

The City Record

Official Publication of the City of Cleveland

February the Ninth, 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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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL—LEGISLATIVE

President of Council—Michael D. Polensek

Ward	Name	Residence	
1	Joseph T. Jones	15601 Lotus Drive	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	1272 West Boulevard	44102
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
 Diane Downing, Senior Executive Assistant for Health and Human Services
 Barry Withers, Executive Assistant for Administration
 Kenneth Silliman, Executive Assistant for Development
 Reuben Sheperd, Executive Assistant for Services
 Nina Turner, Executive Assistant for Legislative Affairs
 Sharon Sobol Jordan, Interim 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 Brooks, Director, Room 104;
 Frank Badalamenti, Manager, Internal Audit
DIVISIONS – Accounts – Gayle Goodwin Smith, Commissioner, Room 19
 City Treasury – Algeron Walker, Treasurer, Room 115
 Assessments and Licenses – Robert J. Schneider, Commissioner, Room 122
 Purchases and Supplies – Myrana Branche, Commissioner, Room 128
 Printing and Reproduction – James D. Smith, Commissioner, 1735 Lakeside Avenue
 Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue
 Financial Reporting and Control – Robert Dolan, Controller, Room 18
 Information Systems Services – Joyce Thomas, Acting 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 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 – Susan E. Axelrod, Director, Room 122

COMMUNITY RELATIONS BOARD – Room 11, Dennis D. Dove, Director; Mayor Michael R. White, Chairman EX-Officio; Mary Adele Springman, Vice-Chairman; Council President Michael D. Polensek, Councilman Edward W. Rybka, 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 Martin L. Carmody, Jr., 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 Martin L. Carmody, Jr.; 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 Short, 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–Bailliff; Kenneth Thomas–Chief Probation Officer, Michelle L. Paris–Chief Magistrate

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

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WEDNESDAY, FEBRUARY 9, 2000

No. 4496

CITY COUNCIL

MONDAY, FEBRUARY 7, 2000

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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, Zone.
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, February 7, 2000.

The meeting of the Council was called to order, The President, Michael D. Polensek in the Chair.
Councilmen present: Britt, Cimperman, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Melena, O'Malley, Patmon, Polensek, Robinson, Sweeney, Westbrook, White, Willis.

Also present were Chief of Staff Zimomra and Directors Carter, Brooks, Konicek, Ricchiuto, Whitlow, Jackson, Hudecek, Patterson, Warren, Axelrod, Dove, and Morrison and Acting Directors Balraj and Szabo.

Absent: Mayor White and Directors Sheffield-McClain and Guzman.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Robin Miller, Pastor of Lee Heights Community Church, located at 4612 Lee Road in Ward 1. Pledge of Allegiance.

MOTION

On the motion of Councilman Cimperman, the reading of the minutes of the last meeting was dispensed with and the journal approved.

COMMUNICATIONS

File No. 148-2000.
From the Office of Equal Opportunity re: Certified MBEs and FBEs, Reporting Period: Fourth Quarter, 1999. Received.

File No. 149-2000.
From the Office of Equal Opportunity re: MBE/FBE deletions from OEO's database, Fourth Quarter, 1999. Received.

File No. 150-2000.

From the Office of Equal Opportunity re: Denials of Certification - Fourth Quarter, 1999. Received.

File No. 151-2000.

From the American Red Cross - Greater Cleveland Chapter re: 1998 - 1999 Annual Report. Received.

STATEMENT OF WORK ACCEPTED

File No. 152-2000.

From the Department of Public Utilities re: Contract No. 52944, Crown Water Works Expansion, Phase I completed and accepted January 10, 2000. Received.

File No. 153-2000.

From the Department of Public Utilities re: Contract No. 54514A, Utilicon Corporation, Cleaning and Lining 99-4, -5, -6, completed and accepted December 9, 1999. Received.

File No. 154-2000.

From the Department of Public Utilities re: Contract No. PI 52841A, Terrace Construction Co., Inc., Cleaning and Lining 99-4, -5, -6, completed and accepted December 7, 1999. Received.

File No. 155-2000.

From the Port Control Department re: Contract No. PI 51931, Rehabilitation of Taxiway J, for Phase 1-6, 9 and partial 7 and 8. Received.

File No. 156-2000.

From the Department of Public Utilities re: Contract No. 50722A, Perk Company completed and accepted June 9, 1998. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 157-2000—James Louis McDonald.

Res. No. 158-2000—William Edgar Redding.

CONGRATULATION RESOLUTION

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

Res. No. 159-2000—Elder Donnell L. Lipford.

RECOGNITION RESOLUTION

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

Res. No. 160-2000—African American Museum.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 2057-A-99 (as substitute for Ordinance No. 2057-99).

By Mayor White.

An emergency ordinance to amend Section 621.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1713-96, passed September 16, 1996, relating to assault.

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 621.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1713-96, passed September 16, 1996, is hereby amended to read as follows:

Section 621.03 Assault

(a) No person shall knowingly cause or attempt to cause physical harm to another.

(b) No person shall recklessly cause serious physical harm to another.

(c) Whoever violates this section is guilty of assault, a misdemeanor of the first degree.

(d) Notwithstanding the provisions of division (c) of this section, if the sentencing court determines that the victim of the offense was an official or employee of the Cleveland City School District or the City of Cleveland, a member of the City's Auxiliary Police Force, a school crossing guard or a volunteer working within a school building, whether public or private, or a City-owned recreation center and was performing his or her official duties at the time of the offense, the court shall set the offender's fine at \$1,000.00 and in addition to said fine shall sentence the offender to not less than sixty (60) days' and not more than six (6) months' imprisonment. The minimum fine and imprisonment to be imposed by the court pursuant to this division (d) are mandatory. The court shall not suspend all or any portion of said fines and imprisonment.

(e) Notwithstanding the provisions of division (c) of this section, if the sentencing court determines that the victim of the offense was a child between the ages of six and seventeen and was in attendance in a facility owned by the Cleveland City School District at the time of the offense, the court shall set the offender's fine at \$1,000.00 and, in addition to said fine, shall sentence

the offender to not less than sixty (60) days' and not more than six (6) months' imprisonment. The minimum fine and imprisonment to be imposed by the court pursuant to this division (e) are mandatory. The court shall not suspend all or any portion of said fines and imprisonment.

(f) This section does not apply where the offense constitutes a felony pursuant to Section 2903.13 of the Revised Code.

Section 2. That Section 621.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1713-96, passed September 16, 1996, 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.

Without objection, substitute agreed to. Ordinance No. 2057-99 Laid on the Table pursuant to the rules of Council.

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

Ord. No. 147-2000.

By Councilman Patmon (by departmental request).

An emergency ordinance to make appropriations for the current expenses and other expenditures of the City of Cleveland for the year 2000.

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 to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2000, the following sums be and they are hereby appropriated viz:

The sum of four hundred forty nine million eight hundred twenty eight thousand six hundred ninety six dollars (\$449,828,696) from the General Fund;

The sum of sixty two million five hundred forty thousand three hundred thirty two dollars (\$62,540,332) from the Special Revenue Funds;

The sum of Twenty four million nine hundred forty six thousand six hundred fifty two dollars (\$24,946,652) from the Internal Service Funds;

The sum of five hundred seventeen million two hundred nineteen thousand two hundred ninety nine dollars (\$517,219,299) from the Enterprise Funds;

The sum of six million nine hundred thirty five thousand two hundred fifty nine dollars (\$6,935,259) from the Trust and Agency Funds;

The sum of Forty three million nine hundred twenty five thousand forty six dollars (\$43,925,046) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified as File No. 147-2000-A in the aggregate amount for each department as follows:

APPROPRIATION FOR THE YEAR 2000

GENERAL FUND

Legislative Branch	\$5,141,744
Municipal Court	25,024,962
Executive Branch	
Office of the Mayor	1,621,893
Department of Public Safety	260,198,444
Community Relations Board	947,010
Department of Public Service	33,132,018
Department of Parks, Recreation & Properties	38,805,575
Boxing & Wrestling Commission	8,458
Urban Planning & Development	11,750,565
Department of Public Health	12,537,810
Department of Aging	298,328
Support Functions	35,251,975
Transfers to Other Funds	25,109,914
TOTAL EXECUTIVE BRANCH	\$419,661,990
TOTAL GENERAL FUND	\$449,828,696

Special Revenue Funds		62,540,332
Internal Service Funds		24,946,652
Enterprise Funds		517,219,299
Trust and Agency Funds		6,935,259
Debt Service Funds		43,925,046
TOTAL APPROPRIATIONS FOR 2000		\$1,105,395,284

GENERAL GOVERNMENT

LEGISLATIVE BRANCH

Council and Clerk of Council		\$5,141,744
I. Personnel and Related Expenses	\$3,380,244	
II. Other Expenses	1,761,500	
TOTAL LEGISLATIVE BRANCH	\$5,141,744	5,141,744

MUNICIPAL COURT

Municipal Court - Judicial Division		\$14,690,164
I. Personnel and Related Expenses	\$12,968,247	
II. Other Expenses	1,721,917	
Municipal Court - Housing Division		\$2,149,317
I. Personnel and Related Expenses	\$2,050,767	
II. Other Expenses	98,550	
Municipal Court - Clerk's Division		\$8,185,481
I. Personnel and Related Expenses	\$6,284,347	
II. Other Expenses	1,901,134	
TOTAL MUNICIPAL COURT	\$25,024,962	\$25,024,962

EXECUTIVE BRANCH

Office of the Mayor		\$1,621,893
I. Personnel and Related Expenses	\$1,369,347	
II. Other Expenses	252,546	
TOTAL EXECUTIVE BRANCH	\$1,621,893	\$1,621,893

DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$4,304,814
I. Personnel and Related Expenses	\$3,688,944	
II. Other Expenses	615,870	
Division of Police		\$162,577,491
I. Personnel and Related Expenses	\$151,806,803	
II. Other Expenses	10,770,688	
Division of Fire		\$72,119,563
I. Personnel and Related Expenses	\$68,999,275	
II. Other Expenses	3,120,288	
Division of Emergency Medical Services		\$16,687,550
I. Personnel and Related Expenses	\$15,510,594	
II. Other Expenses	1,176,956	
Division of Traffic Engineering		\$3,721,697
I. Personnel and Related Expenses	\$2,938,245	
II. Other Expenses	783,452	
Division of Dog Pound		\$787,329
I. Personnel and Related Expenses	\$684,745	
II. Other Expenses	102,584	
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$260,198,444	\$260,198,444

COMMUNITY RELATIONS BOARD

Community Relations Board		\$947,010
I. Personnel and Related Expenses	\$900,224	
II. Other Expenses	46,786	
TOTAL COMMUNITY RELATIONS BOARD	\$947,010	\$947,010

DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$403,381
I. Personnel and Related Expenses	\$384,670	
II. Other Expenses	18,711	
Division of Architecture		\$606,886
I. Personnel and Related Expenses	\$573,405	
II. Other Expenses	33,481	
Division of Waste Collection and Disposal		\$27,001,727
I. Personnel and Related Expenses	\$14,577,809	
II. Other Expenses	12,423,918	
Division of Engineering and Construction		\$5,120,024
I. Personnel and Related Expenses	\$4,725,692	
II. Other Expenses	394,332	
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$33,132,018	\$33,132,018

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$749,574
I. Personnel and Related Expenses	\$576,771	
II. Other Expenses	172,803	
Division of Research, Planning, and Development		\$720,630
I. Personnel and Related Expenses	\$641,482	
II. Other Expenses	79,148	
Division of Recreation		\$12,358,091
I. Personnel and Related Expenses	\$9,325,929	
II. Other Expenses	3,032,162	
Division of Parking Facilities-On Street		\$793,373
I. Personnel and Related Expenses	\$750,802	
II. Other Expenses	42,571	
Division of Property Management		\$11,019,890
I. Personnel and Related Expenses	\$8,740,130	
II. Other Expenses	2,279,760	
Division of Park Maintenance and Properties		\$13,164,017
I. Personnel and Related Expenses	\$9,500,710	
II. Other Expenses	3,663,307	
TOTAL PARKS, RECREATION, AND PROPERTIES	\$38,805,575	\$38,805,575

BOXING AND WRESTLING COMMISSION

Boxing and Wrestling Commission		\$8,458
I. Personnel and Related Expenses	\$8,458	
II. Other Expenses	—	
TOTAL BOXING AND WRESTLING COMMISSION	\$8,458	\$8,458

URBAN PLANNING AND DEVELOPMENT

DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Administrative Services		\$408,967
I. Personnel and Related Expenses	\$334,967	
II. Other Expenses	74,000	
Division of Building and Housing		\$6,957,412
I. Personnel and Related Expenses	\$6,494,782	
II. Other Expenses	462,630	
Director's Office		\$112,605
I. Personnel and Related Expenses	\$112,605	
Division of Neighborhood Development		\$447,004
I. Personnel and Related Expenses	\$247,004	
II. Other Expenses	200,000	
Division of Neighborhood Services		\$79,763
I. Personnel and Related Expenses	\$79,763	
TOTAL COMMUNITY DEVELOPMENT	\$8,005,751	\$8,005,751

REGULATORY BOARDS AND COMMISSIONS

Landmarks Commission		\$103,905
I. Personnel and Related Expenses	\$96,454	
II. Other Expenses	7,451	
Board of Building Standards and Appeals		\$89,305
I. Personnel and Related Expenses	\$81,958	
II. Other Expenses	7,347	
Board of Zoning Appeals		\$250,819
I. Personnel and Related Expenses	\$237,551	
II. Other Expenses	13,268	
Board of Examiners of Plumbers and Electricians		\$99,670
I. Personnel and Related Expenses	\$96,215	
II. Other Expenses	3,455	
Fair Campaign Finance Commission		\$9,852
II. Other Expenses	9,852	
Total Regulatory Boards	\$553,551	\$553,551

DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$1,230,487
I. Personnel and Related Expenses	\$1,142,926	
II. Other Expenses	87,561	
Total Department of Economic Development	\$1,230,487	\$1,230,487
Office of Equal Opportunity		\$604,489
I. Personnel and Related Expenses	\$558,581	
II. Other Expenses	45,908	
City Planning Commission		\$1,301,287
I. Personnel and Related Expenses	1,249,942	
II. Other Expenses	51,345	
Division of Harbors		\$55,000
I. Personnel and Related Expenses	55,000	
II. Other Expenses	—	
TOTAL URBAN PLANNING AND DEVELOPMENT	\$11,750,565	\$11,750,565

DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$924,944
I. Personnel and Related Expenses	\$831,876	
II. Other Expenses	93,068	
Division of Correction		\$5,743,120
I. Personnel and Related Expenses	\$4,590,668	
II. Other Expenses	1,152,452	
Division of Health		\$3,356,041
I. Personnel and Related Expenses	\$2,485,003	
II. Other Expenses	871,038	
Division of Environment		\$2,513,705
I. Personnel and Related Expenses	\$2,214,818	
II. Other Expenses	298,887	
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$12,537,810	\$12,537,810

DEPARTMENT OF AGING

DEPARTMENT OF AGING		\$298,328
I. Personnel and Related Expenses	\$230,490	
II. Other Expenses	67,838	
TOTAL DEPARTMENT OF AGING	\$298,328	\$298,328

SUPPORT FUNCTIONS

FINANCIAL AND LEGAL ADMINISTRATION

DEPARTMENT OF FINANCE

Finance Administration		\$384,963
I. Personnel and Related Expenses	\$352,256	
II. Other Expenses	32,707	
Division of Accounts		\$1,224,421
I. Personnel and Related Expenses	\$821,183	
II. Other Expenses	403,238	
Division of Assessments and Licenses		\$1,152,534
I. Personnel and Related Expenses	\$964,201	
II. Other Expenses	188,333	
Division of Treasury		\$504,896
I. Personnel and Related Expenses	\$432,485	
II. Other Expenses	72,411	
Division of Purchases and Supplies		\$731,320
I. Personnel and Related Expenses	\$638,666	
II. Other Expenses	92,654	
Bureau of Internal Audit		\$597,909
I. Personnel and Related Expenses	\$368,336	
II. Other Expenses	229,573	
Division of Financial Reporting and Control		\$1,407,899
I. Personnel and Related Expenses	\$974,943	
II. Other Expenses	432,956	
TOTAL DEPARTMENT OF FINANCE	\$6,003,942	\$6,003,942
Office of Budget & Management-Budget Admin.		\$530,355
I. Personnel and Related Expenses	\$489,528	
II. Other Expenses	40,827	
Department Law		\$8,555,564
I. Personnel and Related Expenses	\$6,151,814	
II. Other Expenses	2,403,750	
TOTAL FINANCE AND LEGAL ADMINISTRATION	\$15,089,861	\$15,089,861

PERSONNEL ADMINISTRATION

Office of Personnel		\$1,671,146
I. Personnel and Related Expenses	\$1,177,304	
II. Other Expenses	493,842	
Civil Service Commission		\$1,226,351
I. Personnel and Related Expenses	\$647,105	
II. Other Expenses	579,246	
TOTAL PERSONNEL ADMINISTRATION	\$2,897,497	\$2,897,497

NONDEPARTMENTAL

County Auditor Deductions		\$1,117,000
II. Other Expenses	\$1,117,000	
OTHER ADMINISTRATIVE		\$16,147,617
II. Other Expenses	\$16,147,617	
TOTAL NONDEPARTMENTAL	\$17,264,617	\$17,264,617
TOTAL SUPPORT FUNCTIONS	\$35,251,975	\$35,251,975
TRANSFERS TO OTHER FUNDS		\$25,109,914
II. Other Expenses	\$25,109,914	
TOTAL GENERAL FUND	\$44,9828,696	\$449,828,696

SPECIAL REVENUE FUND

Restricted Income Tax Fund		\$35,500,000
I. Capital	\$23,000,000	
II. Debt Service	12,500,000	
Street Construction, Maintenance & Repair Fund		\$25,040,332
I. Personnel and Related Expenses	\$14,201,374	
II. Other Expenses	10,838,958	
Schools Recreation & Cultural Activities Fund		\$2,000,000
II. Other Expenses	\$2,000,000	
TOTAL SPECIAL REVENUE FUNDS	\$62,540,332	\$62,540,332

INTERNAL SERVICE FUND

Information Systems Services-Telephone Exchange		\$3,931,253
I. Personnel and Related Expenses	\$397,071	
II. Other Expenses	3534,182	
Information Systems Services		\$2,463,319
I. Personnel and Related Expenses	\$1,620,154	
II. Other Expenses	843,165	
Division of Motor Vehicle Maintenance		\$16,567,457
I. Personnel and Related Expenses	\$5,145,051	
II. Other Expenses	11,422,406	
Division of Printing and Reproduction		\$1,228,845
I. Personnel and Related Expenses	\$584,040	
II. Other Expenses	644,805	
City Storeroom and Central Warehouse		\$755,778
I. Personnel and Related Expenses	\$58,351	
II. Other Expenses	697,427	
TOTAL INTERNAL SERVICE FUNDS	\$24,946,652	\$24,946,652

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$1,070,000
I. Personnel and Related Expenses	\$801,000	
II. Other Expenses	269,000	
Radio		\$1,978,250
I. Personnel and Related Expenses	\$37,135	
II. Other Expenses	1,941,115	
Division of Fiscal Control		\$1,820,000
I. Personnel and Related Expenses	\$1,664,000	
II. Other Expenses	156,000	
Division of Water		\$229,536,000
I. Personnel and Related Expenses	\$66,103,000	
II. Other Expenses	163,433,000	
Division of Water Pollution Control		\$21,804,656
I. Personnel and Related Expenses	\$7,651,632	
II. Other Expenses	14,153,024	
Division of Cleveland Public Power		\$141,527,000
I. Personnel and Related Expenses	\$24,571,000	
II. Other Expenses	116,956,000	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$397,735,906	\$397,735,906

DEPARTMENT OF PORT CONTROL

Divisions of Cleveland Hopkins & Burke Lakefront		
Airports - Operations		\$98,069,551
I. Personnel and Related Expenses	\$20,330,027	
II. Other Expenses	77,739,524	
Airport Development Fund		\$60,000
II. Other Expenses	\$60,000	
TOTAL DEPARTMENT OF PORT CONTROL	\$98,129,551	\$98,129,551

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		
I. Personnel and Related Expenses	\$1,618,566	\$2,164,049
II. Other Expenses	545,483	
Golf Course Fund		
I. Personnel and Related Expenses	\$995,574	\$2,459,043
II. Other Expenses	1,463,469	
Division of Parking Facilities-Off Street Parking		
I. Personnel and Related Expenses	\$862,506	\$8,220,290
II. Other Expenses	7,357,784	
Division of Convention Center & Stadium-Convention Center		
I. Personnel and Related Expenses	\$2,063,860	\$7,311,727
II. Other Expenses	5,247,867	
Division of Convention Center & Stadium-Market		
I. Personnel and Related Expenses	\$372,753	\$1,103,045
II. Other Expenses	730,292	
Division of Property Management - East Side Market		
I. Personnel and Related Expenses	\$53,628	\$95,688
II. Other Expenses	42,060	
TOTAL PARKS, RECREATION, & PROPERTIES	\$21,353,842	\$21,353,842
TOTAL ENTERPRISE FUNDS	\$517,219,299	\$517,219,299

AGENCY FUND

Central Collection Agency		
I. Personnel and Related Expenses	\$4,301,824	\$6,935,259
II. Other Expenses	2,633,435	
TOTAL AGENCY FUND	\$6,935,259	\$6,935,259

DEBT SERVICE FUND

Sinking Fund Commission		
I. Personnel and Related Expenses	\$85,714	\$43,925,046
II. Other Expenses	390,750	
III. Debt Service	434,48,582	
TOTAL DEBT SERVICE FUNDS	\$43,925,046	\$43,925,046

Section 2. That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate File No. 147-2000-A, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in said detail. Any unencumbered balance in an appropriation fund at the close of the year 1999 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 2000 or prior years. The Mayor's Estimate File No. 147-2000-A, as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 2000 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. - Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

Section 3. That the Commissioner of Accounts is hereby authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

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 upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

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

Ord. No. 161-2000.**By Mayor White.**

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 121.09 thereof relating to the prohibition of the promotion of elected officials.

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 121.09 thereof to read as follows:

Section 121.09 Promotion of Elected Officials Prohibited

The name of any current elected official shall not appear on any signs, printed material, or promotional materials paid for by the City, except that the name of the current elected official may appear in the text portion of letters, memoranda and other printed materials, but may not appear standing alone.

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 Director of Law; Committee on Legislation.

Ord. No. 162-2000.**By Mayor White.**

An emergency ordinance to repeal Sections 665.01 through 665.12 and 665.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances; to supplement said ordinances by enacting new Sections 665.01 through 665.20 and 665.99 thereof, relating to fair housing; to repeal Section 667.01 of said Codified Ordinances, as amended by Ordinance No. 77-94, passed March 14, 1994; and to supplement said ordinances by enacting new Sections 667.01, 667.011, 667.012 and 667.013, relating to unlawful discriminatory conduct.

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

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

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

Sections 665.01, 665.02, 665.03, 665.04, as amended by Ordinance No. 90-96, passed March 18, 1996,

Section 665.05, as enacted by Ordinance No. 2783-87, passed January 11, 1988,

Sections 665.06, 665.07, 665.08, 665.09, as amended by Ordinance No. 90-96, passed March 18, 1996,

Sections 665.10, 665.11, as enacted by Ordinance No. 2783-87, passed January 11, 1988,

Section 665.12, as amended by Ordinance No. 90-96, passed March 18, 1996, and

Section 665.99, as enacted by Ordinance No. 2783-87, passed January 11, 1988,

are hereby repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 665.01 through 665.20 and 665.99 thereof, to read, respectively, as follows:

**CHAPTER 665
FAIR HOUSING****Section 665.01 Purpose**

It is hereby declared to be the purpose of this chapter to provide, within constitutional limitations, fair housing throughout the City of Cleveland (hereinafter, the City), to assure that all persons have full and equal opportunity to consider all available housing for themselves and their families within the City without discrimination based on race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, and to promote a stable, racially integrated community.

Section 665.02 Definitions

As used herein —

(a) "Aggrieved person" includes any person who

(1) claims to have been injured by a discriminatory housing practice; or

(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

(b) "Community Relations Board" has the same meaning as in Chapter 157.

(c) "Covered multi-family dwellings" means buildings consisting of four or more units, if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.

(d) "Disability"

(1) means, with respect to a person:

A. a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self such as: performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and/or working;

B. a record of a physical or mental impairment; or

C. being regarded as having a physical or mental impairment.

(2) does not include current, illegal use of, or addiction to, a controlled substance, as defined in 21 U.S.C. Section 802.

(e) "Discrimination Review Committee" means the Committee of the Community Relations Board established by Section 665.051.

(f) "Executive Director" means the Executive Director of the Community Relations Board.

(g) "Familial status" refers to the status of

(1) one or more individuals (who have not attained the age of eighteen years) being domiciled with:

A. a parent or another person having legal custody of such individual or individuals; or

B. the designee of such parent or other person having such custody, with the written permission of such parent or other persons.

(2) any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(h) "Housing for older persons" means

(1) housing provided under any State or Federal program that the Secretary of the United States Department of Housing and Urban Development (hereafter HUD) determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program);

(2) housing intended for, and solely occupied by, persons 62 years of age or older; or

(3) housing intended and operated for occupancy by at least one person 55 years or older per unit. The determination as to whether housing qualifies as housing for older persons under this subsection shall be consistent with regulations promulgated by the Secretary of HUD, providing at least the following factors are present:

A. the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

B. that at least eighty percent (80%) of the units are occupied by at least one person 55 years of age or older per unit; and

C. the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(4) Housing shall not fail to meet the requirements for housing for older persons by reason of:

A. there being persons residing in such housing as of the date of enactment of the Fair Housing Act of 1988 who do not meet the age requirements of subsection (i)(2) or (3); provided that the new occupants of such housing meet the age requirements of subsection (i)(2) or (3); or

B. there being unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of subsection (i)(2) or (3).

(i) "Lending institution" means any bank, savings and loan association, insurance company, or other organization or person regularly engaged in the business of lending money, guaranteeing loans for profit, or otherwise providing financial assistance or insurance in connection with the purchase, sale or rental of dwellings.

(j) "Person" means one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, appraiser, agent, employee, and lending institution.

(k) "Property", as used herein, means any building, structure, facility or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied:

(1) as the residence, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not living independently of each other, and includes any

housing accommodations held or offered for sale or rent by a real estate broker, salesman, or agent, or by any other person pursuant to authorization of the owner, by the owner, or by such person's legal representative;

(2) for the purpose of operating a business, an office, a manufactory or public accommodation; or

(3) any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, facility, business concern or public accommodation.

(l) "Protected group" or "protected class" refers to persons who are or may be discriminated against on the basis of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry.

(m) "Purchase" means to obtain property through sale.

(n) "Real estate broker" means a real estate agent or salesperson, or a limited real estate broker or salesperson as defined in Section 4735.01 of the Revised Code.

(o) "Rent" or "rental" means to lease, sublease, assign or otherwise grant or obtain the right to occupy property not owned by the occupant in return for consideration, or a contract or option to do any of the foregoing.

(p) "Sale or sell" means to convey, exchange, transfer or assign legal or equitable title to, or beneficial interest in, property in return for consideration, or a contract or option to do any of the foregoing.

(q) "Sexual orientation" means a person's actual or perceived homosexuality, bisexuality or heterosexuality, by orientation or practice.

(r) "Solicitation" or "solicit" means the mailing or delivery of any printed matter or any oral communication either in person or by telephone to the owner or occupant of property by any real estate broker, agent, sales representative or other person for any of the following purposes:

(1) advertising the accomplishments and/or abilities of the real estate broker, agent, sales representative or other person to sell or rent property;

(2) requesting or suggesting that the owner or occupant list his property for sale or rent; or

(3) offering to purchase or rent the owner's property.

(s) "Unlawful discriminatory housing practices" means any act prohibited by Section 665.03, but shall not include special outreach efforts conducted by, or under the authority of units of local government (including agencies, departments and commissioners thereof) or non-profit fair housing corporations or agencies to administer the programs and activities relating to housing and urban development in a manner which affirmatively furthers the policies of this chapter.

(t) "Watch area" means an area of the City designated by the Community Relations Board exhibiting certain conditions of change which have historically led to panic selling, racial change and/or incidents with considerations of the factors listed in division (b) of Section 665.16.

Section 665.03 Unlawful Discriminatory Housing Practices

It shall be an unlawful discriminatory housing practice for any person to:

(a) refuse to sell, transfer, assign, rent, lease, sublease, finance, or negotiate after the making of a bona fide offer, or otherwise deny or make unavailable, because of membership in a protected class, a property to any person;

(b) represent to any person, because of membership in a protected class, that a property is not available for sale, rental, inspection, purchase, transfer, assignment, lease or sublease when, in fact, it is available;

(c) discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, if such person's business includes engaging in residential real estate-related transactions, because of race, color, religion, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry. As used in this section, the term "residential real estate-related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

A. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

B. secured by residential real estate.

(2) The selling, brokering or appraising of real property;

(d) discriminate against any person in the terms or conditions of selling, renting, transferring, assigning, brokering, leasing or subleasing any property, or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any property because of membership in a protected class or because of the racial composition or presence of any other protected groups in the area in which the dwelling is located;

(e) discriminate against any person in the provision of property and casualty, including but not limited to, fire, extended coverage, renter's or homeowner's insurance ("insurance") or insurance related services because of membership in a protected class of a current or prospective purchaser, renter, or occupant, or of other residents in the area or community, by any one or more of the following practices:

(1) making insurance or insurance related services unavailable or making them available on different terms or conditions;

(2) refusing to sell or renew or by cancelling insurance or an insurance policy;

(3) varying the terms or conditions under which an insurance policy or insurance related services is available;

(4) establishing different qualifications, requirements or standards for making insurance or insurance related services available;

(5) offering different services, facilities or privileges in the provision of insurance or insurance related services;

(6) discouraging potential applicants from applying for insurance, including not but limited to utilizing different sales and marketing

practices, except as provided in Section 665.02(s);

(7) evaluating, settling, or paying insurance claims;

(f) refuse to consider the combined income of both husband and wife for the purpose of extending mortgage credit to a married couple or either member thereof;

(g) print, publish or circulate, or cause to be printed, published or circulated, any statement or advertisement, or make or cause to be made any written or oral statement, relating to the sale, transfer, assignment, rental, lease, sublease or acquisition of any property or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of a property, which indicates any preference, limitation, specification or discrimination based upon protected group membership, or an intention to make any such preference, limitation, specification or discrimination;

(h) include in any sale, transfer, rental, lease or sublease of a property any restrictive covenant based on protected group membership, or honor or exercise, or attempt to honor or exercise any such restrictive covenant;

(i) induce or solicit or attempt to induce or solicit including, but not limited to a property listing, sale, rental or transaction by representing that a change has occurred or may occur with respect to the protected class or classes of the area in which the property is located, or induce or solicit or attempt to induce or solicit such listing, sale, or transaction by representing that the actual or anticipated presence of persons of any protected class in the area will or may have results such as:

(1) the lowering of property values;

(2) a change in the composition of the area in which the property is located based upon a protected class or classes;

(3) an increase in criminal or anti-social behavior in the area;

(4) a decline in the quality of the schools serving the area.

(j) coerce, injure, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this section;

(k) discriminate against any person because of protected group status in appraising the value of any property in connection with the sale, brokering or rental or because of the composition of the area based upon protected class or classes;

(l) deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' association or other service association or facility relating to the business of selling or renting housing accommodations or commercial property, or to discriminate against any person in the terms or conditions of such access, membership or participation, on account of membership in a protected class;

(m) refuse to permit, at the expense of a disabled person, reasonable modifications to existing premises occupied or to be occupied

by such person, if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, a landlord may — where it is reasonable to do so — condition his or her consent to a modification on a renter's agreement, which can include the establishment of an escrow account, to restore the interior of the premises to the condition that existed prior to the modification, reasonable wear and tear excepted;

(n) refuse to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling including associated public and common use areas;

(o) construct covered multi-family dwellings that do not provide for accessibility and usability for physically disabled persons in compliance with 42 USC §3604(f)(3)(c);

(p) discriminate in any manner against any other person because that person has opposed any unlawful practice defined in this section, or because that person has made a charge, testified, assisted or participated in any manner in any investigation, proceeding or hearing under Sections 4112.01 to 4112.07 of the Revised Code;

(q) aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, or obstruct or prevent any person from complying with Sections 4112.01 to 4112.11 of the Revised Code, 42 USC §3601 et seq., or any order issued pursuant thereto, or attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice. (ORC 4112.02 (H), (I), (J)).

Section 665.04 Exemptions

The provisions of this chapter shall not be construed to:

(a) prohibit a religious or denominational institution, organization, society or association or any non-profit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin, nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members;

(b) require any person selling or renting property to modify such property in any way at his or her expense, provided that such person does not refuse to permit reasonable modifications by a disabled person, which are necessary for that person to fully enjoy the premises in which he or she resides, when such modifications are made at the expense of the disabled person, which permission may be reasonably based on the

disabled person's promise, pursuant to division (o) of Section 665.03, to restore the premises to the condition in which it previously existed before granting permission for such modification, nor shall this chapter be construed to relieve any disabled person of any obligation generally imposed on all persons, regardless of disability, in a written lease, rental agreement or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of the lease, agreement or contract, so long as such distinctions are not based on the disability, or on the landlord's refusal to make reasonable modifications in the lease, agreement or contract conditions for the purpose of denying a disabled person equal opportunity to the use and enjoyment of the premises. (ORC 4112.02 (K), (N));

(c) prohibit the restriction of a sale or rental of a property on the basis of disability when such a property is authorized, approved, financed or subsidized, in whole or in part, for the benefit of disabled persons by a unit of the local, state or federal government, so long as such restrictions do not discriminate against an otherwise qualified disabled person;

(d) require that a property be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;

(e) prohibit the application of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a property;

(f) with regard to familial status, apply to properties provided under any state or federal program provided that HUD has determined that such program or housing is exempt, which determination shall be conclusive, or to housing for older persons;

(g) prohibit a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than membership in a protected class.

Section 665.05 Community Relations Board; Powers; Duties; Responsibilities

The Community Relations Board shall have the responsibility to administer the provisions of this chapter and to adjudicate complaints alleging violations of any section. The Community Relations Board shall have and may exercise the following powers to implement the purposes of this chapter:

(a) to hold adjudicative hearings, make findings of fact, issue orders, enforce such orders and seek judicial and/or administrative relief with respect to any such complaints in accordance with the provisions of this chapter;

(b) to subpoena witnesses, compel their attendance, administer oaths, take sworn testimony and, in connection therewith, to require the production for examination of any documents relating to any matter under investigation or in question before the Community Relations Board, and enforce such powers by proper petition to any court of competent jurisdiction;

(c) to adopt such rules and regulations as the Community Relations Board may deem necessary or desirable for the conduct of its business and to carry out the purposes of this chapter;

(d) to do such other acts as are necessary and proper to perform those duties with which the Community Relations Board is charged under this chapter, including the provision of referral services for the community;

(e) to collect, analyze and study the results of investigations made under this chapter and report to the Mayor and City Council on or before January 31 of each calendar year on the working of this chapter for the purpose of advising on and recommending amendments to this chapter;

(f) to conduct a continuing program of education and community organization throughout the City;

(g) to initiate an investigation without the filing of an official complaint, provided a majority of the Community Relations Board elects to proceed based upon reasonable cause to believe that violations of this chapter are occurring or have occurred. The Community Relations Board shall have the same powers following this initiated investigation as it has with an investigation based on the filing of a complaint;

(h) to enter into cooperative agreements with other governmental agencies to effectuate the purposes of this chapter;

(i) to refer persons allegedly aggrieved by unlawful discriminatory housing practices to the Ohio Civil Rights Commission or other governmental or private agencies, as appropriate.

Section 665.051 Discrimination Review Committee; Duties; Responsibilities

(a) There is hereby created a Discrimination Review Committee which shall consist of five members of the Community Relations Board designated by the Mayor. The Mayor shall further designate one of the Committee members to serve as chairperson. No person shall be appointed to the Discrimination Review Committee who has any interest in any firm, association, company or corporation engaged in the sale or rental of real estate in the City of Cleveland.

(b) The Discrimination Review Committee shall have the responsibility to hear cases brought before the Community Relations Board and such other duties as may be set forth in this Chapter. The Discrimination Review Committee shall make recommendations as to findings of fact, as to whether the Respondent has violated Section 665.03, and as to remedial actions that may be appropriate under Section 665.12.

(c) The Community Relations Board shall promulgate appropriate rules and regulations for the operation of the Discrimination Review Committee.

Section 665.06 Complaints

(a) Any aggrieved person may allege that a violation of Section 665.03 has occurred by filing with the Community Relations Board, within one hundred eighty (180) days of the alleged violation, a sworn, written complaint setting

forth his or her grievance. The complaint shall state the name and address of the aggrieved party (hereinafter the "complainant"), the name and address of the person(s) alleged to have committed a violation of Section 665.03 (hereinafter the "respondent"), a description and address of the property involved in the discriminatory incident and the particular facts thereof and such other information as may be required by the Board. A complaint may be amended at any time prior to the hearing conducted pursuant to Section 665.09, and thereafter only with permission of the Community Relations Board. Upon the filing of a complaint, the Community Relations Board shall acknowledge the receipt of the complaint and serve notice thereof to the complainant, which notice shall also contain information as to the time limits, notice of procedural rights and obligations and choice of forum provided in this chapter.

(b) Within ten (10) days after a complaint has been received by the Community Relations Board, it shall serve or cause to be served, in person or by certified mail, a copy of the complaint on the respondent alleged to have committed a violation of Section 665.03. Along with the service of the complaint, the Community Relations Board shall advise the respondent, in writing, of his or her procedural rights and obligations under this chapter. The respondent may file a written verified answer to the complaint with the Community Relations Board within ten (10) days after receipt of notice of said complaint, and thereafter only with permission of the Community Relations Board.

(c) The Mayor, with the advice of the Executive Director of the Community Relations Board, may appoint a Fair Housing Administrator of the Community Relations Board. The Administrator shall have such duties and responsibilities as may be provided by the Community Relations Board, including, but not limited to, receipt and processing of complaints on behalf of the Community Relations Board.

Section 665.07 Investigation of Complaints

(a) Investigations shall be commenced within thirty (30) days after a complaint has been received. Conciliation, pursuant to Section 665.08, shall be attempted beginning with the filing of the complaint and ending with the filing of a charge or a dismissal of the complaint. If conciliation has failed and the investigation has been completed, the Discrimination Review Committee shall determine that:

(1) there are reasonable grounds to believe that a violation of Section 665.03 has occurred, in which case the Fair Housing Administrator shall issue a charge stating the facts forming the basis for the finding of reasonable grounds to believe discrimination occurred or is about to occur under Section 665.03. The Fair Housing Administrator shall then forward the complaint to the Community Relations Board for a hearing, pursuant to Section 665.09; or

(2) there are no reasonable grounds to believe that a violation of Section 665.03 has occurred, in which case the Fair Housing Admin-

istrator shall prepare and issue a written notice of dismissal, within five (5) days of the finding of no reasonable grounds, by serving a copy of the notice of dismissal by certified mail on the parties. The notice of dismissal shall advise the complainant of his or her right of appeal under this section. Within fourteen (14) days of receipt of notice of dismissal, the complainant may request, in writing, reconsideration by the Discrimination Review Committee of the dismissal. By a majority vote, the Discrimination Review Committee may affirm or reverse the dismissal. If the Discrimination Review Committee reverses, it shall refer the complaint to the Fair Housing Administrator for conciliation and other actions consistent with this chapter.

(b) The Community Relations Board shall complete the investigation within one hundred (100) days after receipt of the complaint, unless impracticable, in which case the Community Relations Board shall inform, in writing, the complainant and the respondent of the reasons why the investigation cannot be completed within the time prescribed.

(c) The Community Relations Board may be assisted in the investigation by a fair housing agency or other organization or person under contract with the City. Upon request of the Community Relations Board, the Executive Director of the Community Relations Board may assign employees of the Community Relations Board to assist in the investigation.

Section 665.08 Conciliation Process

(a) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Community Relations Board, the Community Relations Board shall, to the extent feasible, engage in conciliation with respect to such complaint. As appropriate, the Administrator shall:

(1) notify the complainant and respondent of the time, place and date of the conciliation conference at least ten (10) days prior thereto, and both parties shall appear at the conciliation conference in person or by attorney; and

(2) attempt to resolve the complaint by methods of conference, conciliation and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during such conferences shall be made public unless the parties agree thereto in writing. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, subject to approval by the Community Relations Board. The terms of the conciliation agreement shall be made public, unless the complainant and the respondent agree otherwise and the Community Relations Board determines that disclosure is not required to further the purposes of this chapter.

(b) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

Section 665.09 Hearings

(a) Within thirty (30) days after the complaint is received by the Community Relations Board pursuant to division (a)(1) of Section 665.07, the Discrimination Review Committee shall, upon due and reasonable notice to all parties, hold a hearing on the complaint. Parties to the hearing shall be the complainant and respondent and such other persons as the Community Relations Board may deem appropriate. The hearing shall be open to the public. At the time it determines to hold such hearing, the Community Relations Board shall serve upon the respondent a summons requiring the attendance of named persons and the production of relevant documents and records.

(b) At any time prior to the conclusion of the hearing, the parties may request the Community Relations Board to issue subpoenas for individuals or documents in the Community Relations Board's name. Failure to comply with a summons or subpoena shall constitute a violation of this chapter. The parties may appear before such Board in person or by duly authorized representative and may be represented by legal counsel. The parties shall have the right to present witnesses and to cross-examine witnesses, and all testimony and evidence shall be given under oath or by affirmation.

(c) If a charge is issued pursuant to Section 665.07 (a)(1), either the complainant or the respondent, in lieu of participating in the administrative hearing process, as outlined in this Section 665.09, may elect to have the case heard in a civil action. Such civil action shall be maintained on behalf of the aggrieved person at the expense of the Community Relations Board. Such election must be made within twenty (20) days after the receipt of the charge.

Section 665.10 Hearing Decisions

(a) Within thirty (30) days of the close of the hearing, the Discrimination Review Committee shall deliver its recommendations to the Community Relations Board. The Community Relations Board shall have thirty (30) days to adopt, reject or amend the recommendations of the Discrimination Review Committee. The Community Relations Board's decision shall be rendered in the form of a written order which shall include findings of fact and a statement as to whether the respondent has violated Section 665.03 and such remedial actions as the Community Relations Board may order pursuant to Section 665.13. The order shall be served upon the parties by certified mail within fifteen (15) days of the date of the decision. The order shall be available for public inspection, and a copy shall be provided to any person upon request and payment of reproduction costs.

(b) If the Discrimination Review Committee is unable to make a recommendation to the Community Relations Board within the prescribed time frame in section (a), the Administrator shall notify the Community Relations Board, the complainant and the respondent in writing of the reasons for not doing so.

Section 665.11 Injunctive Relief

At any time after the filing of a complaint referred to in Section 665.07, the Community Relations Board may request the City's Director of Law to petition the appropriate court for temporary or preliminary relief pending final determination of the proceedings under this chapter, or as otherwise necessary to carry out the purposes of this chapter, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual any order or action by the Community Relations Board.

Section 665.12 Remedial Actions

(a) If the Community Relations Board finds that the respondent has not violated Section 665.03, its order under Section 665.10 shall dismiss the complaint.

(b) If the Community Relations Board finds that the respondent has violated Section 665.03, its order under Section 665.10 shall provide for the taking of such remedial action, as it deems appropriate, which may include but not be limited to:

(1) directing the respondent to cease and desist from violations of Section 665.03 and to take such affirmative steps as necessary to effectuate the purposes of this chapter;

(2) initiating, at the Community Relations Board's expense, an appropriate court action for the enforcement of Section 665.03, and for such other or further relief as the court may deem appropriate including, but not limited to, injunctive relief, compensatory damages, punitive damages to the complainant and/or attorneys' fees and costs incurred by the complainant and/or the Community Relations Board and/or the City; such court action shall be required in the event the respondent does not voluntarily comply with remedial actions ordered by the Community Relations Board;

(3) initiating proceedings based upon violation of federal or state law and/or regulations;

(4) initiating proceedings with any contracting agency, in the case of any violation of Section 665.03 by respondent in the course of performing under a contract or sub-contract with the State or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, for the purpose of terminating such contract or any portion thereof, or obtaining other relief;

(5) initiating proceedings with the State of Ohio, where applicable, to revoke, suspend or refuse to renew the license of any person found to have violated any provision of Section 665.03;

(6) directing the respondent to reimburse the complainant and/or the City, as applicable, for his or her actual and reasonable expenses incurred and to be incurred as a result of each violation found including, but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection with the purchase or rental of a dwelling for alternative accommodations, and reasonable attorneys' fees and costs;

(7) directing the respondent to reimburse the City for its actual reasonable direct expenses incurred and to be incurred as a result of

each violation found including reasonable attorneys' fees and costs.

(8) assessing compensatory damages, as appropriate, or arrange to have adjudicated in court, at the Community Relations Board's expense, the award of compensatory damages against the respondent.

(9) assessing civil penalties, as appropriate, or arranging to have adjudicated in court at the Community Relations Board's expense, the award of punitive damages against the respondent. For purposes of this chapter, civil penalties are defined as penalties assessed against the respondent to vindicate the public interest in an amount:

A. not exceeding \$50,000 for a first violation; and

B. not exceeding \$100,000 for any subsequent violation.

(10) such other further relief as the Community Relations Board may deem appropriate for enforcement of Section 665.03.

(c) The Community Relations Board shall make a final administrative disposition of a complaint within one (1) year after the complaint has been filed, unless it is impracticable to do so, in which case the complainant and respondent shall be notified, in writing, of the reasons why disposition of the complaint cannot be made within the time prescribed.

(d) Nothing herein shall be construed to prevent the City, at its own expense, from initiating appropriate court action on behalf of the complainant in order to enforce the provisions of this chapter.

(e) The complainant and the respondent shall have the right to appeal an adverse final determination by the Board to the Cuyahoga County Common Pleas Court pursuant to Chapter 2506 of the Revised Code, or in such other forum or court of competent jurisdiction as provided by law.

Section 665.13 Judicial Relief

The City, the complainant, or any person aggrieved by a violation of any provision of this chapter may at any time within one (1) year from the date of the alleged violation and in lieu of proceeding with the administrative process set forth in this chapter, apply to any court of competent jurisdiction for appropriate relief including, but not limited to:

(a) injunctive relief or an order otherwise compelling compliance with this chapter;

(b) compensatory damages and/or punitive damages;

(c) reasonable attorneys' fees and costs to complainant and/or the City as applicable; and/or

(d) such other or further relief as is appropriate for the enforcement of this ordinance and elimination of violations thereof.

Section 665.14 Intimidation or Interference in Housing

No person, whether or not acting under color of law, shall by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with any of the following:

(a) any person because of race, religion, color, sex, sexual orientation, national origin, age, disability, or ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry and

because that person is or has been selling, purchasing, renting, financing, occupying, contracting, or negotiating for the sale, purchase, rental, financing, or occupation of any property; or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations;

(b) any person because that person is, or has been, or is considering:

(1) participating, without discrimination on account of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, in any of the activities, services, organizations or facilities described in division (a)(1) of this section;

(2) affording another person or class of persons opportunity or protection so to participate;

(c) any person because that person is, or is considering lawfully aiding or encouraging other persons to participate, without discrimination on account of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, in any of the activities, services, organizations or facilities described in division (a)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

Section 665.15 Watch Area Designation

(a) Upon consideration of the factors listed in division (5) of Section 665.16, the Community Relations Board may designate, by a simple majority, any area of the City as a "watch area". A watch area designation shall signify that the area is sensitive to change and that real estate brokers, agents, salespersons or other persons who are licensed or required to be licensed pursuant to Chapter 4735 of the Revised Code are advised to solicit the area only with due caution. Whenever an area of the City is designated as a watch area, the Community Relations Board shall monitor the situation and actively work towards eliminating or reducing the factors that caused the area to be designated as a watch area. In any area designated as a watch area, the Community Relations Board may seek a voluntary real estate solicitation moratorium for such length of time as appropriate, but only if such voluntary moratorium is warranted in the opinion of the Community Relations Board by the circumstances in a given watch area.

(b) At any time that an area is not under a non-solicitation area designation pursuant to Section 665.17, the Community Relations Board may cancel a watch area designation if it finds that the factors that caused the area to be designated as a watch area have been eliminated or reduced and that the designation is no longer warranted.

(c) Upon each designation or cancellation of a watch area, the Community Relations Board shall promptly notify the Mayor and the Council, in writing, and publish a notice in the City Record or newspaper of general circulation describ-

ing the boundaries of the area by reference to streets, census tracts or common landmarks. Each designation or cancellation shall take effect upon publication. The Community Relations Board shall maintain a list of designated watch areas and make it available to any person upon request.

Section 665.16 Non-solicitation

(a) No real estate broker, agent, sales representative or other person who is licensed or required to be licensed pursuant to Chapter 4735 of the Revised Code shall solicit the owner or occupant of any housing accommodation located within a non-solicitation area designed by the Community Relations Board.

(b) Any area that the Community Relations Board has designated as a watch area may be designated as a non-solicitation area for an initial period of up to forty-five (45) days upon making written findings based on substantial evidence introduced at a public hearing that real estate solicitation in the area is or is likely to cause or contribute to block-busting or panic selling. A vote of two-thirds (2/3) of the Community Relations Board is needed in order, to designate an area as a non-solicitation area. In determining whether a non-solicitation area should be designated, the Community Relations Board shall consider the following factors, and such other factors it may deem appropriate, as they pertain to the area under consideration:

- (1) the frequency of real estate solicitation;
- (2) the content of the solicitations;
- (3) the racial composition and rate of racial changes;
- (4) the frequency of home sales and other real estate activity; and
- (5) the number, severity and history of racial incidents.

(c) The Community Relations Board may extend the designation of a non-solicitation area for one (1) additional consecutive period of forty-five (45) days upon making written findings based on substantial evidence that continuation of the solicitation ban is warranted. If an area is designated as a non-solicitation area and the designation is extended one more time, the designation shall cease after the extension expires.

(d) The Community Relations Board may, following a public hearing, cancel the designation of a non-solicitation area or extension of any such designation made pursuant to this section.

(e) If the designation of a non-solicitation area expires without extension or is canceled, or if an extension made pursuant to division (a) of this section expires or is canceled, the Community Relations Board may, no earlier than ninety (90) days following such expiration or cancellation, designate the area anew as a non-solicitation area pursuant to division (b) of this section.

(f) Upon expiration or cancellation of a designation or extension of a non-solicitation area, the area shall remain a watch area until the watch area designation is canceled by the Community Relations Board pursuant to division (b) of Section 665.16.

(g) Upon each designation, extension or cancellation made pursuant to this section, the Community Rela-

tions Board shall promptly notify the Mayor and Council in writing and publish a notice in the City Record or newspaper of general circulation describing the boundaries of the area by reference to streets, census, tracts, or common landmarks. Each designation or cancellation shall take effect upon publication. The Community Relations Board shall maintain a list of designated non-solicitation areas and make it available to any person upon request.

Section 665.17 Pattern or Practice of Discrimination

Whenever the Community Relations Board has reasonable cause to believe that any person or persons are engaged in a pattern or practice of resistance to a person's or persons' full enjoyment of the rights granted by Section 665.03 or 665.18, of this chapter, or that any group of persons has been denied any of the rights granted by such section and the denial raises an issue of public policy, the Community Relations Board may refer the matter to the Director of Law for commencement of a civil action in a court of competent jurisdiction on behalf of the City. The Director of Law may seek any relief considered necessary to ensure the full enjoyment of the rights granted by this chapter.

Section 665.18 Prohibitions Against Real Estate Steering

No person who receives or expects to receive pecuniary gain from the sale or rental of housing accommodations shall:

(a) influence or attempt to influence any other person who purports or represents himself or herself to be a prospective purchaser, occupant or tenant of housing accommodations to refrain from purchasing or renting housing accommodations by referring to race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, of occupants or prospective occupants of other housing accommodations in the neighborhood;

(b) influence or attempt to influence, by any words, acts, or failure to act, any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of housing accommodations, in connection with the sale or rental of housing accommodations, so as to promote or tend to promote the continuance or maintenance of segregated housing or so as to retard, obstruct or discourage integrated housing on or in any street, block or neighborhood;

(c) discriminate against any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of housing accommodations by any influence, suggestion, act or failure to act, or accord any differential treatment among such persons, in connection with the sale or rental of housing accommodations or in the furnishing of information, services, or facilities relative thereto because of the race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial

status, marital status or ancestry of any person.

Section 665.19 Additional Remedies

This chapter shall not prevent the City or any person from exercising any right or seeking any remedy to which that person might otherwise be entitled, or from filing any complaint with any other agency or court of law or equity.

Section 665.20 Scope/Severability

(a) Scope. The provisions of this chapter shall apply to all property, as defined herein, located within the territorial limits of the City of Cleveland, Ohio.

(b) Severability. If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.

Section 665.99 Penalty

a) Whoever violates division (b) of Section 665.09 of this chapter is guilty of a misdemeanor of the third degree.

(b) Whoever violates division (a) of Section 665.16 of this chapter is guilty of a misdemeanor of the second degree on the first offense, and a misdemeanor of the first degree on the second and all subsequent offenses.

(c) Whoever violates Section 665.14 of this chapter is guilty of a misdemeanor of the first degree.

(d) The Community Relations Board may not initiate any criminal proceeding arising under this chapter. However, nothing in this Section 665.99 shall prevent such Board from referring a possible criminal violation to the appropriate authorities.

Section 3. That Section 667.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 77-94, passed March 14, 1994, is hereby repealed.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 667.01, 667.011, 667.012, and 667.013 to read, respectively, as follows:

Section 667.01 Unlawful Discriminatory Public Accommodations Practices

It shall be an unlawful discriminatory practice in a place of public accommodation for any person who is the owner, operator, lessee, manager, administrator, servant, agent or employee of any place of public accommodation:

(a) to refuse, deny, segregate, discriminate or make a distinction, directly or indirectly, in offering its goods, services, facilities or accommodations to any person because of membership in a protected class;

(b) To refuse, deny, segregate, separate, discriminate, or make a distinction, directly or indirectly in any way, against any person in the full and equal use and enjoyment of the services, facilities, privileges, advantages or enforcement powers of the City, or any unit or office thereof, because of membership in a protected class;

(c) For any person, whether or not specifically prohibited from discriminating under any provisions of this section, to aid, abet, incite, compel, or coerce the doing of any act declared to be an unlawful discrim-

inatory practice by this section, or to attempt to do so;

(d) To coerce, intimidate, threaten, retaliate against, or otherwise interfere with any person, or attempt to do so, because he or she has promoted the provisions of this section, or because he or she has filed a complaint, testified, or assisted in any proceeding, investigation or hearing authorized by Sections 667.011 through 667.013 or by appropriate state or federal law;

(e) Nothing in this section shall prohibit a religious or denominational institution, organization, society or association or any non-profit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities and accommodations to persons of the same religion, or from giving preference to such persons, provided that such offerings mentioned above are not, in fact, offered for commercial purposes;

(f) Nothing in this section shall prohibit the establishment of programs or other public accommodations designed and operated for a particular age group. However, such public accommodations shall not discriminate on the basis of membership in a protected class.

Section 667.011 Definitions

(a) As used herein, "public accommodation" or "place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store or other place for the sale of merchandise or provision of services, amusement or accommodation of which the accommodations, advantages, facilities, or privileges are offered or available to the public.

(b) All other terms used in Sections 667.01 through 667.013 shall have the meanings and definitions given in Chapter 665, except as may be specifically provided herein or as required by the context.

Section 667.012 Complaints; Procedure; Hearings

Any aggrieved person may allege that a violation of Section 667.01 has occurred by filing a complaint with the Community Relations Board in the time, manner and form prescribed under Section 665.06 for complaints of unlawful practices under Section 665.03. The Community Relations Board and its Discrimination Review Committee each shall have the same powers, duties and responsibilities with respect to a complaint alleging a violation of Section 667.01 as it has under Sections 665.05 through 665.10 with respect to a complaint alleging a violation of Section 665.03, except as may be inapplicable or required by the context or by law.

Section 667.013 Remedies and Relief

The City, the Community Relations Board, any person aggrieved by a violation of Section 667.01 and any respondent thereto shall have the same rights, powers, duties and responsibilities with respect to remedies and relief for violation of Section 667.01 as they have under Section 665.11 through Section 665.13 with respect to a violation of Sec-

tion 665.03, except as may be inapplicable or required by the context or by law.

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

Ord. No. 163-2000.

By Mayor White.

An emergency ordinance authorizing the Director of Community Development to enter into contract with The Salvation Army, or its designee, to provide financial assistance in the form of a grant to partially finance the redevelopment of the building located at 2100 Lakeside Avenue for a homeless shelter and homeless programs.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contract with The Salvation Army, or its designee, to provide financial assistance to partially finance the redevelopment of the building located at 2100 Lakeside Avenue for a homeless shelter and homeless programs.

Section 2. That the costs of said contract shall not exceed Three Hundred Thousand Dollars (\$300,000.00), and shall be paid from Fund No. 01-999800-638000, Request No. 1176.

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

Ord. No. 164-2000.

By Mayor White.

An emergency ordinance to enact Sections 619.23, 619.24 and 619.25 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to declaring vehicles used for solicitation to be nuisances, and declaring other property to be nuisances, and providing for the abatement of the same.

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 619.23, 619.24 and 619.25 thereof to read, respectively, as follows:

Section 619.23 Soliciting from a Vehicle Prohibited; Engaging in Activities Related to Soliciting from a Vehicle Prohibited

(a) No person, while operating a vehicle, or while a passenger in or on a vehicle, shall solicit another to engage such other person in sexual activity for hire.

(b) No person, while operating a vehicle or while a passenger in or on a vehicle, in a public place shall stop, attempt to stop, beckon to, attempt to beckon to, or entice another to approach or enter the vehicle of which the offender is an operator or passenger with purpose to solicit another to engage in sexual activity for hire.

(c) Whoever violates division (a) of this section is guilty of soliciting from a vehicle, a misdemeanor of the first degree. The sentencing court shall sentence the offender to a mandatory term of imprisonment of not less than three (3) days on the first offense, not less than ten (10) days on the second offense, and not less than thirty (30) days on the third or any subsequent offense, and may sentence the offender to a longer term of imprisonment. In addition, the sentencing court may impose a fine of not to exceed one thousand dollars (\$1,000.00).

(d) Whoever violates division (b) of this section is guilty of engaging in activity related to soliciting from a motor vehicle, a misdemeanor of the first degree. The sentencing court shall sentence the offender to a mandatory term of imprisonment of not less than three (3) days on the first offense, not less than ten (10) days on the second offense, and not less than thirty (30) days on the third or any subsequent offense, and may sentence the offender to a longer term of imprisonment. In addition, the sentencing court may impose a fine of not to exceed one thousand dollars (\$1,000.00).

(e) On the second and any subsequent conviction of division (a) or (b) of this section, any vehicle that is used in the commission of the offense, and the contents of the vehicle, are hereby declared to be nuisances, and may be enjoined and abated as provided in Section 619.26.

Section 619.24 Declared Nuisances

Any building, vehicle, boat, aircraft, or place used for the purpose of lewdness, prostitution, soliciting for prostitution, or used in a second or subsequent offense of division (a) or (b) of Section 619.23, or used by, or kept for the use of prostitutes or other disorderly persons, or used for gambling, or the unlawful manufacturing, transporting, sale, keeping for sale, bartering, or furnishing of any controlled substance, counterfeit controlled substance, drug paraphernalia or harmful intoxicant, or of any vinous, malt, brewed, fermented, spirituous, or intoxicating liquors or any mixed liquors or beverages, any part of which is intoxicating, is declared a nuisance, and the furniture, fixtures, and contents of the building, vehicle, boat, aircraft, or place and all intoxicating liquors therein are also declared a nuisance, and all controlled substances and nuisances may be enjoined and abated as provided in Section 619.25.

Section 619.25 Action to Abate Nuisances

(a) Nature of action. The Director of Law may file an action in rem to abate any nuisance as defined by Section 619.24. The standard of proof shall be by a preponderance of the evidence.

(b) Notice and opportunity to be heard. Prior to the issuance of an order under this section, a reasonably diligent search shall be conducted of the public records that relate to the property that is the subject of an abatement action to identify the owner, lienholder, and any other person with an ownership interest in the property. Such persons shall be sent notice by certified mail, return receipt requested, or shall be personally served, and shall be granted an opportunity to be heard by the court.

(c) Innocent owners or lienholders. No abatement order shall be issued pursuant to this section if an owner or lienholder or other person with an ownership interest in the property that is the subject of an abatement action establishes to the court, by a preponderance of evidence after filing a motion with the court, that the owner, lienholder or other person neither knew nor should have known after a reasonable inquiry that the property would be used, or likely would be used or involved in the commission of a criminal offense, and further that the owner, lienholder or other person with an ownership interest in the property did not expressly or impliedly consent to the use or involvement of the property in the violation, and that the lien or ownership interest was perfected pursuant to law prior to the existence of the nuisance.

(d) Family hardship. A family or household member of the person who is the owner of property used to maintain a nuisance may file a motion with the court having jurisdiction over the action to abate a nuisance claiming that the order of abatement and sale of the property will create an undue hardship on the family or household member. If the court determines by a preponderance of the evidence that an undue hardship would be caused to a family or household member filing the motion, and if the court further finds that the moving party has not in any previous case benefited from a finding of family hardship relative to the property at issue, no order of abatement shall issue. As used in this section, "family or household member" means the spouse, brother, sister or child of the person who is the owner of property used to maintain a nuisance.

(e) Order of Abatement. If the existence of a nuisance is established, an order of abatement as described in this division shall be entered as a part of the judgment in the case.

If the property involved in the abatement action is a building or other place, it shall be ordered closed and kept closed for a period of one (1) year, unless sooner released by the court. The contents and fixtures of such a building or other place shall be given to a battered women's shelter or similar agency identified by the Director of Law, if the agency desires to have it, or if it does not, the same shall be sold at public auction or as otherwise directed by the court, and the

proceeds shall be distributed as provided in division (g) of this section.

If the property involved in the abatement action is a vehicle, boat or aircraft, the same shall be given to a battered women's shelter or similar agency identified by the Director of Law, if the agency desires to have it, or if it does not, the same sold at public auction or as otherwise directed by the court, and the proceeds shall be distributed as provided in division (g) of this section.

The court may order any person in charge of personally that is subject to sale under this division to present the same at a time and place directed by the court for the purpose of conducting its sale. In addition, the court may authorize any law enforcement agency to seize such personally.

(f) Use of closed building. Any person who uses a building or place ordered closed in accordance with division (e) of this section, with knowledge that such building or place has been ordered closed, shall be guilty of a misdemeanor of the fourth degree.

(g) Sale of property, costs and liens. Upon the sale of any furniture, fixtures, contents, vehicle, boat or aircraft as provided in this section, the person executing the order of the court shall, after deducting the expenses of keeping such property and costs of such sale, pay all liens according to their priorities which may be established by intervention or otherwise at the hearing or in other proceedings brought for the purpose as being bona fide and as having been created without the lienor having any notice that such property was being used or was to be used for the maintenance of a nuisance as herein defined, and shall pay the balance to a battered women's shelter or similar agency identified by the Director of Law.

Section 2. That it is hereby declared that giving property that is forfeited pursuant to Codified Ordinance Sections 619.23, 619.24 and 619.25 as enacted by this ordinance, or the proceeds from a sale of such property after payment of liens and expenses, to a battered women's shelter or similar agency, constitutes a public purpose.

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 Safety, Finance, Law; Committees on Public Safety, Legislation, Finance.

Ord. No. 165-2000.

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 2000 Cuyahoga County Health Promotion 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 Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$57,750, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2000 Cuyahoga County Health Promotion Project, for the purposes set forth in the application 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 application for said grant.

Section 2. That the application for said grant, File No. 165-2000-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.

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

Ord. No. 166-2000.

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 Solid Waste District for the 2000 Solid Waste Disposal 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 \$96,160, and any other funds as they become available during the grant term, from the Cuyahoga County Solid Waste District, to conduct the 2000 Solid Waste Disposal Program, for the purposes set forth in the application 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 application for said grant.

Section 2. That the application for said grant, File No. 166-2000-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.

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

Ord. No. 167-2000.
By Councilmen Rybka and Pat-
mon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more physicians to provide physical examinations for children and staff attending overnight camp during the 2000 summer 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 the Director of Parks, Recreation and Properties is hereby authorized to employ by contract one or more physicians for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide physical examinations for children and staff attending overnight camp during the 2000 summer season.

The selection of said physicians for such services shall be made by the Board of Control upon the nomination of the Director of Parks, Recreation and Properties from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Parks, Recreation and Properties 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 Parks, Recreation and Properties, and certified by the Director of Finance.

Section 2. That the costs for such services herein contemplated shall be paid from Fund No. 01-700406-638000, Request No. 19016.

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, Finance.

Ord. No. 168-2000.
By Councilmen Rybka and Pat-
mon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with City Year to perform community service work and to collaborate with various non-profit agencies.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract with City Year to perform community service work and to collaborate with non-profit agencies, in an amount not to exceed \$100,000.00, payable from Fund No. 01-700404-638000, Request No. 19017.

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

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

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

Ord. No. 169-2000.
By Councilmen Rybka and Pat-
mon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Cleveland Municipal Football Association to conduct a City-wide football program.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract with the Cleveland Municipal Football Association to conduct a City-wide football program, in an amount not to exceed \$65,000, payable from Fund No. 01-700404-638000, Request No. 19020.

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

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

Ord. No. 170-2000.
By Councilmen Rybka and Pat-
mon (by departmental request).

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

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into a contract during June through August, 2000, with the National Junior Tennis League of Cleveland to provide youth tennis services.

Section 2. That the cost of such contract shall not exceed \$35,000 and shall be paid from Fund No. 01-700402-638000, Request No. 19019.

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, Finance.

Ord. No. 171-2000.
By Councilmen Rybka and Pat-
mon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various pool chemicals, for the Division of Recreation, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to make 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 various pool chemicals 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 Recreation, Department of Parks, Recreation and Properties. 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 19021)

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, Finance.

Ord. No. 172-2000.
By Councilmen Rybka and Pat-
mon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Neighborhood Centers Association to implement educational, recreational and cultural programs in various school buildings during evening hours.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into an agreement with Neighborhood Centers Association to implement educational, recreational and cultural

programs in various school buildings during evening hours in accordance with the recommendations and pilot program proposed by the Committee of the Cleveland Summit on Education, in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000), payable from Fund No. 01-700404-638000, Request No. 19024.

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

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

Ord. No. 173-2000.
By Councilmen White, Rybka and Patmon (by departmental request).
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a fifteenth amendment to Lease Agreement No. 35620 to extend the term of the existing Lease Agreement for the rental of Broadway YMCA facilities at 11300 Miles Avenue; and to allow the City to utilize the Broadway YMCA gymnasium for a youth basketball program.

Whereas, pursuant to Ordinance No. 1759-85, passed June 24, 1985, the Director of Parks, Recreation and Properties entered into Lease Agreement No. 35620 with the Young Men's Christian Association for the rental of the Broadway YMCA facilities located at 11300 Miles Avenue for the purpose of providing recreational facilities and activities for the City's youth; and

Whereas, pursuant to Ordinance No. 1165-86, passed June 16, 1986, Ordinance No. 1255-87, passed June 8, 1987, Ordinance No. 1052-88, passed June 6, 1988, Ordinance No. 1037-89, passed September 11, 1989, Ordinance No. 1112-90, passed June 18, 1990, Ordinance No. 1368-91, passed June 17, 1991, Ordinance No. 1657-92, passed November 9, 1992, Ordinance No. 1309-93, passed June 14, 1993, Ordinance No. 373-94, passed April 18, 1994, Ordinance No. 260-95, passed March 27, 1995, Ordinance No. 490-96, passed May 6, 1996, Ordinance No. 813-97, passed June 7, 1997, Ordinance No. 511-98, passed April 6, 1998, and Ordinance No. 660-99, passed April 19, 1999, this Council authorized modifications to the Lease Agreement; and

Whereas, the City wishes to further modify said Agreement; and

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into a fifteenth amendment to Lease Agreement No. 35620 with the Young Men's Christian Association ("YMCA") for the continued rental of the Broadway YMCA facilities located at 11300 Miles Avenue, Cleveland, Ohio 44105 for the purpose of providing recreational facilities and activities for the City's youth and the continued utilization of the Broadway YMCA gymnasium for a youth basketball program.

Section 2. That said fifteenth amendment shall extend the term of the agreement for one year to December 31, 2000, and in consideration for the extension of the term, the City shall pay the YMCA an additional rental of \$55,000, for a total rental for the term, as extended, of \$840,000. Said extension shall be paid from Fund No. 01-700404-638000, Request No. 19015.

Section 3. That said fifteenth amendment shall be prepared and approved by the Director of Law and shall contain such provisions as the Director of Law shall deem necessary to protect the public 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.

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

Ord. No. 174-2000.
By Councilmen Polensek, Rybka, and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with Salvation Army, for administering and facilitating recreational services in Ward 11, for the Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract with Salvation Army (Temple Corps), 17625 Groveside Avenue, Cleveland, Ohio, or its designee, for professional services necessary to administer and facilitate recreational services in the Collinwood Community in Ward 11, in the total sum of \$55,000, payable from Fund No. 01-700402-638000, Request No. 19018, for the Department of Parks, Recreation and Properties.

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

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

Ord. No. 175-2000.
By Councilmen Britt, Johnson, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program on scattered sites to the Buckeye Area 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. 121-33-111 as more fully described in Section 2 below, to Buckeye Area 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. 121-33-111
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 40 in Grether and Palmer Subdivision of part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 14 of Maps, Page 39 of Cuyahoga County Records and being 40 feet front on the Southwesterly side of Mt. Carmel Road, and extending back of equal width 140 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. 121-33-112 as more fully described in Section 4 below, to Buckeye Area 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. 121-33-112
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 39 in Grether, Grether and Palmer and Perkins Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 14 of Maps, Page 39 of Cuyahoga County Records. Said Sublot No. 39 has a frontage of 40 feet on the Southwesterly side of Mt. Carmel Road, S.E., (formerly Ingersoll Road), and extends back between parallel lines 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 121-33-115 as more fully described in Section 6 below, to Buckeye Area 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. 121-33-115

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 36 in J.F. Grethen and C.J. Palmer's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 14 of Maps, Page 39 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Mount Carmel Road, and extending back between parallel lines 140 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 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. 121-34-009 as more fully described in Section 8 below, to Buckeye Area 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. 121-34-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in Quincy Heights Subdivision of part of Original One Hundred Acre Lots Nos. 418, 419 and 420, as shown by the recorded plat in Volume 37 of Maps, Page 2 of Cuyahoga County Records and being 36 feet front on the Southwesterly side of Woodstock Avenue, S.E., (formerly Quincy Avenue) and extending back of equal width 84.28 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. 121-34-089 as more fully described in Section 10 below, to Buckeye Area 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. 121-34-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 43 in Heisley Heights' Subdivision of part of Original One Hundred Acre Lot Nos. 418, 419 and 420 as shown by the recorded plat in Volume 36 of Maps, Page 23 of Cuyahoga County Records, and being 40 feet front on the Northeasterly side of Mount Overlook Avenue, S.E., and extending back of equal width 104.65 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 128-01-020 as more fully described in Section 12 below, to Buckeye Area 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. 128-01-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 16 in the Marshall Re-Subdivision of part of Original One Hundred Acre Lots Nos. 425 and 426, as shown by the recorded plat in Volume 22 of Maps, Page 15 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Shale Avenue, S.E., and extending back of equal width 126 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 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. 128-01-024 as more fully described in Section 14 below, to Buckeye Area 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. 128-01-024

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. 12 in Marshall Re-Subdivision of Block "A" and "B" and Sublots Nos. 52, 54, 56 and 58 in the Bigalow Allotment of part of Original One Hundred Acre Lots Nos. 425 and 426, as shown by the recorded plat in Volume 22 of Maps, Page 15 of Cuyahoga County Records and being 40 feet front on the Northerly 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 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. 128-01-120 as more fully described in Section 16 below, to Buckeye Area 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. 128-01-120

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 90 in Benham's Luna Heights Subdivision of part of Original One Hundred Acre Lot Nos. 417 and 418 as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records and being 40 feet front on the Southerly side of Crestwood Avenue, and extending back of equal width 105 feet as appears by said plat.

Subject to 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. 128-13-004 as more fully described in Section 18 below, to Buckeye Area 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. 128-13-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 6 in J.J. Elwell and others Subdivision of part of Original One Hundred Acre Lots Nos. 426 and 425 as shown by the recorded plat in Volume 25 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Southerly side of Elwell Avenue, S.E., and extending back of equal width, 100 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Subject to restrictions and Building Line Restrictions recited in Volume 427, Page 615 of Cuyahoga County Records, filed April 11, 1888 and refilled in Volume 573, Page 492 of Cuyahoga County Records, filed July 14, 1894.

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. 128-13-050 as more fully described in Section 20 below, to Buckeye Area 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. 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 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. 128-13-061 as more fully described in Section 22 below, to Buckeye Area 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. 128-13-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 28 in The I.H. Marshall Subdivision 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 40 feet front on the Southerly side of Stoughton Avenue, and extending back of equal width 136 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 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. 128-13-096 as more fully described in Section 24 below, to Buckeye Area 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. 128-13-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 36 in J. Heinas and G.W. Taylor Subdivision of part of Original One Hundred Acre Lots Nos. 425 and 426, as shown by the recorded plat in Volume 13 of Maps, Page 42 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Sophia Avenue, and extending back 113.07 feet on the Easterly line, 113.24 feet on the Westerly line, and having a rear line of 40 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 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. 128-14-016 as more fully described in Section 26 below, to Buckeye Area 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. 128-14-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bounded and described as follows, to wit:

Known as being Sublot No. 63 in Prochaska and Polcar Subdivision of part of Original One Hundred Acre Lot No. 426 as shown by the recorded plat in Volume 28 of Maps, Page 23 of Cuyahoga County Records and being 35 feet front on the Westerly side of East 104th Street and extending back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

BEING the same property acquired by the Grantor pursuant to the provisions of the National Housing Act, as amended (12 USC 1701 et. seq.) and the Department of Housing and Urban Development Act (79 Stat. 667).

SUBJECT TO ALL covenants, restrictions, reservations, easements, conditions and right appearing of record; and SUBJECT to any state of facts an accurate survey would show.

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. 128-14-023 as more fully described in Section 28 below, to Buckeye Area Development Corporation or designee.

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. 128-14-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 56 in Prochaska and Polcar's South Woodland Avenue Allotment of a part of Original One Hundred Acre Lot No. 426, as shown by the recorded plat in Volume 28 of Maps, Page 23 of Cuyahoga County Records, and being 36 feet front on the Northerly side of Sophia Avenue, S.E., (for-

merly Heina Street), and extending back 117.08 feet on the Westerly line, 117.27 feet on the Easterly line, and having a rear line of 36 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 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. 128-14-024 as more fully described in Section 30 below, to Buckeye Area Development Corporation or designee.

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. 128-14-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 55 in Prochaska and Polcar's South Woodland Allotment of part of Original One Hundred Acre Lot No. 426 and Re-Allotment of Joseph Doffner's Allotment of part of Original One Hundred Acre Lot No. 426 as shown by the recorded plat in Volume 28 of Maps, Page 23 of Cuyahoga County Records and being 37 feet front on the Northerly side of Sophia Avenue, S.E., and extending back 117.08 feet on the Easterly line, 116.88 feet on the Westerly line and having a rear line of 37 feet, which is also the Southerly side of a 10 foot alley, 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 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. 128-14-026 as more fully described in Section 32 below, to Buckeye Area Development Corporation or designee.

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. 128-14-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 88 feet of Sublot No. 53 in Prochaska and Polcar's "South Woodland Avenue" Allotment of part of Original One Hundred Acre Lot No. 426, as shown by the recorded plat in Volume 28 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Northerly side of Sophia Avenue, S.E., (formerly Heina Street), and extending back of equal width with a distance of 88 feet along the Easterly side of East 102nd Street, (formerly Marshall Street), be the same more or less, but subject to all legal highways.

Also subject to all 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. 128-14-033 as more fully described in Section 34 below, to Buckeye Area Development Corporation or designee.

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. 128-14-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 46 in Prochaska Polcar's South Woodland Avenue Allotment of part of Original One Hundred Acre Lot No. 426, as shown by the recorded plat in Volume 28 of Maps, Page 23 of Cuyahoga County Records and being 35 feet front on the Southerly side of Sophia Avenue and extending back 110.44 feet on the Westerly line, 110.26 feet on the Easterly line and having a rear line of 35 feet, as appears by said plat.

Also subject to all 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. 128-14-036 as more fully described in Section 36 below, to Buckeye Area Development Corporation or designee.

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. 128-14-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 43 in Prochaska and Polcar's "South Woodland Avenue" Allotment of part of Original One Hundred Acre Lot No. 426 and a Re-Allotment of Joseph Duffner's Allotment of part of Original One Hundred Acre Lot No. 426, as shown by the recorded plat in Volume 28 of Maps, Page 23 of Cuyahoga County Records and being 35 feet front on the Southerly side of Sophia Avenue, S.E., and extending back 109.9 feet deep on the Westerly line, 109.72 feet deep on the Easterly line and 35 feet wide in the rear, 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. 128-14-089 as more fully described in Section 38 below, to Buckeye Area Development Corporation or designee.

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. 128-14-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 28.46 feet of Sublot No. 53 in Prochaska and Polcar's South Woodland Avenue Allotment of part of Original One Hundred Acre Lot No. 426, and a Re-Allotment of Joseph Duffner's Allotment of part of said Original One Hundred Acre Lot No. 426; the premise hereby conveyed being all of said Sublot No. 53, except the Southerly 88 feet thereof conveyed to Jennie Berta, by Deed dated March 28, 1922, and recorded in Cuyahoga County Records of Deeds, Volume 2538, Page 523, be the same more or less, but subject to all legal highways.

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 Sup-

plies is hereby authorized to sell Permanent Parcel No. 128-22-047 as more fully described in Section 40 below, to Buckeye Area Development Corporation or designee.

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. 128-22-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 59 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 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Ramona Boulevard, 150 feet deep on the Easterly line, 150 feet deep on the Westerly line and 42.43 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 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. 129-16-140 as more fully described in Section 42 below, to Buckeye Area Development Corporation or designee.

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. 129-16-140

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 38 in William M. Southern's Brugge Farm Subdivision of part of Original One Hundred Acre Lot No. 429, as shown by the recorded plat in Volume 35 of Maps, Page 9 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 125th Street (formerly John Street) and extending back of equal width 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to restrictions recorded in Volume 1494, Page 527 of Cuyahoga County Records.

Also subject to all zoning ordinances, if any.

Section 43. 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 44. 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 45. 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 46. 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. 176-2000.

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

An emergency ordinance to amend Section 350.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, relating to billboards.

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 350.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, is hereby amended to read as follows:

Section 350.10 Billboards

Billboards, as defined in division (e)(1) of Section 350.03, shall be permitted only in accordance with the following regulations and other applicable regulations of this Chapter:

(a) Zoning Districts. Billboards shall be permitted only in Semi-Industry, General Industry and Unrestricted Industry Districts. Billboards shall not be permitted in Cleveland Landmark Districts, Public Land Protective Districts, Business Revitalization Districts or on the opposite side of any street bordering such districts.

(b) Sign Types. Billboards shall be permitted as either free-standing or wall signs, unless otherwise restricted in **these codified ordinances**. In General Industry and Unrestricted Industry districts, billboards shall also be permitted as roof signs not exceeding permitted building height and meeting the standards of division (h) of Section 350.08.

(c) Size. Billboard sign panels shall not exceed **eight hundred and twenty** (820) square feet in area and shall be further limited in size by the setback regulations in divisions (g) and (h) of this section. For purposes of determining required setbacks, the measurement of sign panel area shall exclude "extensions" projecting beyond the otherwise rectangular or standard geometric panel dimensions, provided that these extensions do not exceed 21% of such standard panel area.

(d) Height. The maximum height of a billboard above the roadway surface to which it is oriented shall be fifty (50) feet. However, in no case shall the height of the billboard as measured from the grade of the lot on which it is placed exceed the maximum permitted height for main buildings.

(e) Spacing. Along freeways, the minimum distance between bill-

boards located on one side of the road shall be two thousand (2,000) feet. Along other roads, such distance shall be seven hundred fifty (750) feet between two billboards which are each less than one hundred (100) square feet in area and shall be one thousand (1,000) feet in all other instances. Except for double-sided ("back-to-back") billboard panels, not more than one (1) billboard panel may be located on a single structure.

(f) Distance from Street Lines. Billboards shall be located behind the required building setback lines of the lots on which they are located. In addition, billboards shall be located a minimum distance of twenty-five (25) feet measured in any direction from the point of intersection of the right-of-way lines of two intersecting streets.

(g) Distance from Zoning District Lines. Billboards shall be set back at least two hundred (200) feet from Residential, Local Retail and General Retail District lines as measured along either side of the street in the direction(s) to which the billboard is oriented. In all other instances, billboards shall be set back at least fifty (50) feet from Residential, Local Retail and General Retail District lines. For billboard panels exceeding **three hundred eighty** (380) square feet in area, all minimum setbacks from zoning district lines shall be increased one (1) foot for each one (1) additional square foot of sign panel area.

(h) Distance from Bridges, Freeways and Parkways. A billboard directed at any angle toward a bridge, freeway or parkway shall be set back from the outer pavement edge a minimum of one (1) foot for each one (1) square foot of sign panel area. However, the minimum such setback shall be three hundred thirty (330) feet. Furthermore, as required by State regulations, no billboard may be located within five hundred (500) feet of the interchange of a freeway, as measured along the right edge of the main-traveled roadway in the direction of travel from the beginning or ending of pavement widening at the exit or entrance to the freeway.

(i) Illumination. Billboards shall be illuminated only by means of continuous reflected light. Internally-illuminated or back-lit billboards shall not be permitted. Billboards shall not include automatic changeable copy signs (i.e., electronic message centers) as defined in division (f)(2) of Section 350.03.

(j) **Registration Required. No owner (legal, equitable, or otherwise), agent, or person in charge of any billboard, excluding kiosks located on City property or on the right of way pursuant to a contract with the City, shall use such billboard unless that owner, agent, or person in charge of the billboard annually registers the billboard with the Division of Building and Housing. If a billboard is not registered, it may not be used in any way, as a billboard or otherwise. Only legally established billboards that are in compliance with applicable laws, ordinances, rules and regulations for billboards may be registered. The application for billboard registration shall be made by supplying the information and data necessary to determine the owner, agent and/or person in charge of the billboard and the property upon which it is located and to determine**

compliance with applicable laws, ordinances, rules and regulations for billboards, on forms supplied by the Commissioner of Building and Housing. Information to be supplied on the application shall include, but not be limited to, the following:

(1) The location of the billboard by street address, permanent parcel number and other specific geographic information, if relevant.

(2) The physical characteristics of the billboard such as its construction materials construction type, size, and illumination.

(3) The name, address, social security number or federal tax identification number and telephone number of the owner, agent or person in charge of the billboard. In the case of a natural person or persons, the date or dates of birth. In the case of a partnership, the names, addresses, social security numbers, dates of birth and telephone numbers of all general partners. In the case of a corporation, the names, addresses, social security numbers, dates of birth and telephone numbers of all corporate officers of the corporation and the name, address and telephone number of the statutory agent. The address for corporations and partnerships shall be the principal place of business and the address for persons shall be the home address.

(4) Information about the relationship of the owner, agent or person in charge of the billboard to the property upon which it is located, including the type of legal relationship by which the property is used; the names, addresses and telephone numbers of the parties to that legal relationship; and who is responsible for maintaining the property.

(5) The name, address and telephone number of the owner of the property upon which the billboard is located.

(k) Registration Fees. The initial application for registration of a billboard shall be accompanied by a fee of Thirty Dollars (\$30.00). Thereafter, the annual registration shall be accompanied by a fee of Fifteen Dollars (\$15.00). The registration fee shall be used for the costs of billboard inspection and enforcement of applicable laws.

(l) Revocation of Registration. The Commissioner shall have the power to revoke the registration of a billboard if any false statement is made by the applicant in the application, or if any violations of the codified ordinances remain after notification of the violations by the Division of Building and Housing and the end of the compliance period designated by the Commissioner.

(m) Changes to Registration Information. Should the name, address and/or telephone number of any corporation, partnership or person listed in the application for registration of the billboard change, then the owner, agent or person in charge of the billboard is required to give prompt notification of the change to the Commissioner within seven (7) days after the change occurs. Should the owner fail to give written notification as required in this section, then the Commissioner may revoke the registration until such time that the owner, agent or person in charge has provided in writing the changed name, address and/or telephone number.

Section 2. That existing Section 350.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended

by Ordinance No. 3076-A-89, passed December 10, 1990, 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 Community Development, City Planning, Finance, Law; Recommended by Committees on Community and Economic Development, City Planning, Legislation, Finance.

FIRST READING ORDINANCES REFERRED

Ord. No. 177-2000.

By Councilman Gordon.

An ordinance changing the Use and Area Districts of lands bound by Spring Road, S.W., Hinckley Industrial Parkway, Jennings Township and easterly extension of the Brooklyn Heights Village boundary. (Map Change No. 2007, Sheet No. 6)

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 the westerly extension of the Brooklyn Heights Village boundary line and the center line of Jennings Freeway State Route 176; thence northwesterly along said center line of said Jennings Freeway State Route 176 to its intersection with the center line of Spring Road, S.W.; thence southeasterly along said center line of Spring Road, S.W. to its intersection with the center line of Hinckley Industrial Parkway; thence southeasterly along said center line of Hinckley Industrial Parkway to its intersection with said westerly extension of said Brooklyn Heights Village boundary line; thence easterly along said easterly extension of said Brooklyn Heights Village boundary line to the place of beginning, and as outlined in red on the map hereto attached, be and the same are hereby changed to a Semi Industry Use District and a 'B' Area District.

Section 2. That said designation of lands described in Section 1 shall be identified as Map Change No. 2007, Sheet No. 6 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 3. 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.

Ord. No. 178-2000.

By Councilman Sweeney.

An ordinance to change the Use District of lands on the northwesterly side of Grayton Road, S.W; south of I-480 (Map Change No. 2006, Sheet No. 13)

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

Section 1. That the Use District of lands bounded and described as follows:

LEGAL DESCRIPTION

Parcel No. 1

Situated in the Township of Cleveland, County of Cuyahoga, State of Ohio; and known as being part of Original Rockport Township Section No. 4 and bounded and described as follows:

Beginning on the Easterly line of parcel of land conveyed to the Board of Park Commissioners of the Cleveland Metropolitan Park District, by deed recorded in Volume 3288, Page 412 of Cuyahoga County Records of Deeds, at the most Westerly corner of a parcel of land conveyed to Thomas Najjar, by deed recorded in Volume 14272, Page 17 of Cuyahoga County Records;

Thence South 66 degrees, 23 minutes, 02 seconds East, along the Southwesterly line of land so conveyed to Thomas Najjar, a distance of 326.51 ft.;

Thence North 83 degrees, 17 minutes, 06 seconds East, a distance of 290.43 feet to the Easterly line of land so conveyed to Thomas Najjar;

Thence North 0 degrees, 04 minutes, 24 seconds East, along the Easterly line of land so conveyed to Thomas Najjar, a distance of 47.70 ft. to the Northeasterly corner thereof;

Thence North 85 degrees, 13 minutes, 11 seconds West, along the Northerly line of land so conveyed to Thomas Najjar, a distance of 589.72 feet to the place of beginning, and containing 0.871 acres of land, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being all of Sublot No. 63 and part of Sublots Nos. 24, 25, 59, 60, 61, 62, 64, 67, 68, 69, 70, 71, 72, 73, 74 and 76 and part of Sabre Drive S.W., 50 feet wide, and Hilltop Drive S.W. 50 feet wide, in the Alex Fodor Realty Co. Unis Subdivision, of part of Original Rockport Township Section No. 4, as shown by the recorded plat in Volume 174 of Maps, Page 18 of Cuyahoga County Records; together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of Grayton Road, as widened at the Northwesterly corner of a parcel of land conveyed to the State of Ohio, by deed recorded in Volume 12965, Page 658 of Cuyahoga County Records of Deeds;

Thence South 87 degrees, 58 minutes, 57 seconds West, along the Northerly line of a parcel of land conveyed to Caroline L. Najjar, by deed recorded in Volume 14886, Page 801 of Cuyahoga County Records of Deeds, and along the Northerly line of a parcel of land conveyed to Thomas S. Nahjar, by deed recorded in Volume 14239, Page 757 of Cuyahoga County Records of Deeds, a distance of 232.66 feet;

Thence North 2 degrees, 01 minutes, 03 seconds West, a distance of 42.50 feet to a point of curvature;

Thence Northwesterly, a distance of 85.53 feet on the arc of a circle deflecting to the left, whose radius is 42.50 feet and whose chord bears North 59 degrees, 40 minutes, 18 seconds West, a distance of 71.81 feet;

Thence North 76 degrees, 57 minutes, 54 seconds West, a distance of 571.97 feet to the boundary line

between the City of Cleveland and Riveredge Township;

Thence North 0 degrees, 04 minutes, 24 seconds East, along the boundary line between the City of Cleveland and Riveredge Township, a distance of 47.70 feet to an angle point therein;

Thence North 85 degrees, 13 minutes, 11 seconds West, along the boundary line between the City of Cleveland and Riveredge Township, a distance of 589.72 feet to the Southwesterly corner of a parcel of land conveyed to Thomas S. Najjar, by deed recorded in Volume 14243, Page 385 of Cuyahoga County Records of Deeds;

Thence North 23 degrees, 44 minutes, 20 seconds West, along the Southwesterly line of land conveyed to Thomas S. Najjar in Volume 14243, Page 385, a distance of 136.17 feet to an angle point;

Thence North 5 degrees, 53 minutes, 58 seconds East, along the Westerly line of land conveyed to Thomas S. Najjar in volume 14243, Page 385, a distance of 85.11 feet to the South line of Interstate 480;

Thence North 81 degrees, 20 minutes, 28 seconds East, along the South line of Interstate 480, a distance of 308.37 feet to an angle point therein;

Thence South 85 degrees, 40 minutes, 38 seconds East, along the South line of Interstate 480, a distance of 193.74 feet to an angle point therein;

Thence South 42 degrees, 23 minutes, 18 seconds East, along the South line of Interstate 480, a distance of 201.54 feet to an angle point therein;

Thence South 79 degrees, 43 minutes, 35 seconds East, along the South line of Interstate 480, a distance of 324.77 ft. to an angle point therein;

Thence South 58 degrees, 22 minutes, 44 seconds East, along the South line of Interstate 480, a distance of 418.57 feet to an angle point therein;

Thence South 67 degrees, 26 minutes, 20 seconds East, along the South line of Interstate 480, a distance of 200.78 feet to the Westerly line of Grayton Road, as widened;

Thence South 13 degrees, 47 minutes, 50 seconds West, along the Westerly line of Grayton Road, as widened, a distance of 35.28 feet to the place of beginning according to a survey by the Henry G. Reitz Engineering Company dated May, 1981, be the same more or less, but subject to all legal highways, and as outlined in red on the map hereto attached, be and the same is hereby changed to a General Industry Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 2006, Sheet No. 13 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 3. 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. 179-2000.

By Councilman Cimperman (by request).

An emergency resolution declaring the intention to vacate a portion of East 55th Street, located just north of the Cleveland Memorial Shoreway.

Whereas, this Council is satisfied that there is good cause for vacating a portion of East 55th Street, north of the Cleveland Memorial Shoreway as hereinafter described, and

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

Be it 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 a part of Original Ten Acre Lot Number 166 and the Northerly Extension thereof, forming a parcel of land bounded and described as follows:

Beginning in the Westerly line of East 55th Street (100.00 feet wide), at its point of intersection with the Northwesterly line of Lake Court N.E. (formerly Lake View Avenue), (50.00 feet wide);

Thence North 00°-22'-31" West along said Westerly line of East 55th street, a distance of 710.00 feet to an angle point;

Thence North 37°-06'-47" West along a Southwesterly line of East 55th Street (100.00 feet wide), a distance of 386.39 feet to a point on the Northwesterly line of Cleveland Memorial Shoreway, said point being the Southerly corner of the following described parcel and its principle place of beginning;

Thence continuing North 37°-06'-47" West along said Southwesterly line of East 55th Street, a distance of 253.57 feet to the Westerly corner of said parcel;

Thence North 76°-03'-20" East, a distance of 108.77 feet to the Northerly corner of said parcel and the Northeastly line of East 55th Street;

Thence South 37°-06'-47" East along said Northeastly line of East 55th Street, a distance of 173.01 feet to the Easterly corner of said parcel, being a point on the Northwesterly line of the Cleveland Memorial Shoreway;

Thence South 32°-12'-02" West along said Northwesterly line of the Cleveland Memorial Shoreway, a distance of 106.89 feet to the Southwesterly corner of said parcel and the principle place of beginning.

Containing within said bounds 21,329 square feet (0.4896 Acres) of land and water, be the same more or less, but subject to all legal highways, easements, and restrictions of record.

This legal description was prepared by David J. Bruckner, Registered Ohio Professional Surveyor Number 6939. The system of bearings used is that of the Cleveland Regional Geodetic Survey, and is intended to denote angle only.

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; Recommended by Committees on Public Service, City Planning, Finance.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 180-2000.

By Councilman Britt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Ministerial Day Care / Headstart Association to hang banners at 2442 E. 89th St. on the west side of the street, using utility poles (by separate permission) for the period of Feb. 14, 2000 to Mar. 14, 2000, inclusive.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Ministerial Day Care / Headstart Association, 11955 Shaker Boulevard, Cleveland, Ohio 44120, to install, maintain and remove four (4) banners to be hung on Cleveland Public Power utility poles, (by separate permission) publicizing their "Children First Learning & Enrichment Center, Our Children are Number One" campaign for the period of February 14, 2000 to March 14, 2000, inclusive, on the following addresses and pole numbers: at their center located at 2442 East 89th Street on the west side of the street; 25-19-7A-2, 25-19-7A-3, 25-19-7A-4, 25-19-7A-5 and which banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners, and said banners shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 181-2000.**By Councilman Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the St. Malachi Run (5 and 2 mile) on March 11, 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 St. Malachi Run (5 and 2 mile), sponsored by Hermes Race Systems, on March 11, 2000, with the 5 mile run starting on Main, heading north to Center, Center north to River Rd., River Rd. to Elm, Elm south to Riverbed, Riverbed all the way to Carter, Carter to Scranton, Scranton to Train, Train Ave. west to Willey, Willey to Columbus, Columbus east to Riverbed. Once on Riverbed back to Elm then Elm to Winslow. Then back to church for the finish for the 5 mile. The 2 mile run is as follows, start on Main to Center, Center to Riverbed, Riverbed to Columbus, Columbus to Center, Center north to Winslow, Winslow to Washington to the 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.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 182-2000.**By Councilman Coats.**

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Art Sea Food, for the purpose of improving the exterior and interior of 16404 Euclid Avenue and the purchase of restaurant equipment, in Ward 10, using Ward 10 Workers' Compensation "Neighborhood Capital" 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 Economic Development is autho-

riized to enter into an agreement with Art Sea Food, for the purpose of improving the exterior and interior of 16404 Euclid Avenue and the purchase of restaurant equipment, in Ward 10, using Ward 10 Workers' Compensation "Neighborhood Capital" funds.

Section 2. That the costs of said contract shall be in an amount not to exceed Twenty Thousand Dollars (\$20,000) 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 183-2000.**By Councilman Gordon.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Old Brooklyn United Services Association for crime watch personnel and programs for business and residential groups in the Old Brooklyn Area, using Ward 15 Workers' Compensation "Neighborhood Capital" 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 Old Brooklyn United Services Association for crime watch personnel and programs for business and residential groups in the Old Brooklyn Area, using Ward 15 Workers' Compensation "Neighborhood Capital" funds

Section 2. That the costs of said contract shall be in an amount not to exceed Twenty-One Thousand Dollars (\$21,000) 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 184-2000.**By Councilman Jackson.**

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Vanetta Jackson)

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: Vanetta Jackson.

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.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 185-2000.**By Councilman Jackson.**

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Ronald S. Jones)

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: Ronald S. Jones.

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.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 186-2000.

By Councilman Jackson.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with ParkWorks, Inc. to design and install a new playground at Anton Grdina Elementary School, resurface the parking lot and hard surface play area, and install a new outdoor classroom/learning garden in Ward 5, using Ward 5 Workers' Compensation Neighborhood Capital 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 an agreement with ParkWorks, Inc. to design and install a new playground at Anton Grdina Elementary School, resurface the parking lot and hard surface play area, and install a new outdoor classroom/learning garden in Ward 5, using Ward 5 Workers' Compensation Neighborhood Capital funds.

Section 2. That the costs of said contract shall be in an amount not to exceed Thirty-Five Thousand Dollars (\$35,000) 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 187-2000.

By Councilman O'Malley.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Old Brooklyn United Services Association for crime watch personnel and programs for business and residential groups in the Old Brooklyn Area, using Ward 16 Workers' Compensation "Neighborhood Capital" 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 Old Brooklyn United Services Association for crime watch personnel and programs for business and residential groups in the Old Brooklyn Area, using Ward 16 Workers' Compensation "Neighborhood Capital" funds

Section 2. That the costs of said contract shall be in an amount not to exceed Twenty-Four Thousand Dollars (\$24,000) 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 188-2000.

By Councilman O'Malley.

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a second amendment to Lease Agreement No. 46956 with the Board of Park Commissioners of the Cleveland Metropark District to increase the leased premises and to make other modifications to the lease.

Whereas, pursuant to Ordinance No. 1202-93, passed June 14, 1993, the Director of Parks, Recreation and Properties entered into Lease Agreement No. 46956 with the Board of Park Commissioners of the Cleveland Metropark District for the rental of Brookside Parks; and

Whereas, pursuant to Ordinance No. 1328-97, passed July 24, 1997, the Director of Parks, Recreation and Properties entered into an amendment to Lease Agreement No. 46956; and

Whereas, further modifications are desired; and

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

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

Section 1. That the Director of Parks, Recreation and Properties is

hereby authorized to enter into a second amendment to Lease Agreement No. 46956 with the Board of Park Commissioners of the Cleveland Metropark District, to increase the leased premises to include Permanent Parcel Numbers 013-16-075, 013-16-076, 013-16-077, 013-16-078, 013-16-104, 013-16-105, 013-16-106 and 013-16-107, identified on the map contained in File No. 188-2000-A, and further described as follows:

Permanent Parcel Nos. 013-16-104 thru 107 and 013-16-075 thru 078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Nos. 1, 2, 3, 4, 5, 6, 7 and 8 in the Municipal Realty Company's Memphis Avenue Subdivision, of a part of Original Brooklyn Township Lot No. 44, as shown by the recorded plat of said Subdivision in Volume 84 of Maps, Page 12 of Cuyahoga County Records.

The amendment shall also provide that in addition to the original annual rent of one dollar (\$1.00) per year for the term of the ninety-nine (99) year lease, a one-time rental payment of Eighty-Five Thousand Dollars (\$85,000), shall be payable by the Board of Park Commissioners of the Cleveland Metropark District. These payments shall represent all rental payments due under the terms of the lease, as amended,

All other terms and conditions contained in the original lease shall remain the same.

Section 2. That the second amendment to Lease Agreement No. 46956 herein authorized shall be prepared by the Director of Law and shall contain such terms and conditions as said Director deems necessary to protect and benefit the public interest.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 189-2000.

By Councilman O'Malley.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cypress Beverage, for the purpose of improving the public right-of-way at their property, 4533 State Road at the corner of State Road and Cypress Avenue in Ward 16, using Ward 16 Workers' Compensation "Neighborhood Capital" 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 Cypress Beverage, for the purpose of improving the public right-of-way at their property, 4533 State Road at the corner of State Road

and Cypress Avenue in Ward 16, using Ward 16 Workers' Compensation "Neighborhood Capital" funds.

Section 2. That the costs of said contract shall be in an amount not to exceed Ten Thousand Dollars (\$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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 190-2000.

By Councilmen Polensek, Cimperman, Patmon, Melena, Britt, Lewis, Rybka, Cintron, O'Malley, Brady, Dolan and Sweeney.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with The Salvation Army of Greater Cleveland for the redevelopment of a facility located at 2100 Lakeside Avenue in Ward 13 of the City of Cleveland.

Whereas, this Council of the City of Cleveland has been deeply concerned about the safety and welfare of the homeless members of our community; and

Whereas, this concern was evidenced by Council's passage of Ordinance No. 2045-99 on December 15, 1999, in which Council appropriated \$500,000 for the establishment of a Homeless Street Outreach and Detoxification Program; and

Whereas, the Pickup, Assessment, Services and Shelter (PASS) Program operated by The Salvation Army has sought an additional location to expand its services for the homeless for nearly a decade; and

Whereas, the PASS Program not only provides basic shelter and meals, it also provides access to detoxification programs and recovery services, job training, and financial management counseling; and

Whereas, the Salvation Army, through the financial assistance of Cuyahoga County, the Cleveland and Gund Foundations, and a grant from the Department of Housing and Urban Development, constructed a shelter at 2100 Lakeside Avenue to house approximately 300 homeless men, a dramatic increase from their current site housing up to 48 men; and

Whereas, this Council has been made aware that additional funding is needed by The Salvation Army to complete the construction of the facility at 2100 Lakeside Avenue in a timely manner; and

Whereas, this Council is wholly supportive of the mission of the PASS Program and the efforts of The Salvation Army to provide opportunities for persons living on the street to work towards and to obtain self-sufficiency; and

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with The Salvation Army of Greater Cleveland, or its designee, to provide funding for the redevelopment of a facility at 2100 Lakeside Avenue in Ward 13 of the City of Cleveland, for a homeless shelter and associated programs.

Section 2. That the cost of said contract shall be in an amount not to exceed Three Hundred Twenty-Two Thousand Dollars (\$322,000.00) and shall be paid from Fund No. 01-999800-638000.

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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 191-2000.

By Councilman Robinson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Ministerial Day Care / Headstart Association to hang banners at East 103rd St. & Kinsman Rd. using utility poles (by separate permission) for the period of Feb. 14, 2000 to Mar. 14, 2000, inclusive.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Ministerial Day Care / Headstart Association, 11955 Shaker Boulevard, Cleveland, Ohio 44120, to install, maintain and remove six (6) banners to be hung on Cleveland Public Power utility poles, (by separate permission) publicizing their "Children First Learning & Enrichment Center, Our Children are Number One" campaign for the period of February 14, 2000 to March 14, 2000, inclusive, on the following addresses and pole numbers: East 103rd Street and Kinsman Road on the North side of the street: SE6-64, SE6-65; and at: 10406 Kinsman Road on the North side of the street: SE6-66, SE6-67, SE6-68, SE6-69; and which banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must

be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners, and said banners shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 192-2000.

By Councilman Cintron.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 4709 Clark Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 and Liquor Permit from Permit No. 1518910, Clark Convenient Food Mart Inc., DBA Convenient Food Mart, 4709 Clark Avenue, Cleveland, Ohio 44102 to Permit No. 5326222, Lu Lu II Inc., DBA Convenient Food Mart, 4709 Clark Avenue, Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 15183910, Clark Convenient Food Mart Inc., DBA Convenient Food Mart, 4709 Clark Avenue, Cleveland, Ohio 44102 to Permit No. 5326222, Lu Lu II Inc., DBA Convenient Food Mart, 4709 Clark Avenue, Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she hereby is 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 193-2000.

By Councilmen Johnson and Britt. An emergency resolution supporting the proposal by the Cleveland New Homes Limited Partnership for the development and construction of affordable housing with the use of housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, the Buckeye Area (Cleveland) Development Corporation, through Cleveland New Homes Limited Partnership, is proposing to develop up to 65 single family homes; and

Whereas, 100 percent of these homes will be occupied by low-income families, with no market rate units; and

Whereas, 20 percent of these homes will serve a specific needs population, namely single parent households; and

Whereas, this Council of the City of Cleveland supports the proposal of Cleveland New Homes Limited Partnership to develop this affordable housing for the benefit of the citizens of Cleveland; now, therefore,

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

Section 1. That the Council of the City of Cleveland supports the proposal of Cleveland New Homes Limited Partnership to provide affordable housing for the citizens of Cleveland through use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Director of the Buckeye Area (Cleveland) Development Corporation.

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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 194-2000.

By Councilman Melena. An emergency resolution supporting the proposal by the Detroit Shoreway Community Development Organization for the development of affordable housing at the Courtland Building, located at 5403 Detroit Avenue in Ward 17, with the use of housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, the the Detroit Shoreway Community Development Organization is proposing to develop up to 16 residential units and 4 commercial storefronts at the Courtland Building, located at 5403 Detroit Avenue; and

Whereas, up to 100 percent of these units will be occupied by low-income families, up to 3 units may be reserved for market rate units; and

Whereas, 20 percent of these units will serve a specific needs population, namely single parent households; and

Whereas, this Council of the City of Cleveland supports the proposal of the Detroit Shoreway Community Development Organization to develop the Courtland Building for affordable housing for the benefit of the citizens of Cleveland; now, therefore,

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

Section 1. That the Council of the City of Cleveland supports the proposal of the Detroit Shoreway Community Development Organization to provide affordable housing at the Courtland Building, located at 5403 Detroit Avenue in Ward 17, for the citizens of Cleveland through use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Director of the Detroit Shoreway Community Development Organization.

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 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 195-2000.

By Councilman Polensek. An emergency resolution objecting to the transfer of location of a D1 and D2 Liquor Permit to 568 East 185th Street.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of location of a D1 and D2 and Liquor Permit from Permit No. 4420251, KRG Inc., DBA Back Door Beverage, 658 East 185th Street, 1st Fl. & Bsmt., Cleveland, Ohio 44119, to Permit No. 44202510001; KRG Inc., DBA Back Door Beverage, 568 East 185th Street, Cleveland, Ohio 44119; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, 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 location of a D1 and D2 Liquor Permit from Permit No. 4420251, KRG Inc., DBA Back Door Beverage, 658 East 185th Street, 1st Fl. & Bsmt., Cleveland, Ohio 44119, to Permit No. 44202510001; KRG Inc., DBA Back Door Beverage, 568 East 185' 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 hereby is 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

SECOND READING EMERGENCY ORDINANCES

Ord. No. 910-98.

By Councilmen Zone and Johnson (by departmental request).

An emergency ordinance to amend Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 327-95, passed February 27, 1995, relating to the Cleveland Public Power energy adjustment charge, and to repeal Section 523.25 of the Codified Ordinances, passed July 23, 1990, and Section 523.251 of the Codified Ordinances, passed June 6, 1994, relating to the CEI Lawsuit Surcharge.

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

1. In Section 1, lines 4 and 5, strike "Resolution No. ___-98, on ___-1998" and insert in lieu thereof "Resolution No. ___-00, on ___-00".

2. In Section 2, at Section 523.21(c)(1), strike lines 8 and 9 in their entirety and insert in lieu thereof the following: "customers. For the period ending December 31, 2005, the incremental charge calculated herein shall be adjusted by subtracting 15 mils per kilowatt hour for residential customers who provide the Division of Cleveland Public Power with a certificate of reduction of taxes obtained pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code, and 9.75 mils per kilowatt hour for all other residential customers. Beginning on January 1, 2006, the incremental charge for all residential customers shall be adjusted by subtracting 15 mils per kilowatt hour."

3. In Section 2, at Section 523.21(c)(2), strike lines 12 and 13 in their entirety and insert in lieu thereof the following: "pursuant to Section 523.048. For the period ending December 31, 2005, the incremental charge calculated herein shall be adjusted by subtracting 3.0 mils per kilowatt hour. Beginning on January 1, 2006, such incremental charge shall be adjusted by subtracting 15 mils per kilowatt hour."

4. Insert new Sections 4, 5, 6, 7 and 8 to read, respectively, as follows:

"Section 4. That the revenue resulting from the increase in the incremental charge provided for herein shall be applied exclusively to the repayment of any bond obligations of Cleveland Public Power.

Section 5. That during the annual budget review, the Director of Public Utilities shall submit a written report to all members of City Council and present such report orally to the Public Utilities Committee of Cleveland City Council which indicates the status of the repayment of Cleveland Public Power's bond obligations.

Section 6. That by the end of each calendar year Cleveland Public Power shall receive from the general fund an amount equal to eighty-five percent (85%) of the excise tax imposed by Section 5727.81(A) of the Ohio Revised Code and collected by the City of Cleveland during that year to be applied exclusively to the repayment of any bond obligations of Cleveland Public Power.

Section 7. That at least every three months beginning April 1, 2000, the Director of Public Utilities shall submit a written report to all members of City Council which indicates Cleveland Public Power's readiness for a competitive marketplace, system upgrades, and financing.

Section 8. That, within two (2) years from the date of passage of this ordinance, the Division of Cleveland Public Power shall create an operative Cleveland Public Power maintenance facility located on the east side of Cleveland."

5. Renumber existing Section 4 to new "Section 9".

Amendments agreed to.

Ord. No. 1963-99.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Cleveland State University to encroach into the right-of-way of the Easterly and Westerly Chester Avenue Median Islands between East 23rd and East 24th Streets, and between East 24th Street and the Inner-Belt Bridge with landscaping and an irrigation system.

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

Ord. No. 2115-99.

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

An emergency ordinance authorizing the purchase by requirement contract of the labor and materials necessary to dispose of catch basin debris, for the Division of Water Pollution Control, Department of Public Utilities.

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

Ord. No. 2118-99.

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

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to provide the design of the rehabilitation of the West 77th Street bridge.

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

Ord. No. 2158-99.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with BancTec USA, Inc. for the purchase of hardware and software maintenance, for the Division of Water, Department of Public Utilities.

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

Ord. No. 2161-99.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of traffic paint, for the Division of Traffic Engineering and Parking, Department of Public Service.

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

Ord. No. 2162-99.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of refurbished aluminum sign blanks, for the Division of Traffic Engineering and Parking, Department of Public Service.

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

Ord. No. 2163-99.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair police motorcycles, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

1. In the title, line 8, in Section 1, line 4 and in Section 1, lines 12 and 13, strike "two years" and insert in lieu thereof "one year".

Amendment agreed to.

Ord. No. 2164-99.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of aluminum signs, for the Division of Traffic Engineering and Parking, Department of Public Service.

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

Ord. No. 2165-99.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various electronic traffic signal equipment, for the Division of Traffic Engineering and Parking, Department of Public Service.

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

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 1566-99.

By Councilmen Britt, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance to appropriate property for the public purpose of new housing construction, located at 1900 East 86th Street.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 1654-99.

By Councilmen Sweeney, Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Sky Chefs, Inc. for operation of a flight kitchen at Cleveland Hopkins International Airport.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 1762-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Ayers Investments LLC to provide economic development assistance to partially finance the acquisition and renovation of property at 3200 Cedar Avenue, Cleveland, Ohio.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 1817-99.

By Councilmen Westbrook and Zone (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 139.15 thereof, relating to Navigational Aids and Weather Equipment.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 1839-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice for the 1999-2000 Caribbean/Gang Task Force Program; and to enter into contract for the purchase by requirement contract of equipment needed to implement the program.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 1959-99.

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

An emergency ordinance determining the method of making the public improvement of constructing and installing replacement sewers and repairing sewers at various locations throughout the City, and authorizing the Director of Public Utilities to enter into one or more requirement contracts for the making of such improvement, for a one year period.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 1964-99.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, upgrading, or otherwise improving certain City-owned health centers, including site improvements and appurtenances; authorizing the Director of Public Health to enter into contract for the making of such improvements; authorizing said director to proceed with said improvements by the direct employment of the necessary labor for areas

not otherwise improved; to employ one or more architectural or engineering firms and other consultants necessary to provide professional services relating to such improvements; and authorizing the purchase by contract of supplies and materials, including the rental of equipment necessary for the improvement for the Division of Health, Department of Public Health.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 1981-99.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the U.S. Department of Labor for the Urban/Rural Opportunities Grant (School-to-Work Partnership) Program; and authorizing said director to enter into contract with the Cleveland Municipal School District for the implementation, administration and operation of the Program.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 2047-99.

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

An emergency ordinance authorizing the Director of Public Utilities to amend Requirement Contract No. 52204 with Motorola, Inc. for equipment and related software necessary for the City of Cleveland's 800 MHz radio system, for the Department of Public Utilities.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 2052-99.

By Councilmen Dolan and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into contract with Leo A. Daly for professional services necessary to design the replacement of internal lighting in Concourse A of Cleveland Hopkins International Airport, to design the wet sprinkler system in Concourse A of Cleveland Hopkins International Airport, to design the HVAC upgrade at Burke Lakefront Airport, and to design modifications and upgrades necessary to comply with the Americans with Disabilities Act at Cleveland Hopkins International Airport and Burke Lakefront Airport.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 2053-99.

By Councilmen Dolan and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain and repair boilers for the various divisions of the Department of Port Control, for a period not to exceed two years.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 2054-99.

By Councilmen Dolan and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of work uniforms, for the various divisions of the Department of Port Control, for a period not to exceed two years.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 2059-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Chromium Corporation to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to expand and improve their facility and for the acquisition of machinery, equipment, inventory, furniture and fixtures at 8701 Union Avenue located in the Cleveland Area Enterprise Zone.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 2060-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Section 108 contract with Michelle R. Haggins to provide economic development assistance to partially finance the acquisition of real property located at 3600 Euclid Avenue, Cleveland, Ohio.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 2062-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Section 108 loan and an Economic Development Initiative Grant Agreement with Howard Bradley to provide economic development assistance to partially finance the acquisition and construction of real property located at the southeast corner of East 93rd and St. Clair Avenue, Cleveland, Ohio.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 2121-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Kowalski Heat Treating Company to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to assist with the construction of a corporate office and manufacturing facility and for the acquisition of machinery and equipment relative thereto located at 3617-25 Detroit Avenue in the Cleveland Area Enterprise Zone.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 58-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into Enterprise Zone Agreements with BF Goodrich Company to provide for ten year abatements for certain tangible personal property, new inventory and real estate taxes as an incentive to retain their manufacturing operations located at 8000 Marble Avenue and 2800 East 33rd Street, located in the Cleveland Area Enterprise Zone.

Read third time. Passed. Yeas 18. Nays 0.

MOTION

By Councilman Cimperman, seconded by Councilman Johnson and unanimously carried that the absence of Councilman Patricia J. Britt, Councilman Michael A. Dolan and Councilman Edward W. Rybka, be and is hereby authorized.

The Council adjourned at 8:10 p.m. to meet on Monday, February 14, 2000, at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

ORDINANCES**Ord. No. 910-98.**

By Councilmen Zone and Johnson (by departmental request).

An emergency ordinance to amend Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 327-95, passed February 27, 1995, relating to the Cleveland Public Power energy adjustment charge, and to repeal Section 523.25 of the Codified Ordinances, passed July 23, 1990, and Section 523.251 of the Codified Ordinances, passed June 6, 1994, relating to the CEI Lawsuit Surcharge.

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 rates, rules and regulations relating to the operation of the Division of Cleveland Public Power, Department of Public Utilities, for electric service, fixed by the Board of Control by the adoption of **Resolution No. ____-00, on ____-00**, be and the same are hereby approved.

Section 2. That Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 327-95, passed February 27, 1995, is hereby amended to read as follows:

Section 523.21 Energy Adjustment Charge

(a) An additional incremental charge for excess fuel and power production and purchase power costs may be applied to the rates prescribed in Sections 523.02 to 523.065 and any other rate schedule as may be adopted by the City.

(b) The incremental charge shall be based on the fuel and purchase power cost per kilowatt hour delivered calculated pursuant to subsections (c)(1) and (2) of this Section, and shall not be less than the charge calculated pursuant to such subsections on October 1, 1997.

(c)(1) The fuel and purchase power cost per kilowatt hour sold to residential ratepayers shall be determined by dividing the sum of the cost of the kilowatt hours purchased from the Power Authority of the State of New York and the average

cost of kilowatt hours purchased from other sources needed to supply the residential customers. For the period ending December 31, 2005, the incremental charge calculated herein shall be adjusted by subtracting 15 mills per kilowatt hour for residential customers who provide the Division of Cleveland Public Power with a certificate of reduction of taxes obtained pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code, and 9.75 mills per kilowatt hour for all other residential customers. Beginning on January 1, 2006, the incremental charge for all residential customers shall be adjusted by subtracting 15 mills per kilowatt hour.

(2) Except as provided in Section 523.048, the fuel and purchase power cost per kilowatt hour sold to all ratepayers, other than residential ratepayers, during the twelve months of the year, shall be determined by dividing the sum of the total cost of coal, oil, gas and purchase power by the total kilowatt hours distributed, except that the computation shall exclude the cost of PASNY power and the amount of PASNY power allocable to kilowatt hours distributed, and shall exclude the costs of all purchase power from a specific source or sources purchased by the Division for distribution to ratepayers pursuant to Section 523.048. For the period ending December 31, 2005, the incremental charge calculated herein shall be adjusted by subtracting 3.0 mills per kilowatt hour. Beginning on January 1, 2006, such incremental charge shall be adjusted by subtracting 15 mills per kilowatt hour.

(d) At the end of each month, the Division of Cleveland Public Power shall determine the excess fuel and power charge during such month as herein provided.

Section 3. That existing Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 327-95, passed February 27, 1995, existing Section 523.25, as enacted by Ordinance No. 1657-90, passed July 23, 1990, and existing Section 523.251, as enacted by Ordinance No. 978-94, passed June 6, 1994, are hereby repealed.

Section 4. That the revenue resulting from the increase in the incremental charge provided for herein shall be applied exclusively to the repayment of any bond obligations of Cleveland Public Power.

Section 5. That during the annual budget review, the Director of Public Utilities shall submit a written report to all members of City Council and present such report orally to the Public Utilities Committee of Cleveland City Council which indicates the status of the repayment of Cleveland Public Power's bond obligations.

Section 6. That by the end of each calendar year Cleveland Public Power shall receive from the general fund an amount equal to eighty-five percent (85%) of the excise tax imposed by Section 5727.S1(A) of the Ohio Revised Code and collected by the City of Cleveland during that year to be applied exclusively to the repayment of any bond obligations of Cleveland Public Power.

Section 7. That at least every three months beginning April 1, 2000, the Director of Public Utilities

shall submit a written report to all members of City Council which indicates Cleveland Public Power's readiness for a competitive marketplace, system upgrades, and financing.

Section 8. That, within two (2) years from the date of passage of this ordinance, the Division of Cleveland Public Power shall create an operative Cleveland Public Power maintenance facility located on the east side of Cleveland.

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.

Ord. No. 1963-99.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Cleveland State University to encroach into the right-of-way of the Easterly and Westerly Chester Avenue Median Islands between East 23rd and East 24th Streets, and between East 24th Street and the Inner-Belt Bridge with landscaping and an irrigation system.

Ord. No. 2115-99.

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

An emergency ordinance authorizing the purchase by requirement contract of the labor and materials necessary to dispose of catch basin debris, for the Division of Water Pollution Control, Department of Public Utilities.

Ord. No. 2118-99.

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

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to provide the design of the rehabilitation of the West 77th Street bridge.

Ord. No. 2158-99.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with BancTec USA, Inc. for the purchase of hardware and software maintenance, for the Division of Water, Department of Public Utilities.

Ord. No. 2161-99.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of traffic paint, for the Division of Traffic Engineering and Parking, Department of Public Service.

Ord. No. 2162-99.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of refurbished aluminum sign blanks, for the Division of Traffic Engineering and Parking, Department of Public Service.

Ord. No. 2163-99.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair police motorcycles, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed **one year**.

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

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

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

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 9808)

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. 2164-99.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of aluminum signs, for the Division of Traffic Engineering and Parking, Department of Public Service.

Ord. No. 2165-99.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various electronic traffic signal equipment, for the Division of Traffic Engineering and Parking, Department of Public Service.

BOARD OF CONTROL

February 2, 2000

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 2, 2000, at 11:00 a.m. with Acting Mayor Carter presiding.

Present: Acting Mayor Carter, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Patterson, Warren.

Absent: Mayor White, Director Axelrod.

Others: Myrna Branche, Commissioner, Purchases and Supplies, Sharon Sobol Jordan, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 59-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Libby Construction Co., Inc. for an estimated quantity of labor and materials to repair or replace fire hydrants (Area A, items 1A-16A; Area B, items 1B-16B) for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 3rd day of December, 1999, pursuant to the authority of Ordinance No. 1071-99, passed June 14, 1999 which on the basis of the estimated quantity would amount to One Million Three Hundred Thirty Five Thousand Two Hundred Sixty Five and 00/100 Dollars (\$1,335,265.00) (0% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 18777 which shall be certified against such contract in the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Libby Construction Co., Inc., for the contract authorized herein hereby is approved:

NAME	MBE/FBE
A & L Sewer	\$212,960 (MBE)

Yeas: Acting Mayor Carter, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Patterson, Warren.

Nays: None.

Absent: Director Axelrod.

Resolution No. 60-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of LJI Construction Co., Inc.

for an estimated quantity of labor and materials to repair water mains and appurtenances (Area C) for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 17th day of December, 1999, pursuant to the authority of Ordinance No. 1415-99, passed October 4, 1999 on the basis of the estimated quantity would amount to One Million Five Hundred Fifty Eight Thousand Six Hundred Twelve and 50/100 Dollars (\$1,558,612.50), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 18778 which shall be certified against such contract in the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by LJI Construction Co., Inc., for the contract authorized herein hereby is approved:

NAME	MBE/FBE
A & L Sewer	\$605,635.00 (MBE)

Yeas: Acting Mayor Carter, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Patterson, Warren.

Nays: None.

Absent: Director Axelrod.

Resolution No. 61-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Libby Construction Co., Inc. for an estimated quantity of labor and materials to repair water mains and appurtenances (Area D) for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 17th day of December, 1999, pursuant to the authority of Ordinance No. 1415-99, passed October 4, 1999 on the basis of the estimated quantity would amount to Eight Hundred Seventy Eight Thousand Seven Hundred Eighty Six and 25/100 Dollars (\$878,786.25), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 18776 which shall be certified against such contract in the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the

requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Libby Construction Co., Inc., for the contract authorized herein hereby is approved:

<u>NAME</u>	<u>MBE/FBE</u>
Corlett Trenching	\$397,349 (MBE)

Yeas: Acting Mayor Carter, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Richiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Patterson, Warren.

Nays: None.

Absent: Director Axelrod.

Resolution No. 62-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Terrace Construction Co., Inc. for an estimated quantity of labor and materials to repair water mains and appurtenances (Areas A and B) for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 15th day of December, 1999, pursuant to the authority of Ordinance No. 1415-99, passed October 4, 1999 on the basis of the estimated quantity would amount to One Million Nine Hundred Ninety Thousand Thirty Two and 50/100 Dollars (\$1,990,032.50), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 18779

which shall be certified against such contract in the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Terrace Construction Co., Inc., for the contract authorized herein hereby is approved:

<u>NAME</u>	<u>MBE/FBE</u>
Rockport Construction	\$99,502.00 (FBE)
RMC, Inc.	\$597,010.00 (MBE)

Yeas: Acting Mayor Carter, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Richiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Patterson, Warren.

Nays: None.

Absent: Director Axelrod.

Resolution No. 63-00.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Lott Construction, Inc. for the public improvement of constructing and repairing catch basins and manholes in various locations throughout the City, for the Division of Water Pollution Control, Department of Public Utilities, received on the 16th day of December 1999, pursuant to the authority of Ordinance No. 352-98, passed June 15, 1998, upon a unit basis for the improvement to be performed as ordered during the period of one (1) year beginning with the date of execution of a contract, at the unit prices set forth in the said bid, which on the basis of the estimated work to be done would amount to Two Hundred Eighteen Thousand Nine Hundred Fifty-Five and 00/100 Dollars (\$218,955.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for said improvement, which contract shall provide for the initial performance of the following work hereunder:

Requisition No. 11418

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

Said requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against said requirement contract, whether the same shall be less than the total estimate of work to be performed under said contract or shall exceed the same by not more than ten percent.

Yeas: Acting Mayor Carter, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Richiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Patterson, Warren.

Nays: None.

Absent: Director Axelrod.

Resolution No. 64-00.

By Director Balraj.

Be it resolved, by the Board of Control of the City of Cleveland, that the bid of Leader Electric Supply Company, Inc. for the labor and materials for electrical parts and equipment necessary to maintain, repair and modify airfield, parking and terminal lighting systems, Phase I, for the divisions of Burke Lakefront Airport and Cleveland Hopkins Airport, Department of Port Control, for the period of two (2) years beginning with the date of execution of a contract, received on December 16, 1999, pursuant to the authority of Ordinance No. 1128-99, passed July 14, 1999, which on the basis of the estimated quantity would amount to approximately Five Hundred Nineteen Thousand One Hundred Forty Dollars (\$519,140.00), is hereby affirmed and approved as the lowest and best bid; and the Director of Port Control 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. 16052

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

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

Yeas: None.

Nays: Acting Mayor Carter, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Richiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Patterson, Warren.

Absent: Director Axelrod.

Resolution No. 65-00.

By Director Sheffield-McClain.

Resolved by the Board of Control of the City of Cleveland, that all bids received on December 16, 1999, for labor and materials for electrical parts and equipment necessary to maintain, repair and modify airfield, parking and terminal lighting systems, Phase I, for the various divisions of the Department of Port Control, pursuant to the authority of Ordinance No. 1128-99, passed by the Council of the City of Cleveland on July 14, 1999, be and the same are hereby rejected.

Yeas: Acting Mayor Carter, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Richiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Patterson, Warren.

Nays: None.

Absent: Director Axelrod.

Resolution No. 66-00.

By Director Whitlow.

Resolved, by the Board of Control of the City of Cleveland that the bid of AmeriSource Corporation for an estimated quantity of Pharmaceutical supplies item numbers 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 45, 46, 48, 49, 50, 51, 52, 56, 57, 58, 61, 62, 64, 66, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 82, 83, 84, 86, 87, 88, 89, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 113, 114, 115, 116, 117, 118, 119, 120, 122, 123, 124, 126, 127, 128, 129, 130, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, and 147 for the Division of Correction, Department of Public Health, for the period of one (1) year beginning with the date of execution of contract, received on November 19, 1999, pursuant to the authority of Ordinance No. 1070-99, passed June 14, 1999, which on the basis of the estimated quantity would amount to Eighty-One Thousand Five Hundred Fifteen and 81/100 Dollars (\$81,515.81) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Health 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. 13408

Pharmaceutical supplies which shall be certified against such contract in the sum of Four Thousand One Hundred Thirty-One and 35/100 Dollars (\$4,131.35).

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: Acting Mayor Carter, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Richiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Patterson, Warren.

Nays: None.

Absent: Director Axelrod.

Resolution No. 67-00.

By Director Whitlow.

Resolved, by the Board of Control of the City of Cleveland that the bid of Physician Sales & Service, Inc. for an estimated quantity of Pharmaceutical supplies, Item numbers 2, 3, 14, 24, 25, 38, 44, 54, 55, 59, 60, 67, 68, 69, 85, 110, 111, 112, 121, 125, and 131, for the Division of Correction, Department of Public Health, for the period of one (1) year beginning with the date of execution of contract, received on November 19, 1999, pursuant to the authority of Ordinance No. 1070-99, passed June 14, 1999, which on the basis of the estimated quantity would amount to Thirteen Thousand Seven Hundred Forty-Eight and 89/100 Dollars (\$13,748.89) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Health 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. 13407

Pharmaceutical supplies which shall be certified against such contract in the sum of Six Hundred Eighty-Eight and 82/100 Dollars (\$688.82).

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: Acting Mayor Carter, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Richiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Patterson, Warren.

Nays: None.

Absent: Director Axelrod.

Resolution No. 68-00.

By Director Whitlow.

Resolved, by the Board of Control of the City of Cleveland that the bid of Hytree Pharmacy, Inc., d.b.a. Hytech Medical Supply, for an estimated quantity of Pharmaceutical supplies, item numbers 28, 53, 65, 70, 79, 90, 91 and 104, for the Division of Correction, Department of Public Health, for the period of one (1) year beginning with the date of execution of contract, received on November 19, 1999, pursuant to the authority of Ordinance No. 1070-99, passed June 14, 1999, which on the basis of the estimated quantity would amount to Five Thousand Three Hundred Sixty-Eight and 03/100 Dollars (\$5,368.03) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Health 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. 13406

Pharmaceutical supplies which shall be certified against such contract in the sum of Two Hundred Sixty-Eight and 58/100 Dollars (\$268.58).

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: Acting Mayor Carter, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Richiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Patterson, Warren.

Nays: None.

Absent: Director Axelrod.

Resolution No. 69-00.

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to the authority of Ordinance No. 1428-99 passed by the Council of the City of Cleveland on October 18, 1999, Lum's Vending and Food Service Inc. and Cleveland Coca-Cola Bottling Company, Inc. a joint venture, is hereby selected upon the nomination of the Director of Parks, Recreation and Properties for the purpose of compiling such a list, as the concessionaire to be employed for the purpose of providing and servicing vending machines at certain City-owned and City-leased buildings except City recreation centers and the Humphrey Sports Complex.

Be it further resolved that the Director of Parks, Recreation and Properties hereby is authorized to enter into a concession agreement with Lum's Vending and Food Service Inc and Cleveland Coca-Cola Bottling Company, Inc based upon their proposals dated November 29, 1999 and amended by their letter dated January 26, 2000. The contract authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as said by the Director deems necessary to protect and benefit public interest.

Yeas: Acting Mayor Carter, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Richiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Patterson, Warren.

Nays: None.

Absent: Director Axelrod.

Resolution No. 70-00.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 123-21-040 and 123-21-042 under said Land Reutilization Program; and

Whereas, Ordinance No. 1291-99 passed July 14, 1999, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market, Value; and

Whereas, Cuyahoga County Board of Commissioners or designee have proposed to the City to purchase

and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1291-99 passed July 14, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Cuyahoga County Board of Commissioners or designee for the sale and development of Permanent Parcel Nos. 123-21-040 and 123-21-042, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$47,300, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Acting Mayor Carter, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Richiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Patterson, Warren.

Nays: None.

Absent: Director Axelrod.

Resolution No. 71-00.

By Director Warren.

Whereas, pursuant to the authority of Ordinance No. 478-98, passed by Cleveland City Council June 1, 1998, and Resolution No. 561-98, adopted August 4, 1998 and Resolution No. 82-99, adopted February 17, 1999, the Director of Economic Development entered into City Contract No. 53577 with WTW Architects ("Consultant") for professional services necessary to make site improvements necessary to develop Cleveland Enterprise Park; and

Whereas, the City has determined to modify the scope of work to include additional services related to the Cleveland Enterprise Park Master Plan; and

Whereas, Consultant has presented a proposal dated March 31, 1999 to perform such additional services, which said additional-services proposal the City finds acceptable; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland that the Director of Economic Development is authorized to enter into a Second Amendment to the agreement with WTW Architects, City Contract No. 53577, based on its additional-services proposal dated March 31, 1999 to provide additional services related to the Cleveland Enterprise Park Master Plan. The compensation for additional services authorized hereby shall not exceed Thirty-Three Thousand, Eight Hundred Six Dollars (\$33,806.00), thereby increasing the total contract to an amount not to exceed \$452,651.00.

Be it further resolved that all other terms and provisions of City Contract No. 53577 not expressly modified hereby shall remain unchanged and in full force and effect.

Yeas: Acting Mayor Carter, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Richiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Patterson, Warren.

Nays: None.

Absent: Director Axelrod.

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

TUESDAY, FEBRUARY 22, 2000

9:30 A.M.

Calendar No. 00-9: 12503 Kinsman Road (Ward 3)

Ernest Howard, owner, and Sprint-Com., Inc., lessee, appeal to construct a 129' high monopole tower on an approximate 100' x 181' corner parcel located in a Local Retail District on the northeast corner of East 125th Street and Kinsman Road at 12503 Kinsman Road; said construction being contrary to the Height Regulation Requirements of Section 353.06(a)(3) where the owner shall not be nearer to any lot lines at the height limit than 25' and all portions of the tower exceeding 35' in height are set back from any Residential Use District limit at least 2' for each 1' of the tower's height as stated in Section 363.06(a)(4) of the Codified Ordinances.

Calendar No. 00-14: 3509 East 55th Street (Ward 5)

Sherri L. Sullins, owner, appeals to change the use of an existing 151' x 62' two-story masonry post office building into a restaurant located in a General Retail District and situated on a 75' x 151' parcel on the east side of East 55th Street at 2509 East 55th Street, said change of use being contrary to Off-Street Parking and Loading Requirements where accessory parking in separate lot requires same ownership or control as the building or use to which the parking facilities are accessory as per Section 349.05(b) of the Codified Ordinances.

Calendar No. 00-15: 3440-3442 West 117th Street (Ward 19)

Kim & Kim Incorporated, owners c/o Alejandro Galindo, appeal to

construct 55 linear feet of 6' high board on board fence between the parking lot and the residence district and situated at the rear of the property of a 36' x 105' corner parcel located in a General Retail Business District on the northwest corner of Governor Avenue and West 117th Street at 3440-3442 West 117th Street; said construction being contrary to the Residential District Requirements of Section 337.23(a)(6) where the distance between the proposed fence and the adjacent property line is 0' and 3' from the adjacent wall of a residential building but subject to the non-conforming use limitations of Section 359.01(a) of the Codified Ordinances.

Calendar No. 00-16: 1195 East 106th Place (Ward 8)

The Greater Abyssinia Baptist Church, owner c/o T.L. Steward, contractor, appeal to install 6 accessory off-street parking spaces on an approximate 63' x 37' irregular shaped corner parcel in a Two-Family District on the southeast corner of Mansion Court and East 106th Place; said change of use being contrary to Off-Street Parking and Loading Requirements where parking spaces in a Residential District require paving and drainage and Board of Zoning Appeals approval as stated in Section 349.13(c) of the Codified Ordinances.

Calendar No. 00-17: 1867 East 82nd Street (Ward 7)

Garth and Mary Ireland, owners, and Bruce Baum, agent, appeal to construct an 80' x 170' one-story masonry 33 bed nursing home addition to an existing one-story facility and all situated on an approximate 25' x 250' parcel located in a Multi-Family District on the east side of East 82nd Street at 1867 East 82nd Street; said construction being contrary to the Residential District Requirements where the proposed nursing home is located 10' from an adjoining premises in a Residence District and a 15' distance is required as stated in Section 337.23(e)(7) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 7, 2000

At the meeting of the Board of Zoning Appeals on Monday, February 7, 2000, the following appeals were heard by the Board:

The following appeal was **Approved:**

Calendar No. 99-562: 3222 Carnegie Avenue

The Charles P. Comella Trust, owner, and White Hat Management, tenant, and Ocheltree Construction c/o Charles Ocheltree, agent, appealed to change the use of a 73' x 140' "L" shaped building into an adult training center in a Semi-Industry District; approval subject to submission of modified plan showing removal of one parking space and inclusion of 6' landscape strip; an outline of proposed education program to be utilized and input from Council representative on the proposed change of use.

The following appeals were **Denied:**

Calendar No. 00-1: 12325 Lorain Avenue

Joseph S. Quirino, owner, and Eugene Zimmerman, tenant, appealed to expand an automobile repair shop by adding more parking spaces in a General Retail Business District.

Calendar No. 00-4: 5422 Fleet Avenue

Charles T. Henley, owner, appealed from the issuance of a Violation Notice on July 7, 1999 by the Commissioner of Building and Housing for operating a motor vehicle repair shop in a Local Retail District.

The following appeal was **Withdrawn:**

Calendar No. 00-2: 4400 Warner Road

Dennis Daquila, owner, appealed to convert a single family dwelling into a two family house in a Local Retail Business District.

The following appeals were **Dismissed:**

Calendar No. 99-558: 3627 Payne Avenue

Dino Konstantinou, owner, appealed to combine the use of a two-story storage building for the storage of hot dog vendor carts and living space for tenants in a Local Retail District.

Calendar No. 99-561: 1021-1023 Parkwood Drive

Dennie Pratt, owner, and Dependable Builders, agent, appealed to enclose a second floor front porch of a two family house in a Multi-Family District.

The following appeals were **Postponed:**

Calendar No. 99-516: 3636 Erin Avenue postponed to February 28, 2000.

Calendar No. 99-552: 10721-10723 St. Clair Avenue postponed to March 24, 2000.

Calendar No. 00-3: 16700 St. Clair Avenue postponed to February 28, 2000.

On Monday, February 7, 2000, in Executive Session:

The following appeals were heard on Monday, January 31, 2000 and said decisions were approved and adopted by the Board on February 7, 2000.

The following appeals were **Approved:**

Calendar No. 99-576: 4902 Fleet Avenue

Catholic Diocese of Cleveland, owner, and Cleveland Public Schools, tenant, and Michael L. Chrisman, agent, appealed to construct a 50' x 14' one-story modular classroom unit in a Local Retail District.

Calendar No. 99-577: 2322 East 84th Street

Catholic Diocese of Cleveland, owner, and Cleveland Public Schools, tenant, and Michael L. Chrisman, agent, appealed to construct a 50' x 14' one-story modular classroom unit in a Two-Family District.

Calendar No. 99-578: 662 Lakeview Road
Catholic Diocese of Cleveland, owner, and Cleveland Public Schools, tenant, and Michael L. Chrisman, agent, appealed to construct a 50' x 14' one-story modular classroom unit in a Multi-Family District.

Calendar No. 99-580: 2017 West 45th Street
Lakeside Blueprint, owner c/o Chuck Dean, president, appealed to construct an off-street accessory parking lot for 16 cars on a 150' x 101' triangular parcel in a Two-Family District.

Calendar No. 99-529: 2387 Professor Avenue
Martin Tighe, owner, appealed to install 7 linear feet of 6' high chain link fencing with cedar boards to the east of a two-story frame dwelling house 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
February 2, 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-302-99.

RE: Appeal of Frank & Marcella Menge, Owners of the Vacant/Storage Masonry Property located on the premises known as 2240 St. Clair Avenue from a 30 DAY CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated October 6, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant one (1) month in which to obtain permits and make the building weather tight, and two (2) months in which to abate the obvious violations on the property, and to require that the property be maintained boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the 30 DAY CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by May 16, 2000. Motion so in order.

Motioned by Mr. Bowes and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-312-99.

RE: Appeal of First Merit Bank, N.A. f.k.a. First National Bank of Ohio, Mortgagee of the Eleven Dwelling Unit/Two Stores/Two Story Masonry Property located on the premises known as 15608-12 Corsica Avenue (a.k.a. 251-53 East 156th Street) from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated November 5, 1999, 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 15608-12 Corsica Avenue (a.k.a. 251-53 East 156th Street) to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-313-99.

RE: Appeal of Djuric Stokic, Owner of the Industrial-Light Brick Property located on the premises known as 6800 Park Avenue from a 72 HOUR VACATE ORDER of the Commissioner of the Division of Building and Housing dated November 10, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit the Appellants to occupy and use the approximately 1,000 s.f. of area in the building, not presumed to be contaminated, for assembly ONLY, with the provisions that a proper method of abatement of the contaminants and any fire hazard issues, subject to review by the Division of Fire, and any required plans for change of use of the property to be submitted to the Division of Building and Housing, noting that this occupancy is limited to thirty (30) days. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: Mr. Sullivan.

* * *

Docket A-314-99.

RE: Appeal of IMC Mortgage Company, Mortgagee of the Two Story Frame Residential Property located on the premises known as 2220 East 71st Street from a 30 DAY CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated November 5, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEM-

NATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three (3) months in which to obtain permits and abate the violations on the property, and to require that the property be maintained boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the 30 DAY CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by May 16, 2000. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-335-99.

RE: Appeal of Dollar Bank c/o The Mortgage Service Center, Mortgagee of the Two & One-half Story Frame Residential Property located on the premises known as 12118 Lenacrave Avenue from a NOTICE OF VIOLATION/EXTERIOR MAINTENANCE AND GARAGE CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated November 5, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to obtain all necessary permits for abatement of the violations within two (2) weeks and to grant the Appellant two (2) months in which to complete abatement of all the violations on the property; 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. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-336-99.

RE: Appeal of Siegel Properties Carnegie, Ltd. Owner of the Abandoned Underground Storage Tanks located on the premises known as 7035 Carnegie Avenue from a NOTICE OF VIOLATION/FIRE CODE of the Chief of the Division of Fire dated October 28, 1999, 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 7035 Carnegie Avenue to the Division of Fire for any required further action and/or mutual agreeable resolution. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

Docket A-337-99.

RE: Appeal of Steven Jopek, Owner of the Commercial Masonry Property located on the premises known as 10205 Madison Avenue from a NOTICE OF VIOLATION/ELECTRICAL of the Commissioner of the Division of Building and Housing dated November 8, 1999, 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 three (3) month extension of time in which to complete abatement of the violations, and to REMAND the property at 10205 Madison Avenue to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-338-99.

RE: Appeal of Jeffrey F. Tretera, Owner of the Two & One-half Story Residential Frame Property located on the premises known as 4250-52 Warner Road from a 30 DAY CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated December 12, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant until July 1, 2000 in which to abate the exterior violations, including painting of the structure, and to obtain permits and complete abatement of the rest of the work in an orderly fashion, the property is to be maintained boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the 30 DAY CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by July 1, 2000. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-8-00.

RE: Appeal of Danford Jones, Owner of the Two Family Residential Property located on the premises known as 532 East 107th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated December 21, 1999, 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 vari-

ance and permit the improvements proposed for the third floor to serve as an entertainment area, noting that there will be no sleeping on the third floor, with the provisions that a hardwired smoke detector system be installed with audible signals throughout on all three floors of the residence and basement. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Bowes, Saunders, Sullivan. Nays: Mr. Williams.

* * *

Docket A-12-00.

RE: Appeal of Woodrow Gildersleeve Sr., Owner of the Two Family Residential Property located on the premises known as 2651-53 East 61st Street from a ORDER TO VACATE of the Commissioner of the Division of Building and Housing dated January 20, 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 modify the Commissioner's ORDER TO VACATE by permitting occupancy of one (1) side of the property as soon as the sanitary facilities, sewer, water, gas for heat and smoke detectors are installed and approved by the inspector; and to require that the appellant obtain permits within thirty (30) days and complete abatement of the violations within three (3) months. Motion so in order. Motioned by Mr. Saunders and second by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Bowes and seconded by Mr. Sullivan 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-307-99—William Rowan.
- A-311-99—Willie Stone.
- L-1-00—Peter J. Renuart.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

APPROVAL OF MINUTES

Separate motions were entered by Mr. Bowes and seconded by Mr. Williams 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):

January 19, 2000

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

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

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, February 23, 2000
1:00 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, February 23, 2000, at 1:00 P.M., to consider the following ordinances now pending in the Council:

Ord. No. 1983-99.

By Councilman Robinson.
An ordinance establishing the Kinsman Avenue/Mount Pleasant Business Revitalization District (BRD) (Map Change No. 2001, Sheet No. 10)

Ord. No. 2179-99.

By Councilman Cimperman.
An ordinance to change the Use, Area, and Height Districts of lands bounded by W. Superior Avenue, Lockwood Drive, and Columbus Road. (Map Change No. 2004, Sheet Nos. 1 and 5)

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

JOSEPH C. CIMPERMAN,
Chairman
Committee on City Planning

February 9, 2000 and February 16, 2000

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 ven-

ture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, FEBRUARY 16, 2000

One Stop Career Center — Interior Renovations, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1495-97, passed by the Council of the City of Cleveland.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, FEBRUARY 10, 2000, 1:00 P.M., AT THE ONE STOP CAREER CENTER, 1465 EAST 55TH STREET, CLEVELAND, OHIO 44103.

February 2, 2000 and February 9, 2000

FRIDAY, FEBRUARY 18, 2000

Seven (7) Digital ALPHA Workstations/Accessories, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2166-98, passed by the Council of the City of Cleveland, March 1, 1999.

February 2, 2000 and February 9, 2000

WEDNESDAY, FEBRUARY 23, 2000

Atomic Absorption Spectrometer and Accessories, for the Division of Water, Department of Public Utilities, as authorized by Section 129.28 of the Codified Ordinances of the City of Cleveland, 1976.

Biological Testing Media and Appurtenances, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 485-96, passed by the Council of the City of Cleveland, May 6, 1996.

February 2, 2000 and February 9, 2000

THURSDAY, FEBRUARY 24, 2000

Cleveland Business Park Drive West, Phase I, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 1786-97 and 506-99, passed by the Council of the City of Cleveland, September 22, 1997 and June 14, 1999, respectively.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, FEBRUARY 15, 2000, 11:00 A.M., ROOM 514 OF CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Electrical Supplies, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1120-99, passed by the Council of the City of Cleveland, October 25, 1999.

Labor and Materials to Re-Carpet Offices, for the Division of Cleveland Hopkins Airport, Department of Port Control, as authorized by Ordinance No. 1227-98, passed by the Council of the City of Cleveland, August 19, 1998.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, FEBRUARY 17, 2000, 1:00 P.M., AT 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.

February 2, 2000 and February 9, 2000

THURSDAY, MARCH 2, 2000

Manhole, Castings and Grating, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of the City of Cleveland, 1976.

A MANDATORY PRE-BID MEETING WILL BE HELD ON WEDNESDAY, FEBRUARY 23, 2000, 10:00 A.M., AT THE OFFICES OF CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 2, 2000 and February 9, 2000

THURSDAY, FEBRUARY 24, 2000

Traffic Cones and Safety Drums, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 1827-99, passed by the Council of the City of Cleveland, December 6, 1999.

HFRS2 Emulsion and Equipment Management Services and Purg-ing Solution, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 1828-99, passed by the Council of the City of Cleveland, December 6, 1999.

Upgrade Life Safety System and Relocate Command Center, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 761-98, passed by the Council of the City of Cleveland, May 18, 1998.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, FEBRUARY 16, 2000, 10:00 A.M., AT 500 LAKESIDE AVENUE. ATTENDANCE IS MANDATORY.

February 9, 2000 and February 16, 2000

FRIDAY, FEBRUARY 25, 2000

Mower Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2174-98, passed by the Council of the City of Cleveland, March 1, 1999.

New Tires, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1961-99, passed by the Council of the City of Cleveland, March 1, 1999.

Gasoline, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1821-99, passed by the Council of the City of Cleveland, March 1, 1999.

February 9, 2000 and February 16, 2000

WEDNESDAY, MARCH 1, 2000

Thirteen (13) MSA Self-Contained Breathing Apparatus, for the Department of Public Safety, as authorized by Ordinance No. 1726-98, passed by the Council of the City of Cleveland, November 16, 1998.

Various Items Required For The Domestic Preparedness Equipment Program, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1726-98, passed by the Council of the City of Cleveland, November 16, 1998.

February 9, 2000 and February 16, 2000

THURSDAY, MARCH 2, 2000

Rehabilitation of East 40th Street — Phase II: East 55th Street to Central Avenue, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1282-98, passed by the Council of the City of Cleveland, July 29, 1998.

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.

February 9, 2000, February 16, 2000 and February 23, 2000

WEDNESDAY, MARCH 8, 2000

Police Headquarters Parking Garage and Plaza Renovations, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1578-90, passed by the Council of the City of Cleveland.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, FEBRUARY 22, 2000, 2:00 P.M., AT THE POLICE HEADQUARTERS, 1300 ONTARIO AVENUE, CLEVELAND, OHIO.

February 9, 2000 and February 16, 2000

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 144-2000.

By Councilmen Melena, White, Robinson, Patmon, Cintron, Rybka and Brady.

An emergency resolution expressing the support of Cleveland City Council for the Cleveland Housing Network Limited Partnership XVII proposal to the Ohio Housing Finance Agency for the use of housing tax credits.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits to affordable housing developments throughout Ohio, using a competitive proposal process; and

Whereas, the Cleveland Housing Network, in partnership with its nineteen member community development corporations (CDC's), is proposing to develop up to 100 single family homes; and

Whereas, 100 percent of these homes will be made occupied by low-income families, and no market rate units; and

Whereas, 20 percent of these homes will be serve a special needs population, specifically single parent households; and

Whereas, the Cleveland City Council supports the Cleveland Housing Network Limited Partnership XVII, therefore

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

Section 1. That the Clerk of Council be and she is hereby directed to transmit two copies of this resolution to the Executive Director of the Cleveland Housing Network.

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

Adopted January 31, 2000.

Effective February 3, 2000.

Res. No. 145-2000.

By Councilmen Polensek, Cintron, Dolan, O'Malley, Sweeney, Rybka, Patmon, Gordon, White, Cimperman, Brady, Coats, Jones and Westbrook.

An emergency resolution opposing the proposal of the Department of Energy to transport radioactive nuclear waste by truck and rail through the City of Cleveland and urging the development of an alternative proposal for disposition of the waste.

Whereas, the Department of Energy has proposed to consolidate 77,000 tons of nuclear waste fuel from the country's 109 nuclear power plant and 5 government operated defense plants within Yucca Mountain, approximately 100 miles northwest of Las Vegas, Nevada; and

Whereas, in order to accommodate this plan, the Plain Dealer has reported that it is possible that a truck loaded with radioactive waste would transport this lethal cargo on Ohio highway's more than once a

day, every day, for 24 years; and

Whereas, a spokesperson for the Department of Energy has stated that shipment by a combination of trucks and rail is possible. Nine casks a day containing radioactive waste would pass through Ohio by truck and two rail casks would travel through Ohio weekly, with a route through Cleveland approximately 90% of the time; and

Whereas, the safety, health and security risks associated with radioactive waste are well-known and potentially devastating; and

Whereas, this Council of the City of Cleveland is opposed to any plan by the federal government to regularly transport nuclear waste through our community and through the backyards of the residents of the City of Cleveland; and

Whereas, this Council strongly urges the Department of Energy to examine alternate plans for the disposition of this lethal material, so as not to adversely jeopardize the safety and welfare of the citizens of Cleveland; now, therefore

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

Section 1. That this Council of the City of Cleveland strongly opposes the proposal of the Department of Energy to transport thousands of tons of lethal radioactive material through Cleveland on a regular and continuous basis and urges the federal government to develop an alternative plan for the disposition of this nuclear waste.

Section 2. That the Clerk is hereby requested to transmit a copy of this resolution to President Clinton; Bill Richardson, U.S. Secretary of Energy; Governor Taft; Senators Voinovich and DeWine; and U.S. Representatives Kucinich, LaTourette and Brown.

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 January 31, 2000.

Effective February 3, 2000.

Res. No. 146-2000.

By Councilman Sweeney.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 13027 Lorain Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 1547275, Cleveland, Lorain CVS Inc., DBA CVS/Pharmacy #2503, 13027 Lorain Avenue, Cleveland, Ohio 44111; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 1547275, Cleveland Lorain CVS Inc., DBA CVS Pharmacy #2503, 13027 Lorain Avenue, Cleveland, Ohio 44111 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 31, 2000.

Effective February 3, 2000.

Ord. No. 1705-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain and repair building automation computer systems and associated equipment, for the various divisions of the Department of Port Control, 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 Port Control is hereby authorized to make a written contract in accordance with the Charter and the Cod-

ified 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 and repair building automation computer systems and associated equipment, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 MBE participation goal for the contractor or contractors shall be thirty percent (30%) and the FBE participation goal shall be ten percent (10%).

Section 3. 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 8227)

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 January 31, 2000.

Effective February 3, 2000, without the signature of the Mayor.

Ord. No. 1820-99.

By Councilman Jackson.

An emergency ordinance to vacate a portion of East 32nd Place hereinafter described.

Whereas, on the 7th day of June, 1999 the Council of the City of Cleveland adopted Resolution No. 95-99 declaring its intention to vacate a portion of East 32nd Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 95-99 has been served upon the owners of all the property abutting East 32nd Place, 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 13th day of October, 1999, the Board of Revision of Assessments approved the vacation of East 32nd Place, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 32d Place, 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 East 32nd Place (25.00 feet wide), extending Southerly from the Southerly line of Euclid Avenue (99.00 feet wide) to the Northerly line of Prospect Avenue (82.50 feet wide), be and the same is hereby vacated.

Section 2. That an easement be maintained for the Division of Fire for ingress and egress. The description of the easement is as follows:

Being all that portion of East 32nd Place (25.00 feet wide), extending Northerly from the Northerly line of Prospect Avenue S.E. (82.5 feet wide) 199 ft. 7 in. to the Easterly prolongation of the Northerly line of Sublot Number 7 in the John Blair Subdivision as shown by the plat Recorded in Volume 2 Page 43 of Cuyahoga County Records.

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

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 32nd Place, herein provided by sending him a copy of this Ordinance.

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

Passed January 31, 2000.

Effective February 3, 2000.

Ord. No. 2048-99.

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

An emergency ordinance authorizing the purchase by requirement contract of various equipment and appurtenances for vac-all catch basin cleaners, 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 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 various equipment and appurtenances for vac-all catch basin cleaners 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 Water Pollution Control, 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 a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 11264)

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

Passed January 31, 2000.

Effective February 3, 2000.

Ord. No. 2058-99.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of uniforms and spring and winter jackets, for the various divisions of the Department of Community Development.

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

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

Section 1. That the Director of Community Development is 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: uniforms and spring and winter jackets for field employees, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Community Development.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund Nos. 01-800501-644000 and 14 SF 025, Request No. 1298.

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

Passed January 31, 2000.

Effective February 3, 2000.

Ord. No. 2119-99.
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 STD Control 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 amount of \$62,409.00, from the Ohio Department of Health, to conduct the STD Control Program, for the purposes set forth in the program description 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 program description for said grant.

Section 2. That the program description for said grant, File No. 2119-99-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 January 31, 2000.
 Effective February 3, 2000.

Ord. No. 2177-99.
By Councilmen Melena, White and Patmon (by departmental request).

An emergency ordinance authorizing the Directors of Economic Development and Personnel and Human Resources to enter into contracts with various agencies for the implementation of the Empowerment Zone Labor Force Development Program.

Whereas, the City of Cleveland has received an Economic Development Initiative Grant from the United States Department of HUD to fund Labor Force Development programs for Empowerment Zone residents; 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 Directors of Economic Development and Personnel and Human Resources are authorized to enter into one or more contracts with various non-profit, for-profit and public agencies selected by said Directors in accordance with the HUD approved Citizen-Participation Process for the Empowerment Zone for the implementation of a comprehensive Labor Force Development Program such contracts to provide job training, job placement, child care support, legal services support, transportation support, career assessments, testing, education, and other related services.

Section 2. That the total cost of all contracts shall not exceed \$1,054,363.00 and shall be paid from Fund No. 18 SF 007, Request No. 13042.

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

Passed January 31, 2000.
 Effective February 3, 2000.

Ord. No. 140-2000.

By Councilman Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to St. Clair Business Association to encroach into the public right-of-way of St. Clair and Marquette Avenues between East 61st to East 64th Streets with 33-banners using Cleveland Public Power utility poles (by separate permission) to identify their area.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to St. Clair Business Association, 6220 St. Clair Avenue, Cleveland, Ohio 44103, its successors and assigns, for the construction, use and maintenance of thirty-three (33) banners to be hung on Cleveland Public Power utility poles (by separate permission) which will encroach into the public right-of-way of St. Clair and Marquette Avenues between East 61st to East 64th Streets at the locations as described herein:

LOCATION:	POLE NUMBER:	OWNER:
St. Clair Ave. (S. Side)	MT18-13	C.P.P.
	MT18-15	C.P.P.
	MT18-17	C.P.P.
Marquette Ave. to E. 61st	MT18-18	C.P.P.
	MT18-19	C.P.P.
	MT18-20	C.P.P.
	MT18-21	C.P.P.
	MT18-23	C.P.P.
	MT18-24	C.P.P.
	MT18-25	C.P.P.
	MT19-1	C.P.P.
	MT19-5	C.P.P.
	MT19-6	C.P.P.
St. Clair Ave. (N. Side)	MT19-7	C.P.P.
	MT19-8	C.P.P.
	MT19-9	C.P.P.
	MT19-10	C.P.P.
	MT19-11	C.P.P.
	MT19-12	C.P.P.
	MT18-26	C.P.P.
	MT18-27	C.P.P.
	MT18-28	C.P.P.
	MT18-29	C.P.P.
	St. Clair Ave. (S. Side)	

LOCATION:	POLE NUMBER:	OWNER:
E. 61st to E. 64th Sts.	MT18-30	C.P.P.
	MT18-32	C.P.P.
	MT18-33	C.P.P.
	MT19-14	C.P.P.
	MT19-15	C.P.P.
St. Clair Ave. (N. Side)	MT19-16	C.P.P.
	MT19-17	C.P.P.
	MT19-20	C.P.P.
	MT19-21	C.P.P.
E. 61st to E. 64th Sts	MT19-22	C.P.P.

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

Section 3. That said banners are to be placed in the public right-of-way at the location as aforesaid in Section 1, and shall 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 to be hung.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed January 31, 2000.
Effective February 3, 2000.

**Ord. No. 141-2000.
By Councilmen Cimperman and Britt.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Diabetes Association of Greater Cleveland to stretch banners at Cleveland State University Bridge on East 22nd Street north of Euclid Avenue and the Cleveland Clinic walkway at Carnegie and E. 90th Street, for the period of time from March 13, 2000 to April 10, 2000, inclusive, publicizing the the Key-Bank Swim for Diabetes.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Diabetes Association of Greater Cleveland, 3601 S. Green Road, Suite 100, Cleveland, Ohio 44122, to install, maintain and remove banners at Cleveland State University Bridge on East 22nd Street north of Euclid Avenue and the Cleveland Clinic walkway at Carnegie and E. 90th Street, for the period from March 13, 2000 to April 10, 2000, inclusive. Said banners shall be approved by the Director of Public Service, in con-

sultation with the Director of Public Safety, as to type, method of affixing and location so as to not 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 banners shall be removed promptly upon the expiration of said permit.

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

Passed January 31, 2000.
Effective February 3, 2000.

**Ord. No. 142-2000.
By Councilman Johnson.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Buckeye Area Development Corporation (BADC) for pre-development costs necessary to prepare Lafayette School and other sites in Ward 4 for housing development, through the use of Ward 4

Workers' Compensation Neighborhood Development 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 Buckeye Area Development Corporation (BADC) for pre-development costs necessary to prepare Lafayette School and other sites in Ward 4 for housing development.

Section 2. That the costs of said contract shall be in an amount not to exceed \$130,000 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 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 January 31, 2000.
Effective February 3, 2000.

**Ord. No. 143-2000.
By Councilman Melena (by request).**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Detroit Shoreway Community Development Organization for the Detroit Merchants Group to hang banners and snowflakes on the north and south sides of Detroit Ave. from W. 45th St. to West 85th St. on utility poles (by separate permission) for 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 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 Detroit Shoreway Community Development Organization (for the Detroit Merchants Group), Suite 1, The Gordon Arcade Atrium, 6516 Detroit Avenue, Cleveland, Ohio 44102, their successors and assigns, for the construction, use and maintenance of twenty (20) banners and forty-six (46) snowflakes to be hung on Cleveland Public Power utility poles, (by separate permission), which will encroach into the public right-of-way at the following locations:

<u>LOCATION:</u>	<u>POLE NUMBER:</u>	<u>OWNER:</u>
<u>Detroit Avenue (North Side):</u>		
@ W. 45th St., Max Hayes	#AT47-37	C.P.P.
@ W. 47th St., Max Hayes	#AT47-34	C.P.P.
@ W. 48th St., Max Hayes	#AT47-31	C.P.P.
4910 Detroit, Master Auto	#AT47-25	C.P.P.
@ W. 52nd St., WSEM Parking Lot	#AT47-21	C.P.P.
NE Corner of W. 54th St.	#AT47-18 No Tag	C.P.P.
5506 Detroit, Spectrum,	#AT47-13	C.P.P.
<u>Detroit Avenue (South Side):</u>		
@ W. 45th St., Damper's BP	#AT46-36	C.P.P.
4625 Detroit, Leimkuehlers	#AT46-33	C.P.P.
SE Corner, W. 48th St.	#AT46-30	C.P.P.
4815 Detroit, Davis Welding	#AT46-28	C.P.P.
5103 Detroit	#AT46-23	C.P.P.
5303 Detroit, Lucille's Strudel	#AT46-19	C.P.P.
5417 Detroit, Hunt Industry	#AT46-13	C.P.P.
<u>Detroit Avenue (North Side):</u>		
5800 Detroit, Lou & Eddy's	#AT47-9	C.P.P.
5820 Detroit	#AT47-7	C.P.P.
5910 Detroit, Convenient	#37379	C.P.P.
6204 Detroit, Craciun Funeral Home	#AT47-2	C.P.P.
St. Helena's Lot	#TT1-29	C.P.P.
NE Corner, W. 65th St.	#TT1-31	C.P.P.
NW Corner of W. 65th St.	#TT1-32	C.P.P.
6514 Detroit, Treasure Cove	#TT1-33	C.P.P.
<u>Detroit Avenue (North Side):</u>		
6710 Detroit, Lou's Furniture	#TT1-36	C.P.P.
6902 Detroit, Little Ceasar's	#(TT1-38) No Tag	C.P.P.
6928 Detroit, OLMC Rectory	#TT1-40	C.P.P.
<u>Detroit Avenue (North Side):</u>		
7006 Detroit, Berardi Apartment	#TT1-43	C.P.P.
7200 Detroit, Berry Funeral Home	#TT1-45	C.P.P.
NE Corner W. 74th St.	#TT1-48	C.P.P.
7402 Detroit, Payday Loans	#TT1-49	C.P.P.
<u>Detroit Avenue (North Side):</u>		
Rally's	#TT1-51-No Tag	C.P.P.
NW Corner Lake Ave.	#E5-1	C.P.P.
7704 Marathon Gas Station	#E5-3-No Tag	C.P.P.
7724 Detroit, Hermetic & Supply	#E5-5	C.P.P.
NW Corner W. 78th St.	#32354	C.P.P.
7800 Detroit, St. Augustine Towers	#32355	C.P.P.
7918 Detroit, Chateau	#E5-10-No Tag	C.P.P.
<u>Detroit Avenue (South Side):</u>		
SW Corner W. 58th St.	#37333	C.P.P.
5821 Detroit	#37336	C.P.P.
5901 Detroit	#No Tag	C.P.P.
6105 Detroit, Stockyard Meats	#37340	C.P.P.
St. Mary's Church	#37341	C.P.P.
6321 Detroit	#37342	C.P.P.
6425 Detroit, Cleveland Public Theater	#37343	C.P.P.
SE Corner W. 65th St.	#No Tag	C.P.P.

<u>LOCATION:</u>	<u>POLE NUMBER:</u>	<u>OWNER:</u>
<u>Detroit Avenue (South Side):</u>		
SW Corner W. 65th St. 6701 Detroit, Pioneer Savings	#37345 #No Tag	C.P.P. C.P.P.
6705 Detroit, Mr. Hero	#34835	C.P.P.
6901/05 Detroit Apartments	#No Tag	C.P.P.
7001/03 Detroit Murial Bldg.	#No Tag	C.P.P.
McDonald's	#34842	C.P.P.
7301 Detroit, Car Quest	#34843	C.P.P.
<u>Detroit Avenue (South Side):</u>		
7405 Detroit, Randolph Bldg. SW Corner W. 74th St. Waterson Lake School	#34845 #No Tag #No Tag	C.P.P. C.P.P. C.P.P.
7431 Detroit, City Savings & Loan	#TT1-2- No Tag	C.P.P.
SW Corner, W. 75th St.	#TT1-1	C.P.P.
Sacrada de Familia St. Augustine Manor, east end of lot	#E6-42 #E6-41-No Tag	C.P.P. C.P.P.
St. Augustine Manor, west end of lot	#E6-37	C.P.P.
<u>Detroit Avenue (North Side):</u>		
8016 Detroit, Zenja Bldg.	#E5-13	C.P.P.
8302 Detroit	#(E5-15) No Tag	C.P.P.
NE Corner W. 85th St.	#E5-18	C.P.P.
<u>Detroit Avenue (South Side):</u>		
8121 Detroit	#E6-34	C.P.P.
SE Corner of W. 84th St.	#E6-32	C.P.P.
SE Corner W. 85th St.	#(E6-31) No Tag	C.P.P.

Section 2. That said Christmas banners and snowflakes will be hanged within the public right-of-way of portions of the streets as aforesaid, will constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

Passed January 31, 2000.

Effective February 3, 2000.

COUNCIL COMMITTEE MEETINGS

Monday, February 7, 2000

Public Parks, Property and Recreation Committee: 9:30 a.m.—Present: Rybka, Chairman; Dolan, Vice Chairman; Brady, Johnson, Sweeney, White. Excused: Britt.

Employment, Affirmative Action and Training Committee: 11:00 a.m.

—Present: White, Chairman; Lewis, Vice Chairman; Cintron, Coats, Gordon, Johnson, Jones.

Finance Committee: 2:00 p.m.

—Present: Patmon, Chairman; Rybka, Vice Chairman; Cintron, Dolan, Johnson, Lewis, Melena, O'Malley, Polensek, Robinson, Sweeney.

Tuesday, February 8, 2000

Legislation Committee: 1:30 p.m.—Present: Lewis, Chairman; Jones, Vice Chairman; Brady, Coats, Gordon. Excused: Johnson, Westbrook.

Wednesday, February 9, 2000

Aviation and Transportation Committee: 10:00 a.m.—Present: Dolan, Chairman; O'Malley, Vice Chairman; Jones, Patmon, Robinson, Rybka, Sweeney.

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