property to be sold pursuant to Section 45 of this Ordinance is more fully described as follows:

P. P. No. 128-18-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 103 in the Cleveland Realty Investment Company's Woodland Heights Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat in Volume 56 of Maps, Page 4 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Manor Avenue, and extending back of equal width 139 feet, as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 47. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-18-097 as more fully described in Section 48 below, to Cleveland New Homes L.P.

Section 48. That the real property to be sold pursuant to Section 47 of this Ordinance is more fully described as follows:

P. P. No. 128-18-097

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bounded and described as follows, to wit: And known as being Sublot No. 114 in Woodland Heights Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat of said Subdivision in Volume 56 of Maps, Page 4 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 49. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 128-19-038 as more fully described in Section 50 below, to Cleveland New Homes L.P.

Section 50. That the real property to be sold pursuant to Section 49 of this Ordinance is more fully described as follows:

P. P. No. 128-19-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 255 in Woodland Heights Subdivision Original One Hundred Acre Lots Nos. 433 and 434 as shown by the recorded plat in Volume 56 of Maps, Page 4 of Cuyahoga County Records and being 35 feet front on the Northerly side of Mount Auburn Avenue, S.E., and extending back 138.17 feet on the Easterly line, 138.18 on the Westerly line and having a rear line of 35 feet, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 51. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-26-038 as more fully described in Section 52 below, to Cleveland New Homes L.P.

Section 52. That the real property to be sold pursuant to Section 51 of this Ordinance is more fully described as follows:

P. P. No. 128-26-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 120 in Harvey Rice Jr.'s Subdivision of part of Original One Hundred Acre Lot No. 427, as shown by the recorded plat in Volume 14 of Maps, Page 42 of Cuyahoga County Records, and being 50 feet front on the Easterly side of East 111th Street (formerly Merrell Street) and extending back of equal width 166 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 53. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 129-14-050 as more fully described in Section 54 below, to Cleveland New Homes L.P.

Section 54. That the real property to be sold pursuant to Section 53 of this Ordinance is more fully described as follows:

P. P. No. 129-14-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 428, and bounded and described as follows:

Beginning on the Westerly line of East 119th Street (formerly Jefferson Street, 50 feet wide), at a point 796 59/100 feet Northerly, measured along said Westerly line of East 119th Street, from its point of intersection with the Northerly line of Buckeye Road, S.E., (formerly South Woodland Road); thence Westerly parallel with the Northerly line of land conveyed to Joseph Halle and Joshua E. Hall, by Deed dated April 6, 1872 and recorded in Volume 201, Page 178 of Cuyahoga County Records, 116 feet; thence Northerly on a line parallel with the Westerly line of East 119th Street, 40 feet; thence Easterly parallel with the

Northerly line of land so conveyed to Halle and Hall, 116 feet to said Westerly line of East 119th Street; thence Southerly along said Westerly line of East 119th Street, 40 feet to the place of beginning, and being further known as Sublot No. 129 in the South Woodland Rice Avenue Proposed Allotment of part of Original One Hundred Acre Lots Nos. 428 and 429, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 55. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 129-19-113 as more fully described in Section 56 below, to Cleveland New Homes L.P.

Section 56. That the real property to be sold pursuant to Section 55 of this Ordinance is more fully described as follows:

P. P. No. 129-19-113

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 18 in the L.H. Wain Company's Rice Heights Allotment of part of Original One Hundred Acre Lots Nos. 428, 429 and 437 as shown by the recorded plat in Volume 45 of Maps, Page 8 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 57. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 129-23-087 as more fully described in Section 58 below, to Cleveland New Homes L.P.

Section 58. That the real property to be sold pursuant to Section 57 of this Ordinance is more fully described as follows:

P. P. No. 129-23-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 153, 154 and 155 in the L.W. Wain Land Company's Rice Heights Allotment of part of Original One Hundred Acre Lots Nos. 428 and 429, 436 and 437, as shown by the recorded plat in Volume 45 of Maps, Page 8 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northerly line of Griffing Avenue, S.W., (50 feet wide) at a point of intersection with the Westerly line of East 123rd Street (50 feet wide); thence Northerly along the Westerly line of East 123rd Street 80 feet to a point; thence Westerly parallel with the Northerly line of Sublot No. Sublot Nos. 153, 154 and 155 in said Allotment 70.24 feet to a point; thence Southerly parallel with the Westerly line of said Sublot No. 153 in said Allotment 80 feet to a point in the Northerly line of Griffing Avenue, S.E.; thence Easterly along said Northerly line of Griffing Avenue, S.E., 70.80 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 59. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 129-30-069 as

more fully described in Section 60 below, to Cleveland New Homes L.P.

Section 60. That the real property to be sold pursuant to Section 59 of this Ordinance is more fully described as follows:

P. P. No. 129-30-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 68 in the Lorenz-Sanda Subdivision No. 2 of part of Original One Hundred Acre Lots Nos. 437 and 438 as shown by the recorded plat in Volume 47 of Maps, Page 21 of Cuyahoga County Records and being 35 feet front on the Southerly side of Lorenzo Avenue, S.E., and extending back of equal width 113 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 61. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 129-23-083 as more fully described in Section 62 below, to Cleveland New Homes L.P.

Section 62. That the real property to be sold pursuant to Section 61 of this Ordinance is more fully described as follows:

P. P. No. 129-23-083

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 117 in the Henry Prochask and Frank Kysela Rice Avenue Allotment of part of Original One Hundred Acre Lot No. 436, as shown by the recorded plat in Volume 39 of Maps, Page 16 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Griffing Avenue, S.E. (50 feet wide), and extending back 122.97 feet on the Easterly line, 123.28 feet on the Westerly line and being 35.01 feet side in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 63. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 130-07-084 as more fully described in Section 64 below, to Cleveland New Homes L.P.

Section 64. That the real property to be sold pursuant to Section 63 of this Ordinance is more fully described as follows:

P. P. No. 130-07-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 15 feet of Sublot No. 33 and the Southerly 20 feet to Sublot No. 34 in the Kinsman Heights Allotment of part of Original One Hundred Acre Lot No. 446, as shown by the recorded plat of said Allotment in Volume 44 of Maps, Page 26 of Cuyahoga County Records, said parcel of land has a frontage of 35 feet on the Westerly side of East 132nd Street and a rear line of 35 feet as appears by said plat and extends back about 105.41 feet on the Southerly line, and about 105.38 feet on the Northerly line, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 65. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 130-08-127 as more fully described in Section 66 below, to Cleveland New Homes L.P.

Section 66. That the real property to be sold pursuant to Section 65 of this Ordinance is more fully described as follows:

P. P. No. 130-08-127

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 181 in Walton Brothers' Mount Pleasant Allotment of part of Original One Hundred Acre Lot No. 445, as shown by the recorded plat in Volume 14 of Maps, Page 6 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 130th Street (formerly Germania Avenue), and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 67. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-20-073 as more fully described in Section 68 below, to Cleveland New Homes L.P.

Section 68. That the real property to be sold pursuant to Section 67 of this Ordinance is more fully described as follows:

P. P. No. 128-20-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 141 in the Helper Woodland Hills Park Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat in Volume 42 of Maps, Page 26 and 27 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Dickens Avenue S.E., (formerly Earlington Avenue, S.E.) and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 69. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-03-114 as more fully described in Section 70 below, to Cleveland New Homes L.P.

Section 70. That the real property to be sold pursuant to Section 69 of this Ordinance is more fully described as follows:

P. P. No. 128-03-114

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 26 in Barbara and A. Stastny's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 32 of Maps, Page 24 of Cuyahoga County Records, and being 40.40 feet front on the Westerly side of East 111th Street, and extending back 125 feet on the Northerly line, 125 feet on the Southerly line, and having a rear line of 40.37 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 71. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 126-17-055 as more fully described in Section 72 below, to Cleveland New Homes L.P.

Section 72. That the real property to be sold pursuant to Section 71 of this Ordinance is more fully described as follows:

P. P. No. 126-17-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Subdivision Nos. 123 and 124 in H. Yeakels Subdivision of a part of Original One Hundred Acre Lots Nos. 417 and 425 in said City, and bounded and described as follows:

Beginning on the Easterly line of East 96th Street, (formerly Orwig Street) and 99 feet 6 inches distant North from the corner of Yeakel Street, S.E., (formerly Yeakel Avenue) and said East 96th Street, thence East and parallel with said Yeakel Avenue, S.E., to the East line of Sublot Nos. 123 and 124, 40 feet; thence North and along the Easterly line of said Sublot Nos. 123 and 124, 36 feet 6 inches; thence West and parallel with the South line of Cumberland Avenue, S.E., (formerly Cumberland Street) to the East line of said East 96th Street 40 feet; thence South and along the Easterly line of said East 96th Street, 36 feet 6 inches to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 73. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-03-073 as more fully described in Section 74 below, to Cleveland New Homes L.P.

Section 74. That the real property to be sold pursuant to Section 73 of this Ordinance is more fully described as follows:

P. P. No. 128-03-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 65 in Albert and Mary Statney's Allotment of a part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 32 of Maps, Page 24 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 75. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-16-032 as more fully described in Section 76 below, to Cleveland New Homes L.P.

Section 76. That the real property to be sold pursuant to Section 75 of this Ordinance is more fully described as follows:

P. P. No. 126-16-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 87, all in the Yeakel and Orwig Subdivision of part of Original Township Lot No. 417 as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records. Said Sublot has a frontage of 40.00 feet on Cumberland as appears by said plat, be the same more or less, but subject to all legal highways.

Section 77. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 78. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 79. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 80. That this ordinance is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1809-2000.

By Councilmen Britt, Melena, Patton (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Swift Davis Cleaning and Laundry, Inc. to provide economic development assistance to partially finance the renovation of real property located at 8220 Carnegie Avenue, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone Business Opportunity contract with Swift Davis Cleaning and Laundry, Inc., to provide economic development assistance to partially finance the renovation of real property located at 8220 Carnegie Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1809-2000-A.

Section 3. That the Director of Economic Development shall, pursuant to the authority of Ordinance No. 82-96, passed April 1, 1996, put Economic Development Initiative Grant funds in an amount equal to

the Loan amount in the Empowerment Zone Debt Service Reserve account created by that ordinance. Said grant funds shall be paid from Fund No. 18 SF 003.

Section 4. That the costs of said contract shall not exceed a Loan Amount of \$109,345 and a Rebate Amount of \$43,738. The Loan shall be paid from Fund Nos. 18 SF 001 and 18 SF 003 and the Rebate Amount shall be paid from Fund No. 18 SF 003, Request No. 13133.

Section 5. That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced above in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 6. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

Section 7. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited and expended from Fund No. 18 SF 004.

Section 8. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 9. 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 Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 1810-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Trio Diversified Company to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to improve its facility with the renovation and construction of real property and the acquisition of personal property located at 4465 Johnston Parkway, located in the Cleveland Area Enterprise Zone.

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

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

Whereas, Trio Diversified Company (the "Enterprise") has proposed to improve its facility with the renovation and construction of real property and the acquisition of personal property located at 4465 Johnston Parkway, located in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City that, but for abatement of personal property and real estate taxes the Enterprise would be at a competitive disadvantage by operating at this location; and

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

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

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

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to improve its facility with the renovation and construction of real property and the acquisition of personal property located at 4465 Johnston Parkway, located in the Cleveland Area Enterprise Zone; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1810-2000-A. The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

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

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

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

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

Ord. No. 1811-2000.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 358.01 to 358.07 relating to fence regulations; to amend 337.23 and 357.13 as amended by various ordinances; and to repeal Sections 325.221, 325.222, 325.223 and 629.06 thereof.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 358.01 to 358.07 thereof to read, respectively, as follows:

**CHAPTER 358
FENCE REGULATIONS**

Section 358.01 Purpose

The regulations of this chapter are established to permit fences in a manner that promotes safety and security, while protecting and enhancing the appearance and character of neighborhoods and business districts.

Section 358.02 Definitions

For purposes of this chapter, these terms shall have the following meanings:

(a) "Fence." An artificially constructed barrier of any material or materials erected to enclose, screen, or decorate areas of land. Fences include walls, hedges, and earth berms meeting this definition.

(b) "Fence Height." The height of a fence, as defined herein, measured from grade at the base of the fence.

(c) "Open and Solid Fences." A fence shall be considered "open" if every segment of the fence (e.g., a section between posts) is composed of at least seventy-five percent (75%) open spaces and no more than twenty-five percent (25%) solid materials. All other fences are considered "solid" fences.

(d) "Ornamental Fence". A fence shall be considered "ornamental" if it is composed of wrought iron-style pickets, wood pickets, wood split rails and posts, brick, stone, or any other materials of a decorative nature approved by the Director of the City Planning Commission as compatible with the character of the area in which the fence is to be placed.

(e) "Yards". As used in this chapter, the term "actual yard" shall refer to the entire lot area between a main building and the corresponding lot line. The term "required yard" shall refer to that portion of the actual yard in which structures cannot be erected unless permitted as encroachments.

Section 358.03 Sight Lines

No fence shall be installed or maintained except in conformance with the following regulations regarding maintenance of sight lines at street intersections and at driveway exits.

(a) Height and Location. No portion of a fence located within thirty (30) feet of the intersection of two street right-of-way lines shall exceed two and one-half (2 1/2) feet in height, unless all portions of the fence above two and one-half (2 1/2) feet in height are at least seventy-five percent (75%) open. The same restrictions shall apply to any portion of a fence located along a driveway within fifteen (15) feet of its intersection with a public sidewalk or public street, if no sidewalk is present.

(b) Nonconforming Fences. Any fence not conforming to the regulations of this section regarding maintenance of sight lines shall be made to conform if the owner or responsible party is so ordered by the Commissioner of Building and Housing for the purpose of eliminating an identified and demonstrated hazard.

Section 358.04 Fences in Residential Districts

Fences in Residential Districts shall be installed and maintained in accordance with the following regulations, as well as other applicable regulations of the Codified Ordinances.

(a) Height and Opacity. Fences in actual front yards and in actual side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open, except that, in an actual side street yard, a fence that is set back at least four (4) feet from the side street property line may be a maximum of six (6) feet in height and may be open or solid. Fences in actual rear yards and in actual interior side yards shall not exceed six (6) feet in height and may be solid or open. No fence shall be higher than its distance from a residence building on an adjoining lot or from the permitted placement of a future residence on such lot, if such fence will be generally parallel to and adjacent to the closest wall of the residence.

(b) Location. A fence running generally parallel to and adjacent to a building on the same property shall be located no closer than three (3) feet to the closest wall of such building.

(c) Materials and Appearance.

(1) Front Yards. In Residential Districts, only ornamental fences, as defined herein, shall be installed in actual front yards and in actual side street yards if located within four (4) feet of the side street property line.

(2) Other Yards. In other yards, fences may be composed of any materials except barbed wire and except as prohibited in division (a) of Section 358.06.

(d) Residential Swimming Pools. Fences shall be provided around swimming pools that are accessory to a residence in accordance with the regulations of division (g) of Section 3117.03 of the Building Code.

Section 358.05 Fences in Non-Residential Districts

Fences in Non-Residential Districts shall be installed and maintained in accordance with the following regulations, as well as other applicable regulations of the Codified Ordinances.

(a) Height and Opacity.

(1) General and Unrestricted Industry Districts. In General and Unrestricted Industry Districts, fences in actual front yards and in

actual side street yards shall not exceed six (6) feet in height and may be either open or solid. In actual rear yards and actual interior side yards, fences shall not exceed ten (10) feet in height and may be open or solid.

(2) Other Non-Residential Districts. Except as specifically required because of the type of use, in Non-Residential Districts other than General and Unrestricted Industry Districts, fences in actual front yards and in side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open above two (2) feet in height. In actual rear yards and actual interior side yards, fences shall not exceed six (6) feet in height and may be open or solid.

(b) Barbed Wire Fences. Barbed wire fences are permitted in all Non-Residential Districts except the Local Retail District and the Parking District, and shall be installed and maintained in accordance with the following regulations and other applicable regulations of the Codified Ordinances.

(1) Sidewalk Setback. Except in General Industry and Unrestricted Industry Districts, a fence with barbed wire shall be located at least four (4) feet from a sidewalk in a public right-of-way.

(2) Residential Setback. In all Non-Residential Districts, a fence with barbed wire shall be located at least four (4) feet from the property line of a Residential District.

(3) Landscape Barrier. Where it is required that a barbed wire fence be set back from a sidewalk or a Residential District line, such setback area shall be planted with shrubs spaced no more than five (5) feet apart or trees spaced no more than twenty (20) feet apart. The requirement for a landscape barrier shall not apply to barbed wire fences legally established prior to the initial effective date of this section nor to the replacement of such fences and shall not apply to a fence setback area of eight (8) feet or more.

Section 358.06 General Regulations

The following regulations shall apply to fences in all zoning districts or as specified.

(a) Prohibited Materials. No fence shall be composed of scrap materials, tires, canvas, cardboard, asphalt-style shingles, or chicken wire. Furthermore, except in General Industry and Unrestricted Industry Districts, no fence shall be composed of corrugated metal or sheet metal.

(b) Appearance. All fences shall be uniform in material and color. In the case of a fence with a finished side and an unfinished side, the finished or more decorative side shall face outward toward the adjoining property or the street.

(c) Barbed Wire. Where permitted by regulations of this chapter, barbed wire may be installed at the top of a fence if not more than three (3) strands are used, and if the lowest strand is at least six (6) feet above the adjoining ground. In the case of a fence located less than four (4) feet from a public sidewalk or a Residential District line, the vertical supports for the strands shall slant away from the nearest property line at an angle of not less than 45°. Such barbed wire may be placed above the otherwise applicable height limit for the fence to which it is attached. Any barbed wire fence not conforming to any provision of this chapter regarding

barbed wire fences shall be made to conform or shall be removed no later than December 31, 2001.

(d) Maintenance. All fences shall be maintained in good condition, free of significant rust, peeling paint or other damage. Furthermore, all fences shall be kept plumb, with no more than a two-inch deflection from a vertical position.

(e) Recreation Facilities. On the grounds of a school or on the grounds of a public or private recreation use, an open fence erected to enclose a playground, playfield, swimming pool, tennis court, golf course or similar facility may exceed the otherwise applicable height limits, but shall not exceed twelve (12) feet in height.

(f) Railroad and Utility Properties. An open fence erected for security purposes along a railroad or rapid transit right-of-way or yard or around a public utility use may exceed the otherwise applicable height limits, but shall not exceed twelve (12) feet in height.

(g) Nonconforming Fences. Except as specified in division (b) of Section 358.03 with regard to sight lines and division (c) of Section 358.06, with respect to barbed wire, any fence not conforming to the regulations of this chapter may be retained and repaired but shall not be moved or replaced in whole unless made to conform with the provisions of this chapter. Replacement of less than half of a nonconforming fence in a twelve (12) month period shall be considered "repair" and not "replacement" for purposes of this provision.

Section 358.07 Permit Requirements

(a) Applicability. Except as exempted in this section, no fence shall be installed unless a permit for such fence has been issued by the Commissioner of Building and Housing.

(b) Contents of Application. An application for a Building Permit to erect a fence shall include the following information, in addition to other information required by the Division of Building and Housing for a permit application:

(1) a site plan showing the location of the fence and gates in relation to all property lines, streets, driveways, sidewalks and structure on or within six (6) feet of the subject property;

(2) information indicating the height, materials, dimensions, colors, style and opacity of the fence, including the use of barbed wire, if any, and

(3) information and plans indicating the method of attaching the fence to the ground or to other structures.

(c) Exemption for Repair or Replacement. No permit is required for repair or replacement of a fence or portions thereof if the area being repaired or replaced, in any twelve-month period, does not exceed fifty percent (50%) of the length of the fence.

Section 2. That Sections 337.23 and 357.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1962-98, passed May 3, 1999, are hereby amended to read, respectively, as follows:

Section 337.23 Accessory Uses in Residence Districts

(a) Permitted Accessory Uses. The following accessory uses and buildings are permitted in a Residence District. Such permitted accessory buildings shall be located on the rear half of the lot, a minimum of

eighteen inches from all property lines and at least ten feet from any main building on an adjoining lot in a Residence District. Accessory buildings shall not occupy more than forty percent (40%) of the area of the required rear yard and, in the case of a corner lot, shall be located back of any required setback or specific building line. For side street yard regulations consult Sections 357.05 to 357.07.

(1) Within a main building, the office of a surgeon, physician, clergyman, architect, engineer, attorney or similar professional person residing in such main building and employing in the office not more than one nonresident office or laboratory assistant.

(2) Customary home occupation for gain carried on in the main building or in a rear building accessory thereto and requiring only customary home equipment; provided that no nonresident help is employed for that purpose, no trading in merchandise is carried on and no personal physical service is performed and, in a Limited One-Family District or in a One-Family District, no sign or other outward evidence of the occupation is displayed on the premises.

(3) In agricultural or undeveloped territory, farms, truck gardens, nurseries or greenhouses, and accessory stables, poultry enclosures, rabbit warrens and beehives conforming to the applicable limitations and restrictions included in Section 347.02, provided such enterprise is not operated for the sale of products not produced on the premises.

(4) Stables or enclosures for not more than four horses, and enclosures for poultry, pigeons, rabbits or bees, conforming in all locations to the applicable limitations and restrictions included in Section 347.02.

(5) Private incinerators for the burning of refuse and garbage produced on the same premises, provided that the construction is such as to assure immediate and complete combustion and freedom from offensive smoke, ash, unburned particles and odors, and a permit therefor is granted by the Commissioner of Environment.

(6) Fences and walls, as regulated in Chapter 358.

(7) Garages and parking spaces for the occupants of the premises and, when the premises are used for other than residence purposes, for their employees, patrons and guests.

A. In a Dwelling House District the floor area of a private garage erected as an accessory building shall not exceed 650 square feet unless the lot area exceeds 4,800 square feet in which event the floor area may be increased in the ratio of one square foot for each twelve square feet of additional lot area.

B. In Multi-Family Districts, garages and parking spaces erected or established as accessory uses shall be subject to the restrictions specified in Sections 343.19 to 343.21 and Chapter 349.

(8) Garage Sale or other Residential Property Sales, as defined in Section 676B.01(a), as long as they conform to the provisions in Chapter 676B.

(9) Signs permitted in accordance with the requirements of Chapter 350.

(10) Any other accessory use customarily incident to a use authorized in a Residence District except

that no use prohibited in a Local Retail Business District shall be permitted as an accessory use.

(b) Accessory Building Erected Prior to Erection of Main Building. An accessory building may be erected prior to the construction of the main building only if:

(1) The accessory building is erected on the rear half of the lot.

(2) The accessory building is so placed as not to prevent the practicable and conforming location of the main building.

(3) The main building is completed within two (2) years from the date of issuance of the permit for the accessory building.

Section 357.13 Yard Encroachments Permitted

Required yard spaces shall be maintained free and unobstructed except for trees and shrubbery, and, in interior side or rear yards, cloths, poles, arbors, garden trellis and similar accessories, and except that the following encroachments shall be permitted.

(a) Underground Garage or Accessory Space in Multi-Family Districts. Within the required yard spaces back of the setback building line in a Multi-Family District an underground garage or other accessory space may be constructed provided the height of such structure, including parapets, piers or railings, shall not exceed five feet above the grade level, and provided such structure does not prevent free access to the rear yard.

(b) Front Yard and Side Street Yard Encroachments. Except as restricted or limited by other provisions of this Zoning Code, the following front yard and side street yard encroachments shall be permitted in any use district:

(1) Front yard and side street yard encroachments permitted under Chapter 3109, and Chapter 3113, except that in a Dwelling House District no entrance canopy shall be erected, and no marquees or fixed or retractable awning shall project more than six feet beyond the building line or within ten feet of the street line.

(2) Steps and landings, and their appurtenant railings, balustrades and parapets, leading up or down to floor levels directly above or below the grade level.

(3) Fences and walls, as regulated in Chapter 358.

(4) Open porticos or porches projecting not more than six feet, enclosed porches or vestibules projecting not more than four feet and balconies projecting not more than three feet, provided they do not extend within ten feet of the street line and do not aggregate a vertical area in any story more than twenty percent of the area of the facade in that story.

(5) Structures permitted by division (a) of Section 3113.10, division (a) of Section 3113.13 and Section 3113.16 or where not so permitted, gasoline pump islands, sign poles or similar temporary and easily removable structures, provided that conditional and temporary permits therefor are granted, subject to appropriate conditions and safeguards by the Board after public notice and public hearing, and provided, further, that the erection, maintenance and use thereof do not conflict with the intent and purposes of this Zoning Code.

ing Code.

(c) Rear Yard and Interior Side Yard Encroachments. Except as restricted or limited by other provisions of this Zoning Code, the following rear yard and interior side yard encroachments shall be permitted in any use district:

(1) In rear yards only, accessory buildings and uses in connection with Residence Occupancy as defined and limited in Section 337.23, and similar accessory buildings and uses in connection with buildings of Institutional H Occupancy Classification. Accessory buildings or uses attached or forming part of a main building shall be permitted to encroach upon such rear yards to the extent permitted for detached accessory buildings or uses.

(2) Projections for architectural embellishment listed in Section 3109.08, provided that no main cornice or eaves shall project into a required yard more than two feet, measured horizontally, and no bar or oriel shall be constructed in a required interior side yard and none shall project into a required rear yard more than eighteen inches, and no other projection shall exceed the maximum permissible projection specified in Section 3109.08 or be so located as to materially obstruct natural light or ventilation.

(3) Fixed awnings, as permitted by Section 3109.10.

(4) Retractable awnings, as permitted by Section 3109.11.

(5) Steps, landings and their appurtenant railings, balustrades and parapets, leading up or down to floor levels directly above or below the grade level, not extending nearer than one foot to a rear or side lot line.

(6) Chimneys projecting not more than thirty-two inches, downspouts projecting not more than twelve inches, and ventilating ducts or pipes projecting not more than thirty-two inches and having a maximum aggregate cross-sectional area in any yard and at any level or 1,024 square inches.

(7) Fences, walls, hedges or other barriers, as regulated in division (a)(6) of Section 337.23.

(d) Temporary Structures. Temporary offices, bridges, barricades and similar structures required for and incident to building construction.

Section 3. That existing Sections 337.23 and 357.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1962-98, passed May 3, 1999, are hereby repealed.

Section 4. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 325.221, Section 325.222 and 325.223, as amended by Ordinance No. 3077-A-89, passed June 17, 1991; and

Section 629.06, as amended by Ordinance No. 1020-76, passed June 14, 1976, are hereby repealed.

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

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

**FIRST READING
ORDINANCE REFERRED**

Ord. No. 1812-2000.

By Councilman Melena.

An ordinance to establish a Planned Unit Development (PUD) Overlay District and approve the corresponding Planned Unit Development project on properties bound by W. 53rd Street, Walworth Avenue, S.E., Fenwick Avenue, S.E., Junction Road, S.E. and the Railroad tracks and to change the Use District of said lands. (Map Change No. 2018, Sheet No. 1)

Whereas, Ameri-Con Homes has submitted an application to the Director of the City Planning Commission proposing the creation of a Planned Unit Development (PUD) Overlay District on properties bound by West 53rd Street, Walworth Avenue, S.E., Fenwick Avenue, S.E., Junction Road, S.E. and the railroad tracks, and construction of a PUD project to be known as, on said properties; and

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

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

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

Section 1. That the area outlined on the site plan and described in the legal description contained in Map Change No. 2018, and known as the Joseph & Feiss project be and the same is hereby designated as a Planned Unit Development (PUD) Overlay District, in accordance with the provisions of Chapter 334 of the Codified Ordinances of Cleveland, Ohio 1976.

Section 2. That the designation of land described in Section 1 and as outlined in red on the map attached hereto shall be identified as Map Change No. 2018, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and in the office of the City Planning Commission.

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

Section 4. That the Use District of land bounded and described as follows,

Beginning at the intersection of the center line of West 53 Street and the center line of Walworth Avenue, S.W.; thence easterly and southeasterly along said center line of Walworth Avenue, S.W. to its intersection with the southwesterly extension of the northwesterly line of Sublot No. 317 in the Taylor and Hoyt Subdivision as recorded in Volume 1, Page 20 of the Cuyahoga County Map Records; thence northeasterly along said southwesterly extension and along said northwesterly line of said Sublot No. 317 and along its northeasterly extension

to the center line of Fenwick Avenue, S.W.; thence southeasterly along said center line of Fenwick Avenue, S.W. to its intersection with the northeasterly extension of the southeasterly line of Sublot No. 311 in said Taylor and Hoyt Subdivision; thence southwesterly along said northeasterly extension and along said southeasterly line of said Sublot No. 311 and along its southwesterly extension to said center line of Walworth Avenue, S.W.; thence southeasterly along said center line of Walworth Avenue, S.W. to the center line of Junction Road, S.W.; thence southwesterly along said center line of Junction Road, S.W. and along its southwesterly extension to the center line of Cleveland, Cincinnati, Chicago and St. Louis Railroad tracks; thence southwesterly along said center line of said Cleveland, Cincinnati, Chicago and St. Louis Railroad tracks to said center line of West 53 Street; thence northerly along said center line of West 53 Street to the place of beginning, and as outlined in red on the map hereto attached be and the same are hereby changed to a RA2 Use District.

Section 5. That said changed designation of lands described in Section 4 shall be identified as Map Change No. 2018, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 6. That no building permit shall be issued by the City of Cleveland for property located within the RA2 District established by this ordinance unless the building permit application confirms with the PUD project plan approved by this ordinance.

Unless a building permit for such development is issued within twelve (12) months from the effective date of approval of this ordinance, or within such extension as may be approved by the Planning Commission, the Use District approved herein shall be void and the zoning shall revert to the classification that existed prior to the approval of this ordinance.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of City Planning Commission, Law; Committee on City Planning.

**FIRST READING EMERGENCY
RESOLUTION REFERRED**

Res. No. 1813-2000.

By Councilman Cimperman.

An emergency resolution declaring the intention to vacate a portion of Marquette Street N.E.

Whereas, this Council; is satisfied that there is good cause to vacate a portion of Marquette Street N.E. as hereinafter described; 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 it hereby declares its intention to vacate the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of MARQUETTE STREET N.E. (100.00 feet wide), extending Southerly from the Southerly line of St. Clair Avenue N.E. (99.00 feet wide) to its intersection with the Northerly line of Stanard Avenue N.E. (50.00 feet wide) and the Westerly line of East 55th Street (100.00 feet wide).

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

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

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

Ord. No. 1814-2000.

By Councilman Brady.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Westown Community Development Corporation for the purchase of a sidewalk sweeper and storage shed in order to carry out the public purpose of providing clean sidewalks and public right-of-way for the residents and businesses in the Westown area through the use of Ward 19 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Westown Community Development Corporation for the purchase of a sidewalk sweeper and storage shed in order to carry out the public purpose of providing clean sidewalks and public right-of-way for the residents and businesses in the Westown area through the use of Ward 19 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

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

Ord. No. 1815-2000.**By Councilman Cimperman.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with North Presbyterian Church for their Youth Outreach Program in order to carry out the public purpose of providing an after-school program that will provide recreation and non violent communication/conflict resolution skills through the use of Ward 13 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with North Presbyterian Church for their Youth Outreach Program in order to carry out the public purpose of providing an afterschool program that will provide recreation and non violent communication/conflict resolution skills through the use of Ward 13 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$11,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

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

Ord. No. 1816-2000.**By Councilman Cimperman.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to The Children and Families Best Interest Advocates to stretch banners on the East 55th Street Bridge fence across I-90 facing east for the period from October 24, 2000 to October 24, 2000, inclusive, publicizing the Best Parent is Both Parents/Kids Need Dads Not Dollar Signs.

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 Children and Families Best Interests Advocates to install, maintain and remove banners on the East 55th Street Bridge fence across I-90 facing east, for the

period from October 24, 2000 to October 24, 2000, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1817-2000.**By Councilman Cintron.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with May Dugan Center for their "Holiday Event", in order to carry out the public purpose of providing food for needy families and toys for underprivileged children through the use of Ward 14 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with May Dugan Center for their "Holiday Event", in order to carry out the public purpose of providing food for needy families and toys for underprivileged children through the use of Ward 14 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$10,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

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

Ord. No. 1818-2000.**By Councilman Coats.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with EBC Ferry Development Corporation for providing general operating support for their office rent, utilities, operations and support staff, in order to carry out the public purpose of supporting the provision of social services for the residents of the City of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with EBC Ferry Development Corporation for providing general operating support for their office rent, utilities, operations and support staff, in order to carry out the public purpose of supporting the provision of social services for the residents of the City of Cleveland.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

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

Ord. No. 1819-2000.**By Councilman Dolan.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Kamm's Corners Development Corporation to hang 19 Holiday Wreath Decorations on Lorain Avenue between Rocky River Drive and West 165th Street on C.P.P. utility poles (by separate permission), for the period of November 30, 2000, to January 3, 2001, inclusive, celebrating the holiday season.

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 Kamm's Corner Development Corporation, 17407 Lorain Avenue, Suite 207, Cleveland, Ohio 44111-4022, to install, use and maintain nineteen (19) Holiday Wreath Decorations to be hung on Cleveland Public Power

utility poles, (by separate permission) celebrating the holiday season for the period of November 30, 2000, to January 3, 2001, inclusive, and which Holiday Wreath Decorations are to be hung at the following pole locations and on the following pole numbers: at LORAIN AVENUE-NORTH SIDE: 1st pole E. of Rocky River Drive, Pole #ET-14-2; 3rd Pole E. of Rocky River Drive, Pole #ET-14-4; @ Goodwill Store, Pole #ET-14-6; @ Kathleen's, Pole #ET-14-8; Opposite U-Haul entrance drive, Pole #ET-14-10; @ Nationwide, Pole #ET-14-12; LORAIN AVENUE-NORTH SIDE: 1st Pole W. of West Park Road, Pole #ET-14-33; 3rd Pole E. of Triskett Road, Pole #ET-14-37; NW Corner of Warren Road, Pole #ET-14-47; 2nd Pole W. of W. 140th Street, Pole #ET-13-27; LORAIN AVENUE-SOUTH SIDE: SW Corner of Rocky River Drive, Pole #ET-31-1; 2nd Pole E. of Rocky River Drive, Pole #ET-31-2; @ Hastings Home, Pole #ET-31-4; @ Walgreen's, Pole #ET-31-6; SW Corner of West 168th Street, Pole #ET-31-8; 1st Pole W. of U-Haul entrance drive, Pole #ET-31-10; @ U-Haul sign, Pole #ET-31-11; SW Corner of West 165th Street, Pole #ET-31-13; SW Corner of West 150th Street, Pole #ET-31-44 and which Holiday Wreaths location 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 wreath will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said Wreaths, and said Wreaths 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1820-2000.

By Councilman Gordon.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Senior Citizens Resources, Inc. for their Holiday Meals Program in order to carry out the public purpose of the provision of prepared food to the elderly and shut-in residents of the City of Cleveland through the use of Ward 15 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Senior Citizens Resources, Inc. for their Holiday Meals Program in order to carry out the public purpose

of the provision of prepared food to the elderly and shut-in residents of the City of Cleveland.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

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

Ord. No. 1821-2000.

By Councilman Jackson

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to The City Mission to stretch banners around its facility at 5310 Carnegie Avenue for the period from October 24, 2000 to November 27, 2000, inclusive, publicizing the Mission's 90th Anniversary.

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 City Mission to install, maintain and remove banners in front of 5310 Carnegie Avenue, the corner of East 55th and Carnegie Avenue and adjacent to the Men's facility located in the rear of the Pathway's Building fronting Cedar Avenue (pole Nos. on Carnegie Avenue 69014, 69016, NEZ-11-35-1, on East 55th Street NEZ-11-361A and on Cedar Avenue EZ-87), for the period from October 24, 2000 to November 27, 2000, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1822-2000.

By Councilman White.

An emergency ordinance to amend the Title and Sections 1 and 2 of Ordinance No. 1612-2000, passed September 11, 2000, relating to a grant agreement with the Miles Family YMCA to carry out the public purpose of providing recreation programs for residents of the City of Cleveland through the use of Wards 9 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Sections 1 and 2 of Ordinance No. 1612-2000, passed September 11, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a grant agreement with the Miles Family YMCA to carry out the public purpose of providing recreation programs for residents of the City of Cleveland through the use of Ward 2 Neighborhood Equity Funds.

Section 1. That Director of Parks, Recreation and Properties is authorized to enter into a grant agreement with the Miles Family YMCA located at 11300 Miles Avenue to carry out the public purpose of sponsoring recreation programs for residents of the City of Cleveland, through the use of Ward 2 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed **Seventy-five Thousand Dollars (\$75,000)**, and shall be paid from Fund No. 10 SF 166, and shall be for services rendered by the grantee from July 1, 2000 to June 30, 2001.

Section 2. That the existing Title and Sections 1 and 2 of Ordinance No. 1612-2000, passed September 11, 2000 are hereby repealed.

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

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

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

Ord. No. 1823-2000.

By Councilman Willis.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with University Circle, Inc. for assisting with the financing of the annual "Parade the Circle" event in order to carry out the public purpose of sponsoring a community festival through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with University Circle, Inc. for assisting with the financing of the annual "Parade the Circle" event in order to carry out the public purpose of sponsoring a community festival through the use of Ward 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

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

Ord. No. 1824-2000.

By Councilman Willis.

An emergency ordinance to amend the Title and Section 1 of Ordinance No. 1286-99, passed July 14, 1999, relating to a grant agreement with the Western Reserve Historical Society, to carry out the public purpose of sponsoring the African American Heritage Cultural Event through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 1286-99, passed July 14, 1999, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with the **Western Reserve Historical Society**, to sponsor the African American Heritage Cultural Event through the use of **Ward 9 Neighborhood Equity Funds**.

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with the **Western Reserve Historical Society**, to carry out the public purpose of sponsoring the African American Heritage Cultural Event through the use of **Ward 9 Neighborhood Equity Funds**.

Section 2. That the existing Title and Section 1 of Ordinance No. 1286-99, passed July 14, 1999 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1825-2000.

By Councilmen Cimperman

An emergency resolution supporting the Universal Health Care Network of Ohio in its call for universal health care coverage through its Universal Health Care 2000 Campaign.

Whereas, this Council of the City of Cleveland believes that all citizens, those with and without financial means, should have access to affordable, quality health care as evidenced by Council's participation in the fight to save St. Michael Hospital and the enactment of Chapter 686 of the Codified Ordinances of Cleveland, Ohio, 1976 concerning the closure of hospitals in the City of Cleveland; and

Whereas, by numerous resolutions concerning health care, this Council has advocated and encouraged health care providers, insurance companies and employers to be cognizant of the need to provide health care for all members of our community; and

Whereas, it is estimated that over 42 million Americans have no health care insurance, of which approximately 1.7 million people live in Ohio; and

Whereas, the infant mortality rate in the U.S. is higher and the life expectancy rate is lower than every other advanced nation; and

Whereas, the Universal Health Care Action Network of Ohio (UHCAN Ohio) is a statewide network of individuals and organizations committed to bringing about health care reform through advocating universal health care coverage, quality health care and public accountability; and

Whereas, UHCAN Ohio is calling for a Universal Health Care Task Force in the United States Congress to address and legislate universal health care coverage through its Universal Health Care 2000 Campaign (U2K); and

Whereas, this Council of the City of Cleveland joins with and supports the Universal Health Care 2000 Campaign; and

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

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

Section 1. That this Council of the City of Cleveland strongly supports the Universal Health Care Action Network of Ohio in its goal of achieving universal health care coverage, quality health care and public accountability through the Universal Health Care 2000 Campaign (U2K).

Section 2. That the Clerk is hereby requested to transmit a copy of this resolution to President Clinton, Vice-President Gore, and Rachel Rosen DeGolia, U2K campaign coordinator.

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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1826-2000.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 1204 Old River Road, Mezzanine & Patio, and repealing Res. No. 1525-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 1204 Old River Road, Mezzanine & Patio, by Res. No. 1525-2000 adopted by Council on August 28, 2000; and

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

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

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

Section 1. That objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 1204 Old River Road, Mezzanine & Patio, be and the same is hereby withdrawn and Res. No. 1525-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1827-2000.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit to 1187 Old River Rd. & Patio, and repealing Res. No. 1523-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to 1187 Old River Rd. & Patio, by Res. No. 1523-2000 adopted by Council on August 28, 2000; and

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

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

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

Section 1. That objection to the renewal of a D5 and D6 Liquor Permit to 1187 Old River Rd. & Patio, be and the same is hereby withdrawn and Res. No. 1523-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1828-2000.

By Councilman Cintron.

An emergency resolution objecting to the transfer of ownership and location of a D1 and D2 Liquor Permit to 3203 West 25th Street.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a D1 and D2 Liquor Permit from Permit No. 4295591, Joe Des Pizzeria Inc., DBA Joe Des Pizzeria, 3329 Fulton Road, 1st Fl. & Bsmt., Cleveland, Ohio 44109 to Permit No. 6277604, NSA Inc., 3203 West 25th Street, Cleveland, Ohio 44109; 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 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 and location of a D1 and D2 Liquor Permit from Permit No. 4295591, Joe Des Pizzeria Inc., DBA Joe Des Pizzeria, 3329 Fulton Road, 1st Fl. & Bsmt., Cleveland, Ohio 44109 to Permit No. 6277604, NSA Inc., 3203 West 25th Street, Cleveland, Ohio 44109 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1829-2000.

By Councilman Polensek.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 835-837 East 185th Street.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 6484183, OMQ, Inc., 835-837 East 185th Street, Cleveland, Ohio 44119 to Permit No. 2405692, East 185th Street Tavern LLC, DBA East 185th Street Tavern, 835-837 East 185th Street, Cleveland, Ohio 44119; and

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

Whereas, the applicant does not qualify to be 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 D5 Liquor Permit from Permit No. 6484183, OMQ, Inc., 835-837 East 185th Street, Cleveland, Ohio 44119 to Permit No. 2405692, East 185th Street Tavern LLC, DBA East 185th Street Tavern, 835-837 East 185th Street, Cleveland, Ohio 44119 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1830-2000.

By Councilman Rybka.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 5407 Fleet Avenue, 1st Fl. & Bsmt., and repealing Res. No. 1476-99 objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 5407 Fleet Avenue, 1st Fl. & Bsmt., by Res. No. 1476-99 adopted by Council on August 11, 1999; and

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

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

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

Section 1. That objection to the renewal of a C2 and C2X Liquor Permit to 5407 Fleet Avenue, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1476-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

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

SECOND READING EMERGENCY ORDINANCE

Ord. No. 595-2000.

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

An emergency ordinance to amend Sections 125.01 and 173.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, respectively, by Ordinance No. 2372-93, passed March 14, 1994, and Ordinance No. 1660-64, passed September 28, 1964, relating to the Law Director's powers and duties and the prosecuting attorney and staff from Cuyahoga County.

Approved by Directors of Public Safety, Personnel and Human Resources, Finance, Law; Amendments disapproved by Committee on Employment, Affirmative Action and Training; Recommended by Committees on Public Safety and Finance, when amended as follows:

1. In Section 1, division (a), line 5 following "branch," insert the following: **"whose appointments shall be subject to the approval of Council."**

2. In Section 1, division (b), line 4 following "prosecutors" insert the following: **"whose appointments shall be subject to the approval of Council"**.

Amendments agreed to.

Ord. No. 864-2000.

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

An emergency ordinance to appropriate properties located on Midvale Avenue and Springdale Avenue for the public purpose of construction of a public right-of-way needed for the construction of a road.

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

Ord. No. 1007-2000.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 6564-6566 Broadway Avenue to Jennifer Hajj.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation, City Planning Commission, Finance; when amended as follows:

1. Insert new Section 3 to read as follows:

"Section 3. That the Director of Finance is hereby authorized and directed to deposit the proceeds from the sale of the land authorized herein in the City's Neighborhood

Equity Fund. Such proceeds are to be used for recreational purposes and are to be appropriated for expenditure as Ward 12 Neighborhood Equity Funds at the recommendation of the Councilmember from Ward 12."

2. Renumber existing Sections 3 and 4, respectively, to new **"Section 4"** and **"Section 5"**.

Amendments agreed to.

Ord. No. 1060-2000.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on North Park Boulevard to Barry J. Minoff; and to amend Lease Agreement No. 42114 with the City of Shaker Heights.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation, City Planning Commission, when amended as follows:

1. In Section 2, line 5, after **"Control,"** insert the following: **"The proceeds from the sale of the land authorized herein shall be appropriated for the maintenance and/or expansion of the Cleveland Cultural Gardens."**

2. In Section 3, line 9, after **"signs,"** insert the following: **"The deed shall also contain a provision requiring Mr. Minoff, upon transfer of a portion of Permanent Parcel No. 733-10-14, to consolidate the transferred portion of Permanent Parcel No. 733-10-14 with Permanent Parcel No. 733-10-008, consisting of his residency, located at 19400 North Park Boulevard, Shaker Heights, Ohio, a provision requiring Mr. Minoff to file a consolidation plat with the County and a provision prohibiting the erection of any independent structure on the portion of Permanent Parcel No. 733-10-14 transferred to Mr. Minoff."**

Amendments agreed to.

Ord. No. 1200-2000.

By Councilman Jackson.

An emergency ordinance to vacate a portion of East 82nd St. and Betts Ct. S.E. hereinafter described.

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

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

Amendment agreed to.

Ord. No. 1580-2000.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain, repair, and replace substation equipment, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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

1. In Section 2, line 1, after **"shall"** insert **"not exceed \$800,000 and shall"**.

Amendment agreed to.

Ord. No. 1581-2000.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to apply for membership and participate in the Automated Power Exchange, Inc. computer/Internet power exchange.

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

Ord. No. 1585-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to install tubes and valves in the Burnham #1 boiler and for hydrostatic testing, for the Division of Streets, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Recommended by Committees on Public Service, Finance.

Ord. No. 1586-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Department of Natural Resources for the Community Pride and Partnership Program; and to enter into contract for the purchase of equipment and supplies needed to implement the program.

Approved by Directors of Public Service, Finance, Law; Recommended by Committees on Public Service, Finance.

Ord. No. 1596-2000.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 861-2000, passed June 19, 2000, relating to the Director of Community Development to expend Community Development Block Grant funds and Federal Home funds for the operation of the Low Interest Loan and Grant Programs and to enter into contract with various agencies to implement these programs.

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

Ord. No. 1598-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4817 Biddulph Road to George Jicha.

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

Ord. No. 1683-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain elevators located at various health centers, for the Division of Health, Department of Public Health, for a period not to exceed two years.

Approved by Directors of Public Health, Finance, Law; Recommended by Committees on Public Health, Finance.

Ord. No. 1724-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2001 Immunization Action Plan Program.

Approved by Directors of Public Health, Finance, Law; Recommended by Committees on Public Health, Finance.

Ord. No. 1725-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2001 STD Control Program.

Approved by Directors of Public Health, Finance, Law; Recommended by Committees on Public Health, Finance.

SECOND READING ORDINANCE**Ord. No. 1307-2000.**

By Councilman O'Malley.

An ordinance to change the Use and Height Districts on the north side of Melber Avenue, S.W. and the east side of Ridge Road, S.W. (Map Change No. 2016, Sheet No. 2)

Approved by Director of City Planning Commission, Law; Recommended by Committee on City Planning, when amended as follows:

1. In Section 1, strike the legal description in its entirety and insert in lieu thereof the following:

"Beginning at the intersection of a line located approximately one hundred seventy (170) feet north of the northerly line of Melber Avenue, S.W. and the southerly extension of the westerly line of Permanent Parcel No. 13-9-9; thence easterly along said line which is parallel to and approximately one hundred seventy (170) feet north of said northerly line of Melber Avenue, S.W. to its intersection with the northerly extension of the easterly line of Sublot No. 1 in the West 73 Street Bridge Allotment as recorded in Volume 87, Page 34 of the Cuyahoga County Map Records; thence southerly along said northerly extension to its intersection with the northerly line of said Sublot No. 1; thence westerly along said northerly line of said Sublot No. 1 to its intersection with the center line of Melber Avenue, S.W.; thence westerly along said center line of Melber Avenue, S.W. to its intersection with the southerly extension of said westerly line of said Permanent Parcel 13-9-9; thence northerly along said southerly extension and along said westerly line of said Permanent Parcel No. 13-9-9 to the place of beginning."

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

"Section 3. That the Use District of lands bounded and described as follows.

Beginning at the intersection of the center line of Ridge Road, S.W. and the westerly extension of the northerly line of Permanent Parcel No. 13-9-13; thence easterly along said westerly extension and along said northerly line of said Permanent Parcel No. 13-9-13 to its intersection with the easterly line thereof; thence southerly along said easterly line of said Permanent Parcel

No. 13-9-13 and along its southerly extension to the center line of Melber Avenue, S.W.; thence westerly along said line of Melber Avenue, S.W. to the center line of Ridge Road S.W.; thence northwesterly along said center line of Ridge Road, S.W. to the place of beginning,

and as outlined in green on the map hereto attached be and the same is hereby changed to a General Retail Use District.

Section 4. That said changed designation of lands described in Section 3 shall be identified as Map Change No. 2016, Sheet No. 2 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission."

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

Amendments agreed to.

SECOND READING EMERGENCY ORDINANCES PASSED**Ord. No. 1117-2000.**

By Councilmen White, Rybka, Melena, Cintron, O'Malley, Cimperman and Patmon (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing Phase IV improvements to the Mill Creek Housing Development Project, and authorizing the Directors of Community Development, Public Service and Public Utilities to enter into contract for the making of such improvement.

Approved by Directors of Community Development, Public Service, Public Utilities, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, Public Service, Public Utilities, City Planning and Finance, when amended as follows:

1. In Section 2, line 1, after "That" insert **"provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 900-2000, passed June 19, 2000,"**

2. In Section 3, line 2, after "shall" insert **"not exceed \$700,000 and shall"**; and after "20 SF 363" insert the following: **"and from the fund or funds to which are credited the proceeds of the sale of general obligation bonds of the City of Cleveland authorized by Ordinance No. 900-2000, passed June 19, 2000"**.

Amendments agreed to.

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

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

THIRD READING EMERGENCY ORDINANCE PASSED**Ord. No. 1577-2000.**

By Mayor White.

An emergency ordinance determining the method of making the public improvement of constructing a waste water/glycol collection system at Cleveland Hopkins International Airport, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

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

THIRD READING ORDINANCE PASSED**Ord. No. 1729-2000.**

By Councilmen O'Malley, Polensek, Patmon and Cintron.

An ordinance conditionally approving the request to consent to transfer the cable franchise from Cablevision of Cleveland, L.P. to Adelphia Cleveland LLC and approving the extension of the franchise.

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

THIRD READING EMERGENCY RESOLUTION ADOPTED**Res. No. 1604-2000.**

By Councilman Patmon (by departmental request).

An emergency resolution to adopt and declare a Tax Budget for the year 2001, as required by State Law, Chapter 5705 of the Revised Code.

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

MOTION

Councilman O'Malley made the motion to revert back to First Reading Emergency Ordinances Referred. Councilman Rybka seconded the motion. A roll call ensured. Motion approved. Yeas 20. Nays 0.

FIRST READING EMERGENCY ORDINANCE REFERRED**Ord. No. 1831-2000.**

By Mayor White.

An emergency ordinance authorizing the Director of Public Utilities to enter into contract with Shell Energy Services Co., L.L.C., for retail electric aggregation services and power supply, for the Division of Cleveland Public Power, Department of Public Utilities.

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 129.331 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is hereby authorized to enter into contract with Shell Energy Services Co., L.L.C., for retail electric aggregation services and power supply, on the basis of its proposal dated October 5, 2000, and the Memorandum of Understanding dated October 6, 2000, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

MOTION

By Councilman Rybka and seconded by Councilman Cintron and unanimously carried that the absence of Councilman Kenneth L. Johnson be and is hereby authorized.

MOTION

The Council adjourned at 8:50 p.m. to meet on Monday, October 23, 2000, 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:

ORDINANCES**Ord. No. 595-2000.**

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

An emergency ordinance to amend Sections 125.01 and 173.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, respectively, by Ordinance No. 2372-93, passed March 14, 1994, and Ordinance No. 1660-64, passed September 28, 1964, relating to the Law Director's powers and duties and the prosecuting attorney and staff from Cuyahoga County.

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

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

Section 1. That Sections 125.01 and 173.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, respectively, by Ordinance No. 2372-93, passed March 14, 1994, and Ordinance No. 1660-64, passed September 28, 1964, are hereby amended to read as follows:

Section 125.01 Director's Powers and Duties

(a) The work of the Department of Law shall be distributed between a civil branch and a criminal branch. The Director of Law shall supervise and control the Department. He may appoint such number of assistant directors of law as he deems necessary for the proper conduct of the work of the civil branch, **whose appointments shall be subject to the approval of Council**, three of whom he may designate as Chief Counsel, Chief Trial Counsel and Chief Corporate Counsel, and not to exceed eight of whom he may designate as Chief Assistant Director of Law.

(b) The Director shall be the Prosecuting Attorney of the Municipal Court, pursuant to the provisions of Charter Section 84. He may also designate not more than twenty assistant prosecutors, **whose appointments shall be subject to the approval of Council**. Two of such assistant prosecutors shall be known, respectively, as Chief Assistant Prosecutor and First Assistant Prosecutor.

(c) The Director is hereby authorized to employ such number of

clerks, stenographers and persons in other classifications as he may deem necessary.

Section 173.23 Prosecuting Attorney and Staff from Cuyahoga County

Pursuant to Section 1901.34 of the Revised Code, the Director of Law as the Prosecuting Attorney of the Municipal Court, and the Chief Assistant Prosecutor, the First Assistant and each Assistant Prosecutor of the Court may accept compensation from the Treasury of Cuyahoga County in an amount fixed by the Board of County Commissioners.

Section 2. That existing Sections 125.01 and 173.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, respectively, by Ordinance No. 2372-93, passed March 14, 1994, and Ordinance No. 1660-64, passed September 28, 1964, 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.

Ord. No. 864-2000.

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

An emergency ordinance to appropriate properties located on Midvale Avenue and Springdale Avenue for the public purpose of construction of a public right-of-way needed for the construction of a road.

Ord. No. 1007-2000.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 6564-6566 Broadway Avenue to Jennifer Hajj.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located at 6564-6566 Broadway Avenue; and

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

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

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

Permanent Parcel No. 132-02-017

6564-6566 Broadway Avenue
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original One Hundred Acre Lot No. 318, bounded and described as follows:

Commencing in the center line of Broadway, S.E., at a point 150 feet distant Easterly from where the Easterly line of the lot heretofore conveyed for school purposes intersects said center line of Broadway, S.E.;

Thence Southerly on a line parallel with the Easterly line of said school lot 230 feet to a stake;

Thence Easterly 50 feet on a line parallel with the center line of Broadway, S.E., to a stake;

Thence Northerly 230 feet on a line so drawn as to strike the center line of Broadway, S.E., at a point 50 feet Easterly on said center line of Broadway, S.E., at a point 50 feet Easterly on said center line from the place of beginning;

Thence Westerly on said center line of Broadway, S.E., 50 feet to the place of beginning, being 50 feet front on Broadway, S.E., be the same more or less, but subject to all legal highways.

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

Section 3. That the Director of Finance is hereby authorized and directed to deposit the proceeds from the sale of the land authorized herein in the City's Neighborhood Equity Fund. Such proceeds are to be used for recreational purposes and are to be appropriated for expenditure as Ward 12 Neighborhood Equity Funds at the recommendation of the Councilmember from Ward 12.

Section 4. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions, including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law, protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Ord. No. 1060-2000.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on North Park Boulevard to Barry J. Minoff; and to amend Lease Agreement No. 42114 with the City of Shaker Heights.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located on North Park Boulevard in the City of Shaker Heights; and

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

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

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

Split Parcel
North Park Boulevard

Situated in the City of Shaker Heights, County of Cuyahoga and State of Ohio and known as being part of The City of Cleveland Parkway in the Van Sweringen Company's Subdivision No. 27 of part of Original Warrensville Township Lot Nos. 23, 24, 25, 34 and 35 as shown by the recorded plat in Volume 88, Page 28 of Cuyahoga County Map Records and being more fully described as follows:

Beginning at the Northwesterly corner of Sublot No. 117 in said Van Sweringen Company's Subdivision No. 27 and being the Principal Place of Beginning of the parcel of land herein described;

Course No. 1:

Thence North 03°-33'-19" East along the Northerly prolongation of the Westerly line of said Sublot No. 117, a distance of 89.00 feet to a point;

Course No. 2:

Thence North 89°-41'-59" East, a distance of 272.01 feet to a point on the Westerly line of Courtland Boulevard, 100 feet wide;

Course No. 3:

Thence South 03°-40'-15" West along the Westerly line of said Courtland Boulevard, a distance of 117.00 feet to a point at the North-easterly corner of said Sublot No. 117;

Course No. 4:

Thence Southwesterly along the Northerly line of said Sublot No. 117 and the arc of a curve deflecting to the right, a distance of 113.99 feet, said curve having a radius of 250.00 feet and a chord distance of 113.01 feet bearing South 79°-40'-44" West, to a point of curvature;

Course No. 5:

Thence Northwesterly continuing along the Northerly line of said Sublot No. 117 and the arc of a curve deflecting to the right, a distance of 167.17 feet, said curve having a radius of 350.00 feet and a chord of 165.59 feet bearing North 73°-35'-58" West, to the place of beginning and containing 0.7745 acres (33,736 sq. ft.) of land, according to a survey prepared by McSteen & Associates, Inc., dated May 5, 2000 and being the same more or less but subject to all legal highways and easements.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Barry J. Minoff at a price not less than fair market value as determined by the Board of Control. **The proceeds from the sale of the land authorized herein shall be appropriated for the maintenance and/or expansion of the Cleveland Cultural Gardens.**

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed

shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs. **The deed shall also contain a provision requiring Mr. Minoff, upon transfer of a portion of Permanent Parcel No. 733-10-14, to consolidate the transferred portion of Permanent Parcel No. 733-10-14 with Permanent Parcel No. 733-10-008, consisting of his residency, located at 19400 North Park Boulevard, Shaker Heights, Ohio, a provision requiring Mr. Minoff to file a consolidation plat with the County and a provision prohibiting the erection of any independent structure on the portion of Permanent Parcel No. 733-10-14 transferred to Mr. Minoff.**

Section 4. That the Mayor is authorized to enter into an amendment to Lease Agreement No. 42114 with the City of Shaker Heights to delete the property described in Section 1 of this ordinance from said Lease.

Section 5. That the Mayor, the Directors of Law and Parks, Recreation and Properties are hereby authorized to execute such certifications and documents and to take such other actions as may be necessary or appropriate to carry out the terms of the transactions authorized in this ordinance.

Section 6. That the amendment to Contract No. 42114 shall be prepared and approved by the Director of Law and shall contain such provisions as he deems necessary to protect the public interest.

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

Ord. No. 1200-2000.

By Councilman Jackson.

An emergency ordinance to vacate a portion of East 82nd St. and Betts Ct. S.E. hereinafter described.

Whereas, on the 11th day of August 1999, the Council of the City of Cleveland adopted Resolution No. 1207-99 declaring its intention to vacate a portion of East 82nd St. and Betts Ct. S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1207-99 has been served upon the owners of all the property abutting East 82nd St. and Betts Ct. S.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 14th day of June, 2000, the Board of Revision of Assessments approved the vacation of East 82nd St. and Betts Ct. S.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacat-

ing East 82nd St. and Betts Ct. S.E., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of the following real property:

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

EAST 82nd STREET (50.00 feet wide), extending Southerly from the Southerly line of Holton Avenue S.E. (40.00 feet wide), to its Southerly terminus.

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

BETTS COURT S.E. (11.00 feet wide), extending Easterly from the Easterly line of East 82nd Street (50.00 feet wide), to the Westerly line of East 83rd Street (50.00 feet wide), is hereby vacated.

Section 2. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 82nd St. and Betts Ct. S.E., herein provided by sending him a copy of this Ordinance.

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

Ord. No. 1307-2000.

By Councilman O'Malley.

An ordinance to change the Use and Height Districts on the north side of Melber Avenue, S.W. and the east side of Ridge Road, S.W. (Map Change No. 2016, Sheet No. 2)

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

Section 1. That the Use and Area Districts of lands bounded and described as follows,

Beginning at the intersection of a line located approximately one hundred seventy (170) feet north of the northerly line of Melber Avenue, S.W. and the southerly extension of the westerly line of Permanent Parcel No. 13-9-9; thence easterly along said line which is parallel to and approximately one hundred seventy (170) feet north of said northerly line of Melber Avenue, S.W. to its intersection with the northerly extension of the easterly line of Sublot No. 1 in the West 73 Street Bridge Allotment as recorded in Volume 87, Page 34 of the Cuyahoga County Map Records; thence southerly along said northerly extension to its intersection with the northerly line of said Sublot No. 1; thence westerly along said northerly line of said Sublot No. 1 to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 1 to its intersection with the center line of Melber Avenue, S.W.; thence westerly along said center line of Melber Avenue, S.W. to its intersection with the southerly extension of said westerly line of said Permanent

Parcel 13-9-9; thence northerly along said southerly extension and along said westerly line of said Permanent Parcel No. 13-9-9 to the place of beginning, and as outlined in red on the map hereto attached be and the same are hereby changed to a Two-Family Use District and a '1' Height District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 2016, Sheet No. 2 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That the Use District of lands bounded and described as follows.

Beginning at the intersection of the center line of Ridge Road, S.W. and the westerly extension of the northerly line of Permanent Parcel No. 13-9-13; thence easterly along said westerly extension and along said northerly line of said Permanent Parcel No. 13-9-13 to its intersection with the easterly line thereof; thence southerly along said easterly line of said Permanent Parcel No. 13-9-13 and along its southerly extension to the center line of Melber Avenue, S.W.; thence westerly along said line of Melber Avenue, S.W. to the center line of Ridge Road S.W.; thence northwesterly along said center line of Ridge Road, S.W. to the place of beginning, and as outlined in green on the map hereto attached be and the same is hereby changed to a General Retail Use District.

Section 4. That said changed designation of lands described in Section 3 shall be identified as Map Change No. 2016, Sheet No. 2 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Ord. No. 1580-2000.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain, repair, and replace substation equipment, for the Division of Cleveland Public Power, 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 hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to maintain, repair, and replace sub-

station equipment, including but not limited to batteries, switchgear, transformers and circuit breakers, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, 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 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 not exceed \$800,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 16939)

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

Ord. No. 1581-2000.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to apply for membership and participate in the Automated Power Exchange, Inc. computer/Internet power exchange.

Ord. No. 1585-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to install tubes and valves in the Burnham #1 boiler and for hydrostatic testing, for the Division of Streets, Department of Public Service.

Ord. No. 1586-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Department of Natural Resources for the Community Pride and Partnership Program; and to enter into contract for the purchase of equipment and supplies needed to implement the program.

Ord. No. 1596-2000.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 861-2000, passed June 19, 2000, relating to the Director of Community Development to expend Community Development Block Grant funds and Federal Home funds for the operation of the Low Interest Loan and Grant Programs and to enter into contract with various agencies to implement these programs.

Ord. No. 1598-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4817 Biddulph Road to George Jicha.

Ord. No. 1683-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain elevators located at various health centers, for the Division of Health, Department of Public Health, for a period not to exceed two years.

Ord. No. 1724-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2001 Immunization Action Plan Program.

Ord. No. 1725-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2001 STD Control Program.

BOARD OF CONTROL

October 11, 2000

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 11, 2000, at 11:00 a.m. with Director Carter presiding.

Present: Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Acting Director Miller, Directors Hudecek, Patterson, Warren, Alexander.

Absent: Mayor White.

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

On motion, the following resolutions were adopted.

Resolution No. 690-00.

By Mayor White.

Be it resolved by the Board of Control of the City of Cleveland that the rules and regulations concerning employees' sick leave with pay, established pursuant to Section 171.31 of the Codified Ordinances of Cleveland, Ohio, 1976, as prescribed in Resolution No. 44-86, adopted by the Board of Control on January 22, 1986, and amended by Resolution No. 410-94, adopted by the Board of Control on June 8, 1994, are hereby amended to include the following regulations authorizing the establishment of a sick time contribution program in the Office of Mayor:

The Mayor, or his designee, may, at his/her discretion, authorize any employee in the Office of the Mayor to contribute accumulated paid sick leave to another employee in the Office of the Mayor as follows:

An employee may not contribute more than forty (40) hours of leave to any one particular employee during that time period.

A contributing employee may not be on the absence abuse list and must retain at least one hundred (100) hours of accumulated leave after any contribution.

Contribution of sick leave must be based upon a catastrophic health condition of the receiving employee or a member of his/her immediate family.

To be eligible to receive a contribution of sick leave, an employee must have first exhausted his/her own accumulated sick leave, vacation time, personal days, and compensatory time.

The Mayor may adopt additional rules and regulations as he deems appropriate to implement the authority granted hereby.

Yeas: Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Acting Director Miller, Directors Hudecek, Patter-son, Warren, Alexander.

Nays: None.
Absent: Mayor White.

Resolution No. 691-00.

By Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1288-99, passed by the Council of the City of Cleveland on August 11, 1999, Middough Associates Inc. is hereby selected upon the nomination of the Director of Public Utilities from a list of professional engineering firms determined, after a full and complete canvass by said Director, as the firm to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City of Cleveland in order to provide professional engineering services necessary to perform system planning, remediation, system maps & records update and electrical and civil/structural designs for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a written contract with Middough Associates Inc. based upon its proposal dated May 26, 2000, which contract shall be prepared by the Director of Law and shall provide for furnishing of professional services as contained in such proposal and shall contain such terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the work shall commence upon execution of said contract and shall further provide that the aggregate fee will not be in excess of \$600,000.00.

Be it further resolved that the employment of the following sub-contractors to Middough Associates Inc. is hereby approved:

SUB-CONTRACTOR WORK

- Polytech, Inc.
Consulting Engineering Services
(10% MBE)
- Roberts Consultants
Consulting Engineering Services
(10% MBE)
- KS Associates Inc.
Consulting Engineering Services
(5% FBE)

Yeas: Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Acting Director Miller, Directors Hudecek, Patter-son, Warren, Alexander.

Nays: None.
Absent: Mayor White.

Resolution No. 692-00.

By Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of D & M Painting Corporation for the public improvement of Crown wash water tank inspection and repair (plus a 10% contingency allowance) for the Division of Water, Department of Public Utilities, received on August 23, 2000, pursuant to the authority of Ordinance No. 965-93 passed July 14, 1993, for a gross price for the improvement in the aggregate amount of One Hundred Ninety Thousand Three Hundred Fifty Nine Dollars and 40/100 (\$190,359.40) is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by D & M Painting Corporation, for the above-mentioned public improve-ment is hereby approved:

SUBCONTRACTOR WORK

- Steward Supply
MBE — \$14,532.00/8%
- Thanos Contracting
FBE — \$14,800.00/8%

Yeas: Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Acting Director Miller, Directors Hudecek, Patter-son, Warren, Alexander.

Nays: None.
Absent: Mayor White.

Resolution No. 693-00.

By Director Sheffield-McClain.
Whereas, the Cleveland Municipal School District wishes to promote and conduct a Job Fair (the "Event") at Burke Lakefront Airport (the "Airport") on October 14, 2000; and

Whereas, the City is willing to grant the Cleveland Municipal School District the privilege, permit and license to conduct the Event at the Airport; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Port Control is hereby authorized to enter into a concession agreement (the "Agreement") with the Cleveland Municipal School District granting the privilege permit and license to conduct the Event in the lobby area of the Airport terminal building from 9:00 a.m. to 3:00 p.m. on October 14, 2000, and to use and occupy the lobby area for such period of time before the Event as necessary for preparation. The Cleveland Municipal School District shall pay the City a \$200.00 concession fee and shall reimburse the City for the cost of one (1) City employee to perform custodial work related to the con-

duct of the Event, and shall arrange for the operation of the Event and such other concessions as may be appropriate and incidental to the Event, and shall be responsible for providing traffic control, security and clean up.

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

Yeas: Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Acting Director Miller, Directors Hudecek, Patter-son, Warren, Alexander.

Nays: None.
Absent: Mayor White.

Resolution No. 694-00.

By Director Ricchiuto.
Resolved, by the Board of Control of the City of Cleveland that the bid of Bradley Road, Inc. for an estimated quantity of disposal of construction and demolition debris, item 1, for the Division of Waste Collection and Disposal, Department of Public Service, for the period of one (1) year with one (1) option to renew for an additional year which the Director has determined to exercise beginning with the date of execution of a contract, received on August 16, 2000, pursuant to the authority of Ordinance No. 719-2000, passed May 22, 2000, which on the basis of the estimated quantity would amount to approximately One Hundred Ninety Five Thousand Two Hundred and no/100 Dollars, (\$195,200.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 21172 which shall be certified against such contract in the sum of Forty Eight Thousand Eight Hundred and no/100 Dollars (\$48,800.00).

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: Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Acting Director Miller, Directors Hudecek, Patter-son, Warren, Alexander.

Nays: None.
Absent: Mayor White.

Resolution No. 695-00.

By Director Jackson.
Be it resolved by the Board of Control of the City of Cleveland, that all bids received on September 21, 2000 for plumbing and heating supplies for the Division of Property Management, Department of Parks, Recreation and Properties, pursuant to the authority of Ordinance No. 1956-98, passed by the Council of the City of Cleveland on December 7, 1998, be and the same are hereby rejected.

Yeas: Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Acting Director Miller, Directors Hudecek, Patter-son, Warren, Alexander.

Nays: None.
Absent: Mayor White.

Resolution No. 696-00.

By Director Guzman.

Whereas, Resolution No. 458-00 adopted by this Board on July 5, 2000 citing as authority Ordinance Nos. 2162-99 and 2164-99, both passed by the Council of the City of Cleveland on February 14, 2000, and Ordinance No. 1004-2000 passed on June 19, 2000, authorized the Director of Public Safety to enter into an agreement with West Shore Radiator Works, Inc., for traffic sign blanks, for the Division of Traffic Engineering and Parking; and,

Whereas, the initial requisition number cited in said Resolution was incorrect; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 458-00, adopted July 5, 2000, is hereby amended by substituting the words "Requisition No. 09327" "for the words" "Requisition No. 19641", where appearing.

Be it further resolved, that all other provisions of said Resolution No. 458-00 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Acting Director Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 697-00.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Dicar Corp., for an estimated quantity of Uniform Clothing, item nos. 22-23, 25-28, 47, 63-66 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 March 24, 2000, pursuant to the authority of Section 135.06 of the Codified Ordinance of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Thirty Eight Thousand, Fifty Seven and 50/100 Dollars, (\$38,057.50), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 24157

as specified

which shall be certified against such contract in the sum of One Thousand, Nine Hundred Forty Seven and 62/100 Dollars (\$1,947.62).

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: Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Acting Director Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 698-00.

By Director Guzman.

Resolved by the Board of Control

of the City of Cleveland that the bid of Cairns & Brother, Inc. for an estimated quantity of Uniform Clothing, item no. 68, 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 March 24, 2000, pursuant to the authority of Section 135.06 of the Codified Ordinance of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Fifteen Thousand, Six Hundred Twenty and 00/100 Dollars, (\$15,620.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 24160

as specified

which shall be certified against such contract in the sum of Nine Hundred Thirty Seven and 20/100 Dollars (\$937.20).

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: Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Acting Director Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 699-00.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Cleveland Uniform, Inc. for an estimated quantity of Uniform Clothing, item nos. 24 and 67, 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 March 24, 2000, pursuant to the authority of Section 135.06 of the Codified Ordinance of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to One Thousand, Sixty Five and 95/100 Dollars, (\$1,065.95), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 24156

as specified

which shall be certified against such contract in the sum of One Hundred Eighteen and 17/100 Dollars (\$118.17).

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: Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Acting Director Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 700-00.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Werx Corp. for an estimated quantity of Uniform Clothing, item nos. 8, 14, 44-46, 48, 53-56, and 61-62 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 March 24, 2000, pursuant to the authority of Section 135.06 of the Codified Ordinance of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Forty Two Thousand, Four Hundred Ninety Three and 75/100 Dollars, (\$42,493.75), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 24161

as specified

which shall be certified against such contract in the sum of Two Thousand, One Hundred and 00/100 Dollars (\$2,100.00).

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: Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Acting Director Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 701-00.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Big Play for an estimated quantity of Uniform Clothing, item nos. 59-60 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 March 24, 2000, pursuant to the authority of Section 135.06 of the Codified Ordinance of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Four Thousand, One Hundred Forty Five and 50/100 Dollars, (\$4,145.50), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 24159

as specified

which shall be certified against such contract in the sum of Two Hundred Seven and 27/100 Dollars (\$207.27).

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: Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Acting Director Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.
Absent: Mayor White.

Resolution No. 702-00.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Shuttlers for an estimated quantity of Uniform Clothing, item nos. 1-7, 9-13, 15-21, 29-31, 38-43, 49-52, and 69, 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 March 24, 2000, pursuant to the authority of Section 135.06 of the Codified Ordinance of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to One Hundred Ninety Thousand, Three Hundred Sixty Eight 25/100 Dollars, (\$190,368.25), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 24198 as specified

which shall be certified against such contract in the sum of Nine Thousand, Six Hundred Eighty Eight and 41/100 Dollars (\$9,688.41).

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: Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Acting Director Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.
Absent: Mayor White.

Resolution No. 703-00.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Cleveland Fire Distributors, Inc. for an estimated quantity of Uniform Clothing, item nos. 32-37, and item nos. 57-58 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 March 24, 2000, pursuant to the authority of Section 135.06 of the Codified Ordinance of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Fifteen Thousand, Four Hundred Forty Seven and 30/100 Dollars, (\$15,447.30), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 24158 as specified

which shall be certified against such contract in the sum of Seven Hundred, Seventy Two and 36/100 Dollars (\$772.36).

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: Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Acting Director Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.
Absent: Mayor White.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ANNE BLOOMBERG,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 30, 2000

9:30 A.M.

Calendar No. 00-279: 1075 East 145th Street (Ward 10)

Juanita Griffin, owner, appeals to enclose an existing 6' x 20' front porch of an existing two dwelling unit situated on a 40' x 100' parcel located in a Two-Family B-1 District on the east side of East 145th Street at 1075 East 145th Street; said enclosure being contrary to the Yards and Courts Requirements of Section 357.04(a) where the required front setback and line of existing buildings is 30' and 24' is provided and the projection of the proposed porch is 6' and the maximum permitted projection is 4' as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 00-280: 1550 East 30th Street (Ward 13)

Tai Pan Vacations, owner, and Cigogna Electric and Sign Company, Inc., c/o Jim Locke, agent, appeal

to install two 3' x 16' wall signs on the north wall of an existing 32' x 58' one-story masonry building and one 3' x 10' double faced projecting sign to the east wall of an existing 32' x 58' one-story masonry building situated on an approximate 75' x 87' parcel located in a Semi-Industry District on the east side of East 30th Street at 1550 East 30th Street; said installation being contrary to the Sign Regulations of Section 350.15 where a 70 square foot sign is allowed and a 96 square foot sign is proposed and the proposed 30 square foot sign is not listed in the schedule of permitted types and is prohibited as stated in Section 350.15(b) of the Codified Ordinances.

Calendar No. 00-281: 3315 East 55th Street (Ward 12)

Hershel and Dora Pauley, owners, appeal to change the use of an existing one-story frame commercial building with an existing attached, three-story frame commercial building into a day care facility and church assembly building situated on a 75' x 150' parcel located in a General Retail Business District on the east side of East 55th Street at 3315 East 55th Street; said change of use being contrary to the Residential District Regulations of Section 337.02 where the proposed use if located not less than 30' from an adjoining premises in a Residence District not used for similar purpose requires the Board of Zoning Appeals approval and contrary to the Business District Requirements of Section 343.18(2)(c) where the driveway shall not be less than 15' from the property line and contrary to the Landscaping and Screening Requirements where a table containing landscape screening is required as stated in Section 352.11 of the Codified Ordinances.

Calendar No. 00-290: 6014 Franklin Boulevard (Ward 17)

Barry Tutin, owner, appeals to change the use of an existing two-story frame four dwelling unit building into an office building situated on a 52' x 175' parcel located in a Two-Family District on the north side of Franklin Boulevard at 6014 Franklin Boulevard; said change of use being contrary to the Residential District Regulations of Section 337.03 where an office building is not permitted in a Two-Family District but first permitted in a Local Retail Business District with a maximum of 5 employees as stated in Section 343.01(g)(3) and contrary to the Off-Street Parking and Loading Requirements where fire resistant screening is not provided and screening of the proposed off-street parking shall be of fire resistant material as stated in Section 349.08 of the Codified Ordinances.

Calendar No. 00-293: 1000-1002 East 66th Street (Ward 7)

General Metal Heat Treating Company, owner, and Nancy Borchert, agent, appeal to install approximately 46 linear feet of 8' high chain link fencing to the east and south of an approximate 36' x 117' irregular shaped parcel located in a Local Retail District on the west side of East 66th Street at 1000-1002 East 66th Street; said installation being contrary to the Yards and Courts Requirements where an 8' high fence is proposed along East 66th Street and 4'-6" is permitted as

stated in Section 357.14(b)(3) of the Codified Ordinances.

Calendar No. 00-294: 741 East 96th Street (Ward 8)

Ronald Simpson, owner, appeals to enclose an existing 8' x 20' front porch of an existing two dwelling unit situated on a 33' x 88' parcel located in a Two-Family B-1 District on the east side of East 96th Street at 741 East 96th Street; said enclosure being contrary to the Yards and Courts Requirements where enclosed front porches shall not project more than 4' and no aggregate vertical area in any story more than 20% of the facade in that story as stated in Section 357.13(b)(4) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 16, 2000

At the meeting of the Board of Zoning Appeals on Monday, October 16, 2000, the following appeals were heard by the Board:

The following appeal was **Approved:**

Calendar No. 00-273: 2177 West 41th Street

Alon and Michelle Yiotzhaki, owners, appealed to install 56 linear feet of 6' high wood privacy fencing with gate and 70 linear feet of 4' 6" high wood picket fencing with gate to the southerly and westerly sides of a 33' x 113' parcel in a Two-Family District.

The following appeal was **Denied:**

Calendar No. 00-274: 4404 West 47th Street

Charles, Jack and Jessie Sayage, owners, appealed to expand hours of an existing non-conforming restaurant located in a Two-Family District.

The following appeal was **Withdrawn:**

Calendar No. 00-272: 1265 Parkwood Avenue

Wilbro B. Hamilton, owner, appealed to install 87 linear feet of 6' high chain link fencing and 17 linear feet of 4' 6" chain link fencing on the southwest perimeter of a 17'-6" x 104' vacant parcel in a Multi-Family District.

The following appeal was **Dismissed:**

Calendar No. 00-264: Appeal of Kenneth W. Sundermeier

Kenneth W. Sundermeier appealed from the recommendation of Chief Martin L. Flask to refuse an application for Handgun Registration.

The following appeals were **Postponed:**

Calendar No. 00-253: 3981 Rocky River Drive postponed to November 6, 2000

Calendar No. 00-268: 2189 West 6th Street postponed to November 6, 2000

Calendar No. 00-269: 2193 West 6th Street postponed to November 6, 2000

Calendar No. 00-271: 613 Literary Road postponed to November 6, 2000.

On Monday, October 16, 2000, in Executive Session:

The following appeals were heard on Monday, October 9, 2000 and said decisions were approved and adopted by the Board on October 16, 2000.

The following appeals were **Approved:**

Calendar No. 00-260: 2120 Seymour Avenue

Henrietta Bell, owner, appealed to install 198 linear feet of 6' high wooden fencing with a gate to the north, east and west rear yard of a 40' x 119' parcel in a Multi-Family District.

Calendar No. 00-262: 4315 Bridge Avenue

Grand Slam Properties, Inc., owner c/o David Hundertmark, appealed to install 7 accessory off-street parking spaces to the rear of a 49' x 183' parcel in a Two-Family District.

Calendar No. 00-247: 11609 Miles Avenue

Gail Gray, owner, appealed to change the use of a 28' x 56' one-story masonry gas station/mini mart building into a carry-out restaurant on a 150' x 170' parcel in a General Retail Business and Multi-Family District.

The following appeal was **Denied:**

Calendar No. 00-245: East 100th Street and Miles Avenue

Carmen Angelo, owner, appealed from the refusal to approve a lot split for an 80' x 107' parcel in a General Retail Business District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
October 11, 2000

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-115-00.

RE: Appeal of Iglesia Del Salvador, Owner of the One Story Masonry Assembly Property located on the premises known as 4801 Franklin Boulevard (a.k.a. 1776 West 48th Street) from a 14 DAY VACATE ORDER/PLUMBING/HVAC/ELECTRICAL/ILLEGAL USE of the Commissioner of the Division of Building and Housing dated June 9, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 4801 Franklin Boulevard (a.k.a. 1776 West 48th Street) to the Division of Building and Housing

and to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-118-00.

RE: Appeal of Ronald Davis, Owner of the One Story Masonry Property located on the premises known as 5456 Lake Ct. from a NOTICE OF VIOLATION/EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated June 12, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-118-00 has been POSTPONED; to be rescheduled for November 8, 2000.

* * *

Docket A-119-00.

RE: Appeal of Maliga Properties Limited Partnership, Owner of the Fifty-eight Dwelling Units Four Story Masonry Property located on the premises known as 8602 Wade Park Avenue (a.k.a. 8602-28 Wade Park Avenue) from a 30 DAY FIRE DAMAGE REPAIR/MS/ELECTRICAL/PLUMBING/HVAC/C OF O INSPECTION the Commissioner of the Division of Building and Housing dated June 26, 2000, 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 appeal request for an extension of time and to REMAND the property at 8602 Wade Park Avenue (a.k.a. 8602-28 Wade Park Avenue) to the Division of Building and Housing and to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-123-00.

RE: Appeal of Ronald Davis, Owner of the One Story Masonry Property located on the premises known as 5447 Lake Ct. from a NOTICE OF VIOLATION/EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated June 12, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-123-00 has been POSTPONED; to be rescheduled for November 8, 2000.

* * *

Docket A-124-00.

RE: Appeal of Ronald Davis, Owner of the One Story, Masonry Property located on the premises known as 5439 Lake Ct. from a NOTICE OF VIOLATION/EXTERIOR MAINTENANCE of the Commissioner of the Division of Building

and Housing dated June 12, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-124-00 has been POSTPONED; to be rescheduled for November 8, 2000.

* * *

Docket A-131-00.

RE: Appeal of Dale Edwards, Owner of the Residential Property located on the premises known as 1261 East 123rd Street from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated August 10, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to obtain the proper permits and two (2) months in which to complete abatement of all the violations on the property; the grounds are to remain debris free, including removal of the truck; the building is to be secured during that period of time; the property is REMANDED at this time to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Williams.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-135-00.

RE: Appeal of Richard J. Brincka, Owner of the Two Family/Two & One-half Story Frame Residential Property located on the premises known as 3147 West 94th Street from a VACATE ORDER/PLUMBING/HVAC/30 DAY CONDEMNATION ORDER/MS/30 DAY CONDEMNATION GARAGE of the Commissioner of the Division of Building and Housing dated July 19, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-135-00 has been POSTPONED; to be rescheduled for October 25, 2000.

* * *

Docket A-141-00.

RE: Appeal of Mortgage Electronic Registration Systems, Inc. c/o Aurora Loan Services, Inc., Mortgagee of the Two Dwelling Unit Two & One-half Story Frame Residential Property located on the premises known as 12402 Forest Avenue from a 30 DAY CONDEMNATION ORDER/GARAGE of the Commissioner of the Division of Building and Housing dated June 27, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 12402 Forest Avenue to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-159-00.

RE: Appeal of Ye Hing Trading Ltd., Owner of the Retail Food Sales (Mercantile) Masonry Semi-Industry Property located on the premises known as 3038-44 Payne Avenue from a NOTICE OF VIOLATION/VACATE USE & OCCUPANCY (2ND CITATION) of the Commissioner of the Division of Building and Housing dated August 9, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

There will be no action this date; the docket will remain open should the Appellant have any need to appeal, or that when the Board hears from the City that the Appellant has satisfied the violations on the property, the docket can be closed.

* * *

Docket A-160-00.

RE: Appeal of The Salvation Army, Owner of the Homeless Shelter located on the premises known as 2100 Lakeside Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated September 15, 2000, 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 increase the occupancy to 375 occupants with proper signage posted, and to grant the variance for twenty-five (25) showers, two (2) lavatories, and one (1) drinking fountain, noting the staggered occupancy usage. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Williams and seconded by Mr. Bowes, 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):

- L-18-00—Timothy Laidley.
- A-122-00—Bankers Trust Company of California, N.A.
- A-132-00—Market Square CUP, Ltd.
- A-137-00—2888 Detroit, LLC.

Yeas: Denk, Bowes, Williams, Sullivan. Nays: None. Not Voting: Mr. Saunders.

Separate motions were entered by Mr. Williams and seconded by Mr. Bowes 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-120-00—Forest Wiley.
- A-136-00—Firststar Bank.
- A-139-00—John DeNardy.
- A-146-00—PEP — Positive Education Program.

Yeas: Denk, Bowes, Williams, Sullivan. Nays: None. Not Voting: Mr. Saunders.

* * *

APPROVAL OF MINUTES:

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

September 27, 2000

Yeas: Denk, Bowes, Williams, Sullivan. Nays: None. Not Voting: Mr. Saunders.

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

CLEVELAND DIVISION OF WATER PLANT ENHANCEMENT PROGRAM (PEP)

The Cleveland Division of Water is sponsoring the Plant Enhancement Program (PEP) to facilitate rehabilitation and improvement projects at three Cleveland Water Treatment Plants (Baldwin, Morgan, and Nottingham). The total program capital improvements budget exceeds \$500 million to be released via approximately 30 separate contracts, all to be implemented over the next 8 years.

The PEP Management Team is conducting project summary meetings on October 26, 2000 and November 2, 2000.

The intent of these meetings is to provide advance notice to any interested contractors for planning and management purposes. An overview of the program will be given as well as a summary of work to be constructed and the current schedule for advertisement.

All interested contractors are invited to attend either session. Attendance is not mandatory to bid upcoming work, but assumed beneficial. This is not to be considered a pre-bid meeting.

Sessions will be held in the lobby level conference facility of the Bond Court Building, 1300 East 9th Street, Cleveland, Ohio. These meetings will start at 1:30 p.m. and are anticipated to last approximately 1 hour.

Please direct questions to Mr. Norm Gadzinski at (216) 623-2737.

October 18, 2000 and October 25, 2000

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."

FRIDAY, OCTOBER 27, 2000

Maintenance and Calibration of Biological and Chemical Testing Apparatus and Apparatuses, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

Plumbing and Heating Supplies, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1956-98, passed by the Council of the City of Cleveland, December 7, 1998.

October 11 and October 18, 2000

WEDNESDAY, NOVEMBER 1, 2000

Three (3) Mechanical Assist Movable Shelving/Filing Systems, for the various divisions of the Department of Public Service, as authorized by Ordinance No. 1198-2000, passed by the Council of the City of Cleveland, August 7, 2000.

A PRE-BID MEETING WILL BE HELD ON FRIDAY, OCTOBER 20, 2000, 9:00 A.M. IN ROOM 516, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 11 and October 18, 2000

THURSDAY, NOVEMBER 2, 2000

Labor and Materials to Maintain and Repair Fuel and Oil Water Separators, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 328-2000, passed by the Council of the City of Cleveland.

A PRE-BID MEETING WILL BE HELD ON FRIDAY, OCTOBER 20, 2000, 10:00 A.M. IN THE DEPARTMENT OF PORT CONTROL'S ENGINEERING OFFICE CONFERENCE ROOM, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135-3193.

X-Ray Fluorescent Portable Lead Analyzers, for the Division of Administrative Services, Department of Community Development, as authorized by Ordinance No. 1210-2000, passed by the Council of the City of Cleveland, August 7, 2000.

Ballistic Vests, for the Division of Police, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976.

October 11 and October 18, 2000

FRIDAY, NOVEMBER 3, 2000

One (1) Cab/Chassis with Heavy-Rescue Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 904-2000, passed by the Council of the City of Cleveland, August 7, 2000.

Police Car Accessory Items, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 904-2000, passed by the Council of the City of Cleveland, August 7, 2000.

Chevrolet Medium Duty Truck Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 270-2000, passed by the Council of the City of Cleveland, May 1, 2000.

October 11 and October 18, 2000

THURSDAY, NOVEMBER 9, 2000

Rehabilitation of Eagle Avenue Lift Bridge and West 3rd Street Ramp, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1642-97, passed by the Council of the City of Cleveland, December 27, 1997.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

October 11 and October 18, 2000

WEDNESDAY, NOVEMBER 15, 2000

Upgrade of Existing Varian Gas Chromatograph and Accessories, for the Division of Water, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of the City of Cleveland, 1976.

A PRE-BID CONFERENCE WILL BE HELD ON WEDNESDAY, OCTOBER 25, 2000, 10:00 A.M. AT THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. ATTENDANCE IS MANDATORY.

October 11 and October 18, 2000

WEDNESDAY, NOVEMBER 1, 2000

Office Paper Recycling Program, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Section 181.18 of the Codified Ordinances of the City of Cleveland, 1976.

October 18 and October 25, 2000

THURSDAY, NOVEMBER 2, 2000

Mechanical Shelving System, for the Various Divisions of the Department of Finance, as authorized by Ordinance No. 1196-2000, passed by the Council of the City of Cleveland, August 7, 2000.

A PRE-BID MEETING WILL BE HELD ON MONDAY, OCTOBER 30, 2000, 9:00 A.M., IN THE FILE ROOM OF THE DIVISION OF ACCOUNTS, ROOM 19, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. ATTENDANCE IS NOT MANDATORY, BUT STRONGLY ENCOURAGED.

October 18 and October 25, 2000

THURSDAY, NOVEMBER 9, 2000

Tree Trimming, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 745-2000, passed by the Council of the City of Cleveland, June 12, 2000.

Labor and Materials to Install Fiber Optic Cable and Fiber Optic Racks, for the Department of Port Control, as authorized by Ordinance No. 1269-97, passed by the Council of the City of Cleveland, May 18, 1998.

Hybrid Mini-Lab, for the Division of Administrative Service, Department of Community Development as authorized by Ordinance No. 1210-2000, passed by the Council of the City of Cleveland, August 7, 2000.

October 18 and October 25, 2000

FRIDAY, NOVEMBER 10, 2000

Maintenance and Repair of Overhead Doors, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 472-2000, passed by the Council of the City of Cleveland, April 17, 2000.

First Aid Supplies, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 315-2000, passed by the Council of the City of Cleveland, April 17, 2000.

October 18 and October 25, 2000

WEDNESDAY, NOVEMBER 15, 2000

Filter Monitoring Improvements Project, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1652-2000, passed by the Council of the City of Cleveland, September 18, 2000.

A NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY

ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS.
 A PRE-BID MEETING WILL BE HELD ON FRIDAY, NOVEMBER 3, 2000, 10:00 A.M., IN THE AUDITORIUM OF THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO. ATTENDANCE IS MANDATORY.

October 18 and October 25, 2000

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1416-2000.

By Councilman Coats.

An emergency resolution urging the President of the United States and the United States Congress to take certain actions and make necessary changes to improve the quality of life in the United States.

Whereas, this Council recognizes that there are some communities in the United States where certain basic needs are not met and the quality of life is substandard; and

Whereas, the federal government has an obligation to ensure that all United States citizens receive adequate health care, education, job training and safe housing; and

Whereas, the federal government, in carrying out this obligation, must seek solutions to the inequities within the system, including providing funding for social service and economic development programs; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety in that United States citizens who are poor, destitute, or underprivileged have a right to a decent quality of life, now, therefore,

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

Section 1. That the President of the United States and the United States Congress are hereby called upon to do the following in order to improve the quality of life in our nation:

Eliminate "minimum wage" and replace it with "living wage."

Provide more funding for the homeless and for homelessness.

Provide more funding for seniors for health care and prescription medicine.

Provide economic development programs in Empowerment Zones in all impoverished communities throughout the United States.

Investigate hospital closings in poor communities and provide additional funding to keep hospitals open in those communities.

Stop the infiltration of crack cocaine and other illegal drugs into the United States.

Provide funding for federal trade programs and home economics classes within the public schools.

Encourage educational television programming on basic networks especially during prime time and after school.

Regulate telephone companies and long distance telephone companies that serve state and federal prisons.

Refuse to condone the use of the Confederate flag by any government agency or department.

Work to ensure fairness in the justice system.

Conduct special investigations into Truth in Lending practices,

especially credit card companies' billing fees and fees charged to obtain a credit card.

Investigate predatory practices of lending institutions and home repair companies targeted toward senior citizens and low-income citizens living in impoverished areas.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the President of the United States and to the Speaker of the House.

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 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1418-2000.

By Councilmen Polensek, Patmon and Britt.

An emergency resolution declaring this Council's endorsement of the Million Family March scheduled for Monday, October 16, 2000 in Washington, D.C.

Whereas, this Council recognizes Minister Louis Farrakhan for his outstanding work and accomplishments as visionary of the Million Man March established October 16, 1995; and

Whereas, Minister Louis Farrakhan seeks to encourage young men to take charge of their families and to achieve their spiritual potential through God's word regardless of religious affiliation; and

Whereas, Minister Louis Farrakhan has requested all men to return to Washington, D.C. with their families for the Million Family March recognizing the anniversary of the Million Man March; and

Whereas, the Million Family March is necessary to bring about change in our community, to unify all families, regardless of race, creed, class, color or religious affiliation and to encourage fathers and mothers to come together for the benefit of their children; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety in that it is essential that people speak out in a unified voice against crime and violence and on behalf of good will, peace and kindness toward all, now, therefore,

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

Section 1. That this Council of the City of Cleveland declares its endorsement of the Million Family March scheduled for October 16, 2000 in Washington, D.C.

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 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1742-2000.

By Councilman Brady.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit to 3353 West 117th Street, 1st Fl., and repealing Res. No. 1327-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3 and D3A Liquor Permit to 3353 West 117th Street, 1st Fl. by Res. No. 1327-2000 adopted by Council on July 28, 2000; and

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

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

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

Section 1. That objection to the renewal of a D1, D2, D3 and D3A Liquor Permit to 3353 West 117th Street, 1st Fl., be and the same is hereby withdrawn and Res. No. 1327-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 2, 2000.

Effective October 11, 2000.

Res. No. 1743-2000.

By Councilmen Cimperman and Rybka.

An emergency resolution endorsing the Corridor Management Plan for the Ohio & Erie National Heritage Corridor, and recognizing the significance of preserving, enhancing and promoting the resources along the Corridor.

Whereas, in 1996, Congress enacted the Ohio & Erie National Heritage Corridor Act establishing a National Heritage Corridor in Northeast Ohio, incorporating the general areas along the Ohio & Erie Canal, running from Cleveland, Ohio to Dover/New Philadelphia, Ohio; and

Whereas, that legislation recognizes the Ohio & Erie Canal Association as the management entity for the Heritage Corridor and further requires the preparation of a Corridor Management Plan; and

Whereas, the Ohio & Erie Canal Association has prepared a Corridor Management Plan, with the assistance of widespread public improvement; and

Whereas, the Ohio & Erie Canal National Heritage Corridor Committee and the regional and federal offices of the National Park Service have reviewed and approved the Corridor Management Plan; and

Whereas, the Corridor Management Plan has been submitted to the U.S. Secretary of the Interior for approval; and

Whereas, the Corridor Management Plan provides the framework for development of the Ohio & Erie Canal Heritage Corridor and does the following:

1. establishes the boundary for the National Heritage Corridor, which is 110 miles in length and follows the course of the historic Ohio & Erie Canal and Cuyahoga Valley Line Railroad, crossing 4 counties and multiple communities; and

2. supports regional environmental and water quality goals by promoting resource stewardship practices, including the protection, preservation, enhancement and management of natural, cultural, and historic resources within the corridor for future generations; and

3. promotes a network of alternative means of transportation, including a series of trails that connect to the Towpath Trail, the Cuyahoga Valley Scenic Railroad, and the Canal Way Ohio National Scenic Byway; and

4. facilitates public-private partnerships for fulfilling the goals outlined in the Corridor Management Plan; and

5. provides no additional regulations for land use and/or zoning; and

6. adds to the quality of life of Northeast Ohio through support of educational, cultural, community and economic development programs; and

Whereas, the National Heritage Corridor Act specifies that, "No privately owned property shall be included in the corridor unless the municipality in which the property is located agrees to be so included and submits notification to the Secretary of the Interior;" and

Whereas, the Ohio & Erie Canal Association is authorized to request and receive up to \$10 million on projects and programs within the Corridor boundary that meet the purposes of the Heritage Corridor Act and the Corridor Management Plan; and

Whereas, the Management Plan has received recommendations from NOACA, the Cleveland Metroparks, Greater Cleveland Growth Association and numerous other organizations and political subdivisions; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health and safety since preservation of the waterway is in the best interest of our citizens; now, therefore,

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

Section 1. That this Council of the City of Cleveland endorses the Corridor Management Plan for the Ohio & Erie National Heritage Corridor, and recognizes the significance of preserving, enhancing and promoting the resources along the Corridor.

Section 2. That this Council endorses the boundary alignment and agrees to be included in the boundary of the Ohio & Erie Canal National Heritage Corridor as defined in the Corridor Management Plan.

Section 3. That this Council recognizes the importance of a northern anchor park (Canal Way Center) and the potential development of other destination sites along the Cuyahoga River (Journey Gateways) and will help explore development of these areas.

Section 4. That the Clerk of Council is hereby requested to forward a copy of this Resolution to Bruce Babbitt, U.S. Secretary to the Interior and to the President of the Ohio & Erie Canal Association.

Section 5. 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 2, 2000.

Effective October 11, 2000.

Res. No. 1772-2000.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit to 5353 Dolloff Road, and repealing Res. No. 1433-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3 and D3A Liquor Permit to 5353 Dolloff Road by Res. No. 1433-2000 adopted by Council on August 7, 2000; and

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

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

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

Section 1. That objection to the renewal of a D1, D2, D3 and D3 Liquor Permit to 5353 Dolloff Road, be and the same is hereby withdrawn and Res. No. 1433-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1773-2000.

By Councilman Gordon.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit to 3801-03 Denison Avenue, 1st Fl. & Bsmt., and repealing Res. No. 1328-99 objecting to said renewal.

Whereas, this Council objected to the renewal of a D2, D2X, D3 and D3A Liquor Permit to 3801-03 Denison Avenue, 1st Fl. & Bsmt., by Res. No. 1328-99 adopted by Council on July 14, 1999; and

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

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

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

Section 1. That objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit to 3801-03 Denison Avenue, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1328-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1774-2000.

By Councilman Gordon.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit to 3807-09 Denison Avenue, and repealing Res. No. 1447-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D2, D2X, D3 and D3A Liquor Permit to 3807-09 Denison Avenue, by Res. No. 1447-2000 adopted by Council on August 7, 2000; and

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

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

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

Section 1. That objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit to 3807-09 Denison Avenue, be and the same is hereby withdrawn and Res. No. 1447-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1775-2000.

By Councilman Gordon.

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit to 3382 West 44th Street, and repealing Res. No. 1449-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 Liquor Permit to 3382 West 44th Street by Res. No. 1449-2000 adopted by Council August 7, 2000; and

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

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

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

Section 1. That objection to the renewal of a D5 Liquor Permit to 3382 West 44th Street, be and the same is hereby withdrawn and Res. No. 1449-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 9, 2000.
Awaiting the approval or disapproval of the Mayor.

**Res. No. 1776-2000.
By Councilman Johnson.
An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 13130 Shaker Blvd., and repealing Res. No. 1537-2000 objecting to said issuance.**

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 13130 Shaker Blvd. by Res. No. 1537-2000 adopted by Council on August 28, 2000; and

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

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

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

Section 1. That objection to the issuance of a C1 Liquor Permit to 13130 Shaker Blvd., be and the same is hereby withdrawn and Res. No. 1537-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

Adopted October 9, 2000.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 319-99.

By Councilmen Sweeney, Zone and Johnson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 551.111, 551.112 and 551.113 thereof, relating to charges for the Division of Waste Collection.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 551.111, 551.112 and 551.113 thereof, to read, respectively, as follows:

Section 551.111 Waste Removal Charge for Evictions

The owner or other person having the right of possession of residential property who evicts someone from the property shall be charged by the Director of Public Service for a portion of the increased waste disposal costs in the sum of one hundred and sixty-five dollars (\$165.00). This charge shall only be assessed after issuance of a citation and an investigation by the Commissioner of Waste Collection or his designee. In all such instances, garbage shall be collected within twenty-four (24) hours after all of the tenant's legal rights to such items have expired.

Section 551.112 Dumpster Rentals

The Director of Public Service shall charge the following fees for the rental of dumpsters from the inventory of the Department of Public Service:

| | |
|------------------|----------|
| 2 yard dumpster | \$ 13.10 |
| 4 yard dumpster | 16.95 |
| 6 yard dumpster | 20.80 |
| 8 yard dumpster | 24.35 |
| 20 yard dumpster | 245.00 |
| 30 yard dumpster | 310.00 |
| 40 yard dumpster | 370.00 |

However, the Director of Public Service shall reduce the above-authorized fees by five percent (5%) when a dumpster is rented by a City of Cleveland resident for non-commercial purposes.

Section 551.113 Agreements for the Use of the Ridge Road Transfer Station

The Director of Public Service is authorized to enter into agreements, following express legislative approval by Cleveland City Council authorizing such agreements, with other governmental entities and with private concerns for the use of the City's Ridge Road transfer station for the disposal of solid waste. The Director shall establish the tipping fee for each such user of the transfer station in an amount not less than the cost to the City of disposing of the waste, including the unit price paid by the City for its disposal and an additional amount for operational and administrative costs. Any agreement made pursuant to this section shall contain such provisions as are necessary in the opinion of the Director of Law to protect the interests of the City of Cleveland.

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 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 818-2000.

By Councilmen O'Malley, Cimperman and Patmon (by departmental request).

An emergency ordinance determining the method of making the public improvement of filter rehabilitation, water treatment and monitoring improvement for the Nottingham Water Treatment Plant, for the Division of Water; authorizing the Director of Public Utilities to enter into contract for the making of such improvement; authorizing contracts for the purchase of labor and materials needed in conjunction with the public improvement; authorizing the Commissioner of Purchases and Supplies to acquire such real property as is necessary to make the public improvement; authorizing said Director to apply and pay for permits, licenses, or other authorizations as necessary to make the public improvement; and authorizing said Director to enter into such other agreements as are necessary.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of filter rehabilitation, water treatment and monitoring improvements for the Nottingham Water Treatment Plant, including, but not limited to, piping, valves, media and underdrains, structural and architectural improvements, instrumentation and control systems, and operator training, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

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

Section 3. That the Director of Public Utilities is hereby authorized to make written standard purchase and requirement contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the necessary items of labor and/or materials needed in conjunction with the making of the public improvement authorized by this ordinance, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, 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.

Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase, lease or otherwise acquire easements, fee interests, licenses, permits and other rights or interests in real property necessary for the public improvement authorized by this ordinance.

Section 5. That the Director of Public Utilities is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire said rights or interests in real property and to employ title companies, surveyors, escrow agents, appraisers, environmental consultants, field service consultants and other consultants necessary for the acquisition or use of the rights or interests in real property authorized above.

Section 6. That the Director of Public Utilities is hereby authorized to enter into agreements with the holders of said rights or interests in real property to relocate or otherwise modify existing fixtures or features of said property to permit the construction of the public improvement authorized by this ordinance.

Section 7. That the Director of Public Utilities is hereby authorized to apply and pay for such permits, licenses, or other authorizations required by any regulatory entity or other public authority as necessary to make the public improvement authorized by this ordinance.

Section 8. That the cost of said improvements hereby authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, and from the funds and subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds and bond anticipation notes issued for the purposes of making the improvement described in this ordinance, Request No. 23400.

Section 9. 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 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 819-2000.

By Councilmen O'Malley, Cimperman and Patmon (by departmental request).

An emergency ordinance determining the method of making the public improvement of filter rehabilitation, water treatment and monitoring improvement for the Baldwin Water Treatment Plant, for the Division of Water; authorizing the Director of Public Utilities to enter into contract for the making of such improvement; authorizing contracts for the purchase of labor and materials needed in conjunction with the public improvement; authorizing the Commissioner of Purchases and Supplies to acquire such real property as is necessary to make the public improvement; authorizing said Director to apply and pay for permits, licenses, or other authorizations as necessary to make the public improvement; and authorizing said Director to enter into such other agreements as are necessary.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of filter rehabilitation, water treatment and monitoring improvements for the Baldwin Water Treatment Plant, including, but not limited to, piping, valves, media and underdrains, structural and architectural improvements, instrumentation and control systems, and operator training, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

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

Section 3. That the Director of Public Utilities is hereby authorized to make written standard purchase and requirement contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the necessary items of labor and/or materials needed in conjunction with the making of the public improvement authorized by this ordinance, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, 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.

Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase, lease or otherwise acquire easements, fee interests, licenses, permits and other rights or interests in real property necessary for the public improvement authorized by this ordinance.

Section 5. That the Director of Public Utilities is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire said rights or interests in real property and to employ title companies, surveyors, escrow agents, appraisers, environmental consultants, field service consultants and other consultants necessary for the acquisition or use of the rights or interests in real property authorized above.

Section 6. That the Director of Public Utilities is hereby authorized to enter into agreements with the holders of said rights or interests in

real property to relocate or otherwise modify existing fixtures or features of said property to permit the construction of the public improvement authorized by this ordinance.

Section 7. That the Director of Public Utilities is hereby authorized to apply and pay for such permits, licenses, or other authorizations required by any regulatory entity or other public authority as necessary to make the public improvement authorized by this ordinance.

Section 8. That the cost of said improvements hereby authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, and from the funds and subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds and bond anticipation notes issued for the purposes of making the improvement described in this ordinance, Request No. 23399.

Section 9. 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 9, 2000.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 856-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10503 Earle Avenue to Lee Memorial AME Church.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 108-26-174, as more fully described in Section 2 below, to Lee Memorial AME Church.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 108-26-174

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 8 in John W. Taylor and Company's Douglas Park Subdivision of part of Original 100 acre lot No. 370 as shown by the recorded

plat in Volume 22 of Maps, Page 8 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Northerly line of Earle Avenue, N.E., at a point distant North 89 degrees 53' 00" East 48.44 feet, measured along said Northerly line of Earle Avenue, N.E., from the Easterly line of East 105th Street, 60 feet wide, said point being the intersection of said Northerly line of Earle Avenue, N.E., and the Easterly face of a brick building on said Sublot; Thence along an Easterly face, a Northerly face and an Easterly face of said building on the following courses and distances, North 0 degrees 30' 00" East 18.38 feet, South 89 degrees 53' 00" West 0.79 feet, North 0 degrees 05' 00" West 35.28 feet to a point in the Northerly line of said Sublot; Thence North 89 degrees 53' 00" East 67.24 feet along the northerly line of said sublot to a point; Thence due South 53.66 feet parallel to the Easterly line of East 105th Street, to a point in the Northerly line of Earle Avenue, N.E.; Thence South 89 degrees 53' 00" West 66.56 feet along said Northerly line of Earle Avenue, N.E., to the place of beginning, be the same more or less but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

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

Passed October 9, 2000.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 901-2000.

By Councilman Coats.
An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 686A.01, 686A.02, 686A.03 and 686A.99 relating to hotels.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 686A.01, 686A.02, 686A.03 and 686A.99, to read as follows:

Section 686A.01 Definitions

As used in this chapter "hotel" shall have the same definition as found in Section 363.08 of the Codified Ordinances of the City of Cleveland, Ohio, 1976.

Section 686A.02 Room Rental

No person, business or corporation shall offer a room for hire or rent in a hotel for any increment other than a twenty-four (24) hour increment. This provision shall not apply, however, to meeting, dining and banquet rooms located in hotels.

Section 686A.03 Late Charges

No provision of this Chapter shall prohibit a hotel from assessing late charges or similar charges to patrons who fail to check out in accordance with posted check out times or procedures.

Section 686A.99 Penalty

Whoever violates any provisions of this chapter shall be guilty of a misdemeanor of the fourth degree.

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 9, 2000.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1061-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2531 East 83rd Street to Greater Cleveland Habitat for Humanity.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the

Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 126-04-012, as more fully described in Section 2 below, to Greater Cleveland Habitat for Humanity.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 126-04-012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11 in Electa A. Nichol's Subdivision, of part of Original One Hundred Acre Lot No. 415, as shown by the recorded plat in Volume 3 of Maps, Page 41 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 83rd Street (formerly Lincoln Avenue), and extending back of equal width 150 feet deep to the Westerly line of a 14 foot alley, now known as East 84th Place, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed October 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1064-2000.
By Councilmen Patmon, Melena and Cimperman (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9800 St. Clair Avenue aka 782 East 99th Street to Evening Star Missionary Baptist Church.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 108-20-041, as more fully described in Section 2 below, to Evening Star Missionary Baptist Church.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 108-20-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 1 and part of Sublot No. 2 in John Hogg's Subdivision of part of Original One Hundred Acre Lot No. 369 as shown by the recorded plat in Volume 27 of Maps, Page 8 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Southwesterly line of East 99th Street (formerly Gladmere Street) at its point of intersection with the Southeasterly line of St. Clair Avenue, N.E., (formerly St. Clair Street); thence Southeasterly along said Southwesterly line of East 99th Street 169.55 feet to the most Northerly corner of land conveyed to Mary C. Buckius and Alice L. Buckius by deed dated July 25, 1912 and recorded in Volume 1399 Page 593 of Cuyahoga County Records; thence Southwesterly along the Northwesterly line of land so conveyed to Mary C. Buckius and Alice L. Buckius to the Southwesterly line of said Sublot No. 2; thence Northwesterly along the Southwesterly line of Sublots Nos. 2 and 1, 159.60 feet to the said Southeasterly line of St. Clair Avenue, N.E.; thence Northeasterly, along said Southeasterly line of St. Clair Avenue Avenue, N.E., 59.74 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the

Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed October 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1068-2000.
By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance to amend the title, the third whereas clause and Section 2 of Ordinance No. 530-93, passed June 14, 1993, relating to an Enterprise Zone Agreement with R.S.I. Company, or its designee.

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

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

Section 1. That the title, the third whereas clause and Section 2 of Ordinance No. 530-93, passed June 14, 1993, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with R.S.I. Company, or its designee, to provide for a ten year tax abatement for certain tangible personal property as an incentive to expand its operation located at 12911 Taft Road, in the Collinwood Area Enterprise Zone.

Whereas, R.S.I. Company, or its designee, (the "Enterprise") has proposed to expand its operation located at 12911 Taft Road, Cleveland, Ohio, thereby creating twenty new jobs; and

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise, to provide said Enterprise with a ten (10) year tax abatement for certain tangible personal property as an incentive to expand its operation at 12911 Taft Road in Cleveland, Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 2. That the existing title, the third whereas clause and Section 2 of Ordinance No. 530-93, passed June 14, 1993, are hereby repealed.

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

Passed October 2, 2000.

Effective October 11, 2000.

Ord. No. 1106-2000.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to make alterations and modifications in Contract No. 53947, for Phase II of the Erieside and West 3rd Street Area Pump Station Project, with Nerone & Sons, for the Division of Water Pollution Control, Department of Public Utilities.

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 hereby authorized to make the following alterations and modifications in Contract No. 53947 with Nerone & Sons for Phase II of the Erieside and West 3rd Street Area Pump Station Project, for the Division of Water Pollution Control, Department of Public Utilities:

Subsidiary Additions

| | | | |
|----|---|----|--------------------|
| 1. | Install concrete steps required by | | |
| | Port Authority | \$ | 15,000.00 |
| 2. | Install fencing required by | | |
| | Port Authority | | <u>+ 31,200.00</u> |
| | Subsidiary Additions | \$ | 46,200.00 |
| | Subsidiary Additions | \$ | 46,200.00 |
| | Less amount remaining in Contract | | <u>97.48</u> |
| | TOTAL SUBSIDIARY ADDITIONS | \$ | 46,102.52 |
| | Original Contract Amount | \$ | 1,254,310.26 |
| | Total Subsidiary Additions | | <u>+ 46,102.52</u> |
| | TOTAL REVISED CONTRACT AMOUNT | \$ | 1,300,412.78 |

Which alteration has been recommended in writing by the said Director of Public Utilities, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Public Utilities and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$46,102.52, to be paid from Fund No. 54 SF 001.

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 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1111-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on north side of Central Avenue to Fairfax Renaissance Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-27-071 as more fully described in Section 2 below, to Fairfax Renaissance

Development Corporation or designee.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 119-27-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a Western part of Sublot No. 10 in the Holden and Rowe Allotment of part of Original One Hundred Acre Lot No. 407 as shown by the recorded plat in Volume 3 of Maps, Page 59 of Cuyahoga County Records. Said part of Sublot No. 10 has a frontage of 34 feet on the Northerly side of Central Avenue (60 feet wide) extends back between parallel line of 148 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-27-073 as more fully described in Section 4 below, to Fairfax Renaissance Development Corporation or designee.

Section 4. That the real property to be sold pursuant to Section 3 of this Ordinance is more fully described as follows:

P. P. No. 119-27-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No.

12 in Holden and Rowe's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 59 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Central Avenue, S.E., and extending back of equal width 148 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-27-074 as more fully described in Section 6 below, to Fairfax Renaissance Development Corporation or designee.

Section 6. That the real property to be sold pursuant to Section 5 of this Ordinance is more fully described as follows:

P. P. No. 119-27-074

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 13 in Holden and Rowe's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 59 of Cuyahoga County Records, and forming a parcel of land bounded as follows:

Beginning in the Northerly line of Central Avenue, S.E., (formerly Gar-

den Street) 60 feet wide, at the Southeastly corner of said Sublot No. 13; thence Westerly along said Northerly line of Central Avenue, S.E., about 25.00 feet to a point distant Easterly (measured along said Northerly line of Central Avenue, S.E.) 25.00 feet from the Southwestly corner thereof; thence Northerly along a line parallel with the Westerly line of said Sublot No. 13, 126.00 feet; thence Easterly along a line parallel with said Northerly line of Central Avenue, S.E., 4.35 feet; thence Northerly along a line parallel with said Westerly line of Sublot No. 13, 22.00 feet to the Northerly line of said Sublot No. 13, thence Easterly along said Northerly line of Sublot No. 13, 20.65 feet to the Northeastly corner thereof; thence Southerly along the Easterly line of said Sublot No. 13, 148.00 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-27-075 as more fully described in Section 8 below, to Fairfax Renaissance Development Corporation or designee.

Section 8. That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P. P. No. 119-27-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 14 in Holden and Rowe's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 59 of Cuyahoga County Records and being 50 feet front on the Northerly side of Central Avenue, S.E., and extending back of equal width 148 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 119-27-076 as more fully described in Section 10 below, to Fairfax Renaissance Development Corporation or designee.

Section 10. That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P. P. No. 119-27-076

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 15 in Holden and Rowe's Subdivision of part of Original One Hundred Acre Lot No. 407 as shown by the recorded plat in Volume 3 of Maps, Page 59 of Cuyahoga County Records. Said Sublot No. 15 has a frontage of 50 feet on the Northerly side of Central Avenue, S.E., (formerly Garden Avenue) and extends back between parallel lines 148 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-27-077 as more fully described in Section 12 below, to Fairfax Renaissance Development Corporation or designee.

Section 12. That the real property to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P. P. No. 119-27-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 16 in Holden and Rowe's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 59 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Central Avenue, S.E., and extending back of equal width 148 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-27-078 as more fully described in Section 14 below, to Fairfax Renaissance Development Corporation or designee.

Section 14. That the real property to be sold pursuant to Section 13 of this Ordinance is more fully described as follows:

P. P. No. 119-27-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 17 in Holden and Rowe's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 59 of Cuyahoga County Records and being 50 feet front on the Northerly side of Central Avenue, S.E., and extending back of equal width 148 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-27-079 as more fully described in Section 16 below, to Fairfax Renaissance Development Corporation or designee.

Section 16. That the real property to be sold pursuant to Section 15 of this Ordinance is more fully described as follows:

P. P. No. 119-27-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 18 in Holden and Rowe's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 59 of Cuyahoga County Records and being 37.5 feet front on the Northerly side of Central Avenue, S.E., and extending back of equal width 148 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-27-081 as more fully described in Section 18 below, to Fairfax Renaissance Development Corporation or designee.

Section 18. That the real property to be sold pursuant to Section 17 of this Ordinance is more fully described as follows:

P. P. No. 119-27-081

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 15 in Clewell-Worley and Robinson Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and being bounded and described as follows:

Beginning on the Northerly line of Central Avenue at the Southwestly corner of Sublot No. 15; thence Easterly along Northerly line of Central Avenue 27 feet to principal place of beginning; thence Easterly along the Northerly line of Central Avenue 15 feet to a point; thence Northerly 126.6 feet to a point. Thence Westerly 15 feet to a point. Thence Southerly 126.6 feet to a principal place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-27-082 as more fully described in Section 20 below, to Fairfax Renaissance Development Corporation or designee.

Section 20. That the real property to be sold pursuant to Section 19 of this Ordinance is more fully described as follows:

P. P. No. 119-27-082

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublots Nos. 15 and 16 in Clewell, Worley and Robinson's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Central Avenue, S.E., at a point distant 91.19 feet Westerly, measured along said Northerly line from its intersection with the Westerly line of East 83rd Street (formerly Lincoln Avenue); thence Northerly and parallel with the Westerly line of Sublot No. 17 in said Clewell Worley and Robinson's Subdivision, 192.80 feet to the Southerly line of Sublot No. 14 in said Subdivision; thence Westerly along the Southerly line of Sublot No. 14, about 42 feet to the Westerly line of land conveyed to Josefa Koubek by deed dated May 3, 1895 and recorded in Volume 599, Page 386 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed and parallel with the Westerly line of Sublot No. 15, 193.80 feet to the Northerly line of Central

Avenue, S.E.; thence Easterly along the Northerly line of Central Avenue, S.E., about 42 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-27-083 as more fully described in Section 22 below, to Fairfax Renaissance Development Corporation or designee.

Section 22. That the real property to be sold pursuant to Section 21 of this Ordinance is more fully described as follows:

P. P. No. 119-27-083

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublots Nos. 16 and 17 in Clewell and Worley's Subdivision of part of Original One Hundred Acre Lot No. 407 as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Northerly line of Central Avenue, S.E., 42.50 feet West of the Westerly line of East 83rd Street; thence Westerly along the Northerly line of Central Avenue, S.E., about 48.69 feet to the Easterly line of premises conveyed to Martha Hoffman by deed dated April 12, 1873 and recorded in Volume 214, Page 104 of Cuyahoga County Records; thence Northerly along the Easterly line of land so conveyed to Martha Hoffman, 98 feet; thence Easterly 48.70 feet to the Northwesterly corner of land conveyed to Felix Haller and Karolina Haller by deed dated March 30, 1896 and recorded in Volume 629, Page 528 of Cuyahoga County Records; thence Southerly along said Westerly line of land so conveyed to Felix Haller and Karolina Haller, 95.06 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-27-084 as more fully described in Section 24 below, to Fairfax Renaissance Development Corporation or designee.

Section 24. That the real property to be sold pursuant to Section 23 of this Ordinance is more fully described as follows:

P. P. No. 119-27-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 17 in Clewell and Worley's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, bounded and described as follows:

Beginning at the intersection of the Westerly line of East 83rd Street (formerly Lincoln Street) with the Northerly line of Central Avenue, S.E., (formerly Garden Street) being also the Southeastly corner of Sublot No. 17; thence Westerly along

the Northerly line of Central Avenue, S.E., 42.50 feet; thence Northerly parallel with the Westerly line of East 83rd Street, 95.06 feet; thence Easterly about 42.52 feet to the Westerly line of East 83rd Street at a point distant 92.50 feet Northerly from the place of beginning; thence Southerly 92.50 feet along the Westerly line of East 83rd Street to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 25. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-27-140 as more fully described in Section 26 below, to Fairfax Renaissance Development Corporation or designee.

Section 26. That the real property to be sold pursuant to Section 25 of this Ordinance is more fully described as follows:

P. P. No. 119-27-140

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 15, in Clewell and Worley's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Central Avenue, S.E. at the Southwesterly corner of Sublot No. 15; thence Easterly, along the Northerly line of Central Avenue, S.E., 27 feet to a point; thence Northerly, parallel with tile Westerly line of Sublot No. 15, 126.6 feet to a point; thence Westerly, parallel with the Northerly line of Central Avenue, S.E., 27 feet to the Westerly line of Sublot No. 15; thence Southerly, along the Westerly line of Sublot No. 15, 126.6 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 27. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 28. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 29. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 30. 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 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1112-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 82nd Street to Fairfax Renaissance Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-14-048, as more fully described in Section 2 below, to Fairfax Renaissance Development Corporation or designee.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 119-14-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 38 feet, front and rear, of Sublot No. 12, and the Southerly 2 feet, front and rear, of Sublot No. 11 in Vantine and Chadwick's Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat of said Subdivision in Volume 20 of Maps, Page 7 of Cuyahoga County Records. Said parts of Sublot Nos. 12 and 11 together form a parcel of land having a frontage of 40 feet on the Westerly side of East 82nd Street (formerly South Genesee Avenue), and extending back about 99-80/100 feet on the Southerly line and extending back about 99-73/100 feet on the Northerly line, having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 119-14-049 as more fully described in Section 4 below, to Fairfax Renaissance Development Corporation or designee.

Section 4. That the real property to be sold pursuant to Section 3 of this Ordinance is more fully described as follows:

P. P. No. 119-14-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 38 feet front and rear of Sublot No. 11 in Vantine and Chadwick's Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 20 of Maps, Page 7 of Cuyahoga County Records, and being 38 feet front on the Westerly side of East 82nd Street (formerly Genessee Avenue) and extending back 99.67 feet on Northerly line, about 99.73 on the Southerly line, and has a rear line of 38 feet, as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-14-050 as more fully described in Section 6 below, to Fairfax Renaissance Development Corporation or designee.

Section 6. That the real property to be sold pursuant to Section 5 of this Ordinance is more fully described as follows:

P. P. No. 119-14-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 10 in Van Tine and Chadwick's Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 20 of Maps, Page 7 of Cuyahoga County Records and being 40 feet front on the Westerly line of East 82nd Street and extending back 99.60 feet deep on the Northerly line, 99.67 feet deep on the Southerly line and being 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-14-051 as more fully described in Section 8 below, to Fairfax Renaissance Development Corporation or designee.

Section 8. That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P. P. No. 119-14-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in Vantine and Chadwick Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 20 of Maps, Page 7 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 82nd Street (formerly South Genessee Avenue) and extending 99.54 feet on the Northerly line, 99.60 feet on the

Southerly line, and having a rear line of 40 feet, as appears by said plat.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 119-14-053 as more fully described in Section 10 below, to Fairfax Renaissance Development Corporation or designee.

Section 10. That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P. P. No. 119-14-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 7 in Van Tine and Chadwick's Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 20 of Maps, Page 7 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 82nd Street (formerly South Genessee Avenue) and extending back 99.41 feet deep on the Northerly line, 99.47 feet deep on the Southerly line and being 40 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-14-059 as more fully described in Section 12 below, to Fairfax Renaissance Development Corporation or designee.

Section 12. That the real property to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P. P. No. 119-14-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 24 in Van Tine and Chadwick's Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 20 of Maps, Page 7 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 82nd Street (formerly South Genessee Avenue) 110.71 feet deep on the Northerly line, 110.59 feet deep on the Southerly line and 40 feet wide in the rear, as appears by said plat.

Subject to the Midtown Community Development Plan recorded in Volume 87-6720, Page 47.

Also subject to all zoning ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-14-061 as more fully described in Section 14 below, to Fairfax Renaissance Development Corporation or designee.

Section 14. That the real property to be sold pursuant to Section 13 of this Ordinance is more fully described as follows:

P. P. No. 119-14-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being known as the Southerly 20 feet front and rear of Sublot No. 22 and the Northerly

30 feet front and rear of Sublot No. 21 in Vantine and Chadwick's Subdivision of part of Original One Hundred Acre Lot No. 339 as shown by the recorded plat in Volume 20 of Maps, Page 7 of Cuyahoga County Records and together forming a parcel of land 50 feet front on the Easterly side of East 82nd Street about 110.41 feet deep on the Northerly line, about 110.26 feet deep on the Southerly line and 50 feet in the rear, as appears by said plat.

Subject to zoning ordinances, if any.

Section 15. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect. That the project to be implemented after the conveyance of the above-mentioned properties shall be reviewed and approved by the Mayor's Streetscape Advisory Committee for compliance with applicable provisions of the Codified Ordinances of Cleveland, Ohio, 1976, pertaining to City standards for parking lots.

Section 16. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 15. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 16. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 17. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 18. 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 9, 2000.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1115-2000.
By Councilmen Lewis, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8720 Meridian Avenue to Curly Mae Jelks.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 107-16-133, as more fully described in Section 2 below, to Curly Mae Jelks.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 107-16-133

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 116 in W.J. Crawford and James Parmelee's Subdivision of part of Original One Hundred Acre Lot No. 392, as shown by the recorded plat in Volume 14 of Maps, Page 19 of Cuyahoga County Records, being 40 feet front on the Southerly side of Meridian Avenue, N.E., and extending back 137.94 feet on the Westerly line, 143.43 feet on the Easterly line and having a rear line of 40.35 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1206-2000.
By Councilmen Britt, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 12009-11 Cromwell Avenue to Cleveland Housing Network, Inc.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 129-09-148, as more fully described in Section 2 below, to Cleveland Housing Network, Inc.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 129-09-148

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 121 in the Crawford Realty Company's Re-Subdivision of part of the Van Sweringer Company's "Transit Heights" Subdivision of part of Original One Hundred Acre Lots Nos. 420, 428 and 429, as shown by the recorded plat in Volume 48 of Maps, Page 15 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Cromwell Avenue, S.E., and extending back 105.11 feet on the Westerly, 104.53 feet on the Easterly line, and having a rear line of 40.01 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance,

or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

Passed October 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1207-2000.
By Councilmen Jackson, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2368 East 40 Street to Pilgrim Missionary Baptist Church.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-31-016, as more fully described in Section 2 below, to Pilgrim Missionary Baptist Church.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 103-31-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 261 in Leonard Case Subdivision of

part of Original 10 Acre Lots Nos. 44, 45, 46, and 47 as shown by the recorded plat in Volume 8 of Maps, Page 30 of Cuyahoga County Records and being 50 feet front on the Westerly line of East 40th Street and extending back of equal width, 150 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell a part of Permanent Parcel No. 103-31-017, as more fully described in Section 4 below, to Pilgrim Missionary Baptist Church.

Section 4. That the real property to be sold pursuant to Section 3 of this ordinance is more fully described as follows:

Part of P. P. No. 103-31-017 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the

northerly 18 feet of Sublot No. 260 in Leonard Case's Subdivision of part of Original Ten Acre Lots Nos. 44, 45, 46, 47, as shown by the recorded plat in Volume 8 of Maps, Page 36 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 5. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 6. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market

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

Section 7. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

Passed October 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1218-2000.

By Councilman Patmon (by departmental request).

An ordinance to assess the cost and expense of construction and repairing of sidewalks and curbing. (West Side)

Whereas, pursuant to Resolution No. 813-99 adopted May 3, 1999, written notice requiring the laying, relaying and repairing of sidewalks, driveway aprons, curbs, and gutters in front of premises hereinafter set forth was duly served upon the owners in the manner prescribed by law, but which work was not undertaken by the owners of said premises, the same being done by the City of Cleveland, pursuant to section 165 of the Charter; and,

Whereas, the Director of Finance has reported this Council on this 17th day of July, 2000, all of the expenses of such construction and repairing by the City of Cleveland, and,

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

Section 1. That for the purpose of paying for the cost and expense of construction and repairing of sidewalks and curbing, there be and hereby is levied and assessed upon the following described property abutting said improvements situated in the City of Cleveland, County of Cuyahoga and State of Ohio, the following respective amounts:

| PERMANENT PARCEL | OWNER NAMES | LOCATION ADDRESS | TOTAL AMOUNT |
|------------------|-------------------|---------------------|--------------|
| 005-25-028 | WILSON A. LEECE | 2180 W. 95TH STREET | \$ 1,159.00 |
| 005-25-029 | WILSON A. LEECE | 2184 W. 95TH STREET | \$ 2,165.50 |
| 005-25-030 | WAYNE D. LEWIS | 2194 W. 95TH STREET | \$ 1,189.50 |
| 005-25-039 | CALVIN MCKENZIE | 2195 W. 95TH STREET | \$ 1,067.50 |
| 005-25-040 | LILLIAN M. HORN | 2191 W. 95TH STREET | \$ 786.00 |
| 005-25-041 | D. KASPERAK | 2187 W. 95TH STREET | \$ 1,484.50 |
| 005-25-042 | EPPICH ECKHART | 2183 W. 95TH STREET | \$ 1,460.00 |
| 005-25-043 | F. HENDERSON | 2181 W. 95TH STREET | \$ 367.50 |
| 005-25-083 | P. CLEMENCE | 9412 WILLARD AVE. | \$ 1,680.00 |
| 005-25-084 | DEAN CAMPBELL | 9500 WILLARD AVE. | \$ 1,680.00 |
| 005-26-064 | ED. WALKER | 2100 W. 95TH STREET | \$ 1,380.00 |
| 005-26-065 | MARK SHAFER | 2106 W. 95TH STREET | \$ 1,782.40 |
| 005-26-066 | D. BRANHAM | 2110 W. 95TH STREET | \$ 1,782.90 |
| 005-26-067 | M. JASZFALVI | 2114 W. 95TH STREET | \$ 804.00 |
| 005-26-068 | EVA KNIGHT | 2118 W. 95TH STREET | \$ 1,380.00 |
| 005-26-069 | BURCHAM PAET | 2122 W. 95TH STREET | \$ 1,380.00 |
| 005-26-070 | RICHARD A. KRAFT | 2126 W. 95TH STREET | \$ 924.00 |
| 005-26-071 | T. MCCLELLAND | 2130 W. 95TH STREET | \$ 1,481.70 |
| 005-26-072 | JESUS P BADEA | 2134 W. 95TH STREET | \$ 1,380.00 |
| 005-26-073 | ROY E. SIPE | 2138 W. 95TH STREET | \$ 1,220.00 |
| 005-26-074 | C. FORMAN | 2142 W. 95TH STREET | \$ 1,220.00 |
| 005-26-075 | ARTHUR MUSSON | 2146 W. 95TH STREET | \$ 1,327.50 |
| 005-26-076 | L. SCHIMKOLA | 2150 W. 95TH STREET | \$ 420.00 |
| 005-26-077 | R. ROBERTO | 2154 W. 95TH STREET | \$ 1,617.00 |
| 005-26-078 | A. HUERTAS | 2158 W. 95TH STREET | \$ 1,020.00 |
| 005-26-079 | WALTER LEHMAN | 2162 W. 95TH STREET | \$ 420.00 |
| 005-26-080 | SAMUEL P PEREZ | 2166 W. 95TH STREET | \$ 1,280.00 |
| 005-26-081 | W. YUZVA | 2170 W. 95TH STREET | \$ 1,730.00 |
| 005-26-082 | WALTER RHODES | 2174 W. 95TH STREET | \$ 862.00 |
| 005-26-084 | VIORREL FIERAN | 2177 W. 95TH STREET | \$ 1,082.00 |
| 005-26-085 | THOMAS SABA | 2173 W. 95TH STREET | \$ 1,431.00 |
| 005-26-086 | KEVIN P. MANZ | 2169 W. 95TH STREET | \$ 847.50 |
| 005-26-087 | J. HERNANDEZ | 2167 W. 95TH STREET | \$ 607.50 |
| 005-26-088 | C. E. DUNLAP, JR. | 2165 W. 95TH STREET | \$ 567.50 |

| | | | | |
|------------|------------------|---------------------|----|------------|
| 005-26-089 | FRANCIS GORDON | 2161 W. 95TH STREET | \$ | 1,082.00 |
| 005-26-090 | ELIZABETH OTTO | 2159 W. 95TH STREET | \$ | 1,431.00 |
| 005-26-091 | J. KENDRICK | 2153 W. 95TH STREET | \$ | 1,411.00 |
| 005-26-092 | F. GRIMES | 2149 W. 95TH STREET | \$ | 1,039.00 |
| 005-26-093 | S. O'DONNELL | 2145 W. 95TH STREET | \$ | 1,637.00 |
| 005-26-094 | NORMAN KLETKE | 2141 W. 95TH STREET | \$ | 660.00 |
| 005-26-095 | L. A. GRACE | 2137 W. 95TH STREET | \$ | 1,250.50 |
| 005-26-096 | TWILLA SEXTON | 2133 W. 95TH STREET | \$ | 1,299.20 |
| 005-26-097 | WALTER LAWSON | 2129 W. 95TH STREET | \$ | 1,790.40 |
| 005-26-098 | WALTER LAWSON | 2125 W. 95TH STREET | \$ | 1,380.00 |
| 005-26-099 | EDWARD ZERBY | 2121 W. 95TH STREET | \$ | 1,088.80 |
| 005-26-100 | MILDRED CARTER | 2117 W. 95TH STREET | \$ | 1,372.80 |
| 005-26-101 | IMRE IGAZ | 2115 W. 95TH STREET | \$ | 1,719.20 |
| 005-26-102 | LILLIAN RUVOLO | 2109 W. 95TH STREET | \$ | 1,687.10 |
| 005-26-103 | JOHN JOHNSTON | 2105 W. 95TH STREET | \$ | 1,346.80 |
| 005-26-104 | C. BROWNING | 2101 W. 95TH STREET | \$ | 1,669.20 |
| 005-26-105 | FRANK DERY | 2097 W. 95TH STREET | \$ | 1,689.80 |
| 005-27-031 | DON A LUTZ | 9501 MADISON AVE. | \$ | 1,680.10 |
| 005-27-057 | ROCHELLE FRITZ | 2093 W. 95TH STREET | \$ | 1,208.80 |
| 005-27-058 | R. DELACRUZ | 2089 W. 95TH STREET | \$ | 1,586.80 |
| 005-27-059 | R. MORCUS | 2085 W. 95TH STREET | \$ | 1,735.40 |
| 005-27-060 | CMS PROPERTIES | 2081 W. 95TH STREET | \$ | 1,839.80 |
| 005-27-061 | V. MCGERVEY | 2077 W. 95TH STREET | \$ | 1,660.40 |
| 005-27-062 | J. NEWBURY | 2069 W. 95TH STREET | \$ | 1,453.00 |
| 005-27-063 | J. NEWBURY | 2069 W. 95TH STREET | \$ | 1,614.10 |
| 005-27-064 | MARY JOHNSON | 2065 W. 95TH STREET | \$ | 1,672.40 |
| 005-27-065 | ARTHUR KNIGHT | 2061 W. 95TH STREET | \$ | 252.00 |
| 005-27-066 | S. STEWART | 2057 W. 95TH STREET | \$ | 1,694.85 |
| 005-27-067 | J. ABRAMOVIC | 2053 W. 95TH STREET | \$ | 1,688.45 |
| 005-27-068 | L. GOSHORN | 2049 W. 95TH STREET | \$ | 1,398.95 |
| 005-27-069 | V. NELSON, SR. | 2045 W. 95TH STREET | \$ | 1,002.00 |
| 005-27-070 | TONY TOMATZ, JR. | 2041 W. 95TH STREET | \$ | 1,695.20 |
| 005-27-071 | W. MARCANO | 2037 W. 95TH STREET | \$ | 1,084.80 |
| 005-27-072 | M. MCGERVEY | 2033 W. 95TH STREET | \$ | 1,573.00 |
| 005-27-073 | DONAL NICHOLAS | 2029 W. 95TH STREET | \$ | 1,434.00 |
| 005-27-074 | MADISON AV. B.C. | 2025 W. 95TH STREET | \$ | 1,680.12 |
| 005-27-076 | FELIX GUTIERREZ | 2018 W. 95TH STREET | \$ | 1,207.50 |
| 005-27-077 | RUTH CICERO | 2020 W. 95TH STREET | \$ | 1,550.60 |
| 005-27-078 | A. MANFREDI | 2026 W. 95TH STREET | \$ | 2,351.25 |
| 005-27-079 | LANA HOVAN | 2036 W. 95TH STREET | \$ | 900.00 |
| 005-27-080 | JOSEPH RICH | 2038 W. 95TH STREET | \$ | 960.00 |
| 005-27-081 | ED. ALTMANN, JR. | 2044 W. 95TH STREET | \$ | 1,092.00 |
| 005-27-082 | NGUYEN TRAN | 2048 W. 95TH STREET | \$ | 1,728.00 |
| 005-27-083 | DANIEL MASON | 2052 W. 95TH STREET | \$ | 1,751.10 |
| 005-27-084 | G. BASTAWROS | 2056 W. 95TH STREET | \$ | 1,380.00 |
| 005-27-085 | JEFFREY ZICKES | 2060 W. 95TH STREET | \$ | 1,380.00 |
| 005-27-086 | KAROLY FABIAN | 2068 W. 95TH STREET | \$ | 1,771.00 |
| 005-27-087 | J. NEWBURY | 2074 W. 95TH STREET | \$ | 805.50 |
| 005-27-088 | R. CHAMBERS | 2078 W. 95TH STREET | \$ | 535.50 |
| 005-27-089 | LINDA BAILLIE | 2082 W. 95TH STREET | \$ | 1,219.00 |
| 005-27-090 | ED. HULESCH | 2088 W. 95TH STREET | \$ | 1,815.50 |
| 005-27-091 | SEYMOUR SMITH | 2092 W. 95TH STREET | \$ | 420.00 |
| 017-19-010 | ED. HULESCH | 3240 W. 98TH STREET | \$ | 4,750.00 |
| 017-24-001 | W.S. HUNG. CHUR | 3243 W. 98TH STREET | \$ | 1,837.50 |
| | | TOTAL | \$ | 119,948.92 |

Section 2. It is determined that the assessments do not exceed the special benefits resulting from the improvement and do not exceed the statutory limit.

Section 3. That the owners of the several lots and parcels of land included in said assessment shall pay the amounts from them severally due, as set forth in Section 1 above, to the City Treasurer within forty (40) days from and after the date of passage of this Ordinance, and in default thereof said tax, together with a penalty of five percent (5%) and interest not to exceed seven and one half percent (7.5%) per annum, shall be payable to the County Treasurer in five (5) annual installments, and the Commissioner of Assessments and Licenses is hereby authorized and directed to certify all unpaid assessments to the Cuyahoga County Auditor to be entered on the tax duplicate.

Section 4. That the Clerk of Council be and is hereby authorized and directed to cause notice of the levy of assessment herein provided for to be filed with the County Auditor within twenty (20) days following the passage of this Ordinance.

Section 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed October 2, 2000.

Effective November 11, 2000.

Ord. No. 1386-2000.
By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to test and dispose of PCB oils and contaminate materials and to retro-fill or filter contaminated transformers, for the Division of Cleveland Public Power, 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 hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to test and dispose of PCB oils and contaminate materials and to retro-fill or filter contaminated transformers, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, 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 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 16663)

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 2, 2000.

Effective October 11, 2000.

Ord. No. 1388-2000.
By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain, repair, replace and upgrade various security systems, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to maintain, repair, replace and upgrade various security systems, in the estimated sum of \$400,000.00 to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, 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 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. All expenditures under the contract authorized herein shall not exceed \$400,000.00. (RL 23733)

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 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1390-2000.
By Councilmen O'Malley, Lewis and Patmon (by departmental request).

An emergency ordinance to enact Section 129.331 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to contracts for the provision of retail electric aggregation services and power supply.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 129.331 to read as follows:

Section 129.331 Contracts for the Provision of Retail Electric Aggregation Services and Power Supply

Notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is hereby authorized to enter into contracts for the provision of retail electric aggregation services and power supply, following express legislative approval by Cleveland City Council authorizing such contract or contracts, in order

to provide for the delivery of retail electric power to the customers of The Cleveland Electric Illuminating Company in the City pursuant to a City-wide aggregation program adopted pursuant to Section 4928.20 of the Ohio Revised Code.

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 2, 2000.

Effective October 11, 2000.

Ord. No. 1391-2000.
By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of one mobile transformer and auxiliary equipment, for the Division of Cleveland Public Power, Department of Public Utilities.

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 hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one (1) mobile transformer and associated auxiliary equipment, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Cleveland Public Power, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 58 SF 001, Request No. 15848.

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 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1392-2000.
By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the Mayor to apply for and accept a Water Supply Revolving Loan Account loan to finance the construction of the Parma Reservoir renovation project.

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

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

Section 1. That the Mayor is hereby authorized to apply for and accept a Water Supply Revolving Loan Account ("WSRLA") loan in the approximate amount of \$6,800,000.00 to finance the construction of the Parma Reservoir renovation project, including but not limited to, making exterior and interior renovations to the reservoir,

installing influent and effluent lines, replacing several yard valves, installing a drain system and a security access system (the "Improvement").

Section 2. That the Mayor is authorized to enter into a loan agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for a WSRLA loan, which loan agreement shall be in substantially the same form as the Water Supply Revolving Loan Account Agreement, File No. 1392-2000-A, and shall contain such additional terms as are acceptable to the Director of Law to protect the public interest. The Mayor is further authorized to file all papers and execute all documents necessary to receive the funds under said loan agreement; and said loan funds are hereby appropriated for the purposes set forth in the loan agreement.

Section 3. That upon execution of the loan agreement, the Director of Public Utilities is authorized to repay the loan funds to the WSRLA in accordance with the terms and conditions of the loan agreements, from the operation revenues of the Division of Water.

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 2, 2000.
Effective October 11, 2000.

Ord. No. 1393-2000.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance to amend Section 3 of Ordinance No. 1743-99, passed June 19, 2000, relating to rates, rules and regulations for water service provided by the Division of Water, Department of Public Utilities.

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 3 of Ordinance No. 1743-99, passed June 19, 2000, is hereby amended to read as follows:

Section 3. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 535.04, as amended by Ordinance No. 935-96, passed June 18, 1996,

Section 535.05, as amended by Ordinance No. 935-96, passed June 18, 1996,

Section 535.051, as amended by Ordinance No. 1411-99, passed June 12, 2000,

Section 535.06, as amended by Ordinance No. 935-96, passed June 18, 1996,

Section 535.18, as amended by Ordinance No. 311-98, passed May 4, 1998, and

Section 535.21, as amended by Ordinance No. 935-96, passed June 18, 1996, are hereby repealed.

Section 2. That existing Section 3 of Ordinance No. 1743-99, passed June 19, 2000, is hereby repealed.

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

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

Passed October 2, 2000.
Effective October 11, 2000.

Ord. No. 1403-2000.

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

An emergency ordinance to amend Section 5 of Ordinance No. 1578-90, passed February 24, 1992, relating to making the public improvement of renovating and rehabilitating the headquarters building of the Division of Police, and authorizing contracts relative thereto.

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 5 of Ordinance No. 1578-90, passed February 24, 1992, is hereby amended to read as follows:

Section 5. That the costs of the improvement, services and purchases contemplated herein shall be paid from Fund Nos. 20 SF 162, 20 SF 191, 20 SF 172 and 20 SF 331, 20 SF 340, 20 SF 351, 20 SF 300, and 20 SF 362. Request Nos. 05864 and 15258.

Section 2. That Section 5 of Ordinance No. 1578-90, passed February 24, 1992, is hereby repealed.

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

Passed October 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1407-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 79th Street to Frederick Johnson and Anne Marie Johnson.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-09-114 and (part of 118-09-115), as more fully described in Section 2 below, to Frederick Johnson and Anne Marie Johnson.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

Parcel "B"
P.P. No. 118-09-115 and
(part of 118-09-114)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 24 and 25 and part of Block "A" in George M. Spangler's Subdivision, Volume 24, Page 22 and bounded and described as follows:

Beginning at the intersection of the Northerly right of way line of Sagamore Avenue (40 feet wide) and Westerly right of way line of East 79th Street (50 feet wide), said point also being the place of beginning for the parcel herein described; thence North 00° 45' 47" East, a distance of 91.80 feet to a point; thence North 89° 49' 48" West, a distance of 155.01 feet to a point; thence South 00° 45' 47" West, a distance of 90.54 feet to a point; thence South 89° 21' 46" East, a distance of 155.0 feet to the place of beginning, and containing therein 14,131 square feet (0.3244 acre) of land, be the same more or less, but subject to all legal highways.

This description was prepared by Sauhail and Suhail, Inc. based on a survey performed in April 2000.

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

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

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

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

Passed October 2, 2000.
Effective October 11, 2000.

**Ord. No. 1408-2000.
By Councilmen Lewis, Melena, Cimperman and Patmon (by departmental request).**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 79th Street to Steven Williams and Rebecca Williams.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 118-09-114 (part of), as more fully described in Section 2 below, to Steven Williams and Rebecca Williams.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

Parcel "A"
P.P. No. 118-09-114 (part of)
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Block "A" in the G.M. Spangler Subdivision, Volume 24, Page 22 of Cuyahoga County Records and bounded and described as follows:

Beginning at the intersection of the Northerly right of way line of Sagamore Avenue (40 feet wide) and the Westerly right of way line of East 79th Street (50 feet wide); thence North 00° 45' 47", East, a distance of 91.80 feet to a point, said point also being the place of beginning for the parcel herein described; thence North 00° 45' 47" East, a distance of 91.85 feet to a point; thence North 89° 49' 48" West, a distance of 155.01 feet to a point; thence South 00° 45' 47" West, a distance of 91.85 feet to a point; thence South 89° 49' 48" East, a distance of 155.01 feet to the place of beginning, and containing therein 14,237 square feet (0.3268 acre) of land, be the same more or less, but subject to all legal highways.

The description was prepared by Suhail & Suhail, Inc. based on a survey performed in April 2000.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance.

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

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

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

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

Passed October 2, 2000.
Effective October 11, 2000.

**Ord. No. 1487-2000.
By Councilmen O'Malley, Brady, Dolan, Polensek, Britt, Cimperman, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Melena, Patmon, Robinson, Rybka, Sweeney, Westbrook, White and Willis.**

An emergency ordinance to amend Section 42 of Ordinance No. 434-2000, passed March 20, 2000, relating to compensation for various classifications.

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

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

Section 1. That Section 42 of Ordinance No. 434-2000, passed March 20, 2000, is hereby amended to read as follows:

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 per hour | \$13.97 per hour |
| 2. | Chaplain | \$ 6.74 per hour | \$11.04 per hour |
| 3. | Checker | \$ 5.15 per hour | \$ 6.94 per hour |
| 4. | Conservation Aide | \$ 5.15 per hour | \$ 5.63 per hour |
| 5. | Dentist | \$13.38 per hour | \$27.48 per hour |
| 6. | Head Usher | \$ 5.15 per hour | \$10.91 per hour |
| 7. | Medical Examiner | \$21.40 per hour | \$56.36 per hour |
| 8. | Organ Tuner | \$ 9.63 per hour | \$24.11 per hour |
| 9. | Park Maintenance Aide | \$ 5.15 per hour | \$ 8.25 per hour |
| 10. | Ranger | \$ 5.15 per hour | \$10.77 per hour |
| 11. | School Crossing Guard | \$20.50 per day | \$25.00 per day |
| 12. | Section Supervisor..... | \$ 5.50 per hour | \$ 6.62 per hour |
| 13. | Snow Removal Vehicle Operator | \$10.40 per hour | \$13.56 per hour |
| 14. | Stage Hand | \$18.55 per hour | \$24.66 per hour |
| 15. | Stage Hand Casual | \$20.00 per hour | \$24.35 per hour |
| 16. | Stage Hand — Show Rate | \$63.00 per show | \$81.02 per show |
| 17. | Student Aide | \$ 6.00 per hour | \$ 8.33 per hour |
| 18. | Student Assistant | \$ 5.15 per hour | \$ 7.34 per hour |
| 19. | Usher | \$ 5.15 per hour | \$ 6.35 per hour |
| 20. | Usher Captain | \$ 5.89 per hour | \$ 7.68 per hour |

Section 2. That existing Section 42 of Ordinance No. 434-2000, passed March 20, 2000, is hereby repealed.

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

Passed October 2, 2000.
Effective October 11, 2000.

Ord. No. 1488-2000.**By Councilman Polensek.**

An emergency ordinance to renumber Chapter 686 as enacted by Ordinance No. 672-97, passed June 19, 2000, relating to used motor vehicle storage places to new Chapter 686C; and to number the inclusive Sections 686.01 to 686.10 and 686.99 to new Sections 686C.01 to 686C.10 and 686C.99; and to amend Sections 686.04, 686.05, 686.06 and 686.99 of said codified ordinances relating to used motor vehicle storage places.

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 Chapter 686 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 672-97, passed June 19, 2000, entitled, "Used Motor Vehicle Storage Places" is hereby renumbered to "Chapter 686C".

Section 2. That Sections 686.01 to 686.10 and 686.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 672-97, passed June 19, 2000, relating to "Used Motor Vehicle Storage Places" are hereby renumbered, respectively, to new "Section 686C.01", "686C.02", "686C.03", "686C.04", "686C.05", "686C.06", "686C.07", "686C.08", "686C.09", "686C.10" and "686C.99".

Section 3. That Sections 686.04, 686.05, 686.06 and 686.99 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to used motor vehicle storage places, as enacted by Ordinance No. 672-97, passed June 19, 2000, and renumbered by this ordinance, are hereby amended to read, respectively, as follows:

Section 686C.04 Application, Plans and Fees

(a) License Application. Any person or firm operating or proposing to operate a used motor vehicle storage place shall submit a license application to the Commissioner of Assessments and Licenses on a form provided by the Commissioner, in accordance with the following provisions:

(1) Submission Date. For used motor vehicle storage places in operation prior to the initial effective date of this chapter, the required license application shall be submitted by October 31, 2000, for issuance by December 31, 2000. Thereafter, applications for license renewal shall be submitted by October 31 of each year for issuance by December 31 of that year. For used motor vehicle storage places established on or after the initial effective date of this chapter, the required license application shall be submitted at least two (2) months prior to the requested start of operation.

(2) Application Contents. License applications shall provide the following information and any other information which the Commissioner deems necessary to determine compliance with the provisions of this chapter:

A. the address, telephone number and name, if any, of the used motor vehicle storage place and a map showing and identifying, by permanent parcel number, the parcels of land which are occupied by such use;

B. name, address, telephone number, and each social security number of each operator of the used motor vehicle storage place, each partner in the case of a partnership, and each officer and Director in the case of a corporation;

C. a copy of the current Certificate of Occupancy for the premises, indicating that the use has been legally established under applicable provisions of the Zoning and Building Codes;

D. a list of temporary license plates issued by the used motor vehicle sales place in the previous twelve (12) months.

(3) License Fee. Each application for issuance or renewal of a license shall be accompanied by a fee of one hundred dollars (\$100.00), submitted to the Commissioner of Assessments and Licenses (made payable to the "City of Cleveland").

(b) Improvement Plans. In the case of a proposal to establish a used motor vehicle storage place or to expand or enlarge the motor vehicle storage area of such place, and in the case of any existing used motor vehicle storage place for which compliance with the fencing and landscaping requirements of Section 686C.07 is due during the current licensing year, the operator of such place shall submit plans to the Commissioner of Assessments and Licenses for approval by Director of the City Planning Commission, demonstrating compliance with those requirements. Such plans shall be prepared and submitted in accordance with the following provisions:

(1) Submission Date. For used motor vehicle storage places in operation and legally established prior to the initial effective date of this chapter, the required improvement plans shall be submitted no later than February 28, 2001. In all other cases, the required plan shall be submitted with the license application required in division (a) of this section.

(2) Plan Contents. In addition to listing the address of the used motor vehicle storage place and the name, address and telephone number of the operator, the submission of improvement plans shall include the following:

A. an accurately scaled and dimensioned site plan and elevation drawing showing all existing and proposed fencing, landscaping, yard areas, vehicle storage areas, customer and employee parking areas, sidewalks, treelawns, curbs, driveways, wheelstops, guardrails, buildings, signs, and lot lines;

B. specifications for all proposed fencing and landscaping, indicating the type, color, material and gauge of fencing; the type, height and number of landscape materials, and a description of proposed ground cover and landscape curbing.

(3) Plan Fee. Each plan submission shall be accompanied by a fee of one hundred dollars (\$100.00). Such Plan Fee shall be in addition to any License Fee and shall be submitted to the Commissioner of Assessments and Licenses (made payable to the "City of Cleveland").

Section 686C.05 License Approval and Issuance

(a) Referral to Commissioner of Building and Housing. Upon receipt of a complete license application and accompanying fee, the Commis-

sioner of Assessments and Licenses shall transmit the application to the Commissioner of Building and Housing for a determination of compliance with the provisions of this chapter, except as provided in division (b) for the determination of initial compliance with the requirements of fencing and landscaping.

(b) Referral to City Planning Director. In the case of a license application for which initial compliance with the fencing and landscaping requirements of Section 686C.07 was required during the current licensing year, the Commissioner of Assessments and Licenses shall transmit a copy of the application to the Director of the City Planning Commission for a determination of compliance with such requirements.

(c) Issuance of License. For used motor vehicle storage places which are in compliance with the provisions of this chapter, the Commissioner of Assessments and Licenses shall issue a license not later than December 31 of each year or not later than two (2) months after receipt of a complete application, whichever date occurs later.

(d) Effective Period. Licenses, generally, shall be in effect for a period of one (1) year, from January 1 to December 31. For a used motor vehicle storage place established through licensing or re-licensing on a date other than January 1, the license shall be in effect for the remainder of the regular licensing year. For a license issued after September 1 but prior to December 31, the license shall be in effect until December 31 of the following calendar year.

Section 686C.06 Storage of Vehicles for Sale

(a) Storage. Motor vehicles stored for sale shall be kept off of public sidewalks and public streets. Such vehicles shall be contained on private property by means of the ornamental metal fencing and/or landscape strips as required in Section 686C.07. In the case of a used motor vehicle storage place for which installation of such fencing or landscaping is not yet required, stored vehicles shall be kept off of the public right-of-way by maintenance of setback areas required by zoning regulations and/or by anchored concrete or plastic wheelstops, concrete or asphalt curbing, wooden bollards or black-painted posts and metal chains/cables, or black-painted guard rails or pipe rail. Chain link or wooden fencing shall not be used to contain stored vehicles on private property, except that retention of such fencing, if in good repair, shall be permitted until installation of ornamental metal fencing or landscaping is required by the provisions of Section 686C.07.

(b) Use. If the operator of a motor vehicle sales place permits customers to test drive vehicles offered for sale, the operator shall provide to each such customer, immediately prior to the test drive, a written notice stating that the vehicle shall be operated in accordance with all applicable traffic laws, and, more specifically, shall not be operated in a manner that produces excessive and unusual levels of noise or fumes. To facilitate compliance with this notice, an employee of the used motor vehicle sales place shall

accompany any customer test-driving a vehicle being offered for sale. Repeated violations of the provision of this section will be considered cause for suspension or revocation of a license.

Section 686C.99 Penalty

Whoever violates any of the provisions of Sections 686C.03, 686C.04, 686C.06, 686C.07, or 686C.08 shall be guilty of a minor misdemeanor and fined not more than one hundred dollars (\$100.00). In addition to any other method of enforcement provided for in this chapter, these minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedures. Whoever violates any of the provisions of these sections, having previously been convicted of a violation of any of these sections within five (5) years, shall be guilty of a misdemeanor of the fourth degree.

Section 4. That existing Sections 686.04, 686.05, 686.06 and 686.99 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to used motor vehicle storage places, as enacted by Ordinance No. 672-97, passed June 19, 2000, and renumbered by this ordinance, are hereby repealed.

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 9, 2000.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1579-2000.
By Councilman Patmon (by departmental request).**

An emergency ordinance authorizing the payment of membership dues of the City of Cleveland in various professional organizations.

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 cause payment of 2000 membership dues of the City of Cleveland to be made to the Ohio Municipal League, from Fund No. 01-999800-623100, Request No. 1489. Said membership dues will include forty-five (45) subscriptions to Cities and Village Magazine.

Section 2. That the Director of Finance is hereby authorized to cause payment of 2000 membership dues of the City of Cleveland to be made to Build up Greater Cleveland, from Fund No. 01-999800-624700, Request No. 1495.

Section 3. That the Director of Finance is hereby authorized to cause payment of 2000 membership dues of the City of Cleveland to be made to the United States Conference of Mayors, from Fund No. 01-999800-623700, Request No. 1492.

Section 4. That the Director of Finance is hereby authorized to cause payment of 2000 membership dues of the City of Cleveland to be made to the National League of Cities, from Fund No. 01-999800-623800, Request No. 1493.

Section 5. That the Director of Finance is hereby authorized to cause payment of 2000 membership dues of the City of Cleveland to be made to the Downtown Development Corporation, from Fund No. 01-999800-624600, Request No. 1494.

Section 6. That the Director of Finance is hereby authorized to cause payment of 2001 membership dues of the City of Cleveland to be made to NOACA, from Fund No. 01-999800-623200, Request No. 1490.

Section 7. That the Director of Finance is hereby authorized to cause payment of 2000 membership dues of the City of Cleveland to be made to the Greater Cleveland International Trade Alliance, from Fund No. 01-999800-624800, Request No. 1496.

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

Passed October 9, 2000.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1591-2000.
By Councilmen Gordon and Patmon (by departmental request).**

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2001 State Childhood Lead Poisoning Prevention Program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$86,528, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2001 State Childhood Lead Poisoning Prevention Program, for the purposes set forth in the executive summary and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the executive summary for said grant.

Section 2. That the executive summary for said grant, File No. 1591-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed October 2, 2000.

Effective October 11, 2000.

**Ord. No. 1597-2000.
By Councilmen Melena and Patmon (by departmental request).**

An emergency ordinance to amend Section 1 of Ordinance No. 862-2000, passed June 19, 2000, 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. 862-2000, passed June 19, 2000, is hereby amended to read as follows:

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

YOUTH
A Cultural Exchange
Achievement Centers for Children
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)
Catholic Youth and Community Service Corporation (Cleveland Mediation Center)
The Chorale
Cleveland Police Athletic League
Collinwood Community Services Center (Recreational Activity)
Community Relations
Division of Recreation (Recreational Activities)
East End Neighborhood House
Esperanza, Inc.
GLAD Center, Inc.
Goodrich-Gannett Neighborhood Center
Greater Cleveland Neighborhood Centers Association
Harvard Community Services Center
Julia de Burgos Cultural Arts Center
Karamu House, Inc.
Lexington-Bell Community Center
Merrick House
Nottingham Youth Center, Inc.
Phillis Wheatley
Safe Department/Greater Cleveland Roundtable
The Salvation Army
Services for Independent Living, Inc.
Westown Community Development Corporation
West Side Ecumenical Ministry
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)
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
 Hijos De Borinquen Spanish American Center
 Merrick House, Inc.
 Multi Service Corporation/May Dugan
 Mum-Ford Visual Health Care, Inc.
 Near West Side Multi-Service Corporation/May Dugan
 Neighborhood Counseling Service
 Triumph House
 University Settlement, Inc.
 Vietnamese Community

OTHER
 Better Living Center
 Center for the Prevention of Domestic Violence
 Cleveland Women, Inc.
 Community Re-entry
 Cornerstone Connection
 Guardian House Shelter, Inc. a.k.a. G.B.C.
 Harambee
 Hunger Network
 Marotta Montessori Schools of Cleveland
 National Federation of the Blind
 New Cleveland Food Basket
 Salvation Army
 Spanish American Committee for a Better Community
 Starting Point (Child Care Resource Center of Cuyahoga County)
 West Side Community House
 YMCA (West Side)

Section 2. That existing Section 1 of Ordinance No. 862-2000, passed June 19, 2000, is hereby repealed.

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

Passed October 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1601-2000.
By Councilmen Cimperman, White and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to lease property at 1468 East 55th Street from Northeast Ohio Neighborhood Health Services, Inc. for a term not to exceed one year.

Whereas, the City of Cleveland requires certain property located at 1468 East 55th Street, for the public purpose of operating the One Stop Job Center; and

Whereas, Northeast Ohio Neighborhood Health Services, Inc., or their designees, has proposed to lease said property to the City of Cleveland; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Personnel and Human Resources is authorized to lease from Northeast Ohio Neighborhood Health Services, Inc., or their designees, portions of certain property more fully described as follows: 1468 East 55th Street.

Section 2. That the term of the lease authorized by Section 1 shall not exceed one year.

Section 3. That the rent for the lease authorized by Section 1 shall be established by the Board of Control.

Section 4. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the public purpose or purposes of operating the One Stop Job Center.

Section 5. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 6. That the costs of the lease shall be paid from Fund Nos. 16 SF 100, 16 SF 200 and 16 SF 300, Request No. 15427.

Section 7. That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect such authorized terms and conditions as are required to protect the interests of the City.

Section 8. That the Director of Personnel and Human Resources and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 9. 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 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1602-2000.
By Councilmen White and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Recovery Resources to provide services relating to the Employee Assistance Program.

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

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

Section 1. That the Director of Personnel and Human Resources is hereby authorized to enter into a contract with Recovery Resources for the professional services necessary to administer assistance to City employees and their families in dealing with personal difficulties, including but not limited to family difficulties, marriage problems, financial concerns, legal issues, alcohol and drug problems, work-

place problems, emotional and stress-related difficulties, in the estimated sum of \$148,020.00, payable from Fund No. 01-999800-638000, Request No. 12100, for the Department of Personnel and Human Resources.

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

Passed October 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1731-2000.
By Councilman Brady.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Westown Community Development Corporation in order to carry out the public purpose of improving and promoting the Westown local retail business district by implementing the Westown CDC's holiday lighting program through the use of Ward 19 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Westown Community Development Corporation in order to carry out the public purpose of improving and promoting the Westown local retail business district by implementing the Westown CDC's holiday lighting program through the use of Ward 19 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$50,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed October 2, 2000.

Effective October 11, 2000.

Ord. No. 1732-2000.
By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for a Footrace on October 28, 2000, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of a Footrace sponsored by Hermes Race Systems on October 28, 2000, starting at Burke Lakefront Airport and proceed to Erieside to West 3rd Street, West 3rd Street to Lakeside Avenue, Lakeside to West 9th Street, West 9th Street to St. Clair Avenue, St. Clair Avenue to West 3rd Street, West 3rd Street to Erieside, Erieside to North Marginal, North Marginal to East 26th Street turn around and return to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed October 2, 2000.
Effective October 11, 2000.

— **Ord. No. 1733-2000.**

By Councilman Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Smith-Barney 15K on October 22, 2000, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Smith-Barney 5K Walk and Run sponsored by Hermes Race Systems on October 22, 2000, starting at East 9th and Superior, East 9th to Erieside, Erieside to West 3rd, West 3rd to Lakeside, Lakeside to Main Avenue, Main Avenue to Old River Road, Old River Road to St. Clair, St. Clair to West 3rd, West 3rd and Erieside, Erieside to North Marginal, North Marginal to East 26th, East 26th turn around and go North Marginal to Erieside, Erieside to West 3rd, West 3rd to St. Clair, St. Clair to East 12th, East 12th to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and

all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed October 2, 2000.
Effective October 11, 2000.

Ord. No. 1734-2000.

By Councilman Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Smith-Barney 5K Walk and Run on October 22, 2000, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Smith-Barney 5K Walk and Run sponsored by Hermes Race Systems on October 22, 2000, starting at East 9th and Superior, East 9th to Erieside, Erieside to West 3rd, West 3rd to Lakeside, Lakeside to Main Avenue, Main Avenue to Old River Road, Old River Road to St. Clair, St. Clair to East 12th Street to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed October 2, 2000.
Effective October 11, 2000.

Ord. No. 1735-2000.

By Councilman Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the 23rd Annual Walk-A-Thon on October 7, 2000, sponsored by the Catholic Charities Services Corp.

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 23rd Annual Walk-A-Thon sponsored by the Catholic Charities Services Corp. on October 7, 2000, leaving OLA/St. Joseph Center Parking lot on Kenilworth, head (east) on Kenilworth to West 11th St., turn right circle Lincoln Park 2 times, return to West 11th/Kenilworth, intersection, turn left onto West 11th Avenue walk to University Rd., turn right onto University Rd. walk to West 10th St., turn right onto West 10th St. walk to stop sign, veer left onto Professor Avenue (stay on right side of street), walk to Jefferson, turn right onto Jefferson walk to Starkweather (cross West 14th St. to west side of West 14th St.), turn left on West 14th St. walk (south) to Clark Ave., turn right onto Clark Ave. & walk across bridge (over highway) to Scranton Rd., turn right onto Scranton Rd. walk to Kenilworth, turn right onto Kenilworth, return to OLA/St. Joseph Center (on your left on other side of highway overpass), 5K Walkers Stop Here, 10K walkers continue walking on Kenilworth to West 11th St., turn left onto West 11th St. walk to Abbey Rd., turn left onto Abbey Ave. (cross street to north side of Abbey), cross Abbey Ave. Bridge to West 20th St., (enjoy the view of Downtown), cross street to south side of Abbey Ave., turn left and return across Abbey Ave. Bridge (enjoy the view of the industrial side of the Flats), walk to West 11th St., turn left to University Rd., walk to West 10th St., turn right onto West 10th St. walk to Literary (right side of street), turn right onto Literary walk to Kenilworth (veer left & cross street), turn right onto Kenilworth, return to OLA/St. Joseph Center and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed October 2, 2000.
Effective October 11, 2000.

Ord. No. 1736-2000.

By Councilman Cintron, Mayor White and Councilman Polensek.
An emergency ordinance to change the name of Detroit-West 25th Street Park to Jimmy Bivins Park and authorizing the Director of Parks, Recreation and Properties to effectuate such change.

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 name of Detroit-West 25th Street Park, located at the corner of Detroit Avenue and West 25th Street, is hereby changed to Jimmy Bivins Park.

Section 2. That the Director of Parks, Recreation and Properties is authorized and directed to give effect to this ordinance by the placement of appropriate signs, nameplates and plaques and altering the references to the park to reflect the change of name.

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 2, 2000.

Effective October 11, 2000.

Ord. No. 1737-2000.

By Councilman Dolan.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Kamms Corners Development Corporation to further the public purpose creating or preserving jobs and employment opportunities to preserve the economic welfare of the State, by eradicating blight within the Kamms Corners Business Revitalization District through the use of Ward 21 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Kamms Corners Development Corporation using Ward 21 Neighborhood Equity Funds, for the acquisition of certain property which is determined by this Council to further the public purpose of creating or preserving jobs and employment opportunities to preserve the economic welfare of the State, by eradicating blight within the Kamms Corners Business Revitalization District.

Section 2. That the cost of said contract shall be in an amount not to exceed \$275,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed October 2, 2000.

Effective October 11, 2000.

Ord. No. 1738-2000.

By Councilman Lewis.

An emergency ordinance authorizing and directing the sale of real property as part of the Land Reutilization Program and located at 1787 and 1789 East 86th Street to Cleveland Housing Network Limited Partnership XVII.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 119-05-108 and 119-05-109 to Cleveland Housing Network Limited Partnership XVII.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 119-05-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 24 in Crumb Baslington and Oviatt's Allotment of part of Original One Hundred Acre Lot No. 400 as shown by the recorded plat in Volume 5 of Maps, Page 49 of Cuyahoga County Records part of Sublot No. 17 in Heisel and Stewart's Allotment of part of Original One Hundred Acre Lots Nos. 391 and 393 and Re-Allotment of part of said Sublot No. 24 in Crumb, Baslington and Oviatt's Allotment as aforesaid, as shown by the recorded plat of said Allotment and a Re-Allotment in Volume 13 of Maps, Page 20 of Cuyahoga County Records and part of Sublot No. 18 in Henrietta E. Weatherhead's Subdivision of part of Original One Hundred Acre Lots Nos. 391 and 399, 400 and Re-Subdivision of part of said Sublot No. 24 in Crumb, Baslington and Oviatt's Allotment as aforesaid etc., as shown by the recorded plat of said Subdivision and Re-Subdivision in Volume 33 of Maps, Page 13 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 86th Street at a point 40.22 feet Northerly measured along said Easterly line from the Southwesterly corner of said Sublot No. 18 in Henrietta E. Weatherhead's Subdivision said beginning point being also the Northwesterly corner of land conveyed to Lena C. Albinger and others by deed dated August 25, 1909 and recorded in Volume 1199, Page

615 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to Lena C. Albinger and others 45 feet to the Easterly line of Henrietta E. Weatherhead's Subdivision as aforesaid; thence Northerly along said Easterly line 0.20 feet to the Northerly line of the parcel conveyed to Lena C. Albinger and others as aforesaid; thence Easterly along said Northerly line 58.00 feet to the Northeastly corner of a parcel of land conveyed to Phil M. Marquard by deed dated June 28, 1909 and recorded in Volume 1206, Page 205 of Cuyahoga County Records;

P. P. No. 119-05-109

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 24 in Crumb, Baslington and Oviatt's Subdivision of part of Original One Hundred Acre Lot No. 400 as shown by the recorded plat in Volume 5 of Maps, Page 49 of Cuyahoga County Records, and part of Sublots Nos. 15, 16, 17 and 19 in Heisel and Stewart's Allotment of part of Original One Hundred Acre Lots Nos. 391, 392 and 400 as shown by the recorded plat in Volume 13 of Maps, Page 20 of Cuyahoga County Records and part of Sublot No. 18 in Henrietta E. Weatherhead's Subdivision of part of Original One Hundred Acre Lots Nos. 391, 392, 399 and 400, as shown by the recorded plat in Volume 33 of Maps, Page 13 of Cuyahoga County Records and part of Original One Hundred Acre Lot No. 400 and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 86th Street at the Northwesterly corner of land conveyed to Katherine G. McCurdy by deed dated March 25, 1921, and recorded in Volume 2382, Page 632 of Cuyahoga County Records; thence Northerly along the Easterly line of East 86th Street to an angle; thence Northwesterly along the Northeastly line of East 80th Street to the most Southerly corner of land conveyed to the Library Board of the City District of the City of Cleveland by deed dated October 1, 1909 and recorded in Volume 1238, Page 387 of Cuyahoga County Records; thence Northeasterly along the Southeasterly line of land conveyed to the Library Board of the City School District of the City of Cleveland to the Easterly line of said Sublot No. 19; thence Southerly along said Easterly line of Sublot No. 19 to the Northwesterly corner of said Sublot No. 15; thence Easterly along the Northerly line of said Sublot No. 15 to the Northwesterly corner of land conveyed to John A. Parshall by deed dated March 13, 1891, and recorded in Volume 515, Page 512 of Cuyahoga County Records, thence Southerly along the Westerly line of land conveyed to John A. Parshall and along the Westerly line conveyed to Swen Emil Swanbeck and Marie J. Swanbeck by deed dated November 28, 1906, recorded in Volume 1074, Page 323 of Cuyahoga County Records to the Southerly line of said Sublot No. 16; thence Westerly along said Southerly line of said Sublot No. 16 to the Northwesterly corner of land conveyed to Elizabeth Miller by deed dated April 2, 1908, and record-

ed in Volume 1144, Page 601 of Cuyahoga County Records, thence Southerly along the Westerly line of land so conveyed to Elizabeth Miller to the Northeasterly corner of land conveyed to Katherine G. McCurdy as aforesaid; thence Westerly along the Northerly line of land so conveyed to Katherine G. McCurdy to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

Passed October 2, 2000.

Effective October 11, 2000.

Ord. No. 1739-2000.

By Councilman Patmon.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with A Cultural Exchange for their family literacy programs in Ward 8 elementary schools in order to carry out the public purpose of promoting and developing basic reading skills for children and families through the use of Ward 8 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with A Cultural Exchange for their family literacy programs in Ward 8 elementary schools in order to carry out the public purpose of

promoting and developing basic reading skills for children and families, through the use of Ward 8 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be for services rendered by the grantee on or after October 1, 2000, in an amount not to exceed \$15,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed October 2, 2000.

Effective October 11, 2000.

Ord. No. 1740-2000.

By Councilman Polensek (by departmental request).

An emergency ordinance to amend the title, the fourth whereas clause and Section 1 of Ordinance No. 962-2000, passed June 5, 2000, relating to contract for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the Cleveland Municipal Court.

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

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

Section 1. That the title, the fourth whereas clause and Section 1 of Ordinance No. 962-2000, passed June 5, 2000, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with The Legal Aid Society of Cleveland and/or the Cuyahoga County Public Defender Commission for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the Cleveland Municipal Court, for a period of one year, with four three-month options to renew.

Whereas, it is the recommendation of the Cleveland Municipal Court, the district of which encompasses Bratenahl and the City of Cleveland, that such indigent defense should be provided by The Legal Aid Society of Cleveland and/or the Cuyahoga County Public Defender Commission contracting to the Legal Aid Society of Cleveland, to provide these services; and

Section 1. That, the Director of Finance, on behalf of the Cleveland Municipal Court, is hereby authorized to enter into contract with The Legal Aid Society of Cleveland and/or the Cuyahoga County Public Defender Commission contracting to the Legal Aid Society of Cleveland, at the option of the Presiding Judge of the Cleveland Municipal Court,

for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the period of one year beginning January 1, 2000, with four (4) options, exercisable by the Director of Finance, to renew for an additional three (3)-month term, and cancellable upon thirty days' written notice by said Director, at the estimated cost of \$1,000,000, payable from Fund No. 01-011502-632000, Request No. 19254.

Section 2. That the existing title, the fourth whereas clause and Section 1 of Ordinance No. 962-2000, passed June 5, 2000, are hereby repealed.

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

Passed October 2, 2000.

Effective October 11, 2000.

Ord. No. 1741-2000.

By Councilman Westbrook.

An emergency ordinance to amend the Title and Sections 1 and 2 of Ordinance No. 1248-2000, passed July 17, 2000, relating to a grant agreement with Cudell Improvement Inc., for support for the Midwest Housing Partnership, in order to carry out the public purpose of promoting and providing assistance for safe, decent and affordable housing through the use of Wards 18 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Sections 1 and 2 of Ordinance No. 1248-2000, passed July 17, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Cudell Improvement, Inc., for support for the Midwest Housing Partnership, in order to carry out the public purpose of promoting and providing assistance for safe, decent and affordable housing, through the use of Ward 18 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Cudell Improvement, Inc., for support for the Midwest Housing Partnership, in order to carry out the public purpose of promoting and providing assistance for safe, decent and affordable housing, through the use of Ward 18 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$137,575 and shall be paid from Fund No. 10, SF 166.

Section 2. That the existing Title and Sections 1 and 2 of Ordinance No. 1248-2000, passed July 17, 2000 are hereby repealed.

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

Passed October 2, 2000.

Effective October 11, 2000.

Ord. No. 1765-2000.

By Councilman Coats.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with The Cleveland Green County Social Club for their college scholarship program in order to carry out the public purpose of promoting access to higher education for city residents through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with The Cleveland Green County Social Club for their college scholarship program in order to carry out the public purpose of promoting access to higher education for city residents through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$15,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed October 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1766-2000.

By Councilman Coats.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Euclid St. Clair Development Corporation to develop a business improvement program in order to carry out the public purpose of creating or preserving jobs and employment opportunities to preserve the economic welfare of the state through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is autho-

ized to enter into an agreement with Euclid St. Clair Development Corporation to develop a business improvement program in order to carry out the public purpose of creating or preserving jobs and employment opportunities to preserve the economic welfare of the state through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$100,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed October 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1767-2000.

By Councilman Jackson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to The City Mission to stretch banners around its facility at 5310 Carnegie Avenue for the period from October 16, 2000 to November 18, 2000, inclusive, publicizing the Mission's 90th Anniversary.

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 City Mission to install, maintain and remove banners in front of 5310 Carnegie Avenue, the corner of East 55th and Carnegie Avenue and adjacent to the Men's facility located in the rear of the Pathway's Building fronting Cedar Avenue (pole Nos. on Carnegie Avenue 69014, 69016, NEZ-11-35-1, on East 55th Street NEZ-117-361A and on Cedar Avenue EZ-87), for the period from October 16, 2000 to November 18, 2000, 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 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1768-2000.

By Councilman Jackson.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Lavell Acoff and Cory Wade)

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

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

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

Section 1. That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 5: Lavell Acoff and Cory Wade.

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

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

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 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1769-2000.

By Councilman Jones.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 1. (Cory Muhammad (Hargrove)).

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 1; and

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

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

Section 1. That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 1: Cory Muhammad (Hargrove).

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

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

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 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1770-2000.

By Councilman Jones.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 1. (Steven Muhammad (Hill)).

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 1; and

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

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

Section 1. That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 1: Steven Muhammad (Hill).

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

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

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 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1771-2000.

By Councilman Lewis.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Hough Area Partners in Progress (HAPP) for their building security services, in order to carry out the public purpose of supporting the operations of a neighborhood based community development organization through the use of Ward 7 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Hough Area Partners in Progress (HAPP) for their building security services, in order to carry out the public purpose of supporting the operations of a neighborhood based community development organization.

Section 2. That the cost of said contract shall be in an amount not to exceed \$8,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed October 9, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1777-2000.

By Councilman Johnson.

An emergency ordinance to amend Section 4 of Ordinance No. 2173-99, passed January 10, 2000, relating to apply for and accept federal funding and grants from the Federal Highway Administration and from the State of Ohio Department of Development for the Shaker Square Redevelopment Area for public infrastructure improvement; and to enter into one or more contracts for the expenditure of such funds; and to enter into a Local Project Administration agreement with the Ohio Department of Transportation.

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. 2173-99, passed January 10, 2000, is hereby amended to read as follows:

Section 4. That the Director of Public Service is hereby authorized to enter into a Local Project Admin-

istration ("LPA") agreement with the Ohio Department of Transportation to make public infrastructure improvements and to enter into one or more contracts for the expenditure of said grants and federal funding and \$52,010 from Fund No. 10 SF 166 for engineering and construction for the making of the public improvements with the lowest responsible bidder or engineer on a unit basis.

Section 2. That existing Section 4 of Ordinance No. 2173-99, passed January 10, 2000, is hereby repealed.

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

Passed October 9, 2000.

Awaiting the approval or disapproval of the Mayor.

COUNCIL COMMITTEE MEETINGS

Monday, October 16, 2000

City Planning Committee (Zoning): 1:30 p.m.—Present: Cimperman, Chairman; Jackson, O'Malley, Robinson, White. Excused: Rybka, Vice Chairman, Dolan.

Finance Committee: 2:00 p.m.—Present: Patmon, Chairman; Rybka, Vice Chairman; Cintron, Dolan, Lewis, O'Malley, Polensek, Robinson, Sweeney. Excused: Johnson, Melena.

Tuesday, October 17, 2000

Community & Economic Development Committee: 9:30 a.m.—Present: Melena, Chairman; Lewis, Vice Chairman; Brady, Jackson, Jones, Robinson, Willis. Excused: Cimperman, Cintron.

Legislation Committee: 1:30 p.m.—Present: Lewis, Chairman; Jones, Vice Chairman; Brady, Coats, Gordon, Westbrook. Excused: Johnson.

Wednesday, October 18, 2000

Public Safety Committee: 10:00 a.m.—Present: Polensek, Chairman; Patmon, Vice Chairman; Cimperman, Coats, Gordon, Jackson, Melena, Sweeney. Excused: Britt.

Mayor's Appointment Committee: 1:00 p.m.—Present: O'Malley, Chairman; Cimperman, Patmon, Sweeney. Excused: Britt.

Public Utilities Committee: 2:00 p.m.—Present: O'Malley, Chairman; Patmon, Vice Chairman; Coats, Melena, Polensek, Westbrook, Willis. Excused: Britt, Dolan.

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