

The City Record

Official Publication of the City of Cleveland

June the Sixteenth, Nineteen Hundred and Ninety-Nine

Mayor	
Michael R. White	
President of Council	
Jay Westbrook	
Clerk of Council	
Cecelia R. Huffman	
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	Joseph J. Zone
20	Martin J. Sweeney
21	Michael A. Dolan

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

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	Joseph J. Zone.....	3323 West 130th Street	44111
20	Martin J. Sweeney.....	3632 West 133rd Street	44111
21	Michael A. Dolan.....	16519 West Park Road	44111

Clerk of Council - Cecelia R. Huffman, 216 City Hall, 664-2840.
First Assistant Clerk - Sandra Franklin.

MAYOR-Michael R. White
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy
Barry Withers, Executive Assistant for Administration
Judith Zimomra, Executive Assistant for Service
Kenneth Silliman, Executive Assistant for Economic Development
Laura Ann Williams, Director, Office of Equal Opportunity
Milan T. Polacek, Executive Assistant for Legislative Affairs

DEPT. OF LAW - Cornell P. Carter, Director, Lessie M. Milton, Chief Counsel, Room 106
George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch - Justice Center, 8th Flr., Court Towers, 1200 Ontario Street
Karen E. Martines, Law Librarian, Room 100

DEPT. OF FINANCE - Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit
DIVISIONS - Accounts - Gayle Goodwin Smith, Commissioner, Room 19
City Treasury - Mary Christine Jackman, Treasurer, Room 115
Assessments and Licenses - Robert J. Schneider, Commissioner, Room 122
Purchases and Supplies - William A. Moon, 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 - Hamid Manteghi, 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 - Solomon F. Balraj, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive; Cleveland Hopkins International Airport - Mark D. Vanloh, Commissioner Burke Lakefront Airport - Michael C. Barth, 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, Acting Commissioner, Harvard Yards
Architecture - Paul Burik, Acting Commissioner, Room 517

DEPT. OF PUBLIC HEALTH - Michelle Whitlow, Acting Director, Mural Building, 1925 St. Clair Avenue
DIVISIONS - Health - Cheri Hahn, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
Environment - Robin Puriani-Rogers, Acting 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 - Mark Ricchiuto, Acting Commissioner, 4150 East 49th Street, Building #1
Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street
Emergency Medical Service - Bruce Shade, 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 - _____, Commissioner, East 49th & Harvard

Parking Facilities - Dennis Donahue, Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
Park Maintenance and Properties - Richard L. Silva, Acting Commissioner, Public Auditorium - E. 6th & Lakeside.
Recreation - Michael Cox, Acting 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 - Lisa Thomas, 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, Acting Director; Mayor Michael R. White, Chairman Ex-Officio; Mary Adele Springman, Vice-Chairman; Councilmen Michael Polensek and Edward Rybka, City Council Representatives; Muqit Abdul Sabur, Louise Boddie, Charles E. McBe, Larry C. Liou, John Gallo, Emmett Saunders, Mary Jan Buckshot, Sr. Joaquina Carrion, Kathryn M. Hall, Hasan Muheisen, Barbara S. Rosenthal, Henry Simon.

CIVIL SERVICE COMMISSION - Room 119, Freddie J. Fenderson, President; Timothy J. Cosgrove, Vice President; Cynthia Sullivan, Secretary; Margaret Hopkins, Member, Earl Preston, Member.

SINKING FUND COMMISSION - Michael R. White, President; Betsy Hruby, Asst. Sec'y.; _____, Director; President of Council Jay Westbrook.

BOARD OF ZONING APPEALS - Room 516, Carol Johnson, Chairman; Members; Chris Carmody, Anna Chatman, 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 Jay Westbrook.

BOARD OF SIDEWALK APPEALS - Service Director Mark Ricchiuto; Law Director Cornell P. Carter; Councilman Roosevelt Coats.

BOARD OF REVIEW - (Municipal Income Tax) - Law Director Cornell P. Carter; Utilities Director Michael Konicek; Council President Jay Westbrook.

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 Odelia V. Robinson.

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 Jay Westbrook; Councilman Roosevelt Coats; 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, _____, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

CLEVELAND LANDMARKS COMMISSION - Room 519 - Richard Schanfarber, Chairman; Paul Volpe, Vice Chairman; Paul Burik, James Gibans, Sandra Morgan, Hunter Morrison, Theodore Sande, Galen Schuerlein, Randall Shorr, Councilman Craig E. Willis, Councilman Joe Cimperman, 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 Connally	15C
Judge Sean C. Gallagher	12B
Judge Mabel M. Jasper	14D
Judge Mary E. Kilbane	14C
Judge Kathleen A. Keough	12C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Gerald F. Sweeney	13D
Judge Robert J. Triozzi	12A

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 86

WEDNESDAY, JUNE 16, 1999

No. 4462

CITY COUNCIL

MONDAY, JUNE 14, 1999

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Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

9:30 A.M.—**Public Parks, Property & Recreation Committee:** Jones, Chairman; White, Vice Chairman; Britt, Polensek, Sweeney, Willis, Zone.

MONDAY—Alternating

11:00 A.M.—**Public Service Committee:** Sweeney, Chairman; Melena, Vice Chairman; Britt, Cintron, Johnson, Jones, O'Malley, Patmon, Polensek.

11:00 A.M.—**Employment, Affirmative Action & Training Committee:** White, Chairman; Cintron, Vice Chairman; Gordon, Johnson, Lewis, O'Malley, Rybka.

MONDAY

2:00 P.M.—**Finance Committee:** Johnson, Chairman; Westbrook, Vice Chairman; Cintron, Coats, Gordon, Lewis, Melena, Patmon, Robinson, Sweeney, Willis.

TUESDAY

9:00 A.M.—**Community and Economic Development Committee:** Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Rybka.

TUESDAY—Alternating

1:00 P.M.—**Public Health Committee:** Gordon, Chairman; Cimperman, Vice Chairman; Britt, Cintron, Dolan, Jackson, Robinson.

1:30 P.M.—**Legislation Committee:** Zone, Chairman; Johnson, Vice Chairman; Britt, Cimperman, Jackson, Rybka, Westbrook.

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Westbrook, Chairman; Sweeney, Vice Chairman; Cimperman, Dolan, Lewis, Patmon, White.

10:00 A.M.—**Public Safety Committee:** Coats, Chairman; Zone, Vice Chairman; Gordon, Jackson, Jones, Melena, O'Malley, White, Willis.

WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Willis, Chairman; Coats, Vice Chairman; Britt, Jones, Melena, O'Malley, Robinson, Rybka, Sweeney.

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, June 14, 1999.

The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

Councilmen present: Britt, Cimperman, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Melena, Patmon, Polensek, Robinson, Rybka, Sweeney, Westbrook, White, Willis, Zone.

Also present were Mayor White and Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Guzman, Jackson, Hudecek, Patterson, Warren, Dove, Axelrod, Morrison and Acting Director Whitlow.

The Chair dispensed with the Prayer and Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1177-99.

From Marvin Jones, Budget Specialist re: 1999 Park and Recreation Facilities Inventory. Received.

File No. 1178-99.

From the Division of Purchases and Supplies re: Emergency Requisition (RE-2388). Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 1179-99.

Re: New Application - 32543434780 - Golden Stores, Inc., d.b.a. Dairy Mart #4780, Grayton at I480. (Ward 20). Received.

File No. 1180-99.

Re: Transfer of Ownership Application - 7999895 - 79 Kinsman Corp., 3135 East 79th Street. (Ward 5). Received.

File No. 1181-99.

Re: Transfer of Ownership Application - Mr. Z's Beverage and Wine, Inc., d.b.a. Mo Zie In Beverage, 14016 Triskett Road. (Ward 19). Received.

File No. 1182-99.

Re: Transfer of Ownership Application - Sharon King, d.b.a. Diplomat Lounge, 3072 East 116th Street. (Ward 4). Received.

File No. 1183-99.

Re: Transfer of Ownership and Location Application - Creative Culinary Enterprises, Inc., 1225 West 6th Street. (Ward 13). Received.

File No. 1184-99.

Re: Transfer of Ownership and Location Application - 6055898 - Misty Hollow Lodge, Inc., 911 East 185th Street. (Ward 11). Received.

File No. 1185-99.

Re: Transfer of Ownership and Location Application - 4980630 - Lakeview Supermarket II, Inc., d.b.a. Lakeview Superette, 970 Lakeview Road, front first floor and basement. (Ward 8). Received.

File No. 1186-99.

Re: Transfer of Ownership and Location Application - 2708876 - Suroc, Inc., d.b.a. Sushi Rock, 1276 West 6th Street. (Ward 13). Received.

File No. 1187-99.

Re: Stock Transfer Application - 1173501 - C. & S. Beverage & Deli, Inc., d.b.a. C. & S. Beverage & Deli, 15649 Puritas Avenue. (Ward 20). Received.

File No. 1188-99.

Re: Stock Transfer Application - 5235615 - Little Eagle, Inc., d.b.a. Little Eagle, 3111 East 93rd Street. (Ward 4). Received.

PLAT

File No. 1189-99.

Councilman Dolan, Ward 21. Subdivision of Sullin Place.

Bearing the approval of the Committees on City Planning and Public Service.

Without objection, Plat approved. Yeas 19. Nays 0.

COMMUNICATIONS

File No. 1197-99.

May 27, 1999

The Honorable Jay Westbrook
President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Mr. Charles McBee for reappointment to the Community Relations Board. This reappointment is effective immediately upon the approval of Council and will expire on March 31, 2003.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 1198-99.

May 27, 1999

The Honorable Jay Westbrook
President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Ms. Edna Fuentes for appointment to the Community Relations Board. This appointment is effective immediately upon the approval of Council and will expire on March 31, 2003.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 1199-99.

May 27, 1999

The Honorable Jay Westbrook
President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Ms. Paula B. Castleberry for reappointment to the Community Relations Board. This reappointment is effective immediately upon the approval of Council and will expire on March 31, 2003.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 1200-99.

May 27, 1999

The Honorable Jay Westbrook
President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I would like to recommend Mr. Vir Sondhi for appointment to the Cleveland-Cuyahoga County Port Authority. This term will commence immediately upon the approval of Council and will expire on January 28, 2003.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 1201-99.

May 27, 1999

The Honorable Jay Westbrook
President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Ms. Mary Jane Buckshot for reappointment to the Community Relations Board. This reappointment is effective immediately upon the approval of Council and will expire on March 31, 2003.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 1202-99.

May 27, 1999

The Honorable Jay Westbrook
President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Ms. Janet Jankura for appointment to the Community Relations Board. This appointment is effective immediately upon the approval of Council and will expire on March 31, 2003.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 1203-99.

June 7, 1999

The Honorable Jay Westbrook
President

Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Mr. Jesse Anderson for reappointment to the Greater Cleveland Regional Transit Authority Board. This reappointment is effective immediately upon the approval of Council and will expire on March 2, 2002.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 1204-99.

June 7, 1999

The Honorable Jay Westbrook
President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Mr. George F. Dixon for reappointment to the Greater Cleveland Regional Transit Authority Board. This reappointment is effective immediately upon the approval of Council and will expire on March 2, 2002.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 1205-99.

May 27, 1999

The Honorable Jay Westbrook
President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Mr. John Nolan for reappointment to the Fair Housing Review Board. This reappointment is effective immediately upon the approval of Council and will expire on March 1, 2001.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

CONDOLENCES RESOLUTIONS

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

Res. No. 1208-99—Mary D. Fisco.
Res. No. 1209-99—Michael R. Dobransky.

Res. No. 1210-99—Walter Charles Dicks.

Res. No. 1211-99—Pastor Mattie L. Rubin.

Res. No. 1216-99—Robin Davis Bell.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 1212-99—Knights of Columbus, Southeast Council No. 3222.

Res. No. 1213-99—David H. Hoag.

Res. No. 1214-99—Sister Barbara Green.

Res. No. 1215-99—Fairfield Industrial High School Alumni Association, Inc.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 1118-99.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and replace Galion-Dresser equipment, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That the Director of Public 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 two (2) years for the necessary items of labor and materials necessary to repair and replace Galion-Dresser equipment, including installation if necessary, 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 two (2) 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. 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 1800)

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

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

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

Ord. No. 1119-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of rock salt, for the Division of Streets, Department of Public Service, for a period of one year, with one option to renew for one consecutive 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 for the necessary items of rock salt in the approximate amount as purchased during the preceding year, with one (1) option exercisable by the Director of Public Service, to renew for an additional one-year consecutive term, and cancellable upon thirty days written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, 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 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 3242)

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

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

Ord. No. 1120-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various electrical supplies, materials and equipment necessary for building maintenance, and renovation and improvement projects at various City facilities, for the Division of Property Management, Department of Parks, Recreation and Properties, for a period not to exceed three 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 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 three (3) years for the necessary items of various electrical supplies, materials and equipment necessary for building maintenance, and renovation and improvement projects at various City facilities, 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 Property Management, 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 three (3) 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. 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 5601)

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. 1121-99.**By Councilmen Willis and Johnson (by departmental request).****An emergency ordinance authorizing the Director of Public Utilities to make alterations and modifications in Contract No. 52206, for the Rosewood Road sewer construction with Triad Engineering & Contracting Co., 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 Director of Public Utilities is hereby authorized to make the following alterations and modifications in Contract No. 52206 with Triad Engineering & Contracting Co. for the Rosewood Road sewer construction, for the Division of Water Pollution Control, Department of Public Utilities:

SCHEDULE OF ITEMS:**Items to be paid:**

1. Change orders 3 & 4	\$ 36,975.73
2. Line item 400 Restoring Asphalt	8,080.00
3. Line item 400 Material Over-run	1,560.00
4. Line item 605 4" Shallow Pipe Underdrain	162.00
5. Line item 608 6" Concrete Aprons	1,728.00
6. Line item 609 Cast in Place Curb	+ 405.00

Subsidiary Additions \$ 48,910.73

Subsidiary Additions	\$ 48,910.73
Balance in Contract	- 4,817.68
Total Subsidiary Additions	\$ 44,093.05
Original Contract Amount	\$ 347,556.00
Total Subsidiary Additions	+ 44,093.05
REVISED CONTRACT AMOUNT	\$ 391,649.05

which alteration has been recommended in writing by the said Director of Public Utilities, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Public Utilities and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$44,093.05 to be paid from Fund No. 54 SF 001.

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

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

Ord. No. 1122-99.**By Councilmen Polensek, Jackson and Johnson (by departmental request).****An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Beck Manufacturing to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to acquire machinery and inventory for its facility located at 17000 St. Clair Avenue in the Cleveland Area Enterprise Zone.**

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

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

Whereas, Beck Manufacturing (the "Enterprise") has proposed to acquire machinery and inventory for its facility located at 17000 St. Clair Avenue in the City of Cleveland; and

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

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

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

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

Section 2. That the Director of Economic Development is autho-

rized to enter into an Enterprise Zone Agreement with Beck Manufacturing to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to acquire machinery and inventory for its facility located at 17000 St. Clair Avenue in the City of Cleveland; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1122-99-A. The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

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

Section 5. That the Director of Law shall prepare and approve said

agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

Ord. No. 1123-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Glenville Towne Center, Ltd. to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to acquire property and a building, and to construct a new retail center at East 105th Street and St. Clair Avenue in the Cleveland Area Enterprise Zone.

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

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

Whereas, Glenville Towne Center, Ltd. (the "Enterprise") has proposed to acquire property and a building, and to construct a new retail center at East 105th Street and St. Clair Avenue in the City of Cleveland; and

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

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

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

Section 1. That this Council hereby approves the application of Glenville Towne Center, Ltd. for

enterprise zone incentives on the basis that Glenville Towne Center, Ltd. is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with Glenville Towne Center, Ltd. to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to acquire property and a building, and to construct a new retail center at East 105th Street and St. Clair Avenue in the City of Cleveland; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1123-99-A. The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

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

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

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

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

Ord. No. 1124-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of the disposal of solid waste, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement con-

tract 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 the disposal of solid waste 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 Waste Collection and Disposal, 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 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 notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution and performance of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached hereto as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. 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 3417)

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.

EXHIBIT A

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the undersigned _____

(Name and Address)

as Principal and _____

(Name of Surety)

as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Obligee, in the

penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Oblige on _____ (date) to undertake the project known as _____

The penal sum referred to herein shall be _____

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW THEREFORE, if the Oblige accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Oblige may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Oblige does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Oblige accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Oblige against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Oblige herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal

amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 19____.

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____ Attorney-in-Fact

TITLE: _____

SURETY COMPANY ADDRESS: _____ Street _____ City _____ State _____ ZIP _____

SURETY AGENT'S ADDRESS: _____ Agency Name _____ Street _____ City _____ State _____ ZIP _____

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

Ord. No. 1125-99, By Councilmen Patmon, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10004-06 South Boulevard to Glenville Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 109-08-127 and 109-08-128, as more fully described in Section 2 below, to Glenville 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. 109-08-127

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 125 in the Superior Park Subdivision No. 2 of part of Original One Hundred Acre Lots Nos. 376 and 377, as shown by the recorded plat in Volume 37 of Maps, Page 5 of Cuyahoga County Records and being 40 feet front on the Southerly side of South Boulevard, N.E., and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 109-08-128

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 126 in B. Schatzinger's Superior Park Subdivision No. 2 of part of Original One Hundred Acre Lots Nos. 376 and 377, as shown by the recorded plat in Volume 37 of Maps, Page 5 of Cuyahoga County Records and being 40 feet front on the Southerly side of South Boulevard, N.E., and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

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

Ord. No. 1126-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to make alterations and modifications in Contract No. 49858, for the Rustic Road sewer construction with Markie Construction, 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 Director of Public Utilities is hereby authorized to make the following alterations and modifications in Contract No. 49858 with Markie Construction for the Rustic Road sewer construction, for the Division of Water Pollution Control, Department of Public Utilities:

SCHEDULE OF ITEMS:

1. Pavement, curb and driveway replacement		\$ 165,245.32
Less amount remaining in contract		- 17,250.88
	Total Subsidiary Additions	\$ 147,994.44
Original Contract Amount	\$ 274,032.00	
Total Subsidiary Additions	+ 147,994.44	
REVISED CONTRACT AMOUNT	\$ 422,026.44	

which alteration has been recommended in writing by the said Director of Public Utilities, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Public Utilities and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$147,994.44 to be paid from Fund No. 54 SF 001.

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

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

Ord. No. 1127-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance, for the Cleveland Municipal Court, to enter into contract with the Legal Aid Society of Cleveland for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the Cleveland Municipal Court.

Whereas, in *Argersinger v. Hamlin* and *Scott v. Illinois*, the United States Supreme Court held that no indigent criminal defendant may be sentenced to a term of imprisonment unless he has been afforded the right to assistance of appointed counsel in his defense; and

Whereas, the City of Cleveland, through the Cleveland Municipal Court, is therefore obligated to provide an indigent defendant appointed counsel in order to permit the imposition of a sentence including a term of imprisonment; and

Whereas, it is the recommendation of the Cleveland Municipal Court, the district of which encompasses Bratenahl and the City of Cleveland, that such indigent defense should be provided by the Legal Aid Society of Cleveland; and

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

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

Section 1. That, the Director of Finance, for the Cleveland Municipal Court, is hereby authorized to enter into contract with the Legal Aid Society of Cleveland for legal services necessary to defend indigents charged with violation of ordi-

nances of the City of Cleveland, provided such violation may result in incarceration, for the period of one year beginning January 1, 1999 through December 31, 1999, at the estimated cost of \$900,000, payable from Fund No. 01-011502-6032000, Request No. 4005.

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

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

Ord. No. 1128-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials for electrical parts and equipment necessary to maintain, repair and modify airfield, parking and terminal lighting systems, 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 requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of

labor and materials for electrical parts and equipment necessary to maintain, repair and modify airfield, parking and terminal lighting systems 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 (2) 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. 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 8212)

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

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

Ord. No. 1129-99.
By Councilmen Willis, Coats,
Jackson, Robinson and Johnson (by
departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 115th Street; Rugby Road; East 11th Street; Kelton Road; East 126th Street; 706 and 697 East 117th Street to Northeastern Neighborhood Development Corporation.

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. 111-06-021 as more fully described in Section 2 below, to Northeastern Neighborhood Development Corporation.

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

P.P. No. 111-06-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Allotment of Sublot No. 57, except the Southerly 5 feet thereof in Park Overlook Allotment of part of Original One Hundred Acre Lot No. 356, as shown by the recorded plat in Volume 48 of Maps, Page 13 of Cuyahoga County Records, and being 24.93 feet front on the Easterly side of East 115th street, and 21.71 feet on the curved turnout of the intersection of said East 115th Street with the Southeasterly curved line of Corbus Road, N.E., and extending back 99.66 feet on the Northwesterly line, which is also the Southeasterly curbed line of Corbus Road, N.E., 100 feet on the Southerly line and has a rear line of 88.04 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. 111-22-136 as more fully described in Section 4 below, to Northeastern Neighborhood Development Corporation.

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. 111-22-136

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No.

111 in Glenhaven Subdivision of part of Original One Hundred Acre Lot No. 359, as shown by the recorded plat in Volume 38 of Maps, Page 8 of Cuyahoga County Records and being 40 feet front on the Southwesterly side of Rugby Road, N.E., and extending back of equal width 120 feet, as appears by said plat.

Also subject to zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 111-22-137 as more fully described in Section 6 below, to Northeastern Neighborhood Development Corporation.

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. 111-22-137

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 110 in Schatzinger consolidated Realty Company's Glenhaven Subdivision of part of Original One Hundred Acres Lot No. 359, as shown by the recorded plat in said Subdivision in Volume 38 of Maps, Page 8 of Cuyahoga County Records and having a frontage of 40 feet on the Southerly side of Rugby Road N.E., and extends back between parallel lines, 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 111-22-138 as more fully described in Section 8 below, to Northeastern Neighborhood Development Corporation.

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. 111-22-138

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. 109 in Glen Haven Subdivision of part of Original One Hundred Acre Lot No. 359 as shown by the recorded plat in Volume 38 of Maps, Page 8 of Cuyahoga County Records and being a parcel of land 40 feet front on the Southerly side of Rugby Road, and extending back 120 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 120-03-085 as more fully described in Section 10 below, to Northeastern Neighborhood Development Corporation.

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

P.P. 120-03-085

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 22 in Hamilton's Allotment of part of Original One hundred Acre Lot No. 387, as shown by the recorded plat in Volume 24 of Maps, Page 13 of Cuyahoga County Records and

being 40 feet front on the Easterly side of East 11th Street (formerly Melvin Street) and extending back 169.95 feet on the Southerly line, 170.49 feet on the Northerly line and having a rear line of 40 feet, as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 120-03-110 as more fully described in Section 12 below, to Northeastern Neighborhood Development Corporation.

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

P.P. 120-03-110

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 40 in Hamilton's Allotment of part of Original One Hundred Acre Lot No. 387, as shown by the recorded plat in Volume 24 of Maps, Page 13 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 11th Street and extending back of equal width, 109.77 feet deep on the Northerly line, 110.10 feet deep on the Southerly line, 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. 120-10-122 as more fully described in Section 14 below, to Northeastern Neighborhood Development Corporation.

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. 120-10-122

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 26 in H. Clark Ford's Allotment of part of Original One Hundred Acre Lots Nos. 387 and 388, as shown by the recorded plat in Volume 14 of Maps, Page 47 of Cuyahoga County Records, being 40 feet front on the Northerly side of Kelton avenue, N.E., and extending back of equal width 125 feet deep, be the same more or less, but subject to all legal highways.

Subject to 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. 110-06-075 as more fully described in Section 16 below, to Northeastern Neighborhood Development Corporation.

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. 110-06-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 114 in George M. Hick's Glenville Addition, of part of Original One Hundred Acre Lot No. 365, as shown by the recorded plat in Volume 20

of Maps, Page 23 of Cuyahoga County Records, and being a parcel of land 40.00 feet front on the Easterly side of East 126th Street (formerly Lonsdale Avenue) and extending back 127.36 feet on the Northerly line, 127.47 feet on the Southerly line and having a rear line of 40.00 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 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. 110-07-011 as more fully described in Section 18 below, to Northeastern Neighborhood Development Corporation.

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. 110-07-011

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 part of Original One hundred Acre Lot No. 365, and bounded and described as follows:

Beginning in the Westerly line of East 127th Street, 40 feet wide (formerly Dewey Avenue), the center line of which is parallel with and 124 feet East of the Westerly line of land conveyed to Charles J. Lowrie and Henry C. Lowrie, Co-partners doing business under the firm name of Lowrie Brothers by deed dated October 5, 1898, filed for record October 5, 1898, and recorded in Volume 691, Page 599 of Cuyahoga County Records, at a point 1017.70 feet South of the intersection of said Westerly line of East 127th Street, with the Southerly line of Shaw Avenue, N.E. (formerly Gravel Road), thence Southerly measured along said Westerly line of East 127th Street, 40 feet; thence Westerly parallel with the Southerly line of said Original Lot No. 365, 104 feet to the Westerly line of said land so conveyed to Lowrie Brothers; thence Northerly along the Westerly line of said land conveyed to Lowrie Brothers, 40 feet; thence Easterly parallel with the Southerly line of said Original Lot No. 365, 104 feet to the place of beginning, and being further known as Sublot No. 203 in Lowrie Brothers' proposed "Fruitland" Allotment of part of Original One Hundred Acre Lot No. 365, be the same more or less.

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. 110-07-033 as more fully described in Section 20 below, to Northeastern Neighborhood Development Corporation.

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. 110-07-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 101 in G.M. Hicks Addition of part of Original One Hundred Acre Lot No. 365, as shown by the recorded plat in Volume 20 of Maps, Page 23 of Cuyahoga County Records and being 40 feet on the Easterly side of East 126th Street, (formerly Lons-

dale Avenue), and extending back 128.81 feet on the Northerly line, 128.92 feet on the Southerly 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.

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. 120-10-001 (Northerly part of) as more fully described in Section 22 below, to Northeastern Neighborhood Development Corporation.

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. 120-10-001
(Northerly part of)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 34 and a part of Sublot No. 33 in H.C. Ford's Allotment of a part of Original East Cleveland Township, 100 Acre Lot Nos. 387 and 388 as shown by the recorded plat in Volume 14, Page 47 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Easterly line of East 115th Street (45 feet wide) formerly Rosedale Avenue, at the Northwesterly corner of said Sublot No. 34, thence 84 Easterly, along the Northerly line of said Sublot No. 34, feet to a point therein; thence Southerly, along a line parallel with said Easterly line of East 115th Street, 38 feet to a point; thence Easterly, along a line parallel with said Northerly line of Sublot No. 34, about 24 feet to a point; thence Southerly along a line parallel with said Easterly line of East 115th Street about 28 feet to a point 18 feet Northerly, at right angles, to the Southerly line of said Sublot No. 33; thence Westerly along a line parallel to the Southerly line of Sublot No. 33, 108 feet to the Easterly line of East 115th Street as aforesaid; thence Northerly, along said Easterly line of East 115th Street 66 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

The above described parcel was prepared by Steve Salay, Registered Ohio Surveyor Number 5505, based on a survey by Bemba K. Jones, Registered Ohio Surveyor No. 7343 recorded in Volume 264, Page 50 of Cuyahoga County Records.

Section 23. 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 24. 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 25. 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 26. 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 Economic Development, City Planning, Finance.

Ord. No. 1206-99.

By Councilman Jackson.

An emergency ordinance authorizing the Director of Public Service to issue a permit to AES Management Corporation to encroach into the right-of-way of Shepard Ct. S.E.

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 AES Management Corporation, 3592 Lee Road, Suite 200, Shaker Heights, Ohio 44120, its successors and assigns, for the construction, use, maintenance and development of a Popeyes Chicken & Biscuits Restaurant, which will encroach into the public right-of-way of Shepard Court S.E. at a site more fully described as follows:

LEGAL DESCRIPTION FOR SHEPARD COURT

S.E./ENCROACHMENT AREA

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a parcel of land which is approximately the Easterly 76.00 feet of Shepard Court S.E. (12.00 feet wide).

Section 3. That said restaurant will be placed within the public right-of-way as aforesaid in Section 1, and said restaurant will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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.

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

**FIRST READING
ORDINANCES REFERRED**

Ord. No. 1130-99.

By Councilman Cintron.

An ordinance to change the Use District of lands on the northerly side of Detroit Avenue, N.W., between W. 45 Street and west of W. 38 Street (Map Change No. 1996, Sheet No. 1)

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

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

Beginning at the intersection of the southeasterly extension of the southwesterly line of the Cleveland Memorial Shoreway right of way line and the center line of Detroit Avenue, N.W.; thence southwesterly along said center line of Detroit Avenue, N.W. to the center line of West 45 Street; thence northerly along said center line of West 45 Street to its intersection with the westerly extension of the southerly right of way line of Cleveland Memorial Shoreway; thence easterly along said westerly extension and easterly, northerly, easterly, northerly, easterly, southerly, easterly and southeasterly along said right of way line of said Cleveland Memorial Shoreway and along its southeasterly extension to the place of beginning,

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

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map

Change No. 1996, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 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. 1131-99.

By Councilman Rybka.

An ordinance to change the Use District of lands on the north side of Grant Avenue, S.E., to the north side of War Avenue, S.E. to the east side of E. 66 Street to west of E. 68 Street (Map Change No. 1995, Sheet No. 6)

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

Section 1. That the Use Area of lands bounded and described as follows,

Beginning at the intersection of the center line of East 66 Street and the westerly extension of the northerly line of Sublot No. 22 in the J.H. Breck Subdivision as recorded in Volume 17, Page 19 of the Cuyahoga County Map Records; thence easterly along said westerly extension and along said northerly line of said Sublot No. 22 and continuing easterly along the northerly lines of Sublots Nos. 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, and 3 in said J. H. Breck Subdivision to its intersection with the easterly

line thereof; thence southerly along said easterly line of said Sublot No. 3 and along its southerly extension to the center line of War Avenue, S.E.; thence continuing southerly along the northerly extension of the easterly line of Sublot No. 37 in said J.H. Breck Subdivision and along said easterly line of said Sublot No. 37 to its intersection with the southerly line thereof; thence westerly along said southerly line of said Sublot No. 37 to the center line of East 68 Street; thence southerly along said center line of East 68 Street to the center line of Grant Avenue, S.E.; thence westerly along said center line of Grant Avenue, S.E. to the center line of East 66 Street; thence northerly along said center line of East 66 Street; to the place of beginning,

and as outlined in red on the map hereto attached, be and the same is hereby changed to a Residence Industry District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1995, 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. 1132-99.

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

An ordinance to assess the cost and expense of construction and repairing of sidewalks and curbing. (Wards 9 and 18.)

Whereas, pursuant to Resolution No. 1095-97 adopted June 16, 1997, written notice requiring the construction and repairing of sidewalks and curbing in front of premises hereinafter set forth was duly served upon the owners in the manner prescribed by law, but which sidewalks and curbing were not constructed or repaired by the owners of said premises, the same being done by the City of Cleveland, pursuant to section 165 of the Charter; and,

Whereas, the Director of Finance is reporting this Council by way of this Ordinance, all of the expenses of such construction and repairing by the City of Cleveland, and,

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

Section 1. That for the purpose of paying for the cost and expense of construction and repairing of sidewalks and curbing, there be and hereby is levied and assessed upon the following described property abutting said improvements situated in the City of Cleveland, County of Cuyahoga and State of Ohio, the following respective amounts:

PERMANENT PARCEL	NAMES	LOCATION ADDRESS	CERTIFICATION AMOUNT
001-10-037	SHELL OIL CO.	9601 CLIFTON BLVD.	\$ 6,707.90
001-10-038	EDWARD GORDON	9516 BALTIC RD.	\$ 1,227.38
001-10-039	M. JURANE	9608 BALTIC RD.	\$ 1,164.88
001-10-040	JAMES WARD	9612 BALTIC RD.	\$ 1,249.50
001-10-041	LAWRENCE KELL	9700 BALTIC RD.	\$ 994.75
001-10-042	K. DEJARNETTE	9702 BALTIC RD.	\$ 859.75
001-10-044	DAVID MOORE	9710 BALTIC RD.	\$ 1,335.31
001-10-045	JOHN LYNCH	9712 BALTIC RD.	\$ 555.00
001-10-046	JANET HALLER	9716 BALTIC RD.	\$ 1,447.50
001-10-047	DANIEL GESLIN	9800 BALTIC RD.	\$ 1,361.00
001-10-048	DARIN CASPER	9809 BALTIC RD.	\$ 712.50
001-10-049	JEFFERY BURGETT	9807 BALTIC RD.	\$ 1,112.85
001-10-050	R. SHOEMAKER	9801 BALTIC RD.	\$ 182.88
001-10-051	JUAN DELGADO	9713 BALTIC RD.	\$ 1,092.75
001-10-052	RICHARD HESS	9711 BALTIC RD.	\$ 1,425.94
001-10-057	JOS. DONNELLYM	9611 BALTIC RD.	\$ 916.63
001-10-058	G. KHAN	9605 BALTIC RD.	\$ 1,101.94
001-10-062	ROBERT MILLER	1315 WEST BLVD.	\$ 505.25
001-10-063	LILY VOLOSIN	1309 WEST BLVD.	\$ 1,450.00
001-11-015	GLEN CARPENTER	9519 BALTIC RD.	\$ 1,382.63
001-11-016	FREDERICK WOOD	9515 BALTIC RD.	\$ 1,296.00

001-11-017	GERALD KATES	9509 BALTIC RD.	\$	1,378.69
001-11-018	GREGG LONG	9505 BALTIC RD.	\$	847.50
001-12-015	JOHN LYNCH	1316 WEST BLVD.	\$	1,450.00
001-12-018	JAMES DISALINO	10015 BALTIC RD.	\$	976.25
001-12-019	C. POLLOCK	10019 BALTIC RD.	\$	253.00
001-12-020	JOANNE HOLL	10025 BALTIC RD.	\$	295.75
001-12-021	KIMBERLY FOX	10027 BALTIC RD.	\$	1,302.25
001-12-022	T. STEVENSON	10031 BALTIC RD.	\$	1,181.88
001-12-023	J. KRUMHANSI	10035 BALTIC RD.	\$	1,228.56
001-12-024	DAVID ZENTKOVICH	10039 BALTIC RD.	\$	1,140.35
001-12-025	DAVID HUNTER	10043 BALTIC RD.	\$	1,227.38
001-12-026	DAVID BUTCHER	10101 BALTIC RD.	\$	1,130.44
001-12-027	CASIMIR BESKUR	10105 BALTIC RD.	\$	1,268.38
001-12-028	GAIL YOUNG	10109 BALTIC RD.	\$	1,197.75
001-12-029	JACQUELINE KEAN	10113 BALTIC RD.	\$	1,200.00
001-12-030	JEFFERY WATSON	10115 BALTIC RD.	\$	1,255.88
001-12-031	JEFFERY WATSON	10121 BALTIC RD.	\$	1,217.06
001-12-034	KHANH NGUYEN	10135 BALTIC RD.	\$	398.13
001-12-035	A. ZUPANCIC	10139 BALTIC RD.	\$	1,223.88
001-12-036	DENNIS RHEIN	10143 BALTIC RD.	\$	481.25
001-12-037	JAMES HANSEN	10147 BALTIC RD.	\$	1,243.25
001-12-038	JOSEPH OROSZ	10124 BALTIC RD.	\$	695.00
001-12-039	BRIAN MARUNA	10118 BALTIC RD.	\$	1,450.00
001-12-040	RONALD POPA	10110 BALTIC RD.	\$	600.00
001-12-041	ANNA NERAD	10106 BALTIC RD.	\$	549.00
001-12-042	H. BAUMGARTNER	10104 BALTIC RD.	\$	132.00
001-12-043	JAMES HILLIARD	1347 W. 102ND STREET	\$	1,450.00
001-12-073	RICHARD CAREY	10102 NANFORD RD.	\$	1,450.00
001-12-083	CLARA CHAN	10116 BALTIC RD.	\$	1,180.00
001-12-084	WILLIAM HETZEL	10018 BALTIC RD.	\$	1,199.00
001-12-085	SCOTT DEBOLT	10020 BALTIC RD.	\$	1,239.31
001-12-086	STEPHEN BALLYINT	1312 WEST BLVD.	\$	1,448.50
001-14-002	CALVIN KLUBNIK	10325 BALTIC RD.	\$	237.50
001-14-003	LOUISE KUBAT	10321 BALTIC RD.	\$	1,272.25
001-14-005	JOSEPH NICHTA	10313 BALTIC RD.	\$	292.75
001-14-006	MICHAEL AMALONG	10309 BALTIC RD.	\$	1,280.50
001-14-007	JOHN KING	10305 BALTIC RD.	\$	1,213.00
001-14-008	ANTHONY RIZZO	10303 BALTIC RD.	\$	1,179.00
001-14-009	M. MARTOCCIA	10223 TAMARAC DR	\$	1,170.00
001-14-010	B. MCNAMARA	10229 BALTIC RD.	\$	1,243.25
001-14-011	JOHN KING	10225 BALTIC RD.	\$	1,226.50
001-14-012	JESUS REVERON	10221 BALTIC RD.	\$	1,189.50
001-14-014	C. BARTOSH	10213 BALTIC RD.	\$	1,150.50
001-14-015	NICK PATRONITE	10209 BALTIC RD.	\$	1,215.00
001-14-016	MARY PATRONITE	10205 BALTIC RD.	\$	1,168.13
001-14-017	ROBERT NAVIS JR.	10201 BALTIC RD.	\$	1,242.00
001-14-018	ALCOTT SCHOOL	BALTIC RD.	\$	1,386.00
001-14-081	D. SADOWSKI	1350 W. 102ND STREET	\$	304.00
001-14-082	WILLIAM WEBER	1352 W. 102ND STREET	\$	1,450.00
001-16-002	MARK HUDAK	10605 BALTIC RD.	\$	114.00
001-16-003	A. IWENOFU	10533 BALTIC RD.	\$	1,236.00
001-16-004	TONY RICK	10529 BALTIC RD.	\$	796.75
001-16-006	DONALD GRANT	10521 BALTIC RD.	\$	142.50
001-16-008	JAMES FLYNN	10501 BALTIC RD.	\$	623.25
001-16-009	STEPHAN PROCK	10429 BALTIC RD.	\$	647.19
001-16-010	ERNEST FISCO	10425 BALTIC RD.	\$	1,015.00
001-16-011	GUST DEMOS	10421 BALTIC RD.	\$	169.50
001-16-012	JOSEPH ALLEN	10419 BALTIC RD.	\$	1,155.38
001-16-014	K. DRUMMOND	10409 BALTIC RD.	\$	889.00
001-16-015	HARVEY JUDGE	10405 BALTIC RD.	\$	426.30
001-16-016	L. DONNELLY, JR.	10401 BALTIC RD.	\$	1,116.50
001-16-017	JOSEPH CHURA	10416 BALTIC RD.	\$	477.05
001-16-052	TIMOTHY GRALEY	1341 W. 105TH STREET	\$	1,450.00
001-16-053	ANDRE WOODS	1340 W. 105TH STREET	\$	1,450.00
001-16-086	ARLENE POLEN	1341 W. 106TH STREET	\$	1,450.00
001-16-117	ARLENE POLEN	1333 W. 108TH STREET	\$	1,450.00
001-16-118	MICHAEL SYMON	1332 W. 108TH STREET	\$	1,450.00
001-16-150	M. NEGULESCO	10509 BALTIC RD.	\$	198.50
001-16-152	ROBERT WAMSLEY	10617 BALTIC RD.	\$	1,233.31
001-16-154	EDWARD SHINE	10609 BALTIC RD.	\$	1,233.31
001-16-155	WILLIAM KOVACS	10517 BALTIC RD.	\$	150.00
001-16-156	ARTHUR SHIMMIN	10513 BALTIC RD.	\$	571.75
120-04-002	A. YARBROUGH	1312 E. 115TH STREET	\$	815.50
120-04-003	MARVIN SIMS	11502 SUPERIOR AVE.	\$	57.00
120-04-063	GEORGE RUCKER	1371 E. 115TH STREET	\$	446.50
120-04-064	SAM E. PREWITT	1365 E. 115TH STREET	\$	361.00
120-04-065	RONALD PARKS	1359 E. 115TH STREET	\$	285.00
120-04-066	JOHN HARRIS JR.	1357 E. 115TH STREET	\$	334.88
120-04-067	JOHN HARRIS	1355 E. 115TH STREET	\$	432.25

120-04-068	MINNIE HOLLOWAY	1349 E. 115TH STREET	\$	406.13
120-04-070	LORETTA THOMAS	1343 E. 115TH STREET	\$	382.38
120-04-071	A. JONES	1339 E. 115TH STREET	\$	332.50
120-04-073	BRENDA DAVIS	1331 E. 115TH STREET	\$	332.50
120-04-074	PATRICIA TOMPKINS	1329 E. 115TH STREET	\$	332.50
120-04-075	INES DOTSON	1325 E. 115TH STREET	\$	332.50
120-04-076	LLOYD BERRY	1321 E. 115TH STREET	\$	332.50
120-04-077	DELORES GREENE	1317 E. 115TH STREET	\$	332.50
120-04-078	CLARA BRYANT	1315 E. 115TH STREET	\$	294.50
120-04-079	MOLLIE POPE	1318 E. 115TH STREET	\$	380.00
120-04-080	CITY OF CLEVELAND	1322 E. 115TH STREET	\$	380.00
120-04-081	LE ROY THOMAS	1326 E. 115TH STREET	\$	380.00
120-04-082	CRAIG WHITE	1330 E. 115TH STREET	\$	412.50
120-04-084	VIRGINIA SHUMATE	1338 E. 115TH STREET	\$	380.00
120-04-085	HUBERT MONTEGANI	1340 E. 115TH STREET	\$	366.94
120-04-086	DOROTHY MCCANTS	1344 E. 115TH STREET	\$	472.63
120-04-087	F. COCKFIELD	1348 E. 115TH STREET	\$	300.00
120-04-088	ALBERT REMBERT	1354 E. 115TH STREET	\$	546.25
120-04-089	MARVIN SIMS	1360 E. 115TH STREET	\$	401.38
120-04-090	CALVIN ROBINSON	1362 E. 115TH STREET	\$	387.13
120-04-091	J. ROBINSON	1366 E. 115TH STREET	\$	387.13
120-04-092	CURTIS TUCKER SR.	1368 E. 115TH STREET	\$	323.00
120-04-096	P. ANDERSON	1386 E. 115TH STREET	\$	475.00
120-04-121	MORRIS HANSBRO	1340 E. 115TH STREET	\$	313.50
120-09-033	TINA PARTNERS	11433 ASHBURY AVE.	\$	1,816.88
120-09-036	JIMMIE MILLHOUSE	1480 E. 115TH STREET	\$	465.00
120-09-037	L. FOSTER THOMAS	1476 E. 115TH STREET	\$	428.00
120-09-040	HENRY CAMERON	1468 E. 115TH STREET	\$	444.13
120-09-041	HELEN BRATHWAITE	1462 E. 115TH STREET	\$	286.50
120-09-042	EDWARD BANKS	1458 E. 115TH STREET	\$	437.00
120-09-043	ROSIE MARY SIMMS	1448 E. 115TH STREET	\$	427.50
120-09-044	LONNIE LEE	1446 E. 115TH STREET	\$	380.00
120-09-045	GLORIA WAYTES	1442 E. 115TH STREET	\$	393.50
120-09-047	LUTHER PETTIT	11401 KNOWLTON AVE.	\$	380.00
120-09-048	MAMIE MEEKS	1410 E. 115TH STREET	\$	539.13
120-09-052	M. UMMAT-UL-LLAH	1394 E. 115TH STREET	\$	1,110.00
120-09-119	WILLIE WALTON JR.	1472 E. 115TH STREET	\$	475.00
120-09-131	CHAS. BROWN SR.	1426 E. 115TH STREET	\$	1,330.00
120-10-002	BETTY BROOKS	1421 E. 115TH STREET	\$	570.00
120-10-005	ARTHUR DANIEL	1437 E. 115TH STREET	\$	389.50
120-10-006	ARTHUR DANIEL	1441 E. 115TH STREET	\$	790.88
120-10-008	JAMES CHERRY SR.	1447 E. 115TH STREET	\$	446.11
120-10-010	WALTER BANKS	1455 E. 115TH STREET	\$	200.38
120-10-012	RONALD SMITH	1463 E. 115TH STREET	\$	380.00
120-10-013	MARY WILBURN	1467 E. 115TH STREET	\$	380.00
120-10-014	A.P. STEWART JR.	1473 E. 115TH STREET	\$	494.38
120-10-016	ROBERT SHIELDS	1479 E. 115TH STREET	\$	465.50
120-10-017	SHIRLEY SHARP	1483 E. 115TH STREET	\$	465.50
120-10-018	BEVERLY WILLIAMS	1487 E. 115TH STREET	\$	458.38
120-10-019	REGINA HUFF	1493 E. 115TH STREET	\$	458.38
120-10-020	JOHN HAYES JR.	1497 E. 115TH STREET	\$	451.25
120-10-021	JOHN MASSERIA	1501 E. 115TH STREET	\$	313.50
120-10-142	FOUAD YACOUB	1405 E. 115TH STREET	\$	389.50
120-21-018	HENRY VIRDEN JR.	1510 E. 115TH STREET	\$	593.75
120-21-020	GEORGE HOOPER	1516 E. 115TH STREET	\$	546.25
120-21-021	ROOSEVELT COX	1520 E. 115TH STREET	\$	546.25
120-21-022	PAUL STEWART	1524 E. 115TH STREET	\$	659.25
120-21-024	J. GONSALVES	11417 WADE PARK	\$	589.00
120-22-001	JERRY WASHINGTON	1509 E. 115TH STREET	\$	493.00
120-22-002	CHARLES GANT	1513 E. 115TH STREET	\$	560.50
120-22-003	FELTON WOODS	1515 E. 115TH STREET	\$	546.25
120-22-006	GEORGE EVANS JR.	1533 E. 115TH STREET	\$	641.25
120-22-007	BERTHA DAVIS	11501 WADE PARK AVE.	\$	551.00
TOTAL				\$ 132,045.95

Section 2. It is determined that the assessments do not exceed the special benefits resulting from the improvement and do not exceed the statutory limit.

Section 3. That the owners of the several lots and parcels of land included in said assessment shall pay the amounts from them severally due, as set forth in Section 1 above, to the City Treasurer within forty (40) days from and after the date of passage of this Ordinance, and in default thereof said tax, together with a penalty of five percent (5%) and interest not to exceed seven and one half percent (7.5%) per annum, shall be payable to the County Treasurer in five (5) annual installments, and the Commissioner of Assessments and Licenses is hereby authorized and directed to certify all unpaid assessments to the Cuyahoga County Auditor to be entered on the tax duplicate.

Section 4. That the Clerk of Council be and is hereby authorized and directed to cause notice of the levy of assessment herein provided for to be filed with the County Auditor within twenty (20) days following the passage of this Ordinance.

Section 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law. Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 1133-99.**By Councilmen Coats, Westbrook, Dolan, Polensek, Jones and Johnson (by departmental request).****An ordinance to assess the cost and expense of construction and repairing of sidewalks and curbing. (Wards 10, 18, 21, 11 and 1.)**

Whereas, pursuant to Resolution No. 528-95 adopted May 1, 1995, written notice requiring the construction and repairing of sidewalks and curbing in front of premises hereinafter set forth was duly served upon the owners in the manner prescribed by law, but which sidewalks and curbing were not constructed or repaired by the owners of said premises, the same being done by the City of Cleveland, pursuant to section 165 of the Charter; and,

Whereas, the Director of Finance is reporting this Council by way of this Ordinance, all of the expenses of such construction and repairing by the City of Cleveland, and,

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

Section 1. That for the purpose of paying for the cost and expense of construction and repairing of sidewalks and curbing, there be and hereby is levied and assessed upon the following described property abutting said improvements situated in the City of Cleveland, County of Cuyahoga and State of Ohio, the following respective amounts:

PARCEL # PERMANENT	NAME	ADDRESS	CERTIFIED AMOUNT
005-15-040	CMS PROPERTIES INC.	3056 W. 105TH STREET	\$ 375.00
005-15-041	MIRCEA JIANU	3060 W. 105TH STREET	\$ 75.00
005-15-044	JOSEPH S. DOUGLAS	3068 W. 105TH STREET	\$ 60.00
005-15-047	WILLIAM G. COSTAKIS	3078 W. 105TH STREET	\$ 375.00
005-15-050	ARLENE HODGE	3086 W. 105TH STREET	\$ 390.00
005-15-052	MIGUEL MIRANDA	3094 W. 105TH STREET	\$ 375.00
005-15-053	MIGUEL A. MIRANDA	3094 W. 105TH STREET	\$ 821.25
005-15-070	MARIBEL R. RIOS	3081 W. 105TH STREET	\$ 752.50
005-15-071	MICHAEL E. MORRISON	3079 W. 105TH STREET	\$ 90.00
005-15-072	IMAJEAN LONG	3075 W. 105TH STREET	\$ 195.00
005-15-073	JUDY C. HENDERSON	3073 W. 105TH STREET	\$ 75.00
005-15-075	THOMAS W. MROZEK	3065 W. 105TH STREET	\$ 858.00
005-15-077	JACOB E. HARDIN	3057 W. 105TH STREET	\$ 576.00
005-15-078	WILLIAM NEWSOME	3053 W. 105TH STREET	\$ 621.00
005-15-079	THOMAS N. MEDLEY	3049 W. 105TH STREET	\$ 608.00
005-15-083	SAM SALIM	3039 W. 105TH STREET	\$ 375.00
005-15-084	THONGKHAM PHRAKOUSONH	3035 W. 105TH STREET	\$ 845.25
005-15-087	JOSEPH S. DOUGLAS	3027 W. 105TH STREET	\$ 195.00
005-15-088	ROBERT E. SWEENEY	3021 W. 105TH STREET	\$ 1,066.00
005-15-089	ROBERT E. SWEENEY	3021 W. 105TH STREET	\$ 1,421.63
005-15-092	JOSEPH DOUGLAS	3028 W. 104TH STREET	\$ 120.00
005-15-094	MICHAEL J. DONOHUE	3036 W. 104TH STREET	\$ 36.00
005-15-095	PHILLIP A. McCALL	3038 W. 104TH STREET	\$ 396.00
005-15-097	RANDY RADABOUGH	3044 W. 104TH STREET	\$ 306.93
005-15-098	DANIEL J. HAYES	3046 W. 104TH STREET	\$ 399.95
005-15-099	ROBERT & BIRGIT HILLIARD JR.	3052 W. 104TH STREET	\$ 251.94
005-15-102	TERRENCE R. GILES	3060 W. 104TH STREET	\$ 48.00
005-15-104	SHIRLEY A. STEHURA	3064 W. 104TH STREET	\$ 208.38
005-15-105	JULIO C. CASTRO	3068 W. 104TH STREET	\$ 331.50
005-15-106	ROBERT & ELAINE VEALEY	3070 W. 104TH STREET	\$ 172.38
005-15-107	DOROTHY M. WALK	3072 W. 104TH STREET	\$ 79.56
005-15-108	ANTHONY E. SKERSKI	3076 W. 104TH STREET	\$ 302.66
005-15-131	JANET D. CARTWRIGHT	3069 W. 104TH STREET	\$ 1,081.40
005-15-133	WILLIAM & BARBARA SCHAAD	3059 W. 104TH STREET	\$ 1,502.05
005-15-136	GEORGIA E. PERRY	3055 W. 104TH STREET	\$ 400.07
005-15-137	WILLIAM COOPER SR.	3051 W. 104TH STREET	\$ 858.25
005-15-140	JOSEPH R. PARENTE	3035 W. 104TH STREET	\$ 349.00
005-15-143	CHARLES PINKERTON	10355 WESTERN AVE.	\$ 2,301.25
005-16-024	DANNY L. EDWARDS	2162 W. 105TH STREET	\$ 1,304.88
005-16-025	LUIS B. KARE	2170 W. 105TH STREET	\$ 294.50
005-16-026	JEFFREY L. LOMBARDO	2172 W. 105TH STREET	\$ 668.88
005-16-027	ROBERT METZGER	2174 W. 105TH STREET	\$ 671.88
005-16-028	JAMES A. WELTHER	2176 W. 105TH STREET	\$ 955.50
005-16-029	ANDY MORALES SR.	2182 W. 105TH STREET	\$ 833.00
005-16-031	GEORGE & JOAN APGER	2186 W. 105TH STREET	\$ 922.13
005-16-035	KENNETH C. GLOECKNER	2200 W. 105TH STREET	\$ 559.00
005-16-042	ROBERT J. STEINBRENNER	2228 W. 105TH STREET	\$ 833.13
005-16-043	CHARLES W. McANEMEY	2236 W. 105TH STREET	\$ 1,355.00
005-16-044	PATRICIA KUBEL	10418 WESTERN AVE.	\$ 1,648.25
005-16-045	BETTY A. RAINS	2231 W. 105TH STREET	\$ 789.88
005-16-046	JUAN C. VALDEZ	2225 W. 105TH STREET	\$ 911.63
005-16-047	RONNIE L. WELLS	2221 W. 105TH STREET	\$ 331.30
005-16-050	MARK A. NAGRODSKY	2211 W. 105TH STREET	\$ 479.11
005-16-052	STEVEN & PATRICE TIMOTHY	2203 W. 105TH STREET	\$ 504.38
005-16-053	CLIFFORD L. DOWDY	2201 W. 105TH STREET	\$ 282.50

005-16-056	JOSE HERNANDEZ	2193 W. 105TH STREET	\$ 709.25
005-16-057	WILLIAM B. FISCHER	2189 W. 105TH STREET	\$ 1,376.75
005-16-061	PATRICK L. DIMATTEO	2177 W. 105TH STREET	\$ 951.75
005-16-062	JAMES A. KUNDMUELLER	2173 W. 105TH STREET	\$ 775.63
005-16-063	ISIDORO & ISABEL ROMAN	2169 W. 105TH STREET	\$ 320.63
005-16-066	EDWARD HAILES	2166 W. 104TH STREET	\$ 804.25
005-16-068	JACOB E. HARDIN	2178 W 104TH STREET	\$ 374.75
005-16-069	CECELIA GUZMAN	2180 W 104TH STREET	\$ 632.50
005-16-070	MARCELLA A. FREDERICK	2182 W 104TH STREET	\$ 729.50
005-16-071	THOMAS J. HENDRICKS	2186 W 104TH STREET	\$ 425.75
005-16-074	JOHN M. ZICKES	2200 W 104TH STREET	\$ 253.50
005-16-075	NATHAN B. GLUCKMAN	2204 W 104TH STREET	\$ 312.00
005-16-076	PATRICIA & MATHEW P. SHAUGH	2208 W 104TH STREET	\$ 962.88
005-16-077	CATHERINE PAPKE	2210 W 104TH STREET	\$ 415.63
005-16-082	BERNARD L. COOK JR.	2228 W 104TH STREET	\$ 473.75
005-16-085	MAUREEN E. HALAS	2235 W 104TH STREET	\$ 895.75
005-16-086	NACHUM SALMAN	2231 W 104TH STREET	\$ 501.00
005-16-088	PATRICIA MULLICAN	2223 W 104TH STREET	\$ 886.54
005-16-089	THOMAS M. & PATTY E. HOPKINS	2221 W 104TH STREET	\$ 219.75
005-16-090	E J G MANAGEMENT CORP.	2217 W 104TH STREET	\$ 335.45
005-16-091	KEITH B. ROBINSON	2213 W 104TH STREET	\$ 240.00
005-16-092	CEFERINO OROZCO	2211 W. 104TH STREET	\$ 405.13
005-16-093	DAVID PEDRO	2207 W. 104TH STREET	\$ 619.63
005-16-095	WILLIAM ROBERT SPENCER	2199 W 104TH STREET	\$ 410.50
005-16-096	JAMES C. HOOTEN	2197 W 104TH STREET	\$ 632.50
005-16-097	JOHN E. SICKON	2193 W 104TH STREET	\$ 288.00
005-16-100	RAMAN S. GOHEL	2183 W 104TH STREET	\$ 729.50
005-16-101	WILLIAM A. TERRY	2179 W 104TH STREET	\$ 953.25
005-16-102	NICHOLAS G. VERIKAKIS	2177 W 104TH STREET	\$ 512.50
005-16-103	ANDREW HALFACRE	2173 W 104TH STREET	\$ 717.50
005-16-105	WILLIAM MILLER	2167 W 104TH STREET	\$ 324.00
005-16-165	PETER D. KEVDZIJA	2220 W 105TH STREET	\$ 635.00
005-17-032	EILEEN BORECKY	2082 W. 105TH STREET	\$ 451.00
005-17-033	EUGENE & VIRGINIA EMOND	2084 W. 105TH STREET	\$ 602.00
005-17-035	KATHRYN M. VITAZ	2088 W. 105TH STREET	\$ 671.88
005-17-036	JANET DEPENDBROK	2092 W. 105TH STREET	\$ 104.00
005-17-037	HAROLD S. ADAMS	2096 W. 105TH STREET	\$ 808.00
005-17-038	ROBERT C. KING	2100 W. 105TH STREET	\$ 1,133.31
005-17-039	RONALD D. MINC	2104 W. 105TH STREET	\$ 1,116.75
005-17-040	JOHNNY & HELGA MARKOVICH	2108 W. 105TH STREET	\$ 1,102.25
005-17-041	IVAN SANTIAGO	2110 W. 105TH STREET	\$ 1,134.19
005-17-045	JAMES E. WINTERS	2124 W. 105TH STREET	\$ 850.31
005-17-046	JOSEPH B. HUMPHREY	2128 W. 105TH STREET	\$ 671.88
005-17-047	JAMES F. ROSS	2132 W. 105TH STREET	\$ 464.31
005-17-049	MICHELLE MEISSNER	2138 W. 105TH STREET	\$ 1,100.44
005-17-050	WILLIAM G. COSTAKIS	2142 W. 105TH STREET	\$ 792.50
005-17-052	DANNIE K. COLLIER	2148 W. 105TH STREET	\$ 391.00
005-17-054	ALLAN A. SPITZNAGEL	2152 W. 105TH STREET	\$ 469.06
005-17-058	CLIFFORD & TINA RAMEY	2149 W. 105TH STREET	\$ 968.75
005-17-060	JAN M. PICKERING	2143 W. 105TH STREET	\$ 738.63
005-17-061	DOROTHY M. PETRAVAGE	2141 W. 105TH STREET	\$ 738.63
005-17-062	KELLY SCOTT	2139 W. 105TH STREET	\$ 671.88
005-17-064	WILLIE RATLIFF	2135 W. 105TH STREET	\$ 334.25
005-17-065	JOSEPH L. DOROTICH	2131 W. 105TH STREET	\$ 1,147.25
005-17-066	DONALD L. ULLMER	2127 W. 105TH STREET	\$ 601.63
005-17-067	GLORIA JEAN HILLIARD	2123 W. 105TH STREET	\$ 706.25
005-17-068	NEMR SOUEIDI	2121 W. 105TH STREET	\$ 1,127.13
005-17-069	CHARLES K. GIBBS	2115 W. 105TH STREET	\$ 695.00
005-17-070	KHAMLEUANE KAVIYAKONE	2111 W. 105TH STREET	\$ 1,154.75
005-17-071	HAROLD MILLER	2099 W. 105TH STREET	\$ 644.38
005-17-072	HUMBERTO CORTES	2097 W. 105TH STREET	\$ 704.69
005-17-076	PATRICIA A. SMITH	2085 W. 105TH STREET	\$ 823.00
005-17-077	STEVEN P. LENCHAK	2083 W. 105TH STREET	\$ 465.00
005-17-078	CARL S. SCHOMBURG	2079 W. 105TH STREET	\$ 956.63
005-17-079	PAULA SHEPHERD	2075 W. 105TH STREET	\$ 50.00
005-17-080	JOHN H. WAKEMAN	2078 W 104TH STREET	\$ 569.75
005-17-081	THERESA A. MAY	2082 W 104TH STREET	\$ 168.00
005-17-082	BRENDA & JUAN SOUTULA	2084 W 104TH STREET	\$ 928.75
005-17-083	MOHAN R. JAIN	2086 W 104TH STREET	\$ 144.00
005-17-085	DION A. METRIK	2094 W 104TH STREET	\$ 425.75
005-17-088	JOYCE CSIRE	2104 W 104TH STREET	\$ 544.13
005-17-089	MARVIN DALE MADDEN	2110 W 104TH STREET	\$ 332.50
005-17-091	ALBERT D. STRANGE	2116 W 104TH STREET	\$ 365.75
005-17-093	JOHN BARON	2124 W 104TH STREET	\$ 503.75
005-17-095	DAVID J. HOBAN	2132 W 104TH STREET	\$ 118.75

005-17-096	JOHN LENNERT	2136 W 104TH STREET	\$	461.75
005-17-097	DAVID A. PFUHL	2138 W 104TH STREET	\$	445.79
005-17-099	IRLENE C. SAMMONS	2144 W 104TH STREET	\$	579.00
005-17-100	BRUCE LESLIE BAKER	2148 W 104TH STREET	\$	276.00
005-17-101	RAMAN S. GOHEL	2152 W 104TH STREET	\$	252.00
005-17-103	GERALD J. SMELKO	2160 W 104TH STREET	\$	336.00
005-17-104	WILLIAM R. CHEATHAM	2159 W 104TH STREET	\$	569.75
005-17-106	JANE GARRIFY	2151 W 104TH STREET	\$	108.00
005-17-107	RAYNOR W. ADKINS	2149 W 104TH STREET	\$	425.75
005-17-108	M. ALVAREZ C. HARTFORD	2145 W 104TH STREET	\$	641.25
005-17-111	MARIETTA CLANCIOLA	2135 W 104TH STREET	\$	84.00
005-17-112	CARLOS D. THOMAS	2131 W 104TH STREET	\$	114.96
005-17-114	ROBERT E. GARTEN	2123 W 104TH STREET	\$	535.63
005-17-115	JOHN A. HALFACRE	2121 W 104TH STREET	\$	451.25
005-17-117	JOANN & WILLIAM A. JERICHO	2113 W 104TH STREET	\$	653.75
005-17-118	ANN GROSS PATRICIA	2111 W 104TH STREET	\$	761.75
005-17-119	JOHN C. SCHUSTER	2105 W 105TH STREET	\$	440.50
005-17-120	MARVIN DALE MADDEN	2101 W 104TH STREET	\$	459.00
005-17-124	PEARLIE & ALMA-LEE FLEMING	2087 W 104TH STREET	\$	455.50
005-17-126	WILMER RUIZ	2083 W 104TH STREET	\$	300.00
005-18-026	CGR INVESTMENTS	10505 MADISON AVE.	\$	2,948.00
005-18-027	GAMIL MORGAN	10423 MADISON AVE.	\$	2,582.10
005-18-030	DEL SINGER KEY TRUST	10435 MADISON AVE.	\$	2,013.00
005-18-090	MERNIE M. ROY TAYLOR	2075 W 104TH STREET	\$	432.71
005-18-092	ROBERT W. JERICHO	2067 W 104TH STREET	\$	216.00
005-18-093	BRUCE ROBERTS	2063 W 104TH STREETS	\$	632.50
005-18-094	JANET L. FEDERER	2059 W 104TH STREET	\$	395.00
005-18-096	DENNIS BARRETT	2051 W 104TH STREET	\$	632.50
005-18-097	LEONARD S. LISEWSKY	2047 W 104TH STREET	\$	560.50
005-18-098	MARTIN M. & CONNIE L. HERMAN	2045 W 104TH STREET	\$	805.25
005-18-100	ROBERT W. KOENING	2039 W 104TH STREET	\$	711.00
005-18-101	ELEANOR L. DUNNING	2035 W 104TH STREET	\$	452.50
005-18-102	TRANG N. NGUYEN	2031 W 104TH STREET	\$	707.25
005-18-106	DAVID M. JEFFRESS	2017 W 104TH STREET	\$	632.50
005-18-107	DANIEL CASTO	2013 W 104TH STREET	\$	337.14
005-18-108	CANDANCE A. CAMBELL	2014 W 104TH STREET	\$	543.00
005-18-109	SAMUEL C. NOCIFERA JR.	2018 W 104TH STREET	\$	878.38
005-18-110	KOROPOULIS OLGA	2022 W 104TH STREET	\$	450.00
005-18-112	MARTHA J. DUNNINGTON	2028 W 104TH STREET	\$	332.50
005-18-113	WALDEREMAR & EUGENA CARLO	2032 W 104TH STREET	\$	108.00
005-18-114	JOHN G. NELSON	2036 W 104TH STREET	\$	512.50
005-18-115	EDWIN QUILS	2038 W 104TH STREET	\$	380.79
005-18-116	KATHLEEN M. YOUNG	2042 W 104TH STREET	\$	363.75
005-18-118	DANIEL DAVIES	2050 W 104TH STREET	\$	449.75
005-18-121	CI C. HARB	2060 W 104TH STREET	\$	300.00
005-18-122	CONSTANCIA P BERKBILE	2064 W 104TH STREET	\$	878.38
005-18-124	MERTO HOUSING AUTHORITY CUY	2070 W 104TH STREET	\$	644.50
005-18-126	NHAN VAN & HUE LY TRAN	2071 W. 105TH STREET	\$	1,007.81
005-18-129	LEC DIEU	2063 W. 105TH STREET	\$	1,132.50
005-18-130	PHILLIP A. SEDLON	2059 W. 105TH STREET	\$	1,132.50
005-18-131	SYED ARIFUDDIN	2055 W. 105TH STREET	\$	1,143.63
005-18-132	SYED YOUSUF	2051 W. 105TH STREET	\$	1,233.63
005-18-133	ABUL H. AZIZUDDIN	2047 W. 105TH STREET	\$	1,143.63
005-18-137	MICHAEL P. BILPUCH JR.	2035 W. 105TH STREET	\$	805.41
005-18-139	IRMA J. WAKEN	2027 W. 105TH STREET	\$	754.38
005-18-140	LEONARD MARTIN	2025 W. 105TH STREET	\$	754.38
005-18-141	COCI MANGEMENT INC.	2023 W. 105TH STREET	\$	1,242.00
005-18-142	ANTHONY & FANNIE PACL	2015 W. 105TH STREET	\$	864.63
005-18-143	DENNIS A. PICKRYL	2014 W. 105TH STREET	\$	597.00
005-18-144	GREGG & THERESIA PLUTE	2016 W. 105TH STREET	\$	798.88
005-18-145	JAMES & ROBIN BAILEY JR.	2018 W. 105TH STREET	\$	810.00
005-18-149	SHIRLEY JEAN FRAZEE	2038 W. 105TH STREET	\$	998.88
005-18-150	FOX HAVEN LIMITED INC.	2040 W. 105TH STREET	\$	447.00
005-18-151	WILLIAM A. KARKOFF	2044 W. 105TH STREET	\$	725.00
005-18-153	EMERI U. NMDUKWE	2048 W. 105TH STREET	\$	96.88
005-18-154	MARLO CRAYTON	2050 W. 105TH STREET	\$	47.50
005-18-156	JOSE & JOSE A. HENRIQUEZ	2056 W. 105TH STREET	\$	716.00
005-18-157	JAMES P. RIVALSKY	2062 W. 105TH STREET	\$	717.00
005-18-158	HARRY A. FITCH	2066 W. 105TH STREET	\$	702.00
005-18-159	THANH & HUE LY TRAN	2070 W. 105TH STREET	\$	725.00
005-18-160	VIET NGUYEN	2072 W. 105TH STREET	\$	1,226.88
005-28-135	THOMAS J. FLUCKER	2041 W. 105TH STREET	\$	1,111.31
025-02-005	OWEN MCGUINNESS	3717 W 179TH STREET	\$	2,112.00
025-02-008	DOUGLAS G. BAIRD	3700 W 179TH STREET	\$	1,558.64
025-02-009	SEAN F O'DONNELL	3706 W 179TH STREET	\$	933.75

025-02-020	ANTHONY GRAMM	3755 W 179TH STREET	\$	270.00
025-02-021	ARMANDO S. REVERENDO	3751 W 179TH STREET	\$	1,208.25
025-02-022	JULIA DUNASKY	3747 W 179TH STREET	\$	599.38
025-02-024	MARK KRAMER	3739 W 179TH STREET	\$	766.75
110-19-016	SKY CO.	891 LAKEVIEW RD.	\$	1,597.00
110-19-020	WILLIE M. FORD	11323 DURANT AVE.	\$	475.00
110-19-021	LOMA HIGHTOWER	11403 DURANT AVE.	\$	475.00
110-19-022	LERONIA DAVIS	11407 DURANT AVE.	\$	475.00
110-19-023	WARREN R. WILLIAMS	11411 DURANT AVE.	\$	475.00
110-19-024	CLEVELAND HOUSING NETWORK	11415 DURANT AVE.	\$	475.00
110-19-025	RILEY COTTON	11419 DURANT AVE.	\$	475.00
110-20-009	BD. OF EDUC. PATRICK HENRY	11901 DURANT AVE.	\$	2,717.00
110-20-010	MARGARET DUMAS	11705 DURANT AVE.	\$	475.00
110-20-012	W. RANKIN & VIRGINIA LEWIS	11627 DURANT AVE.	\$	475.00
110-20-013	BROWN ANDREW	11623 DURANT AVE.	\$	475.00
110-20-015	FRANCIS J. WILCOX	11611 DURANT AVE.	\$	2,428.15
110-20-016	JO ANNE POTTS	11607 DURANT AVE.	\$	225.00
110-20-017	BETTY J. SNIPES	11603 DURANT AVE.	\$	475.00
110-20-018	MICHAEL STANDBERRY	11519 DURANT AVE.	\$	475.00
110-20-019	WALTER BREWSTER	11515 DURANT AVE.	\$	475.00
110-20-020	GEO R. TREECE	11511 DURANT AVE.	\$	475.00
110-21-001	LOUIS FERRELL	3705 HILLBROOK RD.	\$	744.21
110-21-127	MIGUEL A. BROWN	11610 DURANT AVE.	\$	475.00
110-21-128	STEVE SPACKEY	11606 DURANT AVE.	\$	475.00
110-21-129	GERALDINE PEOPLES	11602 DURANT AVE.	\$	475.00
110-21-130	DON L. SPENCER	11522 DURANT AVE.	\$	475.00
110-21-131	ROBERT & TINA ARMSTRONG	11518 DURANT AVE.	\$	475.00
110-21-132	KENNETH FELLOWS	11514 DURANT AVE.	\$	415.63
110-21-133	JAMES O. CRAFT	11510 DURANT AVE.	\$	415.63
110-21-136	WILLIAM & GLORIA SMITH	11422 DURANT AVE.	\$	451.25
110-21-137	DARREL BAILEY	11418 DURANT AVE.	\$	475.00
110-21-138	JACKSON COOKE ANITA	11414 DURANT AVE.	\$	475.00
110-21-139	JESSE J. THOMPSON	11410 DURANT AVE.	\$	475.00
110-21-141	KATIE N. HANDLEY	11402 DURANT AVE.	\$	100.00
110-21-142	VIRGINIA PENDERGRASS	11324 DURANT AVE.	\$	475.00
110-21-145	JOHNNIE BELLE SMITH	11312 DURANT AVE.	\$	475.00
110-22-001	JESSIER & CARLEE BYOUS	11614 DURANT AVE.	\$	475.00
110-22-002	ELIJAH KING	11618 DURANT AVE.	\$	475.00
110-22-004	MARGARET DUMAS	11626 DURANT AVE.	\$	475.00
110-22-005	JOHNNIE & A.G. HATTEN	11702 DURANT AVE.	\$	439.38
110-22-006	LYNN F. GARRETT	11706 DURANT AVE.	\$	451.25
110-22-007	GOODEN CHARLIE III	11804 DURANT AVE.	\$	451.25
110-22-009	MINNIE MURPHY	11902 DURANT AVE.	\$	451.25
110-22-010	HENRY PERRYMAN	11906 DURANT AVE.	\$	451.25
110-22-011	CHAPEL MISSIONARY	12002 DURANT AVE.	\$	451.25
113-11-006	DAVID ALAN & ROBERT MYERS	992 E. 178TH STREET	\$	445.50
113-11-008	F.J. & A.M. ZITKO	982 E. 178TH STREET	\$	856.63
113-11-009	CAROLE YOUNG	978 E.178TH STREET	\$	597.67
113-11-010	ANNA GOLUCH	972 E.178TH STREET	\$	525.00
113-11-011	JAMES P. BYRNE JR.	968 E. 178TH STREET	\$	75.00
113-11-012	PAUL APPLETON	962 E. 178TH STREET	\$	837.25
113-11-013	GREGORY W. PEAK	958 E.178TH STREET	\$	150.00
113-11-014	DAVID A.E. WHITT	952 E. 178TH STREET	\$	69.00
113-11-025	CATHLEEN A. FIORILLI	17851 BRIAN AVE.	\$	100.00
113-11-039	LEWIS B. YELDER	1019 E. 179TH STREET	\$	1,134.50
113-11-058	RAYMOND F. VIDEMSEK	17815 TERRY CT	\$	225.00
113-11-059	JANJA SAMSON	17811 TERRY CT	\$	732.50
113-11-061	DENNIS & DELORES SUSNIK	969 E. 178TH STREET	\$	755.00
113-11-062	PAUL KATANA	959 E. 178TH STREET	\$	317.91
113-11-064	ROBERTO GUILFU	17816 BRIAN AVE.	\$	135.00
113-11-067	DAVID J. BLAZEVIC	17838 BRIAN AVE.	\$	625.50
113-11-068	BARBARA A. TOTH	17844 BRIAN AVE.	\$	598.20
113-11-069	MARK C. BYRNE	17848 BRIAN AVE.	\$	1,254.22
113-11-073	BILLIE A. OSBORNE	984 E. 179TH STREET	\$	884.25
113-11-078	JOSIP POTURICA	1010 E. 179TH STREET	\$	573.75
113-11-083	CHARLES F. DUHIGG, JR.	17801 BRIAN AVE.	\$	157.50
117-16-079	GWENDOLYN CARR	1811 GRANTHAM RD.	\$	885.00
117-16-080	VERONICA R. DOLEMAN	1815 GRANTHAM RD.	\$	925.00
117-16-081	W. J. ROLLINS	1819 GRANTHAM RD.	\$	637.26
117-16-082	MICHAEL G. SHINN	1823 GRANTHAM RD.	\$	280.00
117-16-084	RUDY BRYAN	1831 GRANTHAM RD.	\$	723.75
117-16-085	PHILLIS BROWN	1835 GRANTHAM RD.	\$	942.33
117-16-086	MAC A. SAXON	1837 GRANTHAM RD.	\$	15.00
117-16-089	MAC A. SAXON	1851 GRANTHAM RD.	\$	921.26

117-16-090	TRACY A. LOVE JR.	1855 GRANTHAM RD.	\$ 1,096.01
117-16-092	THELMA MIDDLETON	1863 GRANTHAM RD	\$ 695.81
117-16-093	ROBERT & MARIANNE PESCHO	1867 GRANTHAM RD	\$ 1,089.19
117-16-094	SYLVIA D. DAVIS	1871 GRANTHAM RD	\$ 696.28
117-16-095	MILTON R. KANE	1875 GRANTHAM RD.	\$ 993.13
117-16-096	JASPER MULDROW	1879 GRANTHAM RD	\$ 2,172.13
140-02-015	DALE M. WILEY	3907 E. 154TH STREET	\$ 997.50
140-02-016	EARL CALTON	3912 E. 155TH STREET	\$ 3,769.13
140-02-118	WILLIAM BELL	15501 BILTMORE AVE.	\$ 1,876.25
140-02-140	L. ROBINSON KENNETH	16010 GLENDALE AVE.	\$ 841.30
140-02-141	ICEDORIA FULLER	16006 GLENDALE AVE.	\$ 1,006.32
140-02-142	KYLE D. JACKSON	16002 GLENDALE AVE.	\$ 995.21
140-02-143	JESSYE M. BRYANT	15914 GLENDALE AVE.	\$ 935.37
140-02-145	LILLIE P. PATTERSON	15906 GLENDALE AVE.	\$ 724.95
140-02-146	FRANK JOHNSON SR.	15902 GLENDALE AVE.	\$ 969.22
140-02-147	OLIVER W. SMITH	15810 GLENDALE AVE.	\$ 687.50
140-02-148	MARY A. WALKER	15806 GLENDALE AVE.	\$ 749.77
140-02-150	AUBREY & FLOSSIE JOHNSON	15714 GLENDALE AVE.	\$ 504.21
140-02-152	TONIA McDOUGAL-RANCH	15706 GLENDALE AVE.	\$ 1,257.50
140-02-154	REGINALD L. REESE	15614 GLENDALE AVE.	\$ 1,257.50
140-02-155	WILLIE MAE GRAY	15610 GLENDALE AVE.	\$ 861.25
140-02-156	WILLIAM & HELEN MCELROY	15606 GLENDALE AVE.	\$ 788.74
140-02-158	CHARLES G. WEBB	15510 GLENDALE AVE.	\$ 3,609.98
140-03-001	MALONE WARD	3899 E. 154TH STREET	\$ 1,660.34
140-03-025	GEORGE WILSON	3904 E. 155TH STREET	\$ 2,471.00
140-03-026	ELIZ S. JAMES	3897 E. 155TH STREET	\$ 3,329.50
140-03-092	CLEVELAND HOUSING NTRWK	16007 GLENDALE AVE	\$ 968.46
140-03-094	THEON L. McKINNEY	15915 GLENDALE AVE.	\$ 450.00
140-03-096	CATO MORRISON JR.	15907 GLENDALE AVE.	\$ 1,020.00
140-03-099	ANN RENAY BENSON	15807 GLENDALE AVE.	\$ 1,020.00
140-03-102	FAYE C. WILSON	15711 GLENDALE AVE.	\$ 1,495.00
140-03-103	ERMA SMITH	15707 GLENDALE AVE.	\$ 1,495.00
140-03-104	CHRISTINE D. JAMES	15703 GLENDALE AVE.	\$ 1,495.00
140-03-105	ANNIE M. ADAMS	15615 GLENDALE AVE.	\$ 1,000.00
140-03-106	JANET L. JAMISON	15611 GLENDALE AVE.	\$ 1,480.00
140-03-107	ROBERT & MARY	15607 GLENDALE AVE.	\$ 1,107.16
140-03-108	EDWARD HODGE JR.	15603 GLENDALE AVE.	\$ 1,496.83
140-06-028	JOHN GRISMALDI	3898 LEE RD.	\$ 6,737.88
140-06-029	CALVIN & BERNICE WALLACE	16416 GLENDALE AVE	\$ 724.46
140-06-031	WILLIE MAE BERRY	16408 GLENDALE AVE	\$ 1,020.00
140-06-033	BARNEY & CHARLIE RUFF	16400 GLENDALE AVE	\$ 687.50
140-06-034	PAMELA J. WRIGHT	16316 GLENDALE AVE	\$ 465.00
140-06-035	BD-OF-ED GRACEMONT SCHOOL	16200 GLENDALE AVE	\$ 7,900.00
140-07-001	STANLEY L. & ANNIE SELLERS	16101 GLENDALE AVE	\$ 225.00
140-07-002	JULIA E. MCCORKLE	16105 GLENDALE AVE	\$ 1,020.00
140-07-003	LEONARD WALTER HARRIS	16109 GLENDALE AVE	\$ 817.56
140-07-004	HAROLD DRUE THORTON	16113 GLENDALE AVE	\$ 255.31
140-07-005	SHEILA WHITLEY	16117 GLENDALE AVE	\$ 975.00
140-07-007	RICHARD W. HENDERSON	16205 GLENDALE AVE	\$ 966.56
140-07-008	EMERY J. DORSEY	16209 GLENDALE AVE	\$ 1,020.00
140-07-011	MARY E. BOLDEN	16301 GLENDALE AVE	\$ 900.00
140-07-012	ROMELL M. HINES	16305 GLENDALE AVE	\$ 825.00
140-07-013	EDNA L. DOBBS	16309 GLENDALE AVE	\$ 1,020.00
140-07-014	ROSA A. PRIMUS	16313 GLENDALE AVE	\$ 450.00
140-07-016	MILDRED HARRELL	16401 GLENDALE AVE	\$ 450.00
140-07-019	HAKEEM R. THORNTON	16413 GLENDALE AVE	\$ 614.44
140-07-021	LAYCO II LTD ET AL	24025 COMMERCE PK	\$ 1,706.25
TOTALS			\$ 254,951.49

Section 2. It is determined that the assessments do not exceed the special benefits resulting from the improvement and do not exceed the statutory limit.

Section 3. That the owners of the several lots and parcels of land included in said assessment shall pay the amounts from them severally due, as set forth in Section 1 above, to the City Treasurer within forty (40) days from and after the date of passage of this Ordinance, and in default thereof said tax, together with a penalty of five percent (5%) and interest not to exceed seven and one half percent (7.5%) per annum, shall be payable to the County Treasurer in five (5) annual installments, and the Commissioner of Assessments and Licenses is hereby authorized and directed to certify all unpaid assessments to the Cuyahoga County Auditor to be entered on the tax duplicate.

Section 4. That the Clerk of Council be and is hereby authorized and directed to cause notice of the levy of assessment herein provided for to be filed with the County Auditor within twenty (20) days following the passage of this Ordinance.

Section 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law. Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 1134-99.**By Councilmen Westbrook and Johnson (by departmental request).****An ordinance to assess the cost and expense of construction and repairing of sidewalks and curbing. (Ward 18.)**

Whereas, pursuant to Resolution No. 1122-96, adopted June 10, 1996, as Amended by Ordinance No. 1223-96, adopted June 19, 1996, written notice requiring the construction or repairing of sidewalks and curbing in front of the premises hereinafter set forth was duly served upon the owners in the manner prescribed by law, but which sidewalks and curbing were not constructed or repairs by the owners of said premises, the same being done by the City of Cleveland, pursuant to Section 165 of the Charter; and,

Whereas, the Director of Finance is reporting to this Council by way of this Ordinance, all of the expenses of such construction and repairing by the City of Cleveland, and,

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

Section 1. That for the purpose of paying the cost and expense of construction and repairing of sidewalks and curbing, there be and hereby is levied and assessed upon the following described property abutting said improvements situated in the City of Cleveland, County of Cuyahoga and State of Ohio, the following respective amounts:

PARCEL # PERMANENT	NAME	ADDRESS	CERTIFIED AMOUNT
005-19-038	THOMAS GRAF	3137 W. 100TH STREET	\$ 643.00
005-19-040	DONALD J. SCHETTINE	3127 W. 100TH STREET	\$ 768.00
005-19-041	ROBERT J. TANCREDI	3123 W. 100TH STREET	\$ 288.00
005-19-042	THOMAS F. MAURATH	3119 W. 100TH STREET	\$ 261.25
005-19-051	SHIRLEY ANN CROMBINE	3120 W. 100TH STREET	\$ 269.04
005-19-052	FARIS R. & R. ANN ANTOON	3122 W. 100TH STREET	\$ 663.96
005-19-057	RAFAEL RODRIGUEZ	3144 W. 100TH STREET	\$ 666.00
005-19-058	MICHAEL F. KACKIEWICZ	3148 W. 100TH STREET	\$ 712.75
TOTALS			\$ 4,272.00

Section 2. It is determined that the assessments do not exceed the special benefits resulting from the improvement and do not exceed the statutory limit.

Section 3. That the owners of the several lots and parcels of land included in said assessment shall pay the amounts from them severally due, as set forth in Section 1 above, to the City Treasurer within forty (40) days from and after the date of the passage of this Ordinance, and in default thereof said tax, together with a penalty of five percent (5%) and interest not to exceed seven and one half percent (7.5%) per annum, shall be payable to the County Treasurer in five (5) annual installments and the Commissioner of Assessments and Licenses is hereby authorized and directed to certify all unpaid assessments to the County Auditor to be entered on the tax duplicate.

Section 4. That the Clerk of Council be and is hereby authorized and directed to cause notice of the levy of assessments herein provided for to be filed with the County Auditor within twenty (20) days following the passage of this Ordinance.

Section 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law. Referred to Directors of Finance, Law; Committee on Finance.

**FIRST READING EMERGENCY
RESOLUTION REFERRED****Res. No. 1207-99.****By Councilman Jackson.****An emergency resolution declaring the intention to vacate portions of East 82nd Street and Betts Court S.E.**

Whereas, this Council, is satisfied that there is good cause to vacate portions of East 82nd Street and Betts Courts S.E., 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 all that portion of:

EAST 82ND STREET (50.00 feet wide), extending Southerly from the Southerly line of Holton Avenue S.E. (40 feet wide), to its Southerly terminus.

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

BETTS COURT S.E. (11.00 feet

wide), extending Easterly from the Easterly line of East 82nd Street (50 feet wide), to the Westerly line of East 83rd Street (50 feet wide).

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

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

**FIRST READING EMERGENCY
ORDINANCES READ IN FULL
AND PASSED****Ord. No. 1135-99.****By Councilman Britt.****An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Buckeye Area Development Corporation (BADC) to hire a community organizer for a period of one year.**

Whereas, this ordinance constitutes an emergency measure providing for the usual 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) to hire a community organizer to assist with matters in Ward 6.

Section 2. That the costs of said contract shall be in an amount not to exceed Sixty Five Thousand Dollars (\$65,000.00) 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1136-99.**By Councilman Britt.**

An emergency ordinance authorizing the Director of Public Service to issue a permit to the Western Reserve Historical Society to stretch a banner on utility poles at the corner of Petrarca Road and Stokes Boulevard near the BP Gas Station from June 24, 1999 to July 24, 1999, inclusive, to publicize the Western Reserve Historical Society's Negro/Hispanic Baseball Legends Celebration.

Whereas, this ordinance constitutes an emergency measure providing for the usual 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 Western Reserve Historical Society to install, maintain and remove one (1) banner at Petrarca Road and Stokes Boulevard for the period from June 24, 1999 to July 24, 1999, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not 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 the 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1137-99.**By Councilman Cimperman.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2492 and 2494 West 7th Street to Cleveland Housing Network.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 004-17-034 and 004-17-035, as more fully described in Section 2 below, to Cleveland Housing Network.

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. 004-17-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 159 in William Slade Jr. Subdivision of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southwesterly line of West 7th Street, formerly University Street; at the most Easterly corner of said Sublot No. 159, thence Northwesterly along said Southwesterly line of West 7th Street, 33 feet, thence Southwesterly along a line parallel with the Southeasterly line of said Sublot No. 159, 156 feet, thence Southeasterly along a line parallel with said Southwesterly line of West 7th Street, 33 feet to the Southeasterly line of said Sublot No. 159, thence Northeasterly along said Southeasterly line of Sublot No. 159, 156 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P.P. No. 004-17-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 159 in William Slade Jr.'s Allotment on University Heights (so-called), bounded and described as follows:

Beginning on the Westerly line of West 7th Street at the Northerly corner of said Sublot No. 159; thence running Southeasterly along the Westerly line of West 7th Street, S.W., 33 feet; thence Southwesterly parallel with the Northerly line of said Sublot No. 159, 156 feet; thence Northwesterly parallel with the West 7th Street, 33 feet to the Northerly line of said Sublot No. 159; thence Northeasterly along the Northerly line of said Sublot No. 159; 156 feet to the place of beginning, being a parcel of land 33 feet in the width and 156 feet in depth, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the

Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1138-99.**By Councilman Cimperman.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2482 and 2498 West 7th Street to Greater Cleveland Habitat for Humanity Incorporated.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 004-17-031 and 004-17-036, as more fully described in Section 2 below, to Greater Cleveland Habitat for Humanity Incorporated.

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. 004-17-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southeasterly half of the Northeasterly 141 feet of Sublot No. 161 in William Slade, Jr.'s part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records, and being 33 feet front on the Southwesterly side of West 7th Street, (formerly University Street), and extending back of equal width 141 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 004-17-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northwesterly half of Sublot No. 158 in William Slade Jr.'s Allotment of 106 acres of land in Original Brooklyn

Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records, and being 33 feet front on the Southwesterly side of West 7th Street (formerly University Street) and extending back of equal width 226 feet deep to the Northeasterly line of Thurman Avenue, S.W., (formerly Thurman Street), as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1139-99.

By Councilman Cintron.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Clark Metro Development Corporation to purchase the former Paris Art Theater located at 3153 West 25th Street and to purchase or lease a vehicle.

Whereas, this ordinance constitutes an emergency measure providing for the usual 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(s) with Clark Metro Development Corporation to purchase the former Paris Art Theater located at 3153 West 25th Street and to purchase or lease a vehicle equipped with a snow plow.

Section 2. That the costs of said contract(s) shall be in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00) 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1140-99.

By Councilman Cintron.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1900 West 47th Street; 4710 and 4708 Bridge Avenue; 2068 West 45th Street; 3216 Walton Avenue to A.F.F.O.R.D. Incorporated.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 002-35-114 as more fully described in Section 2 below, to A.F.F.O.R.D. Incorporated.

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. 002-35-114

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 46 feet from front to rear of Sublot No. 266 in Benedict and Root Allotment of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records, and being a parcel of land 46 feet front on the Westerly side of West 47th Street and extending back of equal width 126 feet along the Northerly line of Bridge Court, N.W., to the Easterly side of West 48th Place, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the

Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 002-35-195 as more fully described in Section 4 below, to A.F.F.O.R.D. Incorporated.

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. 002-35-195

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 33 feet of Sublots Nos. 267 and 268 in Benedict and Root's Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records, and together forming a parcel of land 33 feet front on the Northerly side of Bridge Avenue, N.W., (formerly Bridge Street), and extending back between parallel lines 120 feet to the Southerly side of Bridge Court, N.W., (formerly Second Alley), as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 002-35-196 as more fully described in Section 6 below, to A.F.F.O.R.D. Incorporated.

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. 002-35-196

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 33 feet of the Westerly 1/2 of Sublots Nos. 267 and 268 in Benedict and Root's Allotment of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 33 feet on the Northerly side of Bridge Avenue, N.W., (formerly Bridge Street), and extending back between parallel lines 120 feet, to an alley in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-20-078 as more fully described in Section 8 below, to A.F.F.O.R.D. Incorporated.

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. 006-20-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 76 in Taylor and Hoyt's Allotment of part of Original One Hundred Acre Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records. Said Sublot No. 76 has a frontage of 40 feet on the Westerly side of West 45th Street (formerly Taylor Street), extends back between parallel lines 125 feet to the Easterly side of West 46th Place

(14 feet wide), 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 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. 006-20-081 as more fully described in Section 10 below, to A.F.F.O.R.D. Incorporated.

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. 006-20-081

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 73 in Taylor and Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records and being 40 feet front on the Westerly side of West 45th Street and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-21-076 as more fully described in Section 12 below, to A.F.F.O.R.D. Incorporated.

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. 007-21-076

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 50 feet of the Easterly 84 feet of Sublot No. 384 in Hiram Stone Addition of part of Original Brooklyn Township Lots Nos. 53 and 68 as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Walton Avenue, S.W., and extending back of equal width 180 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 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 14. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 15. That 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 16. 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1141-99.

By Councilman Cintron.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3007, 3003 Wade Avenue; corner of Wade and West 30th Street and 3001 Seymour Avenue to Greater Cleveland Habitat for Humanity.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 007-24-078, 007-24-079, 007-24-080 and 007-26-016, as more fully described in Section 2 below, to Greater Cleveland Habitat for Humanity.

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

P.P. No. 007-24-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 185 in H. Stone's Addition of a part of Original Brooklyn Township Lots Nos. 53 and 68 as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records, and being 50 feet front on the Southerly side of Wade Avenue, S.W. and extending back between parallel lines 132 feet to a 14 foot alley known as Mill Court, S.W., as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 007-24-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West-

erly 25 feet of Sublot No. 184 in Hiram Stone's Addition of part of Original Brooklyn Township Lots Nos. 53 and 68 as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records and being 25 feet front on the Southerly side of Wade Avenue and extending back of equal width 132 width 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

(Note: Tax duplicate for this parcel shows property as being the East half of Sublot No. 184 when it is really the West half of Sublot No. 184).

Subject to Zoning Ordinances, if any.

P.P. No. 007-24-080

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 25 feet of Sublot No. 184 in H. Stone's Addition, of part of Original Brooklyn Township Lots Nos. 53 and 68, as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records, and being 25 feet front on the Southerly side of Wade Avenue, S.W., and extending back of equal width 132 feet along the Westerly side of West 30th Street, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 007-26-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 160 in Hiram Stone's Addition of part of Original Brooklyn Township Lots Nos. 53 and 68, as shown by the recorded plat in Volume 1 of Maps, Pages 41 and 42 of Cuyahoga County Records and being 50 feet front on the Southerly side of Seymour Avenue, S.W., and extending back of equal width 122.42 feet along the Westerly side of West 30th Street, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1142-99.

By Councilman Cintron.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4509 Franklin Avenue to Charles H. Joseph.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 002-36-158, as more fully described in Section 2 below, to Charles H. Joseph.

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. 002-36-158

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 50 and 51 in Jacob Perkins Allotment of part of Original Brooklyn Township Lot Nos. 50 and 51, as shown by the recorded plat in Volume 1 of Maps, Page 19 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the Northeasterly corner of said Sublot No. 50 it being the intersection of the Westerly line of West 45th Street (formerly Lamartine Street) and the Southeasterly line of Franklin Boulevard, N.W. (formerly Prospect Street); thence South 70 degrees 40' 00" West 91.60 feet to the most Westerly corner of said Sublot No. 51; thence South 19 degrees 20' 00" East 78.00 feet along Southwesterly line of said Sublot No. 51 to a point; thence North 75 degrees 54' 17" East 62.17 feet to a point in said Westerly line of West 45th Street; thence North 0 degrees 11' 33" West 88.62 feet, along said Westerly line of West 45th Street to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are

not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1143-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into contract without competitive bidding with Ameritech for the purchase of enhanced 9-1-1 system equipment, for the Divisions of Police, Fire and Emergency Medical Service, Department of Public Safety.

Whereas, the immediate acquisition of enhanced 9-1-1 system equipment is necessary to insure coordination with other safety system improvements and to resolve any Year 2000 compliance issues; and

Whereas, in order to coordinate the enhanced 9-1-1 system with the county-wide emergency response network, the enhanced 9-1-1 system equipment can only be obtained from one source; and

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Ameritech. The Director of Public Safety is hereby authorized to make a written contract with said Ameritech upon the basis of its proposal dated April 28, 1999, for the design, implementation and maintenance of an enhanced 9-1-1 emergency response system, including PBX, E911, call center solution, voice mail and network, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Divisions of Police, Fire, and Emergency Medical Services, Department of Public Safety.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund Nos. 20 SF 320, 20

SF 300, 20 SF 191 and 13 SF 909, Request No. 3655.

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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1144-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Clerk of Courts, to apply for and accept a grant from the Cleveland Foundation for the Achieve Global Program; and to enter into contract with Achieve Global to implement the program.

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

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

Section 1. That the Director of Finance, on behalf of the Clerk of Courts, is hereby authorized to apply for and accept a grant in the amount of \$40,000, from the Cleveland Foundation, to conduct the Achieve Global Program, for the purposes set forth in the application and according thereto; that the Director of Finance, on behalf of the Clerk of Courts, 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. 1144-99-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$20,000, payable from Fund No. 01-011601-6032000, Request No. 5405, is hereby approved in all respects.

Section 3. That the Director of Finance, on behalf of the Clerk of Courts, is hereby authorized to enter into contract with Achieve Global for the implementation of the program as described in the application contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance and from any cash matching funds identified in Section 2 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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1145-99.

By Councilman Johnson (by departmental request).

An emergency ordinance approving the collective bargaining agreement with CPPA - Civilian; and amending Section 10 of Ordinance No. 520-99, passed March 29, 1999, relating to compensation for various classifications.

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

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

Section 1. That in accordance with division (B) of Section 4117.10 of the Revised Code, this Council hereby approves a collective bargaining agreement with CPPA — Civilian which contains the terms set forth in File No. 1145-99-A, for the period from April 1, 1998 through March 31, 2001, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

Increase	Effective Date of Increase
Three percent (3%)	April 1, 1998
Three and one-half percent (3.5%)	April 1, 1999
Three and one-half percent (3.5%)	April 1, 2000

Section 2. That Section 10 of Ordinance No. 520-99, passed March 29, 1999, is hereby amended to read as follows:

Section 10. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Bilingual Communication Specialist	\$22,109.00	\$30,076.10
2. Police Radio Dispatcher	22,111.98	32,930.76
3. Police Safety Aide	18,752.70	23,444.62
4. Safety Telephone Operator	20,546.93	25,463.06

Section 3. That existing Section 10 of Ordinance No. 520-99, passed March 29, 1999, is hereby repealed.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1146-99.

By Councilman Jones.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Miles Ahead Development Corporation to hire two community organizers for a period of one year.

Whereas, this ordinance constitutes an emergency measure providing for the usual 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 Miles Ahead Development Corporation to hire two community organizers for a period of one year.

Section 2. That the costs of said contract shall be in an amount not to exceed Seventy Thousand Dollars (\$70,000.00) 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1147-99.

By Councilman Jones.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Blue Note Lounge to stretch banners at Lee Road and Judson Drive on utility poles (by separate permission) for the period of July 26, 1999 to August 16, 1999 inclusive, publicizing their Rib Burn-Off on Sunday, August 8, 1999.

Whereas, this ordinance constitutes an emergency measure providing for the usual 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 Blue Note Lounge to install, maintain and remove banners from Lee Road and Judson Drive on utility poles (by separate permission) for the period of July 26, 1999 through August 16, 1999 inclusive, publicizing its Rib Burn-Off event on Sunday, August 8, 1999, 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 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1148-99.

By Councilman Lewis.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Lutheran Housing Corporation to expand its home repair program in Ward 7.

Whereas, this ordinance constitutes an emergency measure providing for the usual 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 Lutheran Housing Corporation to expand its home repair program in Ward 7.

Section 2. That the costs of said contract shall be in an amount not to exceed Five Hundred Thousand Dollars (\$500,000.00) 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1149-99.

By Councilman Lewis.

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Tyson Food Group, Ltd. to provide economic development assistance to partially finance the construction and purchase of equipment for its operation at the corner of Linwood Avenue and East 55th St.

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

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

Section 1. That, provided agreement is reached as to terms specified in Section 2 hereof, the Director of Economic Development is authorized to enter into an Empowerment Zone contract with Tyson Food Group, Ltd. to provide economic development assistance to partially finance the construction and purchase of equipment for its operation at the corner of Linwood Avenue and East 55th Street.

Section 2. That the terms of said loan shall be in accordance with and subject to the approval of the Cleveland City-wide Development Corporation and the underwriting requirements of Section 108 loan programs of the Cleveland Empowerment Zone Loan Program.

Section 3. That the costs of said contract shall be paid from Fund Nos. 18 SF 001 and 003.

Section 4. That the Director of Economic Development is authorized and directed to accept collateral in order to secure repayment of the loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and to expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited and expended from Fund No. 18 SF 004.

Section 7. 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 8. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1150-99.

By Councilman Lewis.

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with NorthEast Ohio Neighborhood Health Services, Inc. to provide economic development assistance to partially finance the purchase of equipment and facility improvements for operations at its health centers in the City of Cleveland.

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

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

Section 1. That, provided agreement is reached as to terms specified in Section 2 hereof, the Director of Economic Development is authorized to enter into an Empowerment Zone contract with NorthEast Ohio Neighborhood Health Services, Inc. to provide economic development assistance to partially finance the purchase of equipment and facility improvements for its operations at its health centers in the City of Cleveland.

Section 2. That the terms of said loan shall be in accordance with and subject to the approval of the Cleveland City-wide Development Corporation and the underwriting requirements of Section 108 loan programs of the Cleveland Empowerment Zone Loan Program.

Section 3. That the costs of said contract shall be paid from Fund Nos. 18 SF 001 and 003.

Section 4. That the Director of Economic Development is authorized and directed to accept collateral in order to secure repayment of the loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

Section 6. That the Director of Economic Development is hereby

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

Section 7. 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 8. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1151-99.

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1855, 1861 and 1867 East 66th Street to Brenda W. King and Mansfield Frasier.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-05-043, 118-05-044 and 118-05-099, as more fully described in Section 2 below, to Brenda W. King and Mansfield Frasier.

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. 118-05-043

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

Being part of Sublot No. 29 in the Stevens and Cass' Re-Subdivision of Sublot No. 1 and of Sublots Nos. 3 to 20 inclusive in Stone, Johnson and Bates Subdivision of part of Original One Hundred Acre Lot No. 338, as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuya-

hoga County Records, and being 45 feet front on the Easterly side of East 66th Street, (formerly Dunham Avenue), and extending back of equal width 130 feet along the Southerly side of Hough Avenue, N.E., as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 118-05-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 120 feet of Sublot No. 30 in the Stevens and Cass Re-Subdivision of part of Original One Hundred Acre Lot No. 338 as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 66th Street and extending back between parallel lines 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 118-05-099

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 105 feet of Sublot No. 31 in the Steven and Cass Re-Subdivision of part of Original One Hundred Acre Lot No. 338, as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 66th Street and extending back between parallel lines 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1152-99.

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1576, 1580, 1584 East 84th Street to Korsandra Steven.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-22-140, 106-22-141, 106-22-142, as more fully described in Section 2 below, to Korsandra Steven.

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. 106-22-140

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: As part of Original One Hundred Acre Lot No. 391 and bounded and described as follows:

Beginning on the Westerly line of East 84th Street (formerly Van Ness Avenue), as shown by the recorded plat in Volume 19 of Maps, Page 20 of Cuyahoga County Records, at a point 752.17 feet Southerly, measured along said Westerly line of East 84th Street from its point of intersection with the Southerly line of Wade Park Avenue, N.E., (formerly Wade Park Avenue); thence Southerly along said Westerly line of East 84th Street, 40 feet; thence Westerly along a line parallel to said Southerly line of Wade Park Avenue, N.E., 102 feet; Northerly along a line parallel to said Westerly line of East 84th Street, 40 feet; Easterly along a line parallel to said Southerly line of Wade Park Avenue, N.E., 102 feet to the place of beginning, and being further known as Parcel No. 93 in L.M. Southern's Proposed Wade Park Allotment of part of Original One Hundred Acre Lot Nos. 383 and 391. Also subject to Zoning Ordinances, if any.

P.P. No. 106-22-141

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391 and bounded and described as follows:

Beginning on the Westerly line of East 84th Street (formerly Van Ness Avenue) at a point 792.17 feet Southerly (measured along said Westerly line) from its point of

intersection with the Southerly line of Wade Park Avenue, N.E.; thence Southerly along said Westerly line of East 84th Street, 30 feet; thence Westerly on a line parallel to the said Southerly line of Wade Park Avenue, N.E., 102 feet; thence Northerly on a line parallel to the said Westerly line of East 84th Street, 30 feet; thence Easterly 102 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 106-22-142

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391 and bounded and described as follows:

Beginning in the Westerly line of East 84th Street (formerly Van Ness Avenue) at a point 822-17/100 feet Southerly from the Southerly line of Wade Park Avenue, N.E.; thence Southerly along the Westerly line of East 84th Street, 33 feet; thence Westerly parallel with the Southerly line of Wade Park Avenue, N.E., 102 feet; thence Northerly parallel with the Westerly line of East 84th Street 33 feet; thence Easterly parallel with the Southerly line of Wade Park Avenue, N.E., 102 feet to the place of beginning, and being further known as Parcel No. 294 in L.M. Southern's Proposed Wade Park Allotment of part of Original One Hundred Acre Lot Nos. 383 and 391, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1153-99.**By Councilman Lewis.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5618 and 5616 Whittier Avenue to James Shabazz and Betty Shabazz.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 104-18-068 and 104-18-069, as more fully described in Section 2 below, to James Shabazz and Betty Shabazz.

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. 104-18-068

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 8 in Sweesey et. al. Re-Subdivision of part of Original East Cleveland Township Lot No. 340 as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records and being 40 feet front on the Southerly side of Whittier Avenue and extending back 142.73 feet on the Westerly line, 142.72 feet on the Easterly 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.

Subject to Zoning Ordinances, if any.

P.P. No. 104-18-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 6 in W.C. Sweesey, and others' Re-Allotment of R.L. Willard, Guardian of Lena Baisch Allotment of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Whittier Avenue, N.E., (formerly Sixth Avenue), and extending back of equal width of 142 73/100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Develop-

ment, this ordinance shall be repealed and shall be of no further force or effect.

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1154-99.**By Councilmen Lewis and Cimperman.**

An emergency ordinance to amend Section 1 of the Ordinance No. 747-97, passed April 26, 1999 relating to the feasibility study for the Richman Brothers Complex.

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

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

Section 1. That Section 1 of Ordinance No. 747-99 passed April 26, 1999, is hereby amended to read as follows:

Section 1. That the Director of Economic Development is hereby authorized to hire a consultant or firm of consultants, as approved in writing by the President of Council, to undertake a feasibility study for the Richman Brothers Complex project, including but not limited to the feasibility of utilizing the facility for municipal, county governmental and court-related services, and that this feasibility study shall be completed as expeditiously as possible. A copy of the feasibility report shall be provided to the President of Council upon completion. **The cost of the feasibility study shall not exceed Fifty Thousand Dollars (\$50,000.00) and shall be paid from Fund 17 SF 008.**

Section 2. That existing Section 1 of Ordinance No. 747-99 passed April 26, 1999, 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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1155-99.**By Councilman Melena.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cudell Improvement, Inc. to provide a matching grant for security services for the Edgewater Homeowner's Association.

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 Cudell Improvement, Inc. to provide a matching grant for citizen-based security activities for the Edgewater Homeowner's Association.

Section 2. That the costs of said contract shall be in an amount not to exceed Fifty Thousand Dollars (\$50,000.00) 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1156-99.**By Councilman Melena.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cudell Improvement, Inc. for an Exterior Home Repair Loan 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 Community Development is authorized to enter into an agreement with Cudell Improvement, Inc. for an Exterior Home Repair Loan program for residents to make needed exterior home repairs.

Section 2. That the costs of said contract shall be in an amount not to exceed Fifty Thousand Dollars (\$50,000.00) 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1157-99.

By Councilman Melena.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Stockyard Re-development Organization for an Exterior Home Repair Loan 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 Community Development is authorized to enter into an agreement with Stockyard Re-development Organization for an Exterior Home Repair Loan program for residents to make needed exterior home repairs.

Section 2. That the costs of said contract shall be in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1158-99.

By Councilman Patmon.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Cleveland Cultural Garden Federation to stretch banners along MLK Blvd. on utility poles (by separate permission) for the period of September 3, 1999 through September 13, 1999, inclusive, publicizing the annual One World Day Celebration.

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 Ser-

vice is hereby authorized and directed to issue a permit to the Cleveland Cultural Garden Federation, to install, maintain and remove banners on utility poles (by separate permission), from MLK, Jr. Drive at N. of Parkgate (W), N. of Parkgate (E), S. of Parkgate (E), S. of Parkgate (E), N. of Ansel (E), N. of Ansel (E), S. of Ansel in triangle; none of the foregoing poles have any numbers or identification tags; for the period of September 3, 1999 to September 13, 1999 inclusive, publicizing the annual One World Day celebration; 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 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1159-99.

By Councilman Robinson.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Lutheran Housing Corporation to expand its home repair program in Ward 3.

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 Lutheran Housing Corporation to expand its home repair program in Ward 3.

Section 2. That the costs of said contract shall be in an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00) 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1160-99.

By Councilman Robinson.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cleveland Community Building Initiative to institute a Youth Landscaping Training Program in Ward 3.

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 Cleveland Community Building Initiative to institute a Youth Landscaping Training Program in Ward 3.

Section 2. That the costs of said contract shall be in an amount not to exceed Seventy-Four Thousand Dollars (\$74,000.00) 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1161-99.

By Councilman Robinson.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Murtis H. Taylor Multi-Service Center to assist with the Family Resource Center and the Adult Community Mental Health 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 Community Development is authorized to enter into an agreement with the Murtis H. Taylor Multi-Service Center to assist with the Family Resource Center and the Adult Community Mental Health program.

Section 2. That the costs of said contract shall be in an amount not to exceed Fifty-Four Thousand Dollars (\$54,000.00) 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1162-99.

By Councilmen Robinson and White.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the New Cleveland Food Basket Program to purchase a van.

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 New Cleveland Food Basket Program to purchase a van.

Section 2. That the costs of said contract shall be in an amount not to exceed Seventeen Thousand Six Hundred Dollars (\$17,600.00) and shall be paid from Fund No. 10 SF 166; Five Thousand Dollars (\$5,000.00) shall be encumbered from Ward 2 and Twelve Thousand Six Hundred Dollars (\$12,600.00) shall be encumbered from Ward 3.

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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1163-99.

By Councilman Rybka.

An emergency ordinance determining the method of making the public improvement of replacing or repairing sidewalks and driveway aprons and authorizing the Director of Public Service to proceed with said improvement by the direct employment of the necessary labor and the purchase or rental of the necessary supplies, materials and equipment.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of replacing or repairing sidewalks and driveway aprons, as contained in File No. 1163-99-A, attached hereto, for the Department of Public Service, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of such improvement, with a separate accounting as to each improvement so made.

Section 2. That the Director of Public Service 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 items comprising the necessary supplies and materials for said improvement, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Public Safety.

Section 3. That the costs of said improvement shall not exceed One Hundred Thirty Four Thousand Dollars (\$134,000.00) and shall be paid from Fund No. 10 SF 166.

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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1164-99.

By Councilman White.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Southeast Improvement Association to enhance neighborhood security and to promote development in Ward 2 of the City of Cleveland.

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 Southeast Improvement Association to enhance neighborhood security and to promote development in Ward 2 of the City of Cleveland.

Section 2. That the costs of said contract shall be in an amount not to exceed Fourteen Thousand Dollars (\$14,000.00) 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1165-99.

By Councilman Willis.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Western Reserve Historical Society to stretch a banner at the corner of Patrarca Rd. & Stokes Blvd. on utility poles (by separate permission) for the period of June 24, 1999 through July 24, 1999 inclusive, publicizing their special event.

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 Western Reserve Historical Society to install, maintain and remove a banner on utility poles (by separate permission), at the corner of Patrarca Road and Stokes Boulevard, near the BP Gasoline Station; Pole Number MELP 88449 and Pole Number MELP 88420; for the period of June 24, 1999 to July 24, 1999, inclusive, publicizing their special event, and which banner shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1166-99.**By Councilman White.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Mystic Knights to stretch a banner at Miles Avenue on utility poles (by separate permission) for the period of July 2, 1999 to August 2, 1999 inclusive, publicizing their special event.

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 Mystic Knights, 11417 Miles Avenue, Cleveland, Ohio 44105, to install, maintain and remove banners from 11407 Miles Avenue (N) and on 11404 Miles Avenue (S) on utility poles, both utility poles have no tags or numbers, (by separate permission) for the period of July 2, 1999 through August 2, 1999 inclusive, publicizing their special event, 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 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1167-99.**By Councilmen Sweeney and Johnson (by departmental request).**

An emergency ordinance to amend Section 7 of Ordinance No. 505-99, passed May 10, 1999 and Section 33 of Ordinance No. 619-98, passed June 15, 1998, relating to sidewalk laying, re-laying and repairing.

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 7 of Ordinance No. 505-99 passed May 10, 1999 and Section 33 of Ordinance No. 619-98, passed June 15, 1998, are hereby amended to read, respectively, as follows:

Section 7. That the cost of the improvements hereby authorized shall be paid from Fund Nos. **10 SF 116, 20 SF 322, 11 SF 401, 20 SF 341**

and 10 SF 034 and from the fund to which are credited the proceeds of the sale of general obligation bonds issued for the purpose which include the above improvement, Request No. 24533. It is the intent of this council that the districts be assessed for the improvements authorized in Section I hereof pursuant to the assessment process which will be submitted by the Director of Finance upon conclusion of the work, and that all or a portion of the monies collected as a result of said assessment be used to reimburse the appropriate account.

Section 33. That the costs of the improvements or contracts hereby authorized shall be paid from Fund Nos. **10 SF 116, 20 SF 322, 11 SF 401, 14 SF 021, 14 SF 022, 14 SF 023 and 14 SF 024.**

Section 2. That existing Section 7 of Ordinance No. 505-99, passed May 10, 1999 and Section 33 of Ordinance No. 619-98, passed June 15, 1998, are hereby repealed.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1168-99.**By Councilmen Sweeney and Johnson (by departmental request).**

An emergency ordinance authorizing the Director of Public Service to enter into an agreement with the City of Warrensville Heights in order to make the public improvement of rehabilitating Garden Avenue.

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

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

Section 1. That the Director of Public Service is hereby authorized to enter into an agreement with the City of Warrensville Heights in order to make the public improvement of rehabilitating Garden Avenue (the "Improvement"). The agreement shall provide that the City of Warrensville Heights and the City of Cleveland shall each pay its share of the Improvement for the portion of Garden Avenue in its respective municipality. The Agreement shall be prepared by the Director of Law and shall contain such additional terms and conditions as are necessary to protect the public interest.

Section 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1169-99.**By Councilmen Sweeney and Johnson (by departmental request).**

An emergency ordinance authorizing the Director of Public Service to cause payment of the City of Cleveland's share to the City of Lakewood for the cost of repair and rehabilitation of a portion of Lakewood Heights Boulevard.

Whereas, in Ordinance No. 2039-91, passed December 9, 1991, this Council gave consent to the Director of Transportation, City of Lakewood, for the cost of repair and rehabilitation of Lakewood Heights Boulevard (the "Improvement"); and

Whereas, this Council authorized the City to cooperate with the City of Lakewood in the cost of the Improvement; and

Whereas, the City's share of the cost of the Improvement is currently estimated to be \$180,000; and

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

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

Section 1. That this Council hereby authorizes payment to the City of Lakewood of the City's share of the cost of repair and rehabilitation of a portion of Lakewood Heights Boulevard, from Fund No. 20 SF 342, Request No. 21976.

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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1170-99.**By Councilmen Westbrook and Johnson (by departmental request).**

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide design services for the rehabilitation of Concourse C overlay.

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

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

Section 1. That the Director of Port Control is hereby authorized to employ by contract one or more design consultants or one or more firms of design consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the rehabilitation of Concourse C overlay.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Port Control from a list of qualified con-

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

Section 2. That the costs for such services herein contemplated shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 265, and any existing or future revenue bonds, grant proceeds and PFC authorizations, Request No. 8216.

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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1171-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing a baggage claim area, and authorizing the Director of Port Control to enter into contract for the making of such improvement; and authorizing said director to employ design consultants to provide professional services necessary to design the improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing a baggage claim area, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Port Control is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the Director of Port Control is hereby authorized to employ by contract one or more design consultants or one or more firms of design consultants for the purpose of supplementing the regularly employed staff of the several

departments of the City of Cleveland in order to provide professional services necessary to design the public improvement authorized herein.

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

Section 4. That the cost of the professional services and the improvement authorized herein shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 265, and any existing or future revenue bonds, grant proceeds and PFC authorizations, Request No. 8217.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1172-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance preferring certain representations for purposes of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee and authorizing the Director of Port Control to apply to the bond trustee for land release.

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 City acknowledges, states and affirms, pursuant to Article IX of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee, dated November 1, 1976, as amended, that the City desires and requests that a certain portion of its land heretofore subject to the Trust Indenture be released and removed from all obligations under said Trust Indenture. Further, the City acknowledges, states and affirms that it is not in default under said Indenture; that release of such land is necessary in order to serve the public purpose of economic development; and that certain public improvements will be constructed on the land to be released, including public roads and public utilities.

The land to be released is described as follows:

**PROPOSED
CLEVELAND BUSINESS
PARK - WEST
PARCEL B**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of The C and D Southwest Subdivision I as recorded in Volume 174, Page 34 of Cuyahoga County Records and part of The C and D Southwest Subdivision II as recorded in Volume 184, Page 72 of Cuyahoga County Records. The parcel is further known as being part of Section No. 4 of Original Rockport Township, and bounded and described as follows:

Beginning at an iron pin in a monument box at the intersection of the centerline of Rocky River Drive and the Easterly extension of the Southerly line of the Homeway Subdivision as recorded in Volume 70, Page 27 of Cuyahoga County Records;

Thence North 89° 05' 54" West along the Southerly line of The Homeway Subdivision as aforesaid, 1576.71 feet to an angle point;

Thence North 89° 17' 53" West, 1957.49 feet to a point being the principal place of beginning;

Thence South 03° 23' 16" East, 164.28 feet to a point;

Thence 39.34 feet along the arc of a circle deflecting to the right, having a radius of 200.00 feet whose chord bears North 85° 04' 00" East, a distance of 39.28 feet;

Thence South 89° 17' 53" East, 19.92 feet to a point;

Thence South 00° 42' 07" West, 160.00 feet to a point;

Thence North 89° 17' 53" West, 33.32 feet to a point;

Thence South 44° 44' 23" West, 38.20 feet to a point;

Thence South 00° 55' 46" West, 648.79 feet to a point;

Thence South 89° 03' 42" East, 476.52 feet to a point;

Thence South 00° 55' 46" West, 143.46 feet to a point;

Thence North 89° 04' 14" West, 636.52 feet to a point;

Thence South 00° 55' 46" West, 196.37 feet to a point;

Thence North 89° 04' 14" West, 215.00 feet to a point;

Thence 133.52 feet along the arc of a circle deflecting to the right, having a radius of 85.00 feet whose chord bears North 44° 04' 14" West a distance of 120.21 feet;

Thence North 89° 04' 14" West, 163.48 feet to a point;

Thence North 00° 55' 46" East, 254.85 feet to a point;

Thence North 89° 04' 14" West, 133.00 feet to a point;

Thence South 00° 55' 46" West, 75.00 feet to a point;

Thence North 89° 04' 14" West, 221.92 feet to a point;

Thence North 09° 06' 27" West, 75.23 feet to a point;

Thence North 11° 11' 06" West, 43.67 feet to a point;

Thence North 28° 32' 28" West, 46.37 feet to a point;

Thence North 00° 56' 48" East, 86.60 feet to a point;

Thence North 00° 56' 48" East, 479.88 feet to a point;

Thence North 36° 28' 43" East, 113.65 feet to a point;

Thence South 29° 13' 42" East, 4.40 feet to a point;

Thence North 46° 54' 01" East, 213.84 feet to a point;

Thence South 86° 22' 19" East, 211.15 feet to a point;

Thence North 01° 06' 06" East, 118.00 feet to a point;

Thence South 89° 17' 53" East, 577.78 feet to a point and the principal place of beginning, containing within said boundaries 1,203,439 square feet (27.6272 acres) of land, be the same more or less, but subject to all legal highways. Bearings used are based on an assumed meridian and are used to indicate angles only.

**PROPOSED
CLEVELAND BUSINESS
PARK - WEST
PARCEL C**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of the Riverside Park Subdivision as recorded in Volume 71, Page 30 of Cuyahoga County Records and part of The Home Gardens Allotment as recorded in Volume 67, Page 35 Cuyahoga County Records. The parcel is further known as being part of Section No. 3 and Section No. 4 of Original Rockport Township, and bounded and described as follows:

Beginning at an iron pin found in a monument box at the intersection of the centerline of Rocky River Drive and the Easterly extension of the Southerly line of the Homeway Subdivision as recorded in Volume 70, Page 27 of Cuyahoga County Records;

Thence North 89° 05' 54" West along the Easterly extension of the Southerly line of The Homeway Subdivision as aforesaid, 43.93 feet to a point on the Westerly right of way line of Rocky River Drive;

Thence South 25° 19' 31" West along the Westerly right of way line of Rocky River Drive (80 feet wide), 716.57 feet to a point and the principal place of beginning;

Thence continuing along the Westerly right of way line of Rocky River Drive South 25° 19' 31" West, 813.37 feet to a point;

Thence South 58° 08' 31" West, 33.17 feet to a point;

Thence South 00° 55' 46" West, 25.00 feet to a point;

Thence North 89° 04' 14" West, 27.69 feet to a point;

Thence South 00° 55' 46" West, 25.00 feet to a point;

Thence South 31° 50' 28" East, 26.83 feet to a point;

Thence South 25° 19' 31" West, 216.91 feet to a point;

Thence South 58° 07' 51" West, 33.28 feet to a point;

Thence South 00° 55' 46" West, 25.00 feet to a point;

Thence North 89° 04' 14" West, 27.66 feet to a point;

Thence South 00° 55' 46" West, 25.00 feet to a point;

Thence South 31° 44' 41" East, 26.89 feet to a point;

Thence South 25° 19' 31" West, 88.16 feet to a point;

Thence South 25° 02' 26" West, 224.14 feet to a point;

Thence South 54° 55' 23" West, 36.44 feet to a point;

Thence South 00° 57' 10" West, 25.00 feet to a point;

Thence North 89° 02' 50" West, 21.90 feet to a point;

Thence South 00° 57' 10" West, 25.00 feet to a point;

Thence 34.17 feet along the arc of a circle deflecting to the right, having a radius of 20.00 feet whose chord bears South 23° 54' 03" East a distance of 30.16 feet;

Thence South 25° 02' 26" West, 190.22 feet to a point;

Thence North 89° 27' 34" West, 179.02 feet to a point;

Thence South 02° 23' 04" West, 35.16 feet to a point;

Thence South 73° 16' 00" West, 98.98 feet to a point;

Thence South 84° 29' 35" West, 41.08 feet to a point;

Thence North 25° 19' 31" East, 1374.85 feet to a point;

Thence North 89° 04' 14" West, 1981.22 feet to a point;

Thence North 00° 55' 46" East, 143.46 feet to a point;

Thence South 89° 04' 14" East, 428.08 feet to a point;

Thence North 01° 58' 06" East, 351.93 feet to a point;

Thence South 89° 04' 47" East a distance of 2046.06 feet to a point being the principal place of beginning, containing within said boundaries 1,349,656 square feet (30.9838 acres) of land, be the same more or less, but subject to all legal highways. Bearings used are based on an assumed meridian and are used to indicate angles only.

Section 2. That the Director of Port Control is authorized to apply to the Chase Manhattan Trust Company, National Association, as successor trustee, for release of the land described in Section 1, pursuant to the Trust Indenture, dated November 1, 1976, as amended.

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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1173-99.

By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with various entities to provide services under Titles II and III of the Job Training Partnership Act; and authorizing the Director of Personnel and Human Resources to enter into contract with Orion Consulting to assist with Workforce Investment Act compliance.

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

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

Section 1. That the Director of Personnel and Human Resources is authorized to enter into contract with Towards Employment for the delivery of adult and youth employment and training services under Title II of the Job Training Partnership Act, in an amount not to exceed \$850,000.

Section 2. That the Director of Personnel and Human Resources is authorized to enter into contract with United Labor Agency for the delivery of adult and youth employment and training services under Title III of the Job Training Part-

nership Act, in an amount not to exceed \$825,477.

Section 3. That the Director of Personnel and Human Resources is authorized to enter into contracts with the American Red Cross, Brentley Institute, Cleveland Industrial Training, Cuyahoga Community College, Total Tech/Breakwall, Westside Institute of Technology for the delivery of adult and youth employment and training services under Title II of the Job Training Partnership Act, in an total aggregate amount not to exceed \$512,500.

Section 4. That the Director of Personnel and Human Resources is authorized to enter into contract with Orion Consulting for professional services necessary to assist with Workforce Investment Act compliance, based upon their proposal dated June 1, 1999, in the estimated sum of \$182,000, for the Department of Personnel and Human Resources.

Section 5. That the cost of all contracts authorized herein shall be paid from Fund Nos. 15 SF 091, 15 SF 092, 15 SF 093, 15 SF 094, 15 SF 095, 15 SF 096, and 15 SF 100, Request Nos. 8908, 8911, 9109, 9113, 9114, 9115, 9123, 9124, 9125 and 9126.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1174-99.

By Councilmen White and Johnson (by departmental request).

An emergency ordinance to amend the title, Section 1 and Section 2 of Ordinance No. 1039-99, passed June 7, 1999, relating to contracts for delivery of the Summer Youth Employment Program under the Job Training Partnership Act.

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

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

Section 1. That the title, Section 1 and Section 2 of Ordinance No. 1039-99, passed June 7, 1999, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contracts with the Cleveland Municipal School District, Cleveland Initiative for Education and the Cleveland Public Theater for delivery of the Summer Youth Employment Program under the Job Training Partnership Act.

Section 1. That the Director of Personnel and Human Resources is hereby authorized to enter into contracts with the following service deliverers in amounts not to exceed those listed below, for the administration and delivery of the Summer

Youth Employment Program, Title II Part B:

Cleveland Municipal School District	\$2,784,000
Cleveland Initiative for Education	\$ 146,000
Cleveland Public Theater	\$ 60,000

Section 2. That the cost of the contracts authorized above shall not exceed **\$2,990,000.00**, and shall be paid from Fund No. **15 SF 094**, Request Nos. **08994 and 9000**.

Section 2. That the existing title, Section 1 and Section 2 of Ordinance No. 1039-99, passed June 7, 1999, are hereby repealed.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1191-99.

By Councilman Cimperman.

An emergency ordinance consenting to and approving the issuance of a permit for the Race for Wishes on July 24, 1999, 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 Race for Wishes, on July 24, 1999, sponsored by Hermes Race Systems, starting on Euclid and E. 13th, north on E. 13th to Lakeside, Lakeside to E. 9th, E. 9th to Erieside, Erieside to W. 3rd, W. 3rd to Lakeside, Lakeside to E. 13th, E. 13th to Euclid, Euclid to E. 17th, 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 or 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1192-99.

By Councilman Melena.

An emergency ordinance consenting to and approving the issuance of a permit for a 5K Run and Walk for Pride on June 19, 1999, 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 5K Run and Walk for Pride, on June 19, 1999, sponsored by Hermes Race Systems, with the route beginning at Cliff Drive to Edgewater, Edgewater to Park, Rest of route in the Park, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1175-99.

By Councilmen Melena, Willis, Sweeney, Gordon, Cimperman, Zone, Polensek, Britt, Coats, Rybka, Westbrook, Cintron, Johnson, Robinson, Patmon, Lewis, Jones.

An emergency resolution urging the Ohio General Assembly to reject House Bill 283 concerning the regulation of fees charged by municipalities for the use of public rights of way by utility companies.

Whereas, municipalities such as the City of Cleveland have certain constitutional rights and obligations to control the activities of and contract with public utilities within their jurisdictions; and

Whereas, many cases in the Ohio Supreme Court and other jurisdictions have recognized the right of governmental entities to charge for the use of rights of way; and

Whereas, an amendment to Ohio House Bill 283 has been proposed which would prohibit a municipality in the State of Ohio from levying a tax, fee or charge for the right or privilege of using or occupying a

public way for purposes of delivering natural gas, electric, telecommunication or cable television services; and

Whereas, public rights of way are valuable property rights and generate certain revenue for the City of Cleveland, and are fees which utility companies can well afford; and

Whereas, the Council of the City of Cleveland is opposed to Ohio House Bill 283 and further has great concern about the constitutionality of such measure; now, therefore,

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

Section 1. That the Council of the City of Cleveland urges the members of the Ohio General Assembly to oppose House Bill 283 which prohibits municipalities from charging fees for the use of rights of way by various public utilities, communication providers and cable television companies.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to JoAnn Davidson, Speaker of the House; Roy L. Ray, Chair of the Ohio Senate Finance Committee; and all Cleveland area State Representatives.

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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1176-99.

By Councilmen Jones, Westbrook, Cimperman and Gordon.

An emergency resolution urging the Governor of Ohio to implement the waiver of a provision in the federal welfare law limiting single, childless, unemployed workers to only 3 months of food stamps every 3 years for those areas of Ohio (including Cleveland and East Cleveland) that have been deemed surplus labor areas by the U.S. Department of Labor.

Whereas, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, commonly referred to as the "welfare reform" law, has made changes in this nation's social safety net, which significantly affects the food stamp program; and

Whereas, the United States Congress determined and decided as part of the welfare reform effort that anyone between the ages of 18-50, with no dependents, and not eligible for disability assistance under either the Social Security or Supplemental Security Income programs should not be able to receive food stamps except in a dire emergency; and

Whereas, these recipients were disqualified from receiving food stamps except for three months out of any three-year period, and who are generally not eligible for any other program of public assistance; and

Whereas, the Cuyahoga County Department of Employment and Entitlement Services had estimated

that 12,882 people residing in Cuyahoga County are at risk of losing food stamp benefits because they are between the ages of 18-50, and have no dependents; and

Whereas, the County estimates that 86% of the at risk group resides in Cleveland and East Cleveland, which translates to an annual benefit loss of \$10.2 million per year; and

Whereas, the Ohio Legislative Budget Office estimates the cost of implementing the Food Stamp Time Limit Waiver will cost the state administration merely \$36,000 per year, which amounts to less than one-third of one percent of the estimated federal food benefits to eligible citizens in this county; and

Whereas, there is a significant number of individuals in this at-risk population with disabilities that are not quite severe enough to qualify for the federal disability programs, but nevertheless have a very difficult time finding and retaining employment; and

Whereas, many of these recipients whose benefits have been cut will seek assistance from food hunger centers, which will place an additional strain such centers that provide food to the needy; and

Whereas, the federal government has initiated a waiver provision in the welfare law in those areas that have a high unemployment rate, which allows those recipients to receive benefits who otherwise would be taken off; and

Whereas, the former Ohio Governor George Voinovich applied for and was granted the federal waiver for Cleveland and East Cleveland within Cuyahoga County and all areas of high unemployment in the State of Ohio, and

Whereas, the former Governor Voinovich decided not to implement the waiver, thereby eliminating food stamp benefits of those individuals who are at most risk, and thereby placing tremendous obstacles and burdens placed on them during the transition from welfare to work; and

Whereas, such implementation of the food stamp waiver program could provide \$10 million dollars to the local economy, and provide social service and other human service organizations a more reasonable amount of time to develop a comprehensive work program for recipients, including public/private partnership programs; now therefore:

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

Section 1. That this Council strongly urges Ohio Governor Robert Taft to consider implementing the food stamp waiver provision in order to reduce the additional hardships that will be encountered by those recipients who have lost their benefits.

Section 2. That this Council strongly urges Ohio Governor Robert Taft to consider application and implementation of this waiver provision in order to prevent any recipient from losing welfare benefits, and to work closely with Cuyahoga County and the City of Cleveland to find work opportunities for those recipients who are not covered by the waiver.

Section 3. That this Council invites Governor Taft to Cleveland for a tour of hunger facilities, and a presentation by local officials and service providers about the potential impact of the Food Stamp Time Limit Waiver in this community.

Section 4. That the Clerk of Council be and she hereby be directed to transmit a certified copy of this resolution to Ohio Governor Robert Taft and the Greater Cleveland Committee on Hunger.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1193-99.

By Councilman Polensek.

An emergency resolution withdrawing objection to the transfer of ownership of a D1 and D2 Liquor Permit to 656-58 E. 185th St., and repealing Res. No. 48-99, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D1 and D2 Liquor Permit to 656-58 E. 185th St., by Res. No. 48-99, adopted January 11, 1999; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership based upon and pursuant to a cooperation agreement signed June 11, 1999, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a D1 and D2 Liquor Permit to 656-58 E. 185th St., be and the same is hereby withdrawn and Res. No. 48-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1194-99.

By Councilman Lewis.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 1745 E. 55th St., 1st Fl. & 2nd Fl. and repealing Res. No. 1472-98, objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 1745 E. 55th St., 1st Fl. & 2nd Fl., by Res. No. 1472-98, adopted August 19, 1998; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon the liquor permit being held in safekeeping with the owner of the permit agreeing to sell the permit; and

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

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

Section 1. That objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 1745 E. 55th St., 1st Fl. & 2nd Fl., be and the same is hereby withdrawn and Res. No. 1472-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1195-99.

By Councilman Sweeney.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4050 W. 140th St., 1st Fl., and repealing Res. No. 1776-98, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 4050 W. 140th St., 1st Fl., by Res. No. 1776-98, adopted October 5, 1998; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership; and

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4050 W. 140th St., 1st Fl., be and the same is hereby withdrawn and Res. No. 1776-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1196-98.**By Councilman Coats.**

An emergency resolution objecting to the stock transfer of a C2 and C2X Liquor Permit to 1165 Hayden Avenue, 1st Fl.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a C2 and C2X Liquor Permit to Permit No. 6551176, 1165 Hayden Inc., DBA Eddies Delicatessen, 1165 Hayden Avenue, 1st Fl., Cleveland, Ohio 44110; 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 stock transfer of a C2 and C2X Liquor Permit to Permit No. 6551176, 1165 Hayden Inc., DBA Eddies Delicatessen, 1165 Hayden Avenue, 1st Fl., Cleveland, Ohio 44110 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED**Ord. No. 1108-96.**

By Councilmen Patton, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for a multiple-use City facility at 1440 Lakeside Avenue, for the Division of Water, Department of Public Utilities; determining the method of making the public improvement of renovating 1440 Lakeside Avenue; authorizing the Director of Public Utilities to enter into contracts for the making of such improvements; authorizing the purchase by standard purchase and requirement contracts of related labor and materials; authorizing the acquisition of various rights and interests in real property; authorizing the relocation or modification of fixtures or features on said property; and authorizing various professional services contracts for the Division of Water, Department of Public Utilities.

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

1. In Section 1, line 10 after "Ohio," insert the following new sentence: **"The legal description for the property is contained in File No. 1108-96-A."**

2. In Section 2, line 3, strike "such property" and insert in lieu thereof **"the property described in Section 1 of this ordinance"**.

3. Strike Sections 4, 5, 6, 7, and 8 in their entirety and insert new Sections 4, 5, 6, 7 and 8 to read, respectively, as follows:

"Section 4. That the Director of Public Utilities shall undertake and complete a facilities utilization study of the properties located at 1440, 1700 and 1875 Lakeside Avenue and the Division of Water's current space at 1201 Lakeside Avenue, Cleveland, Ohio, Notwithstanding anything to the contrary contained herein, said facilities utilization study shall be performed by a qualified professional hired by the Director of Public Utilities after a RFP process. Said study must first be reviewed and receive the approval of Council as required by Section 5 herein.

Section 5. That the facilities utilization study completed pursuant to Section 4 shall be presented to this Council through its Public Utilities Committee for review and approval.

Section 6. That the Director of Public Utilities is hereby authorized and directed to employ by contract or contracts design engineers, architects and other consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the renovation of the existing 1440 Lakeside building for use by multiple divisions and departments of the City of Cleveland. The selection of said consultant or consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Utilities from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Public Utilities 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 contracts herein authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 7. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of performing such improvements to the existing 1440 Lakeside building as will permit personnel currently located at 1201 Lakeside to use the existing 1440 Lakeside building temporarily during renovation of the 1201 Lakeside building.

That the Director of Public Utilities is hereby authorized and directed to enter into a contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contractor for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

Section 8. That the Director of Public Utilities is hereby authorized and directed to make written standard purchase contracts and written requirement contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of such requirements to be determined by said Director, for the necessary items of labor and materials to perform such improvements to the existing 1440 Lakeside building as will permit personnel currently located at 1201 Lakeside to use the existing 1440 Lakeside building temporarily during renovation of the 1201 Lakeside building."

4. In existing Section 9, strike lines 6 and 7 in their entirety and insert in lieu thereof **"rights or interests in real property necessary for the acquisition of the property described in Section 1 of this ordinance."**

5. Strike Sections 10, 11, 12 and 13 in their entirety and renumber existing Sections 14 and 15, respectively to new **"Section 10"** and **"Section 12"**; and insert the following as new Section 11:

"Section 11. That the Director of Public Utilities is hereby authorized to enter into negotiations for the purchase of the properties located at 1468-70 Lakeside Avenue and the property located on the east side of 1440 Lakeside Avenue between Lakeside and Hamilton Avenues, as more fully described in the legal descriptions contained in Council File No. 1108-96-A."

6. In existing Section 14, lines 6 and 7, strike "the various divisions and departments of the City of Cleveland, including".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 14. Nays 5.

Those voting yea were: Councilmen Cimperman, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Robinson, Sweeney, Westbrook, White, Willis and Zone.

Those voting nay were: Councilmen Britt, Melena, Patmon, Polensek and Rybka.

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

Ord. No. 1306-97.

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

An emergency ordinance to amend Section 327.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1441-96, passed September 30, 1996, relating to penalty for violations of the Zoning Code.

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

1. In Section 1, at Section 327.99, insert a new division (g) to read as follows:

"(g) The Commissioner of the Division of Building and Housing shall consult with the Councilperson of each ward about the enforcement of the provisions of this section in their particular ward."

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 1307-97.

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

An emergency ordinance to amend Section 367.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1442-96, passed September 30, 1996, relating to penalty for violation of the Housing Code.

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community and Economic Development, Legislation, Finance; when amended as follows:

1. In Section 1, at Section 367.99, insert a new division (i) to read as follows:

"(i) The Commissioner of the Division of Building and Housing shall consult with the Councilperson of each ward about the enforcement of the provisions of this section in their particular ward."

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 1308-97.

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

An emergency ordinance to amend Section 3103.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1443-96, passed September 30, 1996, relating to penalty for violations to the Building Code.

Referred to Directors of Community Development, Finance, Law; Committees on Community and Economic Development, Legislation, Finance; when amended as follows:

1. In Section 1, at Section 3103.99, insert a new division (g) to read as follows:

"(g) The Commissioner of the Division of Building and Housing shall consult with the Councilperson of each ward about the enforcement of the provisions of this section in their particular ward."

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 2192-97.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into and execute lease agreements for space at the City of Cleveland's Hough Multi-Service Center for terms not to exceed five years.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation, Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1233-98.

By Councilman Patmon.
An emergency ordinance to vacate a portion of Elk Avenue N.E. hereinafter described.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 30-99.

By Councilmen O'Malley, Sweeney, Westbrook, Rybka and Johnson (by departmental request).

An emergency ordinance to amend the title, Section 1 and Section 2 of Ordinance No. 1279-97, passed May 11, 1998, relating to employing one or more professional consultants to provide engineering services necessary to design the relocation of Brook Park Road, including the relocation of water lines under Brook Park Road.

Referred to Directors of Port Control City Planning Commission, Finance, Law; Recommended by Committees on Aviation and Transportation, City Planning, Finance; when amended as follows:

1. In Section 2, line 3, after "52 SF 225" insert the following: ", 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106"; and in line 7, strike "No." and insert in lieu thereof the following: "**Nos. 24862 and**".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 261-99.

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

An emergency ordinance authorizing the Mayor and Directors of Parks, Recreation and Properties and Law and other City officers to

enter into an amendment to Common Area Maintenance Agreement No. 48828 between The Cleveland-Cuyahoga County Port Authority, the Rock and Roll Hall of Fame and Museum, Inc. and the Great Lakes Museum of Science, Environment and Technology for maintenance of the common areas of the North Coast Harbor.

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

1. In Section 1, in line 24, after "Fund No. 01-70-12-0380.", insert the following new sentence: "**The agreement authorized by this ordinance shall include a provision that any non-profit organization based in the City of Cleveland holding a tax-exempt finding from the Internal Revenue Service that rents the Voinovich Park for an event not exceeding three consecutive days in length shall not be charged a rental fee in excess of one thousand dollars. The fees charged to for-profit organizations are not affected by the preceding sentence.**".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 309-99.

By Councilmen Willis, Zone and Johnson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 531.81 and 535.46 relating to various charges for the Division of Water.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 313-99.

By Councilman Cimperman.
An emergency ordinance authorizing the Director of Public Service to issue a permit to the Mallorca Restaurant to encroach into the public right-of-way at 1390 West 9th Street with an entrance canopy with supports.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 326-99.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6712 Lawnview Avenue to Christine Moton.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 328-99.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7814 Myron Avenue, N.E., to Tom P. Rushton and Evelyn Rushton.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 411-99.

By Councilmen 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 Continental Airlines, Inc. for use and occupancy of certain space in the Primary Hangar at Cleveland Hopkins International Airport.

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

1. In the title, at the end, strike the period and insert in lieu thereof the following: "; determining the method of making the public improvement of rehabilitating and constructing the exterior and grounds of the primary hangar and a ground service equipment facility; and authorizing the Director of Port Control to employ professional design engineering services to design the public improvement."

2. Insert new Sections 2, 3, 4 and 5 to read, respectively, as follows:

"Section 2. That, it is hereby determined to make the public improvement of rehabilitating and constructing the exterior and grounds of the primary hangar and a ground service equipment facility (the "Improvement"), for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement.

Section 3. That the Director of Port Control is hereby authorized to enter into contract for the making of the Improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, or such trades or components may be the subject of a separate contract upon a unit basis.

Section 4. That the Director of Port Control is hereby authorized to employ by contract one or more professional design engineering consultants or one or more firms of professional design engineering consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of said consultant or consultants for such services shall be made by the Board of Control upon the nomination of the Director of Port Control from a list of qualified consultants available for such

employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 5. That the costs of the Improvement and services herein contemplated shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 114 and from any existing or future revenue bond funds, grant proceeds, PFC authorization, and revenue received from the Lease authorized in Section 1 of this ordinance, Request No. 8213."

3. Renumber existing Section 3 to new "Section 6".

4. Insert the following new where-as clauses before the existing one:

"Whereas, the City entered into a Memorandum of Understanding ("MOU") with Continental Airlines in March, 1997, memorializing the agreement that had been reached between the parties regarding the expansion by Continental at Cleveland Hopkins International Airport ("Airport"); and

Whereas, Cleveland City Council approved the terms of the MOU and other matters related to Continental's expansion by passage of Ordinance No. 561-97 in June, 1997; and

Whereas, pursuant to the MOU, Continental agreed to establish a regional jet line maintenance base at the Airport by December 31, 2000 and agreed to create within 5 years of the execution of the MOU over 500 new jobs relative to the expansion project as a whole, of which 50 would be new aircraft maintenance positions for the regional jet line maintenance base; and"

5. In Section 1, line 7 following "hangar and" delete "aircraft maintenance facility" and insert "regional jet line maintenance base pursuant to the MOU between the City and Lessee dated March, 1997".

6. In Section 1, line 10, following "the term of" delete "Bay 1" and insert "Bays 1 and 2".

7. In Section 1, line 12, following "use by Lessee of the Premises" insert "as a regional jet line maintenance base".

8. In Section 1, line 13, following "for hangar space at the Airport" insert "and (c) compliance with the job creation and retention levels specified in the MOU. All jobs created relative to the regional jet line maintenance base, both permanent positions and construction jobs entered into pursuant to this ordinance, shall comply with the employment goals for minorities, females and City of Cleveland residents specified in the MOU".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 506-99.

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

An emergency ordinance to amend Sections 1 and 7 of Ordinance No. 1786-97, passed September 22, 1997, relating to the rehabilitation of Grayton Road access and spine road leading to Cleveland Business Park Phase II.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 513-99.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1893 East 69th Street to Evelyn Collins.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 588-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Neighborhood Development Investment Fund contract with HMI Industries, Inc., to provide economic development assistance to partially finance the purchase of machinery, equipment, furniture and fixtures, and for tenant build-out for a new building to be constructed in Cleveland Business Park — West, Cleveland, Ohio.

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

1. In the title, lines 5 and 6; and in Section 1, line 4, strike "HMI Industries, Inc." and insert in lieu thereof the following: "Cleveland Business Park Distribution III Ltd."

2. In Section 2, line 6, strike "588-99-A" and insert in lieu thereof "588-99-B".

3. In Section 3, line 2, strike "One Million Dollars (\$1,000,000.00)" and insert in lieu thereof "Four Hundred Thousand Dollars (\$400,000)".

4. In Section 2, at the end, add the following:

"The contract shall also include the requirements to use best efforts to achieve the following construction contract and construction job goals:

Construction Contracts	33% MBE;
	10% FBE

Construction Jobs	25% Minority;
	10% Female;
	40% Residents".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 589-99.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned prop-

erty no longer needed for public use located north of Cleveland Hopkins Airport to Cleveland Business Park, Ltd.; and authorizing an application for release of land from Trust Indenture.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 590-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with HMI Industries, Inc. to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to partially finance the purchase of machinery, equipment, furniture and fixtures, and for tenant build-out for a new building to be constructed in Cleveland Business Park — West, in the Cleveland Area Enterprise Zone.

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

1. In Section 2, at the end, add the following:

"The Agreement shall also include the requirement to use best efforts to achieve the following construction contract and construction job goals:

Construction Contracts 33% MBE;
10% FBE

Construction Jobs 25% Minority;
10% Female;
40% Residents".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 639-99.

By Councilman Britt.

An emergency ordinance to vacate a portion of East 84th Place hereinafter described.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 640-99.

By Councilman Cintron.

An emergency ordinance to vacate a portion of Eureka Court S.W. hereinafter described.

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

1. In the fourth Whereas clause, line 3, strike "27358" and insert in lieu thereof "72358".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 641-99.

By Councilman Johnson.

An emergency ordinance to vacate a portion of East 92nd Street hereinafter described.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 642-99.

By Councilman Jones.

An emergency ordinance to vacate a portion of the First Alley North of Miles Ave. and East of East 164th Street hereinafter described.

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

1. In the first Whereas clause, line 2, between "of" and "164th" insert "East".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 643-99.

By Councilman Melena.

An emergency ordinance to vacate a portion of West 62nd Place hereinafter described.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 644-99.

By Councilman Melena.

An emergency ordinance to vacate a portion of West 62nd Place hereinafter described.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 645-99.

By Councilman Westbrook.

An emergency ordinance to vacate a portion of Keith Court hereinafter described.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 648-99.

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 the Ohio Department of Public

Safety for the 1999-2000 EMS-EMT Training Grant; and to enter into contract for the purchase of equipment and supplies needed to implement the program.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 649-99.

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 the Ohio Department of Public Safety for the 1999-2000 Fire - Emergency Medical Services Grant; and to enter into contract for the purchase of equipment and supplies needed to implement the program.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 652-99.

By Councilmen Melena, Jones, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase real property for the expansion of Clark Recreation Center, for the Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Recommended by Committees on Parks, Recreation and Properties, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 656-99.

By Councilman Dolan.

An emergency ordinance authorizing the Mayor to enter into a Memorandum of Understanding with Fairview Hospital relative to its Expansion Plan.

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

1. In Section 2, at the second Recital, line 4, between "community" and the period insert "; and accepted by the Cleveland City Planning Commission by Resolution No. 98-1106 on November 6, 1998" and in the fourth Recital, line 3, strike "legislation authorizing" and insert in lieu thereof "the appropriate legislation necessary to satisfy".

2. In Section 2, at Section 1 of the MOU, line 5, after "shall" insert "offer to"; in line 8, between "Bank" and the comma insert "and"; and in line 9, at the end, add the following: "All real property transfers to the City are subject to legislation accepting the property."

3. In Section 2, at Section 3 of the MOU, line 5, strike "The parties agree" and insert in lieu thereof "FH agrees"; line 7, strike "that" and insert "than"; and in the same line, strike "of" and insert in lieu thereof "on"; in line 9, strike "The parties agree" and insert in lieu thereof "FH agrees"; and at the end, add the following: "FH shall comply with all

of the requirements imposed by any conditional zoning map amendment passed by Cleveland City Council to allow FH to expand its existing parking as stated above."

4. In Section 2, at Section 4 of the MOU, line 1, strike "will" and insert in lieu thereof "**Council will consider legislation to**"; in line 3, strike "Facility. The City will also" and insert in lieu thereof the following: "**Facility and to**".

5. In Section 2, at Section 7 of the MOU, in the second paragraph, line 4, strike "and approved by the Council member of ward 21"; line 9, between "the" and "Council" and again in line 10, insert in both places "**City Planning commission and the**".

6. In Section 2, at Section 9 of the MOU, line 1, strike "City shall work cooperatively with FH" and insert in lieu thereof the following: "**FH shall work cooperatively with the appropriate City official**".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 716-99.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in the City of Independence on Brecksville Road to a party selected by the Board of Control.

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

1. In the title, lines 6, 7, and 8, strike "a party selected by the Board of Control," and insert in lieu thereof the following: "**the City of Independence**".

2. In Section 2, lines 3 and 4, strike "a party selected by the Board of Control from those submitting offers" and insert in lieu thereof the following: "**the City of Independence**".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 724-99.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating or improving certain City-owned golf courses, including site improvements and appurtenances, and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.

Approved by Directors of Parks, Property and Recreation, City Planning Commission, Finance, Law; Recommended by Committees on Parks, Property and Recreation, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 725-99.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8110, 8106, 7902-8102 Central Avenue, 2312 East 82nd Street and 8112 Central Avenue to Fairfax Renaissance Development Corporation.

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

1. In Section 9, line 2, after "Nos." insert "**119-27-091 and**".

2. In Section 30, insert the following legal description before the existing one:

"P.P. No. 119-27-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 115 feet of Sublot No. 21 in Harris and Andrew Jaynes' Allotment of part of the Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 60 Cuyahoga County Records and being 52 feet 7 inches front on the Southerly side of Central Avenue, S.E., and extending back 115 feet deep along the West-erly side of East 82nd Street (formerly Edwards Avenue), as appears by said plat, be the same more or less, but subject to all legal high-ways."

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 726-99.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2170 West 20th Street to Jas R. Chura and Mary E. Chura.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 729-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds for administrative expenses of the Code Enforcement and Demolition Programs.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 733-99.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2829 East 82nd Street, 8112, 8116 and 8120 Holton Avenue, and rear of 2835 East 81st Street to Roy Sears and Lettie C. Sears.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 734-99.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10509-11 Amor Avenue and 971-79 East 105th Street to MJC Gen Contractors Incorporated.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 735-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with 1889 West 25th Street Limited to provide economic development assistance to partially finance the acquisition of real property, the acquisition and renovation of the building, and the purchase of machinery and equipment, located at 1889 West 25th Street, Cleveland, Ohio.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 736-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Rialto Corporation to provide economic development assistance to partially finance the land and building acquisition and for the renovation of the Rialto Theater Building located at 1867-1873 West 25th Street, Cleveland, Ohio.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 739-99.

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

An emergency ordinance authorizing the Director of Economic Development

opment to enter into an Empowerment Zone contract with Aletha Gambrell dba Operation Hair to provide economic development assistance to partially finance capital improvements to property located at 1787 East 55th Street, Cleveland, Ohio.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 784-99.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to execute an easement granting to Hathaway Brown School certain easement rights in property located in the City of Shaker Heights and declaring said easement rights no longer needed for public use.

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

1. In Section 1, in the second paragraph of the legal description, between "to" and "feet" insert "60".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 786-99.

By Councilmen Cintron, Jones, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the southeast corner of West 41st Street and Train Avenue to Mark A. Rivera Productions, Inc.

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

1. In Section 1, at the end, add the following new legal descriptions:

LEGAL DESCRIPTION OF EXCEPTION NO. 1

Excepting therefrom the following described property:

Beginning at a point at the intersection of the easterly line of West 41st Street (60.00 feet wide), and the northerly line of Richner Avenue S.W. (60.00 feet wide and varies);

Thence Due North 53.57 feet to a point in the easterly line of West 41st Street;

Thence South 44°-48'-46" East, 61.40 feet to a point in the northerly line of Richner Avenue S.W.;

Thence South 57°-49'-25" West, 6.00 feet to an angle point in Richner Avenue S.W.;

Thence South 79°-53'-00" West, 38.50 feet to the point of beginning, and containing 1203 square feet of land, or 0.02761 acres, be the same more or less, but subject to all legal highways and easements of records.

LEGAL DESCRIPTION OF EXCEPTION #2

Beginning at a point at the intersection of the Easterly line of West 41st Street (60.00 feet wide) and the Northerly line of Richner Avenue S.W. (60.00 feet wide and varies);

Thence Due North 89.88 feet to the intersection of the Walworth Avenue S.W. (60.00 feet wide) now known as Train Avenue S.W.;

Thence North 68°-04'-15" East along the Southerly line or said Train Avenue S.W., 359.45 feet to the principal point of beginning of the premises intended to be described herein;

Thence along the arc of a curve deflecting to the right an arc distance of 39.88 feet, said curve having a radius of 13.46 feet, an included delta angle of 169°-45'-10" and a chord which bears South 27°-03'-10" East, 26.81 feet to a point on the Northerly line of Richner Avenue S.W.;

Thence North 57°-49'-25" East, 70.61 feet to an angle point in the Northerly line of Richner Avenue S.W.;

Thence North 21°-55'-45" West, 14.14 feet to the intersection of the Northerly line of Richner Avenue S.W. and the Southerly line of Train Avenue S.W.;

Thence South 68°-04'-15" West along the Southerly line of Train Avenue S.W., 71.87 feet to the principal point of beginning, and containing 1199 square feet of land, or 0.02752 acres, be the same more or less, but subject to all legal highways and easements of record.

LEGAL DESCRIPTION OF RESTRICTED TRAFFIC VISIBILITY AREA

Beginning at point at the intersection of the Southerly line of Walworth Avenue S.W. (60.00 feet wide) now known as Train Avenue S.W., and the Northerly line of Richner Avenue S.W. (60.00 feet wide and varies);

Thence South 68°-04'-15" West along the Southerly line of Train Avenue S.W., 110.00 feet to the original point of beginning of the premises intended to be described herein;

Thence North 68°-04'-15" East along the Southerly line of Train Avenue S.W., 38.13 feet;

Thence along the arc of a curve deflecting to the right an arc distance of 39.88 feet, said curve having a radius of 13.46 feet, an included delta angle of 169°-45'-10" and a chord which bears South 27°-03'-10" East, 26.81 feet to a point on the Northerly line of Richner Avenue S.W.;

Thence South 57°-49'-25" West along the Northerly line of Richner Avenue S.W. 39.39 feet;

Thence North 24°-54'-30" West, 33.76 feet to the principal point of beginning, and containing 1,421 square feet of land, or 0.03262 acres, be the same more or less, but subject to all legal highways and easements of record.

2. In Section 3, at the end, strike the period and insert in lieu thereof the following: ", and a provision providing that the design of the initial new construction of two buildings and site improvements be submitted to the City Planning Commission for review.

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 787-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an amendment to Contract No. 51195 with the Cuyahoga Metropolitan Housing Authority to extend the term of the lease, for the Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 788-99.

By Councilmen Melena, Jones, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease property on Clark Avenue from Michalske Printing Company, for a term of ten years, with two options to renew for additional ten year terms, for the public purpose of developing additional parking for the Clark Recreation Center.

Approved by Directors of Parks, Properties and Recreation, City Planning Commission, Finance, Law; Recommended by Committees on Public Parks, Properties and Recreation, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 793-99.

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

An emergency ordinance authorizing the Director of Public Safety to expend Community Development Block Grant funds for the Community Response Unit.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 863-99.

By Councilmen Lewis, Jackson, Robinson and Johnson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1916 East 71st Street to Linda E. Highsmith.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 883-99.

By Councilman Britt.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Fairfax Renaissance Development Corporation to encroach into the right-of-way of various locations in the Fairfax

Neighborhood area with eleven (11) identification signs.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 885-99.

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

An emergency ordinance authorizing the Director of Public Service to enter into a fifth amendment to Contract No. 38890 with Pleasant Valley Enterprises for the lease of property located at 14550 Lorain Avenue.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 886-99.

By Councilmen O'Malley, Sweeney, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for the ingress and egress to and from the Ridge Road Transfer Station, for the Division of Streets, Department of Public Service.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 887-99.

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

An emergency ordinance appropriating funds obtained from Norfolk Southern and CSX; authorizing the Director of Public Service to employ professional consultants to perform architectural, engineering and other services necessary to design noise walls, landscaping and fencing; authorizing the Director of Economic Development to employ professional consultants to provide architectural and acoustical services for the insulation of homes; and authorizing the purchase by contract of equipment to respond to rail incidents involving hazardous materials for the Department of Public Safety.

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

1. In the title, line 12, between "homes;" and "and", insert **"authorizing an agreement with Slavic Village Development Corporation;"**.

2. In Section 1, in lines 3 and 4, strike "One Million Seven Hundred Twenty-Two Thousand Three Hundred Twenty-Seven Dollars (\$1,722,327.00)" and insert in lieu thereof **"One Million Nine Hundred Seventy-Two Thousand Three Hundred Twenty-Seven Dollars (\$1,972,327.00)";** in line 9, between "training;" and "and" insert **"authorizing an agreement with Slavic Village Development Corporation to**

preserve and enhance the Mill Creek Waterfall"; and in line 13, strike "\$1,722,327" and insert in lieu thereof **"\$1,972,327"**.

3. Insert a new "Section 5" to read as follows:

"Section 5. That the Director of Economic Development is hereby authorized to enter into an agreement with Slavic Village Development Corporation to provide for the furtherance of proposals to preserve and enhance the Mill Creek Waterfall and to better incorporate the Mill Creek Waterfall into the Cleveland Metroparks."

And renumber existing "Section 5" and "Section 6," to read respectively **"Section 6" and "Section 7"**.

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 889-99.

By Councilmen Cintron, Jones, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase real property for the expansion of Greenwood Playground, for the Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Recommended by Committees on Public Parks, Recreation and Properties, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 891-99.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in the Village of Cuyahoga Heights, Ohio adjacent to the Interstate 77 exit ramp and East 71st Street in the Village of Cuyahoga Heights.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Recommended by Committees on Public Parks, Recreation and Properties, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 892-99.

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

An emergency ordinance determining to proceed to control blight and disease of shade trees by removing, planting, trimming, watering and creating or excavating cutouts for shade trees in and along the public rights-of-way in portions of the City of Cleveland; and adopting the assessments.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Recommended by Committees on Public Parks, Recreation and Properties, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 893-99.

By Councilmen Polensek, Jones, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a property for the expansion of Humphrey Park located at 16003 Damon Avenue, for the Division of Property Management, Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Recommended by Committees on Public Parks, Recreation and Properties, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 894-99.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the State of Ohio, Department of Natural Resources for the Round 6 Nature-Works Program; determining the method of making the public improvement of rehabilitating Mercedes Cotner Park and authorizing the Director of Parks, Recreation and Properties to enter into contract with the making of such improvement, payable from the grant proceeds.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 895-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with 1501 Companies, LTD., to provide economic development assistance to partially finance the land and building acquisition and the demolition of three distressed homes located at 1501 Abbey Avenue, Cleveland, Ohio 44113.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 896-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance to amend Section 2 of Ordinance No. 1181-97, passed June 16, 1997, as amended by Ordinance No. 424-99, passed March 29, 1999, relating to economic development assistance contracts with Glenville Development Corporation and University Circle Incorporated.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 897-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Vesper Corporation, and/or a wholly-owned subsidiary thereof, to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to assist in acquiring machinery and equipment and constructing a facility, to be located at 3249 East 80th Street, East 79th to East 80th Streets, including the vacated Avrina Avenue, Cleveland, Ohio, located in the Cleveland Area Enterprise Zone.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 946-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of disposal of debris at landfills, for the Divisions of Water Pollution Control, Water and Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 947-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide design services of a heating, ventilating and air conditioning system at Burke Lakefront Airport.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 948-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide design services necessary for improvements and modifications to ingress and egress at Cleveland Hopkins International Airport.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 949-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to install and maintain fencing, for the various divisions of the

Department of Port Control, for a period not to exceed two years.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 951-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Department of Transportation for the Eagle Avenue Bridge and Alternative Analysis Study; and to authorize said director to employ one or more professional consultants to perform the study.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 952-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of cleaning and hygiene supplies, for the Division of Correction, Department of Public Health, for a period not to exceed two years.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 956-99.

By Councilmen Coats, Zone and Johnson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 173.21 thereof, relating to Police Review Board.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 963-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with Cleveland Housing Network, or its designee, to provide development loan assistance in the form of a Community Development Block Grant float loan for the purchase, rehabilitation or construction of low income rental housing.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 965-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with the HOPE Gardens, Inc., fiscal

agent for the Summer Sprout Program, to operate a community gardening program.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 966-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation, or construction of low income housing units.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 971-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Mark A. Rivera Productions, Inc. to provide economic development assistance to partially finance the land acquisition, site improvements and construction of facility at West 41st Street between Train Avenue and Richner Avenue, Cleveland, Ohio.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 972-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Neighborhood Development Investment Fund contract with Lin's Omni World, to provide economic development assistance to partially finance the acquisition and renovation of the CMF Building located at 3167 Fulton Road, Cleveland, Ohio 44109.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 973-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Lin's Omni World to provide for a ten year abatement for certain real estate taxes as an incentive to expand its facilities to the CMF Building, located at 3167 Fulton Road, Cleveland, Ohio, 44136, in the Cleveland Area Enterprise Zone.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 974-99.

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

An emergency ordinance to amend the title, Section 1 and Section 2 of Ordinance No. 1886-98, passed December 14, 1998, relating to a contract to partially finance the acquisition and renovation of real property, located at 5700 Broadway Avenue, Cleveland, Ohio.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 975-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Neighborhood Development Investment Fund contract with Coral Puritas Limited Partnership, to provide economic development assistance to partially finance the renovation of Puritas Park Plaza and the construction of a free standing drug store, to be located at 14015 and 14141 Puritas Avenue, Cleveland, Ohio.

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

1. In Section 3, line 2, strike "Five Hundred Thousand Dollars (\$500,000.00)" and insert in lieu thereof the following: "**One Million Dollars (\$1,000,000.00)**".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 976-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Campus Movers, Inc. to provide for a ten year abatement for certain real estate taxes as an incentive to construct a new facility at 2160 West 106th Street, Cleveland, Ohio, in the Cleveland Area Enterprise Zone.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 995-99.

By Councilman Dolan.

An emergency ordinance authorizing the Director of Economic Development to enter into an Amendment to an Enterprise Zone Agreement with PPG, or its designee, to provide assistance to retain a shipping and warehouse facility at 3800 West 143rd Street in the Cleveland Enterprise Zone.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1015-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contracts with various non-profit development corporations to provide grants to small, neighborhood-based street clubs, block clubs and other community improvement groups to implement the Cityworks Program.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1016-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with various agencies to provide social service programs.

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance; when amended as follows:

1. Insert a new Section 4 to read as follows:

"**Section 4. That each agency which receives funding from Community Development to provide social services shall have staff members trained in HIV prevention.**".

2. Renumber existing Section 4 to new "**Section 5**".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 1017-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance; when amended as follows:

1. Insert new Sections 8 and 9 to read as follows:

"**Section 8. That the Director of Community Development is hereby authorized to identify a process for**

providing assistance to new homeowners and condominium owners who are recipients of loans administered by the City's Housing Trust Fund Program.

Section 9. That if a project that has been identified for funding under the Housing Trust Fund Program does not go forward or the funds identified are not used in full, the funds may not be decertified without notifying the Councilmember in whose ward the project is located.".

2. Renumber existing Section 8 to new "**Section 10**".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 1018-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with various agencies to provide housing, commercial, industrial and real estate development activities.

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance; when amended as follows:

1. In Section 1, under the City-wide Development Assistance Program list, delete "Cleveland Housing Network: Receivership Project".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 1019-99.

By Councilmen Jackson and Johnson (by departmental request).

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

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1056-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more professional architects and engineers to prepare plans, specifications and other bidding documents for capital improvements to the West Side Market, its surrounding district, and the East Side Market.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Recommended by Committees

on Public Parks, Recreation and Properties, Finance; when amended as follows:

1. In Section 1, in the second paragraph, line 7, after "list." insert **"Prior to award of such contract or contracts, written notification listing all responses to the canvass, including a list of all subcontractors, together with the price listed in each response, shall be provided to the Clerk of Council and to the Chairman of the Committee on Public Parks, Property and Recreation by the Director of Parks, Recreation and Properties. A copy of the proposal of the successful respondent(s) shall also be provided to the Clerk and Chairman prior to award by the Board of Control."**

2. In the title, at the end, strike the period and insert in lieu thereof **", and its surrounding districts"**.

3. In Section 1, at the end, strike the period and insert in lieu thereof **", and its surrounding districts, including a contract relating to streetscape improvements for the East Side Market in an amount not to exceed \$50,000."**

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 1057-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of computers and related hardware equipment, for the various divisions of City government.

Approved by Directors of Finance, Law; Recommended by Committee on Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1058-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various on-road vehicles and off-road equipment, including labor and materials necessary for vehicle rehabilitation, for the various divisions of City government.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1059-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing by requirement contract the purchase, lease or lease with option to purchase of various electronic devices, including ancillary equipment, and materials for service and maintenance, for the Division of Information Systems Services, Department of Finance, for a period not to exceed three years.

Approved by Directors of Finance, Law; Recommended by Committee on Finance; when amended as follows:

1. In the title at line 10 following "exceed", delete "three" and insert **"two"**.

2. In Section 1, line 8 following "the period of" delete "three (3)" and insert **"two (2)"**.

3. In Section 1, line 16 following "than" delete "three (3)" and insert **"two (2)"**.

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 1060-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept grants from the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment; and authorizing said director to enter into contracts for the purchase of services, equipment and supplies necessary to implement the program.

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

1. In Section 3, at the end, add the following sentence: **"The Director of Public Health shall submit a monthly report concerning the expenditure of funds pursuant to this ordinance to the Council Committee on Public Health."**

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1063-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. 51196, for asbestos abatement of the Speedwalk Building with Coleman Trucking, Inc. for the Department of Port Control.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1064-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract for the layout, printing and distribution of online and printed publications, including the flight guide; and authorizing the Director to employ one or more professional consultants to provide services necessary for the design, layout, printing, and/or marketing, advertising and designing services for various publications for the Department of Port Control, for a period not to exceed two years.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1065-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of the rental of heavy duty equipment and operators, for the various divisions of the Department

of Port Control, for a period not to exceed two years.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1066-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of bunker gear suits, suspenders, hood helmets, visors and bunker boots, for the various divisions of the Department of Port Control.

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

1. In the title, at the end, strike the period and insert in lieu thereof the following: **", for a period not to exceed two years."**

2. In Section 1, line 4, strike "one year" and insert in lieu thereof the following: **"two years"**.

3. In Section 1, line 7 and in line 15, strike "year" and insert in lieu thereof **"term"**.

4. In Section 1, line 12, strike "a year" and insert in lieu thereof **"two years"**.

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 1067-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide accounting services necessary to conduct audits of various lessees and concessionaires.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1068-99.

By Councilmen Westbrook and Johnson (by departmental request).

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

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1069-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to apply asphalt, concrete and tack coat to repair roadways and runways, including delivery, spreading, grinding and compacting, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1070-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of pharmaceutical supplies, for the Division of Correction, Department of Public Health.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1071-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair or replace fire hydrants, for the Division of Water, Department of Public Utilities.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1072-99.

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; Office of Community Oriented Policing Services for the 1999 Troops to COPS Program.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1073-99.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 183.044 thereof, relating to concession agreements with airlines for promotions of credit cards at Cleveland Hopkins International Airport and Burke Lakefront Airport.

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

1. In the title, lines 6 and 7; in Section 1, lines 5 and 11, strike "of Credit Cards".

2. In Section 1, line 14, strike "such" and insert "any"; and in line 15, after "of" insert "any".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 1074-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Elgin sweeper parts, including labor to install if necessary, 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.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1075-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of burials for indigent dead, for the Division of Health, Department of Public Health, for a period not to exceed two years.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1076-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the George Gund Foundation for the Workshops for Youth Program.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Recommended by Committees on Parks, Recreation and Properties, Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1077-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums herein set forth opposite the names of the claimants.

Approved by Directors of Finance, Law; Recommended by Committee on Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1081-99.

By Councilmen Jones, Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding of the Kerruish Park Stormwater Project and increase the capacity of the basin and repair of the spillway structure; to accept state funding from the Ohio Public Works Commission therefor; determining the method of making the public improvement of constructing the Project; authorizing the Director of Public Utilities to enter into contract for the making of such improvement; authorizing said director to employ one or more firms of engineers and other professional consultants to provide professional services for the implementation of

the Project; authorizing said director to apply and pay for permits, licenses and other authorizations required for the Project; and authorizing said director to purchase, lease or otherwise acquire easements and other interests in real property as required for the Project.

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

1. In Section 10, at the end, add the following: "**All interests in real property beyond current control shall be acquired only upon the approval of Council.**"

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 1083-99.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Felder Properties Limited to encroach into the right-of-way of West Lakeside Avenue N.W. with various streetscape improvements.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1084-99.

By Councilmen Coats and Johnson.

An emergency ordinance to extend the retirement dates of Officer Emil Cielec, Lieutenant Michael O'Malley, Lieutenant Edward Lentz and Detective Arssie Taylor, for a one year period for the Division of Police, Department of Public Safety.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1085-99.

By Councilmen Coats, Zone and Johnson (by departmental request).

An emergency ordinance to amend Section 135.50 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2752-91, passed January 27, 1992, relating to the application and acceptance of an annual Marine Patrol grant.

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

1. In Section 1, at Section 135.50, lines 7 and 8, strike "is not obligated to provide in cash matching funds" and insert in lieu thereof the following: "**will match this amount in salaries and/or equipment used by the marine patrol program.**"

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 1086-99.

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 - Office of Community Oriented Policing Services (COPS) for the 1999 COPS - School Based Partnership Grant; and to enter into contract for professional services necessary for survey development and evaluation and for the purchase of equipment and supplies needed to implement the program.

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

1. In Section 3, at the end of paragraph 1, insert the following new sentence: **"The survey shall include members of the City-wide Student Council, Youth Summit, Cleveland City Council, Summit on Education and Safety Division, and other entities involved in youth safety activities in the City of Cleveland."**

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 1088-99.

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

An emergency ordinance authorizing the Mayor and the Directors of Parks, Recreation and Properties and Economic Development to enter into a Purchase Agreement with Cartech Company, Ltd. for 10.593 acres of City-owned property located in the Village of Highland Hills, with an option to purchase an additional 5.16 acres within the first five years.

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

1. In the title, line 7 after "option" insert **"to Gliatech"**.

2. In the fifth Whereas clause, line 1, strike "Cartech" and insert in lieu thereof **"Gliatech"**.

3. In the seventh Whereas clause, line 1 after "Cartech" insert **"and Gliatech"**.

4. In Section 4, line 2 and 3, strike "Cartech during the Option Period, for development for Gliatech," and insert in lieu thereof **"Gliatech during the Option Period."**

5. In Section 5, line 1, after "Cartech" insert **"and Gliatech"**.

6. In Section 7, line 5 and in line 7, strike "Cartech" in both places, and insert in lieu thereof **"Gliatech"**.

7. In Section 9, line 3, strike "with Cartech".

8. In Section 12, line 3, strike "of job openings"; in line 7, strike "15%" and insert in lieu thereof **"30%"**; and in line 8, strike "5%" and insert in lieu thereof **"10%"**.

9. In Section 14, at the end, strike the period and insert in lieu thereof: **"; provided, however, that the terms of the Project Agreement as contained in File No. 1088-99-A shall not be amended without the prior legislative approval of the Council of the City of Cleveland."**

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 1089-99.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at on scattered sites located on Elton Avenue, Dudley Avenue, West 76th Street, West 42nd Street, Seymour Avenue and West 33rd Street to Cleveland Housing Network Limited Partnership XVI.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1090-99.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Economic Development to enter into an Amendment to Lease Agreement No. 46890 between the City and the County of Cuyahoga to modify the leased premises; authorizing said director to enter into an Amendment to Lease Agreement No. 46861 between the City and Lakeside 425 Limited Partnership to modify the leased premises; and authorizing said director to enter into a lease with Felder Properties, Ltd. to lease a portion of the same premises to Felder Properties, Ltd.

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

1. In Section 4, in line 7, after "provision of parking" insert the following new clause **“, that the lease shall provide that Felder Properties, Ltd. include the requirement to use best efforts to achieve the following construction contract and construction job goals:**

Construction Contracts	33-1/3% MBE; 10% FBE
Construction Jobs	25% Minority; 10% Female; 40% Residents".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 1091-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with the Cleveland Neighborhood Development Corporation to continue the administration of the

Cleveland Industrial Retention Initiative.

Approved by Directors of Economic Development, Finance, Law; Relieved of Committees on Community and Economic Development, City Planning; Recommended by Committee on Finance; when amended as follows:

1. In Section 1, lines 4 and 5, strike "Two Hundred Eighty Thousand Dollars (\$280,000.00)" and insert in lieu thereof the following: **"Three Hundred Thirty Thousand Dollars (\$330,000.00)"**.

2. In Section 1 at the end, insert the following: **"The Director shall make a progress report on the CIRI program to the Community and Economic Development Committee three (3) months following the passage of this legislation."**

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

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

SECOND READING EMERGENCY RESOLUTIONS ADOPTED

Res. No. 741-99.

By Councilman Jackson (by request).

An emergency resolution declaring the intention to vacate all that portion of Shepard Court S.E.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 742-99.

By Councilman Sweeney (by request).

An emergency resolution declaring the intention to vacate a portion of Sally Avenue.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 978-99.

By Councilman Cimperman.

An emergency resolution declaring the intention to vacate all that portion of East 13th Street.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1078-99.

By Councilman Dolan (by request).

An emergency resolution declaring the intention to vacate all that portion of Groveland Avenue.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Adopted. Yeas 19. Nays 0.

LAID ON THE TABLE

Ord. No. 953-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Public Health for the STD — Diagnostic and Treatment Services Program; and to enter into contract with the City of Canton Health Department and MetroHealth Medical System, to implement the program.

Without objection, Ordinance No. 953-99 was Laid on the Table pursuant to the Rules of Council.

MOTION

By Councilman Cimperman, seconded by Councilman Coats and unanimously carried that the absence of Councilman Michael A. Dolan and Councilman Michael C. O'Malley be and is hereby authorized.

The Council adjourned at 11:35 p.m. to meet on Wednesday, July 14, 1999.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

June 9, 1999

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, June 9, 1999, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Acting Director Milton, Directors Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson and Acting Director Mooney.

Absent: Director Axelrod.

Others: William A. Moon, Commissioner, Purchases and Supplies, Laura A. Williams, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 341-99.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Tab's Pest Control for an estimated quantity of Exterminating Services (all items) for the various divisions of the City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on April 30, 1999, pursuant to the authority of Ordinance No. 2096-98, passed February 1, 1998, which on the basis of the estimated quantity would amount to Twenty Seven Thousand Three Hundred Forty-Two and 00/100 Dollars (\$27,342.00) (3% 15 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance 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. 3770

which shall be certified against such contract in the sum of Two Thousand and 00/100 Dollars (\$2,000.00).

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

Yeas: Mayor White, Acting Director Milton, Directors Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson and Acting Director Mooney.

Nays: None.

Absent: None.

Resolution No. 342-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 68-98, passed by the Council of the City of Cleveland on October 19, 1998 and amended by Ordinance No. 94-99, passed on March 1, 1999, Metcalf & Eddy, Inc. is hereby selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities, as the firm to be employed by contract to provide professional services necessary for the design and implementation of improvements at the Division of Water's Morgan Waterworks Plant, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a contract with Metcalf & Eddy, Inc. based upon its proposal dated March 19, 1999, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as contained in said proposal, for an aggregate fee not in excess of \$14,582,343.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Metcalf & Eddy, Inc. for the above mentioned professional service is hereby approved:

SUBCONTRACTOR	WORK
Ralph Tyler Companies	\$4,002,824.00 MBE
Advanced Engineering	\$ 709,064.00 MBE
Sigma Associates, Inc.	\$ 706,455.00 FBE
City Blue Printing Co., Inc.	\$ 118,200.00 FBE
CH2M-Hill Ohio, Inc.	\$3,682,464.00

Yeas: Mayor White, Acting Director Milton, Directors Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson and Acting Director Mooney.

Nays: None.

Absent: None.

Resolution No. 343-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 988-98, passed by the Council of the City of Cleveland on July 29, 1998, Montgomery Watson is hereby selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities, as the firm to be employed by contract to evaluate the physical condition of each filter by inspection, teach Division of Water employees about filtration and filter inspection techniques, perform laboratory analysis to determine the capabilities and condition of each filter, provide a report for division personnel explaining the data collected during each filter inspection and provide consulting services as needed by the Division of Water and required by the United States Environmental Protection Agency's Interim Enhanced Surface Water Treatment Rule, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a contract with Montgomery Watson based upon its proposal dated May 7, 1999, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as contained in said proposal, for an aggregate fee not in excess of \$578,147.00 and not to exceed a term of three years, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Montgomery Watson for the above mentioned professional service is hereby approved:

SUBCONTRACTOR	WORK
Ralph Tyler Co.	\$153,000.00 MBE
KS Associates	\$ 58,000.00 FBE
Solar Testing Laboratories, Inc.	\$ 74,569.00

Yeas: Mayor White, Acting Director Milton, Directors Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson and Acting Director Mooney.

Nays: None.

Absent: None.

Resolution No. 344-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Carus Chemical Company; a Division of Carus Corporation for an estimated quantity of potassium permanganate (all items) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date

of execution of a contract, received on the 7th day of April, 1999, pursuant to the authority of Section 129.24 of the Codified Ordinance of Cleveland Ohio, 1976, which on the basis of the order quantities would amount to Fifty Thousand One Hundred Sixty Eight Dollars and Sixteen Cents (\$50,168.16) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 3775 which shall be certified against such contract in the sum of Fifty Thousand One Hundred Sixty Eight Dollars and Sixteen Cents (\$50,168.16).

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

Yeas: Mayor White, Acting Director Milton, Directors Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson and Acting Director Mooney.

Nays: None.
Absent: None.

Resolution No. 345-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Energy Mechanical, for an estimated quantity of labor and material to maintain, repair and/or replace the HVAC Systems at various locations, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on April 22, 1999, pursuant to the authority of Ordinance No. 1943-98, passed December 14, 1998, on the basis of the estimated quantity would amount to One Hundred Thousand and no/100 Dollars (\$100,000.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 0217 which shall be certified against such contract in the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00).

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

Yeas: Mayor White, Acting Director Milton, Directors Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson and Acting Director Mooney.

Nays: None.
Absent: None.

Resolution No. 346-99.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of American Highway Products for an estimated quantity of manhole risers (all items) for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the date of expiration of a contract, received on April 1, 1999, pursuant to the authority of Ordinance No. 297-98, passed April 27, 1998, which on the basis of the estimated quantity would amount to approximately Twenty Five Thousand Five Hundred and no/100 Dollars (\$25,500.00) (1% - 10 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 3228 which shall be certified against such contract in the sum of Two Thousand Five Hundred Fifty and no/100 Dollars (\$2,550.00).

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

Yeas: Mayor White, Acting Director Milton, Directors Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson and Acting Director Mooney.

Nays: None.
Absent: None.

Resolution No. 347-99.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of American National Fleet Services, Inc. for an estimated quantity of rehabilitation of approximately fifty (50) Dump Truck Bodies, rehabilitation of truck bodies (cost \$2,195 ea. truck) (labor rate of \$24.25 per hr.) for the Division of Motor Vehicle Maintenance, Department of Public Service for the period of one (1) year beginning with the date of execution of a contract received on April 7, 1999, pursuant to the authority of Ordinance No. 1602-98, passed November 23, 1998 which on the basis of the estimated quantity would amount to approximately One Hundred Nine Thousand Seven Hundred Fifty and No/100 Dollars (\$109,750.00) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 09437 which shall be certified against such contract in the sum of Five Thousand Four Hundred Eighty Seven and 50/100 Dollars (\$5,487.50).

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

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

Yeas: Mayor White, Acting Director Milton, Directors Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson and Acting Director Mooney.

Nays: None.
Absent: None.

Resolution No. 348-99.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Southeastern Equipment Co., Inc. for an estimated quantity of One (1) Portable Tandem Roller with Additional Equipment, for various Divisions of City Government, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on April 16, 1999, pursuant to the authority of Ordinance No. 1074-98, passed June 15, 1998 which on the basis of the estimated quantity would amount to approximately Thirty Seven Thousand One Hundred Fifty Seven and No/100 Dollars (\$37,157.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 09448 which shall be certified against such contract in the sum of Thirty Seven Thousand One Hundred Fifty Seven and No/100 Dollars (\$37,157.00).

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

Yeas: Mayor White, Acting Director Milton, Directors Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson and Acting Director Mooney.

Nays: None.
Absent: None.

Resolution No. 349-99.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Wise International Trucks of Ohio, Inc. for an estimated quantity of One (1) Tandem Axle Cab and Chassis with Street Flusher Body, for various Divisions of City Government, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on April 8, 1999, pursuant to the authority of Ordinance No. 1074-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately One Hundred Eleven Thousand Two Hundred Sixteen and No/100 Dollars (\$111,216.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 09447

which shall be certified against such contract in the sum of One Hundred Eleven Thousand Two Hundred Sixteen and No/100 Dollars (\$111,216.00).

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

Yeas: Mayor White, Acting Director Milton, Directors Carmody, Koniczek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson and Acting Director Mooney.

Nays: None.

Absent: None.

Resolution No. 350-99.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Republic Services of Ohio for the purchase of direct haul of municipal solid waste from areas of the City in proximity to and to be served by the transfer site at 3227 Harvard Rd., Newburgh Heights, Ohio 44105 for the Division of Waste Collection and Disposal, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on April 29, 1999, pursuant to the authority of Ordinance No. 317-99, passed April 5, 1999 which on the basis of the estimated quantity would amount to approximately Three Million Seven Hundred Fifty Thousand and No/100 Dollars (\$3,750,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 3508

which shall be certified against such contract in the sum of One Hundred Eighty Seven Thousand Five Hundred and No/100 Dollars (\$187,500.00).

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

Yeas: Mayor White, Acting Director Milton, Directors Carmody, Koniczek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson and Acting Director Mooney.

Nays: None.

Absent: None.

Resolution No. 351-99.

By Director Jackson.

Whereas, pursuant to Section 133.24 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Parks, Recreation and Properties may, with the approval of the Board of Control, allow an entity to maintain, improve, and adopt real property belonging to the City and not in the charge of another department; and

Whereas, the City is the owner of certain real property located south of and running parallel to John

Nagy Boulevard and located in Brookside Park and consisting of all of P.P.N. 013-31-007 and parts of P.P.N.'s 013-13-087, 013-31-001 and 013-31-003; and

Whereas, this property is currently under the control of the Director of Parks, Recreation and Properties; and

Whereas, the Cleveland Area SoapBox Derby Association has expressed an interest in constructing and maintaining a track on this property for racers of this community and the nation to enjoy; and

Whereas, it is in the best interest of the City to enter into a Property Adoption Agreement to arrange for the construction, care and maintenance of this track by the Cleveland Area SoapBox Derby Association; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Section 133.24 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Parks, Recreation and Properties is hereby authorized to enter into an Agreement allowing the Cleveland Area SoapBox Derby Association to maintain, improve, and adopt that certain real property located south of and running parallel to John Nagy Boulevard, consisting all of P.P.N. 013-31-007 and parts of P.P.N.'s 013-13-087, 013-31-001 and 013-31-003 located in Brookside Park, and further described as follows: situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being parts of original Brooklyn Township lots numbers 36 and 37, beginning at the intersection of the centerline of West 73d Street, as originally established, with the centerline of Orchard Grove Avenue S.W. 50 feet wide; thence south 89 degrees-28 feet-00 inches east along said centerline of Orchard Grove Avenue S.W. passing through an iron monument at 44.35 feet, a total distance of 168.83 feet to a point; thence north 0 degrees-32 feet-00 inches east at right angles to said centerline a distance of 25.00 feet to the northerly line of Orchard Grove Avenue S.W. also being a southerly corner of Parcel A-1 as described in the lease agreement between the City of Cleveland and the Board of Park Commissioners of the Cleveland Metropolitan Park District dated October 28, 1993; thence north 13 degrees-25 feet-00 inches east along said Parcel A-1 and the westerly line of a 14 foot alley 259.47 feet to the principal place of beginning of the parcel of land herein described;

thence north 75 degrees-55 feet-00 inches east 49.00 feet to a point;

thence north 53 degrees-55 feet-00 inches east 66.00 feet to a point;

thence north 40 degrees-47 feet-31 inches east 412.18 feet to a point;

thence north 36 degrees-28 feet-00 inches east 300.73 feet to a point;

thence north 44 degrees-51 feet-18 inches east 300.88 feet to a point;

thence north 49 degrees-00 feet-06 inches east 202.24 feet to a point;

thence north 77 degrees-44 feet-14 inches east 57.80 feet to a point in a southerly line of said Parcel A-1;

thence along said southerly line of Parcel A-1 south 49 degrees-31 feet-45 inches east 165.00 feet to a point;

thence south 29 degrees-08 feet-10 inches west 379.00 feet to the northerly line of land conveyed to Frank and Gloria Watson by deed dated December 16, 1988 and recorded in Volume 88-6597 of deeds, Page 45 of Cuyahoga County Records.

Thence southerly 50 feet along the westerly line of said parcel conveyed to Frank and Gloria Watson to the northerly line of Steve Hollo Resubdivision recorded in Volume 179 of Maps, Page 56 of Cuyahoga County Records. Thence westerly along the northerly line of said Steve Hollo Resubdivision to an angle point there in; thence south-westerly along a north-westerly line of said subdivision 207.20 feet to an angle point therein; thence south-easterly along a westerly line of said subdivision 171.40 feet to a point in the northerly line of Original Brooklyn Township Lot No. 37; thence westerly along said original line about 450.00 feet to the north-westerly line of land conveyed to the City of Cleveland. Thence southerly along westerly line of said parcel conveyed to the City of Cleveland to its intersection with the northerly line of land conveyed to Charlotte M. Ryan by deed dated October 18, 1974 and recorded in Volume 3679 of deeds, Page 243 of Cuyahoga County Records. Thence westerly along said northerly line 80.00 feet to the north-westerly corner of land conveyed to Andrew and Genevieve Testen by deed dated April 3, 1985 and recorded in Volume 85-2150 of deeds, Page 5 of Cuyahoga County Records. Thence southerly 50.00 feet along westerly line of said parcel conveyed to Andrew and Genevieve Testen to the northerly line of Ridge Road Land Company's Ridgeview Manor Subdivision recorded in Volume 79 of Maps, Page 1 of Cuyahoga County Records; thence westerly along said subdivision to the principal place of beginning. This agreement shall be for a period of ten (10) years, and renewable following the expiration period unless terminated by either party, and may be subject to revocation by the Director.

Be it further resolved that pursuant to said Section 133.24, the adoption of said property shall not be construed as the conveyance of any right, title or interest in public property, but merely as a grant of privilege, revocable at the will of the Director, to perform all maintenance and to perform only such construction and improvements as are approved by said Director.

Yeas: Mayor White, Acting Director Milton, Directors Carmody, Koniczek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson and Acting Director Mooney.

Nays: None.

Absent: None.

Resolution No. 352-99.
By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 9-99, adopted by this Board on January 6, 1999, approved Great Lakes Construction Company as the lowest responsible bidder for the pedestrian connector from Mall C for the new Cleveland Browns Stadium; and

Whereas, said Resolution No. 9-99 stated an incorrect contract price; now, therefore;

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 9-99 adopted January 6, 1999, approving the bid of Great Lakes Construction Company for the public improvement of the new Cleveland Browns Stadium pedestrian connector from Mall C, is hereby amended by changing the contract price from \$1,710,000.00 to \$1,810,000.00.

Be it further resolved that all other provisions of said Resolution No. 9-99 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Acting Director Milton, Directors Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson and Acting Director Mooney.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 28, 1999

9:30 A.M.

Calendar No. 99-131: 9920 Cudell Avenue (Ward 18)

Gary and Laura Dumm, owners, and Patio Enclosures Inc. appeal to enclose the existing 12'-6" x 7'-10" front porch of a 38' x 39' two family dwelling in a Two-Family District situated on a 68' x 90' corner parcel at the northeast corner of West 100th Street and Cudell Avenue at 9920 Cudell Avenue; said enclosure being contrary to the Yards and Courts Regulations where the proposed porch is to project 7' instead of the required 4' as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 99-132: 3275 West 117th Street (Ward 19)

Karl Yannuzzi, owner, and Bruce Zavotka, tenant, appeal to establish use as an auto repair garage and hand auto wash an existing 79' x 83' one-story masonry irregular shaped service station building situated on an 80' x 129' parcel in a General Retail Business District at

3275 West 117th Street; said auto repair being contrary to the Business District Regulations of Section 343.11(b)(2)(I) where auto repair, detailing and lube are not permitted in a General Retail District and Section 343.11(b)(2)(I)(2) where a car wash is not permitted in a General Retail District when less than 100' from a residence district and 0' is proposed, and Section 343.11(b)(2)(I)(4) where all vehicles in an auto lot must be kept back of a 1-1/2' of a structurally sound barrier and 0' is proposed, and contrary to the Off-Street Parking and Loading Requirements of Section 349.04(f) where 24 spaces are required and 7 are proposed and Section 349.07 where one driveway is permitted per 100' of frontage; one is permitted and two are proposed, and contrary to the Landscaping and Screening Requirements of Section 352.10 and 352.11 where a minimum 6' wide landscape frontage strip is required along West 117th Street and 0' is proposed and a 10' transition landscape strip is required to separate the business from the residential at the rear as stated in Section 352.11 of the Codified Ordinances.

Calendar No. 99-133: 3416 Mapledale Avenue (Ward 15)

Frances Tarnowski, owner, appeals to construct an approximate 16' x 30' screened porch and new deck to an existing two dwelling house situated on a 40' x 150' parcel located in a Two-Family District on the north side of Mapledale Avenue at 3416 Mapledale Avenue; said construction being contrary to the Yards and Courts Regulations of Section 357.09 where a 3' side yard is required and 2' is proposed and contrary to the Residential Districts Requirements where a 9' above grade wood stockade privacy fence is proposed and the maximum allowable height fencing is 6' as stated in Section 337.23(6) of the Codified Ordinances.

Calendar No. 99-135: 14041 Puritas Avenue (Ward 20)

The Coral Company c/o John Blackiston, owner, and Sherry Renfro, tenant, appeal to construct a 163' x 58' one-story addition to an existing 175' x 160' one-story masonry grocery store building and change its use into a child care center, situated on a 426' x 204' parcel located in a Shopping Center District on the southwest corner of West 140th Street and Puritas Avenue at 14041 Puritas Avenue; said change of use being contrary to the Business District Regulations of Section 343.04 as regulated in any Local Retail Business District and the Local Retail Business District of Section 343.01 as regulated in the least restricted residence district and contrary to the Residential District Regulations where a day care requires the Board of Zoning Appeals approval for adequate side yard spaces and other safeguards to preserve the character of the neighborhood as stated in the One-Family District Regulations of Section 337.02(f) of the Codified Ordinances.

Calendar No. 99-136: 7911 Detroit Avenue (Ward 17)

Catholic Diocese of Cleveland, owner c/o Bishop Anthony Pilla and St. Augustine Manor c/o Shawn Manley, appeal to change the use of 2,350 sq. ft. of the ground floor area at the northeasterly portion of the existing St. Augustine Manor build-

ing into a child care facility for approximately 44 children, located in both General Retail and Multi-Family Districts and situated on an approximate 360' x 650' acreage parcel on the south side of Detroit Avenue at 7911 Detroit Avenue; said change of use being contrary to the Business District Regulations of Section 343.11 as regulated in any Local Retail Business District and the Local Retail Business District of Section 343.01 as regulated in the least restricted residence district and contrary to the Residential District Regulations where a day care requires the Board of Zoning Appeals approval for adequate side yard spaces and other safeguards to preserve the character of the neighborhood as stated in the One-Family District Regulations of Section 337.02(f) of the Codified Ordinances.

Calendar No. 99-137: 4455-4459 Broadview Road (Ward 15)

Tim Tsirambidis, owner, and Peter Tsirambidis, tenant, appeal to change the use of an existing 31' x 56'-5" tenant lease space of an existing 64' x 56'-6" two-story masonry four dwelling unit and three stores building into four dwelling units and two stores and one restaurant building, all situated on a 75' x 112' parcel located in a Local Retail District on the east side of Broadview Road at 4455-4459 Broadview Road; said change of use being contrary to the Off-Street Parking and Loading Requirements where 18 parking spaces are required and 8 are proposed as stated in Section 349.04 of the Codified Ordinances.

Calendar No. 99-146: Appeal of APCOA, Inc.

APCOA, Inc. appeals under Section 76-6 and the Charter of the City of Cleveland from the denial of a request for an abatement of the penalties assessed for the late filing of APCOA's January Parking Tax according to Section 196.04 of the Codified Ordinances; said denial of the request by the Cleveland Division of Assessments and Licenses upon the recommendation of Commissioner Robert J. Schneider.

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 14, 1999

At the meeting of the Board of Zoning Appeals on Monday, June 14, 1999, the following appeals were heard by the Board:

The following appeals were **Approved**

Calendar No. 99-114: 996 East 76th Street

Rockefeller West III, owner c/o Jamie Blackson and Jessica Smocer, agents, appealed to construct a 26' x 29' single dwelling house with a 12' x 20' attached garage on a 60' x 75' parcel in a Two-Family District; approval subject to submission of the "master plan" that relates to the project location and confirmation of the Councilman's position.

Calendar No. 99-115: 8202 Simon Avenue

Rockefeller West III, owner c/o Jamie Blackson and Jessica Smocer, agents, appealed to construct a 22' x 35' single dwelling house with a 12' x 20' detached garage on a 38'

x 110' parcel in a Two-Family District; approval subject to submission of the "master plan" that relates to the project location and confirmation of the Councilman's position.

The following appeals were **Dismissed**:

Calendar No. 99-116: 14805 St. Clair Avenue

Ron Burrell, owner, appealed to change the use of an existing 164' x 40' one-story masonry structure into a truck rental service in a Local Retail District.

Calendar No. 99-117: 3582 West 130th Street, a.k.a. 3580 West 130th Street

Fred and Jeannette McKissack, owners, appealed to change the use of the third floor of an existing two dwelling house into a two dwelling unit and roomer on the third floor in a Two-Family District.

The following appeal was **Withdrawn**:

Calendar No. 99-120: 5409 Archmere Avenue

Monica Farone, owner, appealed to install approximately 171 linear feet of 6' high board on board fencing to the east of a 1-1/2-story dwelling house at the southwest corner of Fulton Road and Archmere Avenue.

The following appeals were **Postponed**:

Calendar No. 99-113: 7809 Woodland Avenue postponed to June 28, 1999.

Calendar No. 99-118: 8203-8209 Cedar Avenue postponed to June 28, 1999.

Calendar No. 99-92: 3969 Lee Road, a.k.a. 3969-3975 Lee Road postponed to July 6, 1999.

Calendar No. 99-97: 605-07 East 131st Street postponed to July 6, 1999.

On Monday, June 14, 1999, in Executive Session:

The following appeals were heard on Monday, June 7, 1999, and said decisions to **Grant** were approved and adopted by the Board on June 14, 1999:

Calendar No. 99-109: 13420 Wilton Avenue

Karone and Jeff Dunbrook, owners, appealed to enclose an existing front porch of an existing 1-1/2-story one family dwelling house situated on a parcel in a One-Family District.

Calendar No. 99-112: 4576-4588 West 130th Street

West 130th Street Company c/o Keith H. Raker, Arter & Hadden LLP, owners, and Lander Day Care Center Inc., prospective purchaser, and Jonathan Rich, agent, appealed to change the use of an existing one-story masonry building at 4576 West 130th Street and an existing one-story masonry building at 4588 West 130th Street into a Day Care Center where both buildings are situated on a corner parcel in a General Retail District.

The following appeal was heard on Monday, June 7, 1999, and said decision to **DENY** was approved and

adopted by the Board on June 14, 1999:

Calendar No. 99-107: 18018 Cornwall Road

Kenneth Buehner, owner, appealed to erect a wood frame porch to the front of an existing 2-1/2-story two dwelling house located in a One-Family District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
June 9, 1999

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 L-14-99.

RE: Appeal of William Doran, appeals from a LETTER OF DENIAL FOR RENEWAL OF MASTER PLUMBER LICENSE of the Commissioner of the Division of Assessments & Licenses dated May 24, 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 Mr. Doran to reinstate his MASTER PLUMBER LICENSE without retaking the test, but with payment of the late filing fees. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket L-16-99.

RE: Appeal of David M. Yuhas, appeals from a LETTER OF DENIAL FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated April 26, 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 Mr. Yuhas to reinstate his ELECTRICAL CONTRACTORS LICENSE without retaking the test, but with payment of the late filing fees. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

* * *

Docket A-26-99.

RE: Appeal of Bridgeton Refrigeration Whs. Co., Owner of the Masonry Commercial Property located on the premises known as 2665-85 East 27th Street (a.k.a. 3725 Croton Avenue) from a NOTICE OF VIOLATION/ELEVATOR CODE of the Commissioner of the Division of Building and Housing dated February 9, 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 elevator gates to be installed, and that all elevator gates be installed and in place within four years; one gate per year. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket A-36-99.

RE: Appeal of Fred Finley c/o Cleveland Cold Storage, Owner of the Property located on the premises known as 1988-2012 West 14th Street from a NOTICE OF VIOLATION/ELEVATOR CODE dated February 9, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-36-99 has been POSTPONED; to be rescheduled for June 23, 1999.

* * *

Docket A-44-99.

RE: Appeal of Bernice Walker, Owner of the Four Dwelling Unit Residential Property located on the premises known as 2655 East 93rd Street from a 72 HR. EMERGENCY FIRE CONDEMNATION ORDER/MAIN STRUCTURE dated August 12, 1997, 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 72 HR. EMERGENCY FIRE CONDEMNATION ORDER/MAIN STRUCTURE 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, the property is to remain 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 72 HR. EMERGENCY FIRE CONDEMNATION ORDER/MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by September 23, 1999. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

* * *

Docket A-45-99.

RE: Appeal of Harold J. Harry, Owner of the Property located on the premises known as 2401-05 Scranton Road (a.k.a. 1535-39 Kenilworth Avenue) from a NOTICE OF VIOLATION/ILLEGAL USE dated February 22, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-45-99 has been POSTPONED; to be rescheduled after the Board of Zoning Appeals hears the case.

Docket A-46-99.

RE: Appeal of Alfred B. Morris, Owner of the Two & One-half Story Frame Residential Frame Property located on the premises known as 3404 West 49th Street from a 30 DAY FIRE CONDEMNATION/MAIN STRUCTURE of the Commissioner of the Division of Building and Housing dated March 11, 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 3404 West 49th Street to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Sullivan.

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

* * *

Docket A-47-99.

RE: Appeal of Realty Improvement Inc., Owner of the Residential Property located on the premises known as 4236 East 131st Street from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated February 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 REMAND the property at 4236 East 131st Street to the Division of Building and Housing for supervision and further action, noting the satisfactory progress on the permit work. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket A-48-99.

RE: Appeal of Sinclair & Hallie C. Chapman c/o Progressive Evangelistic Temple, Owners of the Two Story Masonry/One Store/Nine Dwelling Unit Property located on the premises known as 11302-06 Kinsman Road (a.k.a. 3331 East 113th Street) from a CONDEMNATION ORDER dated January 26, 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 CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant six (6) months in which to obtain permits and abate the violations on the property, the property is to remain 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 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 Decem-

ber 23, 1999. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-49-99.

RE: Appeal of Jack Chapek, Owner of the Single Family Residential Property located on the premises known as 11714 Kirton Avenue from a NOTICE OF NON-CONFORMANCE of the Commissioner of the Division of Building and Housing dated March 19, 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 either install 120 volt hardwired smoke detectors in the second floor hallway and bedrooms, or increase the size of the windows to comply with the Codified Ordinances of the City of Cleveland. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

* * *

Docket A-50-99.

RE: Appeal of Charles R. Wilson, Owner of the Single Family Residential Property located on the premises known as 12605 Bennington Avenue from a NOTICE OF NON-CONFORMANCE of the Commissioner of the Division of Building and Housing dated March 19, 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 variance to the ten (10) foot requirement and permit the pool to remain in it's present location, seven (7) feet from the rear property line, and five (5) feet from the side property line, and to waive the late filing fees, with the provision that letters be submitted to the Board indicating the concurrence of the neighbors. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

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

* * *

Docket A-59-99.

RE: Appeal of General Investment Funds Real Estate Holding Co. (GIFREHC), Owner of the Property located on the premises known as 3781 East 77th Street from a NOTICE OF VIOLATION/FIRE CODE of the Chief of the Division of Fire dated February 26, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-59-99 has been POSTPONED at the request of the Law Department; to be rescheduled for July 21, 1999.

* * *

Docket A-63-99.

RE: Appeal of Darnell Dozier, Owner of the Two Story Masonry Store/Suite Property located on the

premises known as 13518-20 Miles Avenue from a VACATE FORTHWITH/CONDEMNATION ORDER/ELECTRICAL/HVAC/NOTICE OF VIOLATION/CHANGE OF USE of the Commissioner of the Division of Building and Housing dated April 7, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-63-99 has been POSTPONED; to be rescheduled for June 23, 1999.

* * *

Docket A-69-99.

RE: Appeal of K&S Parking Company, Inc., Owner of the Property/Parking Sign located on the premises known as 600 Front Avenue (a.k.a. 1130 West 3rd Street) from CLEVELAND BUILDING CODE SECTION 3109.01(a) of the Commissioner of the Division of Building and Housing dated April 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 DENY the Appellant's appeal request and require that the sign be removed, noting that the sign is located in the public right of way, and that the order of the Commissioner of the Division of Building and Housing was properly issued. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

Docket A-70-99.

RE: Appeal of Mary Ann Krainz, Owner of the Two & One-half Story Frame Residential Property located on the premises known as 6205-07 Carl Avenue from a 30 DAY FIRE CONDEMNATION ORDER/MAIN STRUCTURE dated March 25, 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 6205-07 Carl Avenue to the Division of Building and Housing for supervision and any required further action without condition, and to require that the owner submit a schedule of construction activities to the Board. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

* * *

Docket A-84-99.

RE: Appeal of Midland Mortgage Co., Mortgagee of the One & one-half Story Frame Residential Property located on the premises known as 4508 West 149th Street from a VACATE FORTHWITH/GARAGE CONDEMNATION ORDER dated February 24, 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 VACATE FORTHWITH/GARAGE CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant six (6) months in which to obtain permits and abate the violations on the property, the property is to remain 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 VACATE FORTHWITH/GARAGE 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 December 23, 1999. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket A-87-99.

RE: Appeal of Tower Press Building, Inc., Owner of the Vacant Masonry Structure located on the premises known as 1900-50 Superior Avenue from a 30 DAY CONDEMNATION ORDER dated April 9, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-87-99 has been POSTPONED; to be rescheduled for June 23, 1999.

* * *

Docket No. A-96-99.

RE: Appeal of Cleveland Clinic Foundation, Owner of the Commercial Steel Masonry Property located on the premises known as 9620 Carnegie Avenue from a NOTICE OF VIOLATION/HVAC dated April 15, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action; to be rescheduled for June 23, 1999.

* * *

Docket A-97-99.

RE: Appeal of Joe Wadzinski, Owner of the Residential Property and Proposed Swimming Pool located on the premises known as 4398 Warner Road from a NOTICE OF NONCONFORMANCE dated May 17, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action; rescheduled for June 23, 1999.

* * *

Docket A-98-99.

RE: Appeal of Daniel Umstott, Owner of the Residential Property and Proposed Swimming Pool located on the premises known as 3208 West 71st Street from a NOTICE OF NONCONFORMANCE dated May 17, 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 variance to the ten foot requirement and permit the pool to be installed four (4) feet from the south property line and eight (8) feet from the north property line, noting the letters of concurrence from the neighbors; and to grant the variance to the fence location, noting that the fence is to be erected four (4) feet and eight (8) feet from the pool. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

Docket A-100-99.

RE: Appeal of Daniel R. Gray, Owner of the Vacant Masonry Structure located on the premises known as 2000 Superior Avenue from a 30 DAY CONDEMNATION ORDER dated April 9, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-100-99 has been POSTPONED; to be rescheduled for June 23, 1999.

* * *

APPROVAL OF RESOLUTIONS:

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

L-10-99—Michael Sutton.
L-11-99—Kenton Vaughn.
L-12-99—Michael Lupica.
L-13-99—James A. Raney.
L-15-99—Richard H. Sims.
A-24-99—Islamic Mosque of Cleveland.
A-28-99—Vivian R. Lastery.
A-35-99—Becky Jaajaa.
A-40-99—Geneva Turner.
A-52-99—Svetlana Belaia & Vitali Martiniouk.
A-53-99—Contimortgage Corporation.

Yeas: Messrs. Bowes, Williams, Saunders, Sullivan. Nays: None. Not Voting: Mr. Denk.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Sullivan and seconded by Mr. Saunders and for Approval of the Minutes as presented by the Secretary respectively, subject to the Codified Ordinances of the City of Cleveland:

May 26, 1999

Yeas: Messrs. Bowes, Williams, Saunders, Sullivan. Nays: None. Not Voting: Mr. Denk.

* * *

JOSEPH F. DENK,
CHAIRMAN

1184

PUBLIC NOTICE

The following are in violation of C.O. 623.14:

Richard Alt, last known address, 1742 West 29th Street, Cleveland, Ohio 44113.

Richard Norris, last known address, 10127 South Blvd., Apartment 2, Cleveland, Ohio 44108.

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, JUNE 24, 1999

Hamlet Avenue and Adolpha Road Sewer Improvement, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 915-99, passed by the Council of the City of Cleveland.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK OR MONEY ORDER 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.

June 9, 1999 and June 16, 1999

WEDNESDAY, JUNE 30, 1999

Labor and Materials to Repair and Maintain Automatic Doors, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 507-99, passed by the Council of the City of Cleveland.

A PRE-BID MEETING IS SCHEDULED FOR WEDNESDAY, JUNE 23, 1999, 1:00 P.M., IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.

Labor and Materials to Maintain the High Voltage Static Pipe Transmission Cable System, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 564-97, passed by the Council of the City of Cleveland, June 2, 1997.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, JUNE 23, 1999, 11:00 A.M., IN THE CONFERENCE ROOM B, CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE.

June 9, 1999 and June 16, 1999

WEDNESDAY, JUNE 30, 1999

Rental of golf carts for Highland and Seneca golf courses, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 101-99, passed by the Council of the City of Cleveland.

Dewatered residuals, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1936-96, passed by the Council of the City of Cleveland, December 26, 1996.

June 16, 1999 and June 23, 1999

FRIDAY, JULY 2, 1999

Asbestos removal, Phase V, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 1283-97, passed by the Council of the City of Cleveland, June 15, 1998.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK OR MONEY ORDER 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 MONDAY, JUNE 28, 1999, 10:00 A.M., AT THE ENGINEERING DEPARTMENT, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE.

June 16, 1999 and June 23, 1999

WEDNESDAY, JULY 7, 1999

Residential Sound Insulation Program (RSIP) 1999 Group C-99, for the Department of Port Control,

as authorized by Ordinance No. 469-98, passed by the Council of the City of Cleveland, May 18, 1998.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) 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 MANDATORY PRE-BID MEETING WILL BE HELD ON TUESDAY, JUNE 29, 1999, 12:30 P.M., LOCAL TIME, IN THE 2ND FLOOR MAIN CONFERENCE ROOM, ADMINISTRATION OFFICE, PASSENGER TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE.

Seven (7) Compaq 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.

June 16, 1999 and June 23, 1999

THURSDAY, JULY 8, 1999

Replacement hoses and nozzles for various engines, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1954-98, passed by the Council of the City of Cleveland, December 14, 1998.

Repair and/or replace breathing air cascade system, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1954-98, passed by the Council of the City of Cleveland, December 14, 1998.

Meters and metering equipment (Solid State Watt-Hour Meters), 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.

Meters and metering equipment (Electric Watt-Hour Meters/Sealing devices), 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.

June 16, 1999 and June 23, 1999

FRIDAY, JULY 9, 1999

Design, layout, printing and distribution of the Cleveland Flight Guide, for the Department of Port Control, as authorized by Ordinance No. 1064-99, passed by the Council of the City of Cleveland.

Paint and paint materials, for the various divisions of City government, Department of Finance, as authorized by Ordinance No. 711-99, passed by the Council of the City of Cleveland, May 17, 1999.

June 16, 1999 and June 23, 1999

FRIDAY, JULY 16, 1999

Building materials - used paving bricks, for the various divisions of City government, Department of Finance, as authorized by Ordinance No. 705-99, passed by the Council of the City of Cleveland, May 17, 1999.

June 16, 1999 and June 23, 1999

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 1820-98.**

By Councilman Cintron.

An emergency resolution declaring the intention to vacate all that portion of Hyde Court S.W.

Whereas, this Council; is satisfied that there is good cause to vacate all that portion of Hyde Court S.W., as hereinafter described, and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion Hyde Court S.W., (14.00 feet wide), and its associated turnouts extending Westerly from the Westerly line of West 36th Place (12.00 feet wide), to the Easterly line of West 37th Place (12.00 feet wide).

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

Adopted June 7, 1999.

Effective June 15, 1999.

Res. No. 2115-98.

By Councilman Westbrook (by request)

An emergency resolution declaring the intention to vacate all that portion of Mueller Court N.W.

Whereas, this Council; is satisfied that there is good cause to vacate all that portion of Mueller Court N.W., 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 all those portions of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of MUELLER COURT N.W. (16.00 feet wide) and its Westerly Cul-de-sac extending Westerly from the Westerly line of West 100th Street (48.00 feet wide) to its Westerly terminus.

Section 2. That this resolution is hereby declared to be an emergency

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

Adopted June 7, 1999.
Effective June 15, 1999.

Res. No. 34-99.

By Councilman Cintron (by request).

An emergency resolution declaring the intention to vacate all that portion of Calvin Court S.W.

Whereas, this Council, is satisfied that there is good cause to vacate all that portion of Calvin Court S.W. 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 all those portions of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of CALVIN COURT S.W. (12.00 feet wide) extending Easterly from the Easterly line of West 17th Street (60.00 feet wide) to the Southerly prolongation of the Easterly line of Sublot Number 98 in Brainards & Curtiss Allotment as shown by the recorded plat in Volume 12, Page 43 of Cuyahoga County Records.

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 June 7, 1999.
Effective June 15, 1999.

Res. No. 95-99.

By Councilman Jackson (by request).

An emergency resolution declaring the intention to vacate all that portion of East 32nd Place.

Whereas, this Council, is satisfied that there is good cause to vacate all that portion of East 32nd Place 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 all those portions of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of 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).

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 June 7, 1999.
Effective June 15, 1999.

Res. No. 1045-99.

By Councilman Coats.
An emergency resolution urging the U.S. Congress to amend H.R. 10, the Financial Services Modernization Act, to benefit lower income urban areas.

Whereas, since the passage of the Community Reinvestment Act (CRA) in 1977, FDIC-insured banks have loaned more than \$1.4 billion in underserved communities; and

Whereas, CRA lending has assisted in the revitalization of the City of Cleveland and has proven to be an important economic development tool to increase home ownership and economic development in low-income urban communities; and

Whereas, the Financial Services Modernization Act, H.R. 10, should include modernization of the CRA to include lending and traditional banking services whether performed by a bank or one of the new affiliates of the bank holding companies which may be formed with the passage of H.R. 10; and

Whereas, if the CRA is not amended to include traditional lending and banking services performed in the past only by banks, the new affiliates of bank holding companies could fail to provide services to lower income communities which could adversely affect the residents 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 urges the members of the House Commerce Committee and the United States House of Representatives to amend H.R. 10, the Financial Services Modernization Act, to modernize the Community Reinvestment Act which would benefit lower income urban areas and spur increased economic development.

Section 2. That the Clerk is hereby requested to transmit a copy of this resolution to Speaker of the House Hastert and Congress members Kucinich, Tubbs-Jones, LaTourette, Brown and Sawyer.

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 June 7, 1999.
Effective June 16, 1999.

Res. No. 1046-99.

By Councilmen Coats, Willis, Westbrook, Robinson, Britt, Gordon, Cimprman, Zone, Johnson, Patmon.
An emergency resolution supporting stricter federal regulations for the sale and marketing of firearms.

Whereas, through the passage of numerous resolutions, this Council of the City of Cleveland has voiced its concern about the proliferation of firearms and the horrific harm that guns can inflict; and

Whereas, current federal law permits any individual, regardless of age, to purchase any rifle, shotgun or other long gun in a private sale and permits individuals over the age of 18 and under the age of 21 to purchase a handgun, including an assault pistol, in a private transaction; and

Whereas, many firearms are now sold privately at, or in association with, organized "gun shows"; and

Whereas, current federal law does not require the purchaser or transferee of a firearm acquired in a private gun show sale to undergo a background check of any kind; and

Whereas, no federal agency presently has jurisdiction to regulate or otherwise oversee the design, safety and responsible marketing of firearms; and

Whereas, the United States Senate has approved a measure exempting pawn shops from conducting background checks upon individuals redeeming firearms that were previously pawned; and

Whereas, the Internet has the potential to function as a wholly unregulated "virtual gun show" and presently features many sites devoted to commerce of firearms; now, therefore,

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

Section 1. That this Council of the City of Cleveland urges Congress and the Administration to seek legislation at the federal level that would help ensure the safety of our citizens by:

1. prohibiting the purchase or possession of a rifle or assault weapon by a juvenile; and

2. prohibiting an individual between the ages of 18 and 21 from purchasing a handgun; and

3. requiring that all purchasers of firearms in a private sale, including organized "gun shows," be subject to the same background investigation as individuals who purchase firearms from federal firearms licensees; and

4. vesting authority in the Consumer Product Safety Commission to regulate and otherwise oversee the design, safety and responsible marketing of firearms; and

5. assuring that Internet-facilitated firearms commerce is subject to the same regulation and oversight as all other commerce in firearms.

Section 2. That this Council strongly opposes any statutory or regulatory measure that would subject an individual who redeems a weapon from a pawnshop to a less scrutinized background check than the background of an individual who purchased a firearm from a federal firearms licensee.

Section 3. That the Clerk of Council is requested to transmit a copy of this Resolution to President Clinton; Vice-President Gore; Attorney General Reno; Speaker of the House Hastert; Senator DeWine; Senator Voinovich; Congressmen Kucinich, Brown, Sawyer and LaTourette; and Congresswoman Tubbs-Jones.

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

Adopted June 7, 1999.
Effective June 15, 1999.

Res. No. 1047-99.

By Councilman Westbrook.
An emergency resolution fixing the summer schedule of meetings of the Council of the City of Cleveland.

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

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

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

July 14, 1999
 August 11, 1999

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk of Council prior to each of the above meeting dates. The Council will resume regular session at 7:00 p.m. on Monday, September 13, 1999.

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 June 7, 1999.
 Effective June 15, 1999.

Res. No. 1048-99.

By Councilman Cimperman.
An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit to 3877 Lakeside Ave., 1st Fl. & Bsmt., and repealing Res. No. 1552-98, objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to 3877 Lakeside Ave., 1st Fl. & Bsmt., by Res. No. 1552-98, adopted August 19, 1998; and

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

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

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

Section 1. That objection to the renewal of a D5 and D6 Liquor Permit to 3877 Lakeside Ave., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1552-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted June 7, 1999.
 Effective June 15, 1999.

Res. No. 1049-99.

By Councilman Lewis.
An emergency resolution objecting to the transfer of ownership and location of a C1 and C2 Liquor Permit to 9200 Wade Park Ave.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C1 and C2 Liquor Permit from Permit No. 74678010011, Pilar M. Rodriguez, DBA La Favorita Delicatessen, 3057 W. 25th St. Front, Cleveland, Ohio 44113, 2084 W. 32nd St., to Permit No. 00035880005, AFD Grocery Inc., DBA WP Food, 9200 Wade Park Ave., Cleveland, Ohio 44106; 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 and location of a C1 and C2 Liquor Permit from Permit No. 74678010011, Pilar M. Rodriguez, DBA La Favorita Delicatessen, 3057 W. 25th St. Front, Cleveland, Ohio 44113, 2084 W. 32nd St., to Permit No. 00035880005, AFD Grocery Inc., DBA WP Food, 9200 Wade Park Ave., Cleveland, Ohio 44106 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.

Adopted June 7, 1999.
 Effective June 15, 1999.

Res. No. 1050-99.

By Councilman Jones.
An emergency resolution objecting to the issuance of a C1 Liquor Permit to 15015 Ohio Ave.

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. 5313863, Dana Mechelle Love, DBA R & W Deli, 15015 Ohio Ave., Cleveland, Ohio 44128; 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. 5313863, Dana Mechelle Love, DBA R & W Deli, 15015 Ohio Ave., Cleveland, Ohio 44128 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.

Adopted June 7, 1999.
 Effective June 15, 1999.

Res. No. 1051-99.**By Councilman Melena.**

An emergency resolution withdrawing objection to the stock transfer of a C1 Liquor Permit to 3459 W. 54th St., 1st Fl., and repealing Res. No. 43-99, objecting to said stock transfer.

Whereas, this Council objected to the stock transfer of a C1 Liquor Permit to 3459 W. 54th St., 1st Fl., by Res. No. 43-99, adopted January 11, 1999; and

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

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

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

Section 1. That objection to the stock transfer of a C1 Liquor Permit to 3459 W. 54th St., 1st Fl., be and the same is hereby withdrawn and Res. No. 43-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate stock transfer thereof.

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

Adopted June 7, 1999.

Effective June 15, 1999.

Res. No. 1052-99.**By Councilman Melena.**

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit to 1324 W. 54th St., 1st Fl. & Bsmt., and repealing Res. No. 1481-98, objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to 1324 W. 54th St., 1st Fl. & Bsmt., by Res. No. 1481-98, adopted August 19, 1998; and

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

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

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

Section 1. That objection to the renewal of a D5 and D6 Liquor Permit to 1324 W. 54th St., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1481-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted June 7, 1999.

Effective June 15, 1999.

Res. No. 1053-99.**By Councilman Westbrook.**

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D6 Liquor Permit to 8701 Madison Ave., 1st Fl. & Bsmt.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D6 Liquor Permit from Permit No. 5940565, Mike & Beckys Place Inc., DBA Mikes Place, 8701 Madison Ave., 1st Fl. & Bsmt., Cleveland, Ohio 44102, to Permit No. 2124014, Diannes Inc., DBA Diannes, 8701 Madison Ave., 1st Fl. & Bsmt., 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 D1, D2, D3 and D6 Liquor Permit from Permit No. 5940565, Mike & Beckys Place Inc., DBA Mikes Place, 8701 Madison Ave., 1st Fl. & Bsmt., Cleveland, Ohio 44102, to Permit No. 2124014, Diannes Inc., DBA Diannes, 8701 Madison Ave., 1st Fl. & Bsmt., 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.

Adopted June 7, 1999.

Effective June 15, 1999.

Res. No. 1054-99.**By Councilman White.**

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 3643 E. 116th St. & Craven.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 50649844402, Lawson Co. #4402, 3643 E. 116th St. & Craven, Cleveland, Ohio 44105, to Permit No. 7184705, Rana Quraaninc, DBA Nadias, 3643 E. 116th St. & Craven, Cleveland, Ohio 44105; 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 C2 and C2X Liquor Permit from Permit No. 50649844402, Lawson Co. #4402, 3643 E. 116th St. & Craven, Cleveland, Ohio 44105, to Permit No. 7184705, Rana Quraaninc, DBA Nadias, 3643 E. 116th St. & Craven, Cleveland, Ohio 44105 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.

Adopted June 7, 1999.
Effective June 15, 1999.

**Ord. No. 1707-96.
By Councilmen Patton, Jackson,
Rybka and Rokakis (by departmental request).**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4734 Lee Road to St. Paul United Methodist Church.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-02-021, as more fully described in Section 2 below, to St. Paul United Methodist Church.

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

P.P. No. 143-02-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 40 in H. J. Sheets' Lee Road Subdivision of part of original Warrensville Township Lot No. 91, as shown by the recorded plat in Volume 87 of Maps, Page 35 of Cuyahoga County Records, and being 53 feet front on the Western side of Lee Road, S.E. (80 feet wide) and extending back between parallel lines, 165.76 feet deep on the Northerly line, 165.314 feet deep on the Southerly line and 53 feet wide in the rear, as appears by said plat, be the same more or less but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional

time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

Passed June 7, 1999.
Effective June 15, 1999.

**Ord. No. 100-99.
By Councilmen Coats, Zone and Johnson (by departmental request).**

An emergency ordinance to amend Section 627.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 90-96, passed March 18, 1996, relating to carrying concealed weapons.

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 627.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 90-96, passed March 18, 1996, is hereby amended to read as follows:

Section 627.02 Carrying Concealed Weapons

(a) No person shall knowingly carry or have, concealed on his person or concealed ready at hand, any deadly weapon.

(b) This section does not apply to officers, agents or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry concealed weapons or dangerous ordnance, and acting within the scope of their duties.

(c) It is an affirmative defense to a charge under this section of carrying or having control of a weapon other than dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following apply:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of such character or was necessarily carried on in such manner or at such a time or place as to

render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor or a member of his family, or upon the actor's home, such as would justify a prudent person in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.

(4) The weapon was being transported in a motor vehicle for any lawful purpose, and was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the applicable requirements of division (c) of Section 627.04.

(d) This section shall not apply if:

(1) The offender has previously been convicted of a violation of this section or of any offense of violence as defined in Section 601.01 or RC 2909.01;

(2) The weapon involved is a firearm which is either loaded or for which the offender has ammunition ready at hand;

(3) The weapon involved is dangerous ordnance;

(4) The weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303 of the Revised Code;

(5) The offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved;

(e) Notwithstanding the provisions of division (a) of Section 601.99, whoever violates this section is guilty of carrying concealed weapons, a misdemeanor, and shall be fined one thousand dollars (\$1,000) and imprisoned for six months.

No part of this sentence shall, in any case, be suspended or otherwise reduced except that any person convicted under this section, if he is at the time of such conviction shown to be gainfully employed, shall be released each day from the workhouse or other place of incarceration, to go to work, and shall at the conclusion of each such working day, during the term of his sentence, promptly return to the workhouse or place of incarceration until his sentence has been served. (RC 2923.12)

Section 2. That existing Section 627.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 90-96, passed March 18, 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.

Passed June 7, 1999.
Effective June 16, 1999.

Ord. No. 182-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept grants from the U.S. Department of Justice for the Local Law Enforcement Block Grant Program; and to enter into contract for the purchase by requirement contract of equipment and supplies needed to implement the 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 Safety is hereby authorized to apply for and accept grants for the Local Law Enforcement Block Grant Program, each year for a period of three years, in the approximate amount of \$1,957,205.00 for the first grant, for the purposes set forth in the applications and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grants; and that said funds be and they hereby are appropriated for the purposes set forth in the applications for said grants.

Section 2. That the application for the first grant period, File No. 182-99-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds for the first grant period in the amount of \$217,467.00, from Fund No. 01-60-02-0455, and shall provide cash matching funds for each of the subject grant periods authorized herein, subject to annual appropriation, is hereby approved in all respects.

Section 3. That for each of the grant period of the grants authorized above, the Director of Public Safety is hereby authorized to make written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period which coincides with each grant periods of each grant authorized in Section 1 hereof for the necessary items of equipment and supplies needed to implement the program, as described in the applications, including the application for the first grant period contained in the file, and that said contract is payable from the fund or funds to which are credited the grant proceeds accepted annually pursuant to Section 1 of this ordinance. 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 each grant period may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

The cost of each contract shall be charged against the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance 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.

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 June 7, 1999.

Effective June 16, 1999.

Ord. No. 187-99.

By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to apply for and accept a grant from the U.S. Department of Labor Employment and Training Administration for the Title IV D National Partnership and Special Training Program, Pilot and Demonstration Programs; and to enter into contract with Youth Opportunities Unlimited for the Quantum Opportunities 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 Personnel and Human Resources is hereby authorized to apply for and accept a grant in the amount of \$200,000, from the U.S. Department of Labor Employment and Training Administration, to conduct the Title IV D National Partnership and Special Training Program, Pilot and Demonstration Programs under the Job Training Partnership Act for the purposes set forth in the application and according thereto; that the Director of Personnel and Human Resources 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. 187-99-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide in cash matching funds in the sum of \$200,000, from Fund Nos. 15 SF 090 and 15 SF 201, is hereby approved in all respects.

Section 3. That the Director of Personnel and Human Resources is hereby authorized to enter into contract with Youth Opportunities Unlimited, for the implementation of the Quantum Opportunities Project, payable from the fund or funds to which are credited the proceeds accepted pursuant to Section 1 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 June 7, 1999.

Effective June 15, 1999.

Ord. No. 189-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Arcade, LLC, to provide for service payments for the purpose of repayment of the revenue bonds to be issued for the purpose of assisting with the financing of the rehabilitation and redevelopment of the Old Arcade and to provide for payments to the Cleveland City School District, and to declare certain improvements to real property to be a public purpose.

Whereas, on April 3, 1998, pursuant to the authority of Charter Section 76-2, the City Planning Commission adopted and approved the Downtown Euclid Avenue Revitalization Plan (the "Plan") which Plan calls for the revitalization of the Old Arcade; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, improvements to real property consistent with the Plan, may be declared to be a public purpose where fee title to such real property was, at one time, held by the City of Cleveland; and

Whereas, pursuant to the authority of Ordinance No. 188-99, passed May 17, 1999, the City acquired fee title to certain real property within the Area, which is more particularly described in the documents set forth in the file described in Section 1 of this ordinance (the "Real Property"), prior to adoption of this Ordinance; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, such improvements so declared to be a public purpose may be exempt from real property taxation; and

Whereas, pursuant to Section 5709.42 of the Ohio Revised Code, the owners of such improvements may be required to make annual service payments in lieu of taxes that would have been paid had such improvements not been exempt; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, said exemption may exceed 75% of such improvements for up to thirty (30) years when a portion of the service payments so collected are distributed to the Cleveland City School District ("the District") in an amount equal to the amount the District would have received had the improvements not been exempt; and

Whereas, the Cleveland City School District has been notified of the intent to enter into the agreement authorized herein, in compliance with Sections 5709.41(C)(4) and 5709.83 of the Ohio Revised Code; 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 improvements to be constructed by Arcade, LLC ("Redeveloper"), as more fully described in the plans contained in File No. 189-99-A ("the Improvements"), on the Real Property, are consistent with the Plan and are hereby declared to be a public purpose, for purposes of Section 5709.41 and 5709.42 of the Ohio Revised Code.

Section 2. That one hundred percent (100%) of the Improvements are hereby declared exempt from real property taxation for a period

of thirty (30) years; and that in no event shall the exemption period extend beyond December 31, 2031.

Section 3. That, pursuant to Section 5709.42 of the Ohio Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of thirty (30) years, or such other period necessary to redeem the bonds described in Section 6 of this Ordinance, in lieu of said exempt taxes to the Cuyahoga County Treasurer; said payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid, had the Improvements not been exempt from taxation.

Section 4. That pursuant to Section 5709.43 of the Ohio Revised Code there is hereby established an Old Arcade Urban Redevelopment Tax Increment Equivalent Fund (the "Fund").

Section 5. That a portion of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvements not been exempt from taxation.

Section 6. That the balance of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the City of Cleveland and deposited in the Fund created by Section 4 hereof to pay the principal (whether at maturity or by prior redemption) of, and interest on revenue bonds issued by the City, pursuant to additional, appropriate legislation of this Council, or other appropriate governmental issuer to finance a portion of the costs of the Improvements, and the costs attributable to the sale of the Bonds, inclusive of attorneys' fees, appraisals and other similar fees.

Section 7. That the Director of Economic Development is hereby authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described herein, including agreements securing the payments described in Section 3 of this Ordinance, which agreement or agreements shall contain those terms set forth in the Executive Summary contained in the file referenced in Section 1 of this ordinance and such other terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest; and to enter into such other agreement or agreements with such other appropriate governmental issuer, necessary and appropriate to issue and redeem the bonds described in Section 6 of this Ordinance, which agreement or agreements shall contain those terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest.

Section 8. That the relevant project agreements shall include the following terms:

1. That in the event that there is a transfer in title of any part of the project to a non-affiliated party during the Tax Increment Financing ("TIF") authorized by this ordinance, purchaser or transferee shall assume repayment obligations under the HUD Section 108 Loan.

2. That in the event there is a transfer of title to a non-affiliated party of the non-hotel commercial portion during the term of the TIF, to a party whose intended use is

other than non-hotel commercial, redeveloper shall immediately retire all outstanding obligations due the City under the \$1,000,000 Economic Development Loan, and Redeveloper shall pay to the City an amount equal to all taxes the City would have received from the time of execution of the TIF agreement to the date of such transfer or sale of the retail portions of the project, but for the TIF.

3. Failure by Redeveloper or the operator(s) of the project to substantially comply with the following economic development objectives of the Project shall be an event of default and Redeveloper shall pay to the City an amount equal to the taxes the City would have received but for the TIF:

a. The investment of \$45 million in the project within three (3) years of passage of this ordinance;

b. The creation of 150 jobs at the Project within three (3) years from the passage of this ordinance and the maintenance of these 150 jobs throughout the duration of the TIF;

c. Compliance with Section 9 of this ordinance; and

d. Renovation of the public open space of the arcade and maintaining same as open space for the public use.

Section 9. 1. With respect to the relationship with and activities of any operator to the hotel located on the Property, it is agreed that such hotel operator shall recognize and observe the right of its employees to form or select any labor organization to act as the employees' exclusive bargaining representative for the purpose of collective bargaining with the operator, or to refrain from such activity, and the right of a labor organization to organize the employees.

2. With respect to the relationship with and activities of the hotel operator, the Redeveloper agrees as a condition of its financial assistance from the City, in addition to the foregoing, that the provisions set forth in the section shall apply.

a. To accommodate a free and informed decision of the employees of the hotel respecting joining or seeking representation by a labor organization, the hotel operator will provide access to certain non-work areas within the hotel during certain non-work times, the exact locations and times to be mutually agreed upon by both the union and the hotel operator.

b. The hotel operator shall have the right to communicate with its employees during the organizing process, shall insure that such communications are factual, and shall neither show nor disseminate anti-union material in its communications with its employees.

c. Upon notice from the union that at least 30% of employees in an appropriate bargaining unit have signed authorization cards, the hotel operator and labor organization will take all actions necessary to effect validation of such cards within thirty (30) days by the National Labor Relations Board ("NLRB"). If cards signed by a majority of bargaining unit employees are validated by the NLRB, the employees will vote on the question of representation by the labor organization within sixty (60) days from date of the NLRB meeting to validate the cards. If a majority of bargaining unit employees that vote, vote in favor of representation by a labor organization the hotel operator will recognize

such labor organization as bargaining representative.

d. If one or more labor organizations notifies the hotel operator that a majority of employees in a proposed bargaining unit or units have signed authorization cards, the hotel operator will make good faith efforts to reach agreement and stipulate to the definition of a bargaining unit. The hotel operator will not assert questions about the definition of the bargaining unit as a means of delaying or impeding the rights of employees and labor organization(s) to proceed expeditiously to an election under the NLRB supervision.

e. The hotel operator shall further agree that interest demonstrated by employees of the hotel in joining or not joining a labor organization or membership with a labor organization shall not constitute grounds for discriminatory or disparate treatment nor adversely impact a potential employee's ability to be hired.

3. In the event the operator of the hotel located on the Property is found to have failed to perform or observe the conditions set forth above in Section 1, or 2, as evidenced by either: (i) a final judgment or order of the National Labor Relations Board or court of competent jurisdiction, which final judgment or order is not subject to further appeal, or (ii) a finding by the City of Cleveland as set forth in a written notice of default sent by the City's Director of Economic Development, the Redeveloper shall, within thirty (30) days after such judgment or order becomes final (or within such longer period as may be reasonably required), or within thirty (30) days (or within such longer period as may be reasonably required) after City's sending of the notice of default:

a. Cause such hotel operator to comply with such order or judgment and any remedial action required thereunder;

b. If the hotel operator does not comply with Section 3.a. within the time periods set forth therein, the Redeveloper can terminate the contract of such hotel operator to operate such hotel and obtain a qualified replacement hotel operator who will operate in conformity with the above requirements.

In the event Redeveloper fails to comply with its requirements set forth in this Section 3, the loan agreement shall be terminated as of the date of such failure. Also as of the date of such failure, the Redeveloper shall be required to reimburse the City for all taxes the City would have received but for the TIF.

Section 10. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

Section 11. 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 June 7, 1999.

Effective June 16, 1999.

Ord. No. 190-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Crest Masonry, Inc. to provide economic development assistance to partially finance land acquisition, construction and site improvements to their facility to be located at Cleveland Industrial Park, Johnston Parkway, Block H, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Crest Masonry, Inc. to provide economic development assistance to partially finance land acquisition, construction and site improvements to their facility to be located at Cleveland Industrial Park, Johnston Parkway, Block H, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 190-99-A and such terms shall not be modified or amended without the prior legislative authorization of Cleveland City Council.

Section 3. That the costs of said contract shall not exceed Two Hundred Eighty Thousand Dollars (\$280,000), and shall be paid from Fund No. 17 SF 008, Request No. 24301.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 7, 1999.
Effective June 16, 1999.

Ord. No. 244-99.

By Councilmen Coats, Zone and Johnson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 135.501 thereof relating to the application and acceptance of annual Drug Abuse Resistance Education grant.

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 135.501 thereof to read as follows:

Section 135.501 Application and Acceptance of Annual Drug Abuse Resistance Education Grant

The Director of Public Safety is hereby authorized to apply for and accept annual grants from the Ohio Attorney General's office to conduct the Drug Abuse Resistance Education ("D.A.R.E.") Grant program, provided that the City is not obligated to provide in cash matching funds as a condition to receiving the grant. The Director is further authorized to file all papers and execute all documents necessary to receive the funds under said grants and, upon acceptance of said grants the grant funds shall be appropriated for the purposes set forth in the grant agreement. The Director shall notify the Clerk of Council of the making of any grant application or the acceptance of any grant pursuant to this section.

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 254-99.

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

An emergency ordinance authorizing the Director of Port Control to execute an easement granting to the East Ohio Gas Company certain easement rights in property located on which is situated the former LSG Sky Chef Building and declaring said easement rights no longer needed for public use.

Whereas, the East Ohio Gas Company has requested the Director of Port Control to convey certain easement rights in property located on which is situated the former LSG Sky Chef Building; and

Whereas, the easement rights to be granted are no longer needed for public use and

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

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

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

East Ohio Gas Company Easement
Situating in the City of Cleveland, Cuyahoga County, Ohio and known as being part of Cleveland Hopkins International Airport, Lease Area.

From starting point, the Principal Place of Beginning the Easement herein intended to be described:

Thence North 66° 19' 06" East, 11.13 feet to a point;

Thence South 88° 10' 44" East 209.89 feet to a point;

Thence South 55° 00' 37" East, 147.52 feet to a point;

Thence South 42° 59' 32" East, 19.21 feet to a point;

Thence South 01° 39' 40" West, 90.88 feet to a point;

Thence North 90° 00' 00" East, 44.42 feet to a point;

Thence South 01° 37' 30" West, 93.52 feet to a point;

Thence South 40° 02' 58" East, 40.35 feet to a point;

Thence South 88° 17' 34" East, 113.93 feet to a point;

86.81 feet about a curve having a radius of 120 feet to a point;

Thence South 46° 50' 39" East, 62.67 feet to a point;

Thence South 32° 18' 29" West, 31.13 feet to a point;

Thence North 57° 41' 31" West, 10 feet to a point;

Thence North 32° 18' 29" East, 22.87 feet to a point;

Thence North 46° 50' 39" West, 54.40 feet to a point;

79.58 feet about a curve having a radius of 110 feet to a point;

Thence North 88° 17' 34" West, 118.41 feet to a point;

Thence North 40° 02' 58" West, 48.63 feet to a point;

Thence North 01° 37' 30" East, 87.04 feet to a point;

Thence North 90° 00' 00" West, 29.45 feet to a point;

Thence South 01° 58' 13" West, 100.44 feet to a point;

Thence North 90° 00' 00" West, 161.89 feet to a point;

Thence North 00° 00' 00" West, 14 feet to a point;

Thence North 90° 00' 00" East, 10 feet to a point;

Thence North 00° 00' 00" West, 4 feet to a point;

Thence North 90° 00' 00" East, 142.23 feet to a point;

Thence North 01° 58' 13" East, 82.43 feet to a point;

Thence North 90° 00' 00" West, 4.69 feet to a point;

Thence North 01° 39' 40" East, 97.07 feet to a point;

Thence North 42° 59' 32" West, 14.05 feet to a point;

Thence North 55° 00' 37" West, 143.49 feet to a point;

Thence North 88° 10' 44" West, 204.65 feet to a point;

Thence South 66° 19' 06" West, 8.87 feet to a point;

Thence North 23° 40' 54" West, 10 feet to the Principal Place of Beginning and containing 0.2723 acres of land as described on June 8, 1998, by URS Greiner, Inc., Consulting Engineers.

Section 2. That the easement shall be non-exclusive and the purpose of

the easement shall be for re-routing a gas line from the north side of the former LSG Sky Chef Building to avoid the gas line from running underneath paving for the taxiway.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described (non-exclusive) easement interest to the East Ohio Gas Company at a price not less than fair market value as determined by the Board of Control.

Section 4. That the duration of the easement shall be for so long as the re-routed gas line serves the purpose for which the easement was granted; that the easement may include reasonable access rights; that the easement shall be not assignable except after approval by the City's Board of Control; that the easement shall require the grantee to indemnify the City, provide reasonable insurance, maintain any grantee improvements located within the easement, and pay any applicable taxes and assessments.

Section 5. That the conveyance referred to above shall be made by Official Deed of Easement prepared by the Director of Law and executed by the Director of Port Control on behalf of the City of Cleveland. The Deed of Easement shall contain such additional terms and conditions as are required to protect the interests of the parties. The Directors of Port Control and Law are authorized to execute such other documents, including without limitation, contracts for right of entry, as may be necessary to effect the construction of the improvement within the property described in Section 1.

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

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 262-99.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in Block H of the Cleveland Industrial Park to Crest Masonry, Inc.

Whereas, the Director of Community Development has requested the sale of City-owned property no longer needed for public use and located at Block H of the Cleveland Industrial Park; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following

described property is no longer needed for public use:

Block H
(4,000 acres)

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of Block "H" in the Lee-Seville/Cleveland Outerbelt Industrial Park of part of Original Warrensville Township Lots Nos. 81, 82, and 103 as shown by the recorded plat in Volume 231 of Maps, Page 42 of Cuyahoga County Records, further bounded and described as follows:

Commencing in the centerline of Johnston Parkway, S.E. (60 feet wide), at its intersection with the centerline of Velma Avenue, S.E. (50 feet wide);

Thence South 00° 27' 00" East along said centerline of Johnston Parkway, S.E., 399.35 feet to an iron pin found at a point of curvature therein;

Thence South 89° 33' 00" West, 30.00 feet to a point in the Westerly line of Johnston Parkway, S.E. and the principal place of beginning of the following described parcel:

Thence Southeasterly along said Westerly line and the arc of a curve deflecting to the left, an arc distance of 334.78 feet, said curve having a radius of 495.00 feet, an included angle of 38° 45' 00", and a chord bearing South 19° 49' 30" East, 328.43 feet to a point therein;

Thence South 50° 48' 00" West, 101.24 feet to an angle point;

Thence North 89° 27' 00" West, 333.46 feet to an angle point;

Thence North 62° 53' 30" West, 128.68 feet to a point in the centerline of Osborn Blvd., S.E. (86 feet wide);

Thence Northeasterly along the arc of a curve deflecting to the right, an arc distance of 113.30 feet. Said curve having a radius of 1076.47 feet, an included angle of 6° 01' 50", and a chord bearing North 30° 07' 26" East, 113.25 feet to a point;

Thence North 56° 51' 39" West, 97.25 feet to an angle point;

Thence North 19° 08' 35" East, 197.03 feet to an angle point;

Thence North 1° 23' 30" West, 4.31 feet to a point;

Thence North 89° 33' 00" East, 374.91 feet to a point in the Westerly line of Johnston Parkway, S.E.;

Thence South 0° 27' 00" East along said Westerly line, 33.39 feet to the principal place of beginning.

Containing within said bounds, an area of 174,240 square feet (4,000 acres) of land, be the same more or less, but subject to all legal highways, easements, and restrictions of record.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Crest Masonry, Inc. at a price not less than fair market value as determined by the Board of Control.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests

require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 312-99.

By Councilman Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Ameritech to encroach into the right-of-way of West 7th Street and College Avenue with an above-ground telephone service cabinet.

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 Ameritech's Managing Office, 13630 Lorain Avenue, 4th Floor, Cleveland, Ohio 44111, its successors and assigns, for the construction, use and maintenance of an above-ground telephone service cabinet to be placed on the treelawn at the side of St. Peter and Paul Catholic Church which is located at 2280 West 7th Street and College Avenue, and which proposed encroachment for Ameritech's above-ground telephone service cabinet into the public right-of-way of West 7th Street and College Avenue is more fully described in detailed plans filed in the Office of the Clerk of the Council of the City of Cleveland as File Number 312-99-A.

Section 2. That said telephone service cabinet will be placed within the public right-of-way as aforesaid in Section 1, and said telephone service cabinet will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 329-99.**By Councilmen Robinson, Zone and Johnson (by departmental request).****An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 161.051 thereof relating to certificate of appropriateness review fee.**

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 161.051 thereof to read as follows:

Section 161.051 Certificate of Appropriateness Review Fee

(a) A review fee shall be paid to the Landmarks Commission when the Landmarks Commission's approval is required by the Codified Ordinances for issuance of a Building Permit, in accordance with the following schedule to cover the cost of review by the Landmarks Commission payable subsequent to the Landmarks Commission approval, upon issuance of a Certificate of Appropriateness.

(b) The review fee shall be determined on the basis of the following schedule which "improvement cost" is that portion of a project's total improvement cost attributable to exterior improvements requiring review and approval by the Landmarks Commission:

Applicable Improvement Cost	Fee Rate
Less than \$5,000	1.5% of the amount over \$0
\$5,001 - \$10,000	\$75.00 + 1.0% of the amount over \$5,000
\$10,001 - \$100,000	\$125.00 + 0.5% of the amount over \$10,000
\$100,001 - \$500,000	\$575.00 + 0.2% of the amount over \$100,000
\$500,001 - \$5,000,000	\$1,375.00 + 0.05% of the amount over \$500,000
More than \$5,000,000	\$3,625.00 + 0.02% of the amount over \$5,000,000

(c) Exemptions. No fee payments shall be required for the renovation or alteration of existing single-family, two-family and three-family residences or for construction or alteration of accessory structures on the property of such existing residence.

(d) All fees generated pursuant to this section shall be deposited into the fund or funds which are designated for use by the Landmarks Commission, and shall be used for Landmark Commission purposes.

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 June 7, 1999.

Effective June 16, 1999.

Ord. No. 370-99.**By Councilmen Patmon, Jones, Robinson and Johnson (by departmental request).****An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site to expand Martin Luther King, Jr. Park, 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 notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Pur-

chases and Supplies is hereby authorized to purchase the following described property for the purpose of expanding Martin Luther King, Jr. Park:

ELK AVENUE N.E., (40.00 feet wide) and its Easterly turnout extending Easterly from the Northerly prolongation of the Easterly line of East 107th Place (45.00 feet wide) to the Northerly prolongation of the Westerly line of East 107th Street (45.00 feet wide)

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environ-

mental audits, and all other costs necessary for the acquisition of such property.

Section 3. That the consideration to be paid for such property shall not exceed its fair market value.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 20 SF 323, Request No. 23083.

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 June 7, 1999.

Effective June 15, 1999.

Ord. No. 415-99.

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

An emergency ordinance authorizing the Director of Public Service to make alterations and modifications in Contract No. 51022 with Perk Company Inc. for the rehabilitation of Fulton Road, for the Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make the following alterations and modifications in Contract No. 51022 with Perk Company Inc. for the rehabilitation of Fulton Road with Perk Company Inc. for the Department of Public Service:

UNDERRUN ITEMS		APPROX.	UNIT	UNIT	CONTRACT	QUANTITY	AMOUNT	UNDERRUN
ITEM NO.	DESCRIPTION	QUANT		PRICE	AMOUNT	TO DATE	TO DATE	AMOUNT
4	ITEM 202, PAVEMENT REMOVED, AS DIRECTED BY THE	4,774.0	SY	\$ 0.50	\$ 2,387.00	98.00	\$ 49.00	\$ 2,338.00
11	ITEM 203, EXCAVATION INCLUDING EMBANKMENT CONSTRUCTION, AS DIRECTED BY THE ENGINEER	533.0	CY	\$ 1.00	\$ 533.00	338.33	\$ 338.33	\$ 194.67
12	ITEM SPECIAL, WORK INVOLVING NON-REGULATED MATERIALS, AS PER D-29	150.0	TON	\$ 50.00	\$ 7,500.00	-	\$ -	\$ 7,500.00
13	ITEM SPECIAL, WORK INVOLVING PETROLEUM-CONTAMINATED MATERIALS, AS PER D-29	50.0	TON	\$ 400.00	\$ 20,000.00	-	\$ -	\$ 20,000.00
14	ITEM 203, SUBGRADE COMPACTION, AS DIRECTED BY THE ENGINEER	4,774.0	SY	\$ 0.10	\$ 477.40	98.00	\$ 9.80	\$ 467.60
17	ITEM 207, STRAW OR HAY BALES	20.0	EA	\$ 3.00	\$ 60.00		\$ -	\$ 60.00
27	ITEM 666, TREE PRUNING (6" DIAM. & LESS), AS PER D-31	10.0	EA	\$ 60.00	\$ 600.00	-	\$ -	\$ 600.00
28	ITEM 666, TREE PRUNING (6" - 12" DIAM.), AS PER D-31	5.0	EA	\$ 90.00	\$ 450.00	3.00	\$ 270.00	\$ 180.00
29	ITEM 666, TREE PRUNING (12" - 18" DIAM.), AS PER D-31	15.0	EA	\$ 200.00	\$ 3,000.00	9.00	\$ 1,800.00	\$ 1,200.00
30	ITEM 666, TREE PRUNING (18" - 24" DIAM.), AS PER D-31	39.0	EA	\$ 280.00	\$ 10,920.00	21.00	\$ 5,880.00	\$ 5,040.00
34	ITEM 603, 6" CONDUIT, TYPE B, 706.08 E.S. OR 707.19 (PS 45 MIN)	100.0	LF	\$ 17.00	\$ 1,700.00	38.00	\$ 646.00	\$ 1,054.00
35	ITEM 603, 6" CONDUIT, TYPE B, 706.08 E.S. WITH 706.12 JOINTS OR 707.19 (PS 45 MIN)	100.0	LF	\$ 17.00	\$ 1,700.00	-	\$ -	\$ 1,700.00
36	ITEM 603, 8" CONDUIT, TYPE B, 706.08 E.S. OR 707.19 (PS 45 MIN)	100.0	LF	\$ 20.00	\$ 2,000.00	-	\$ -	\$ 2,000.00
37	ITEM 603, 8" CONDUIT, TYPE B, 706.08 E.S. WITH 706.12 JOINTS OR 707.19 (PS 45 MIN)	100.0	LF	\$ 20.00	\$ 2,000.00		\$ -	\$ 2,000.00
38	ITEM 603, 10" CONDUIT, TYPE B, 706.08 E.S. OR 707.19 (PS 45 MIN)	100.0	LF	\$ 25.00	\$ 2,500.00		\$ -	\$ 2,500.00
39	ITEM 603, 10" CONDUIT, TYPE B, 706.08 E.S. WITH 706.12 JOINTS OR 707.19 (PS 45 MIN)	100.0	LF	\$ 25.00	\$ 2,500.00		\$ -	\$ 2,500.00
40	ITEM 603, 12" CONDUIT, TYPE B, 706.08 E.S. OR 707.19 (PS 45 MIN)	100.0	LF	\$ 30.00	\$ 3,000.00	22.00	\$ 660.00	\$ 2,340.00
41	ITEM 604, TEST TEE	30.0	EA	\$ 395.00	\$ 11,850.00	-	\$ -	\$ 11,850.00
42	ITEM 604, TEST TEE ADJUSTED TO GRADE	50.0	EA	\$ 95.00	\$ 4,750.00	-	\$ -	\$ 4,750.00
46	ITEM 604, MANHOLE RECONSTRUCTED TO GRADE, AS PER D-9	5.0	EA	\$ 400.00	\$ 2,000.00	4.00	\$ 1,600.00	\$ 400.00
50	ITEM SPECIAL, PARTIAL DEPTH JOINT OR CRACK REPAIR, AS PER PLAN, AS DIRECTED BY THE ENGINEER	5,600.0	LF	\$ 2.22	\$ 12,432.00	1,309.00	\$ 2,905.98	\$ 9,526.02
51	ITEM 254, PAVEMENT PLANING, BITUMINOUS	22,803.0	SY	\$ 1.00	\$ 22,803.00	22,297.00	\$ 22,297.00	\$ 506.00
52	ITEM 305, 9" PORTLAND CEMENT CONCRETE BASE, AS DIRECTED BY THE ENGINEER, AS PER D-11	3,841.0	SY	\$ 1.00	\$ 3,841.00	98.00	\$ 98.00	\$ 3,743.00
54	ITEM 304, 6" AGGREGATE BASE, AS DIRECTED BY THE ENGINEER, AS PER D-13	796.0	CY	\$ 1.00	\$ 796.00	338.33	\$ 338.33	\$ 457.67
56	ITEM 403, ASPHALT CONCRETE, AC-20, AS PER D-12, (MAY VARY FROM 1/2" TO 1-3/4")	1,322.0	CY	\$ 61.00	\$ 80,642.00	1,303.00	\$ 79,483.00	\$ 1,159.00
59	ITEM SPECIAL, CONSTRUCTION SEALER WITH ASPHALT	31,345.0	SY	\$ 0.45	\$ 14,105.25	19,000.00	\$ 8,550.00	\$ 5,555.25
63	ITEM 608, 6" CONCRETE WALK (RESIDENTIAL DRIVEWAY)	9,994.0	SF	\$ 3.00	\$ 29,982.00	7,597.80	\$ 22,793.40	\$ 7,188.60
65	ITEM SPECIAL, PAVEMENT REINFORCING FABRIC, AS PER D-15	26,857.0	SF	\$ 0.15	\$ 4,028.55	25,040.00	\$ 3,756.00	\$ 272.55
70	ITEM SPECIAL, REPLACE EXISTING (1" AND UNDER) LEAD OR GALVANIZED WATER SERVICE CONNECTION, COMPLETE, SHORT SIDE, AS PER D-24	38.0	EA	\$ 500.00	\$ 19,000.00	35.00	\$ 17,500.00	\$ 1,500.00
72	ITEM SPECIAL, REPLACE EXISTING (1-1/2", 2") LEAD OR GALVANIZED WATER SERVICE CONNECTION, COMPLETE SHORT SIDE, AS PER D-25	1.0	EA	\$ 950.00	\$ 950.00	-	\$ -	\$ 950.00
74	ITEM SPECIAL, EXPLORATORY EXCAVATIONS, AS PER D-27	20.0	EA	\$ 300.00	\$ 6,000.00	12.00	\$ 3,600.00	\$ 2,400.00
75	ITEM 404, BITUMINOUS CONCRETE FOR MAINTAINING TRAFFIC	200.0	CY	\$ 10.00	\$ 2,000.00	84.94	\$ 849.40	\$ 1,150.60
76	ITEM 410, TRAFFIC COMPACTED SURFACE, TYPE A OR B	200.0	CY	\$ 70.00	\$ 14,000.00	120.25	\$ 8,417.50	\$ 5,582.50
77	ITEM 614, TEMPORARY EDGE LINE	4.8	MILE	\$ 700.00	\$ 3,360.00	-	\$ -	\$ 3,360.00
78	ITEM 614, TEMPORARY CENTER LINE	3.6	MILE	\$ 1,200.00	\$ 4,320.00	3.12	\$ 3,744.00	\$ 576.00
79	ITEM 614, TEMPORARY DOTTED LINE	850.0	LF	\$ 2.00	\$ 1,700.00	135.00	\$ 270.00	\$ 1,430.00
80	ITEM 616, WATER	20.0	MGAL	\$ 1.00	\$ 20.00		\$ -	\$ 20.00
81	ITEM 616, CALCIUM CHLORIDE	5.0	TON	\$ 200.00	\$ 1,000.00		\$ -	\$ 1,000.00
84	ITEM 625, TRENCHING, AS PER PLAN	308.0	SY	\$ 10.00	\$ 3,080.00	232.00	\$ 2,320.00	\$ 760.00
86	ITEM 625, 2" PVC CONDUIT	200.0	LF	\$ 6.50	\$ 1,300.00	179.00	\$ 1,163.50	\$ 136.50
88	ITEM 625, CONCRETE FOR ANCHOR BASE FOUNDATION	24.9	CY	\$ 650.00	\$ 16,172.00	23.68	\$ 15,392.00	\$ 780.00
103	ITEM 632, LOOP DETECTOR PAVEMENT CUTTING	1,280.0	LF	\$ 4.00	\$ 5,120.00	1,226.00	\$ 4,904.00	\$ 216.00
109	ITEM 632, INTERCONNECT CABLE, 6 PAIR PE-38	7,510.0	LF	\$ 1.75	\$ 13,142.50	7,340.00	\$ 12,845.00	\$ 297.50
123	ITEM SPECIAL, PROJECT SIGNS, FURNISHED AND PLACED	4.0	EA	\$ 500.00	\$ 2,000.00	2.00	\$ 1,000.00	\$ 1,000.00
124	ENGINEERING AND CONSTRUCTION CONTINGENCY, AS PER D-6	1.0	LUMP	\$ 150,000.00	\$ 150,000.00	-	\$ -	\$ 150,000.00
								\$ 268,241.46

OVERRUN ITEMS								
ITEM NO.	DESCRIPTION	APPROX. QUANT	UNIT	UNIT PRICE	CONTRACT AMOUNT	QUANTITY TO DATE	AMOUNT TO DATE	OVERRUN AMOUNT
3	ITEM 202, CURB REMOVED	12,390.0	LF	\$ 3.00	\$ 37,170.00	12,648.00	\$ 37,944.00	\$ 774.00
5	ITEM 202, PAVEMENT REMOVED (FULL REPLACEMENT)	8,399.0	SY	\$ 1.00	\$ 8,399.00	10,493.00	\$ 10,493.00	\$ 2,094.00
6	ITEM 202, PAVEMENT REMOVED (DRIVEWAY)	3,658.0	SY	\$ 10.00	\$ 36,580.00	4,707.00	\$ 47,070.00	\$ 10,490.00
7	ITEM 202, WALK REMOVED	18,566.0	SF	\$ 0.50	\$ 9,283.00	33,899.00	\$ 16,949.50	\$ 7,666.50
8	ITEM 202, FILL & PLUG EXISTING STORM SEWER	12.0	EA	\$ 150.00	\$ 1,800.00	36.00	\$ 5,400.00	\$ 3,600.00
9	ITEM 202, GUARDRAIL REMOVED	35.0	LF	\$ 1.00	\$ 35.00	51.00	\$ 51.00	\$ 16.00
10	ITEM 203, EXCAVATION INCLUDING EMBANKMENT CONSTRUCTION	2,609.0	CY	\$ 26.95	\$ 70,312.55	5,383.00	\$ 145,071.85	\$ 74,759.30
15	ITEM 203, SUBGRADE COMPACTION (FULL REPLACEMENT)	8,542.0	SY	\$ 1.00	\$ 8,542.00	9,727.00	\$ 9,727.00	\$ 1,185.00
20	ITEM 608, 4" CONCRETE WALK	18,566.0	SF	\$ 2.50	\$ 46,415.00	34,097.57	\$ 85,243.93	\$ 38,828.93
21	ITEM 609, CAST-IN-PLACE CONCRETE CURB, AS PER CD-1	12,390.0	LF	\$ 8.00	\$ 99,120.00	12,648.00	\$ 101,184.00	\$ 2,064.00
24	ITEM 608, CURB RAMP, TYPE III, AS PER CR-1 AND CR-2	1.0	EA	\$ 50.00	\$ 50.00	2.00	\$ 100.00	\$ 50.00
31	ITEM 666, TREE PRUNING (24" - 30" DIAM.), AS PER D-31	29.0	EA	\$ 350.00	\$ 10,150.00	33.00	\$ 11,550.00	\$ 1,400.00
32	ITEM 666, TREE PRUNING (30" - 36" DIAM.), AS PER D-31	12.0	EA	\$ 465.00	\$ 5,580.00	24.00	\$ 11,160.00	\$ 5,580.00
43	ITEM 603, 12" CONDUIT, TYPE B, 706.08 E.S.	1,389.0	LF	\$ 39.00	\$ 54,171.00	1,433.00	\$ 55,887.00	\$ 1,716.00
48	ITEM 605, 4" SHALLOW PIPE UNDERDRAIN WITH FABRIC WRAP, AS PER MD-1C	12,390.0	LF	\$ 7.50	\$ 92,925.00	12,708.00	\$ 95,310.00	\$ 2,385.00
53	ITEM 305, 9" PORTLAND CEMENT CONCRETE BASE, (FULL REPLACEMENT), AS PER D-11	8,542.0	SY	\$ 29.00	\$ 247,718.00	9,556.00	\$ 277,124.00	\$ 29,406.00
55	ITEM 304, 6" AGGREGATE BASE, (FULL REPLACEMENT), AS PER D-13	1,368.0	CY	\$ 30.00	\$ 41,040.00	3,485.00	\$ 104,550.00	\$ 63,510.00
57	ITEM 404, ASPHALT CONCRETE, AC-20, AS PER D-12, (MAY VARY FROM 1" TO 1-3/4")	1,045.0	CY	\$ 61.00	\$ 63,745.00	1,294.00	\$ 78,934.00	\$ 15,189.00
58	ITEM 407, TACK COAT, AS PER D-14	4,533.0	GAL	\$ 1.13	\$ 5,122.29	5,558.00	\$ 6,280.54	\$ 1,158.25
60	ITEM 451, REINFORCED PORTLAND CEMENT CONCRETE PAVEMENT (BUS PADS), AS DIRECTED BY THE ENGINEER	933.0	SY	\$ 40.00	\$ 37,320.00	937.00	\$ 37,480.00	\$ 160.00
61	ITEM 452, 6" PLAIN PORTLAND CEMENT CONCRETE PAVEMENT (RESIDENTIAL DRIVEWAY)	3,776.0	SY	\$ 27.00	\$ 101,952.00	3,798.00	\$ 102,546.00	\$ 594.00
62	ITEM 452, 8" PLAIN PORTLAND CEMENT CONCRETE PAVEMENT (COMMERCIAL DRIVEWAY)	120.0	SY	\$ 29.00	\$ 3,480.00	361.00	\$ 10,469.00	\$ 6,989.00
64	ITEM 608, 8" CONCRETE WALK (COMMERCIAL DRIVEWAY)	318.0	SF	\$ 3.40	\$ 1,081.20	2,713.00	\$ 9,224.20	\$ 8,143.00
85	ITEM 625, 2" PVC CONDUIT ENCASED IN CONCRETE	485.0	LF	\$ 6.00	\$ 2,910.00	647.00	\$ 3,882.00	\$ 972.00
87	ITEM 625, 3" PVC CONDUIT ENCASED IN CONCRETE	1,475.0	LF	\$ 11.00	\$ 16,225.00	1,645.00	\$ 18,095.00	\$ 1,870.00
89	ITEM 630, GROUND MOUNTED SIGN SUPPORT, NO. 3 POST	390.0	LF	\$ 6.50	\$ 2,535.00	468.00	\$ 3,042.00	\$ 507.00
98	ITEM 632, 2 CONDUCTOR, #8 AWG POWER CABLE	290.0	LF	\$ 3.00	\$ 870.00	362.00	\$ 1,086.00	\$ 216.00
99	ITEM 632, 1 CONDUCTOR, #10 AWG GROUND WIRE	290.0	LF	\$ 0.50	\$ 145.00	362.00	\$ 181.00	\$ 36.00
100	ITEM 632, 9 CONDUCTOR, #14 AWG SIGNAL CABLE	1,690.0	LF	\$ 1.25	\$ 2,112.50	2,215.00	\$ 2,768.75	\$ 656.25
101	ITEM 632, 7 CONDUCTOR, #14 AWG SIGNAL CABLE	2,306.0	LF	\$ 1.15	\$ 2,651.90	2,680.00	\$ 3,082.00	\$ 430.10
102	ITEM 632, LOOP LEAD IN CABLE, 2 CONDUCTOR, #14 AWG	8,161.0	LF	\$ 0.85	\$ 6,936.85	8,490.00	\$ 7,216.50	\$ 279.65
104	ITEM 632, LOOP DETECTOR WIRE TYPE "E"	2,752.0	LF	\$ 1.25	\$ 3,440.00	3,556.00	\$ 4,445.00	\$ 1,005.00
105	ITEM 632, LOOP DETECTOR UNIT, DELAY AND EXTENSION TYPE	8.0	EA	\$ 250.00	\$ 2,000.00	20.00	\$ 5,000.00	\$ 3,000.00
119	ITEM SPECIAL, OFF-DUTY POLICEMEN	1,500.0	HRS	\$ 20.00	\$ 30,000.00	1,630.00	\$ 32,600.00	\$ 2,600.00
								\$ 289,329.98

CHANGE ORDER ITEMS								
ITEM NO.	DESCRIPTION	APPROX. QUANT	UNIT	UNIT PRICE	CONTRACT AMOUNT	QUANTITY TO DATE	AMOUNT TO DATE	TOTAL CHANGE ORDER AMOUNT
CO 1	CATCHBASIN REMOVAL	4.0	EACH	\$ 425.00	\$ 1,700.00	4.00	\$ 1,700.00	\$ 1,700.00
CO 2	TEMPERARY PAVEMENT MARKING	1.0	LUMP	\$ 3,968.75	\$ 3,968.75	1.00	\$ 3,968.75	\$ 3,968.75
CO 3	GEO FABRIC FOR UNDER CUT	2,577.0	SY	\$ 1.25	\$ 3,221.25	1,777.00	\$ 2,221.25	\$ 2,221.25
CO 4	GEO GRID MESH FOR UNDER CUT	2,577.0	SY	\$ 3.95	\$ 10,179.15	2,577.00	\$ 10,179.15	\$ 10,179.15
CO 5	MS CONCRETE 9" BASE	8,789.0	SY	\$ 2.25	\$ 19,775.25	8,789.00	\$ 19,775.25	\$ 19,775.25
CO 6	MS CONCRETE 6" DRIVE APRONS	2,331.0	SY	\$ 1.75	\$ 4,079.25	2,331.00	\$ 4,079.25	\$ 4,079.25
CO 7	MS CONCRETE FOR CURB	123.1	CY	\$ 10.00	\$ 1,231.00	123.10	\$ 1,231.00	\$ 1,231.00
CO 9	CONCRETE PLAINING FOR INTERSECTIONS	1.0	LUMP	\$ 6,798.00	\$ 6,798.00	1.00	\$ 6,798.00	\$ 6,798.00
								\$ 49,952.65

Subsidiary Overruns	\$ 289,329.98
Subsidiary New items	+ 49,952.65
Subsidiary Additions	\$ 339,282.63
Subsidiary Additions	\$ 339,282.63
Subsidiary Underruns	- 268,241.46
Total Subsidiary Amount	\$ 71,041.17

which alteration has been recommended in writing by the said Director of Public Service, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Public Service and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$71,041.17, to be paid from Fund Nos. 20 SF 322, 20 SF 240.

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 June 7, 1999.

Effective June 15, 1999.

Ord. No. 457-99.
By Councilmen Sweeney, Robinson and Johnson (by departmental request).

An emergency ordinance giving consent of the City of Cleveland for the repair and resurfacing of Shaker Boulevard to the State of Ohio; authorizing the Director of Public Service to enter into any agreements relative thereto.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is hereby given to the Director of Transportation of the State of Ohio (the "Director of Transportation") to make the following improvements in accordance with plans, specifications and estimates approved by said Director of Transportation: The repair and resurfacing of Shaker Boulevard (SR-87) from Woodhill Road to the East corporation line in the City of Cleveland, a distance of approximately 1.74 miles (the "Improvement").

Section 2. That the City hereby proposes to cooperate with the Director of Transportation in the cost of the Improvement by assuming and contributing twenty percent (20%) of the cost and expense of the construction phase of this improvement determined to be eligible for State Highway Funds. In addition, the City agrees to assume and contribute one hundred percent (100%) of the cost of any work included in the construction contract, at the request of the City, which are in addition to those now existing and not provided for elsewhere in the Agreement.

Section 3. That the Director of Public Service is hereby authorized to enter into such agreements with the Director of Transportation as are necessary to complete the planning and construction of the Improvement.

Section 4. That upon completion of the Improvement, the City thereafter will keep the affected highway open to traffic at all times, and

a) Maintain the Improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance;

b) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the Director of Transportation and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the right-of-way;

c) Place and maintain all traffic control devices in accordance with the Ohio Manual of Uniform Traffic Control Devices pursuant to the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

d) Regulate parking in the following manner: Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

Section 5. a) That all existing streets and public rights-of-way within the City which are necessary for the Improvement shall be made available therefor.

b) That the State will acquire any additional right-of-way required for

the construction of the aforesaid Improvement.

c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvement, that said companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement and that said companies have agreed to make such necessary rearrangements immediately after notification by the City or the State of Ohio.

d) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other City-owned utilities and appurtenances thereto which do not comply with the provisions of Ohio Department of Transportation Utilities Manual inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that said rearrangements shall be done at such time as requested by the State.

e) That the construction, reconstruction and rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by such utility rearrangement shall be performed in accordance with the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the State.

f) That the City hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in this section. Likewise the State agreed to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in this section.

g) That the installation of all utility facilities on the right-of-way shall conform with the requirements of Title 23 CFR 645 Subpart B "Utility relocation and Adjustment" and the department of Transportation's Utilities Manual.

Section 6. That the Council of the City hereby requests the State to proceed with the Improvement.

Section 7. That this Council hereby authorizes payment to the State for the City's share of the cost of the Improvement.

Section 8. That the Clerk of Council is hereby authorized and directed to transmit to the Director of Transportation three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvement.

Section 9. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 7, 1999.
 Effective June 15, 1999.

Ord. No. 508-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one plan copier and maintenance agreement; for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one plan copier and maintenance agreement for a period not to exceed five (5) years to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 24055.

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 June 7, 1999.
 Effective June 16, 1999.

Ord. No. 512-99.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in the Village of Warrensville Heights to the Cuyahoga Community College District.

Whereas, the Director of Economic Development has requested the sale of City-owned property no longer needed for public use and located in the Village of Warrensville Heights; and

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

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

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

Situated in the City of Warrensville Heights, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 89, and bounded and described as follows:

Commencing at an iron pin monument at the point of intersection of the center line of Richmond Road, 60 feet wide, with the center line of Emery Road, variable width, said point of intersection also being the Southeasterly corner of said Original Lot No. 89 and having grid coordinates North 66,091.76 feet, East 139,874.96 feet;

Thence North 0° 03' 57" East, a distance of 1,004.40 feet, along said center line of Richmond Road and said Easterly line of Original Lot No. 89 to a point;

Thence North 89° 47' 50" West, a distance of 280.00 feet, to a capped 5/8-inch iron pin set in the Northwesterly limited access right-of-way line of Interstate Route 271 as acquired by the State of Ohio by the Deed recorded in Volume 11286, Page 287 of Cuyahoga County Records and having grid coordinates North 67,097.15 feet, East 139,596.11 feet and being the principal place of beginning of the parcel of land herein described;

Thence continuing North 89° 47' 50" West, a distance of 1,461.23 feet, to a capped 5/8-inch iron pin set in the Easterly line of Clarkwood Estates Subdivision No. 2 as recorded in Volume 159, Page 16 of Cuyahoga County Map Records;

Thence North 0° 08' 38" West, a distance of 499.76 feet, along said Easterly line of the Clarkwood Estates Subdivision No. 2 to a capped 5/8-inch iron pin set at the Northeast corner of said Clarkwood Estates Subdivision No. 2, said point also being in the Northerly Municipal boundary of said City of Warrensville Heights and having grid coordinates North 67,602.08 feet, East 138,133.64 feet;

Thence South 89° 47' 50" East, a distance of 1,626.77 feet, along said Northerly Municipal, boundary of the City of Warrensville Heights to a capped 5/8-inch iron pin set in said Northwesterly limited access right-of-way line of Interstate Route 271;

Thence South 7° 51' 14" West, a distance of 283.34 feet, along said Northwesterly limited access right-of-way line of Interstate Route 271 to a capped 5/8-inch iron pin set at an angle therein;

Thence South 29° 53' 09" West, a distance of 252.00 feet, along said Northwesterly limited access right-of-way line of Interstate Route 271 to the principal place of beginning and containing 18.02 land locked acres;

The bearings and coordinate values are related to the Cleveland Regional Geodetic Survey Grid, all according to a survey dated April 26, 1982, by Frank P. Camperchioli, Jr., Registered Ohio Surveyor No. 5707, and Jack E. McFadden, Registered Ohio Surveyor No. 4991, be the same more or less, but subject to all legal highways.

Together with a non-exclusive easement and right-of-way for vehicular and pedestrian access and egress to the premises over the following described property:

Situated in the City of Warrensville Heights, County of Cuyahoga and State of Ohio and known as being part of Original Warrensville Township Lot Number 89 and being an easement over, under, within and across a strip of land 80 feet wide, 40 feet on each side of the center line described as follows:

Commencing at an iron pin monument at the point of intersection of the center line of Richmond Road, 60 feet wide, with the center line of Emery Road, variable width, said point of intersection also being the Southeast corner of said Original Lot Number 89 and having grid coordinates North 66,091.76 feet, East 139,874.96 feet.

Thence North 0° 03' 57" East, a distance of 2,044.15 feet, along said center line of Richmond Road and said Easterly line of Original Lot No. 89 to a point;

Thence North 89° 56' 03" West, a distance of 30.00 feet, to a capped 5/8-inch iron pin set in the Easterly right-of-way line of said Richmond Road and having grid coordinates of North 68,135.94 feet, East 139,847.31 feet and the principal place of beginning of the easement herein described;

Thence continuing North 89° 56' 03" West, a distance of 20.00 feet, to a capped 5/8-inch iron pin set;

Thence Southwesterly, a distance of 314.16 feet, along the arc of a circular curve deflecting to the left, said arc having a radius of 200.00 feet and a chord which bears South 45° 03' 57" West, a distance of 282.84 feet to a capped 5/8-inch iron pin having grid coordinates North 67,936.20 feet, East 139,627.08 feet;

Thence South 0° 03' 57" West, a distance of 339.40 feet, to a capped 5/8 inch iron pin having grid coordinates North 67,596.80 feet, East 139,626.69 feet, the bearings and grid coordinates are related to the Cleveland Regional Geodetic Survey Grid, all according to a survey dated April 26, 1982, by Frank P. Camperchioli, Jr., Registered Ohio Surveyor Number 5707 and Jack E. McFadden, Registered Ohio Surveyor Number 4991, be the same more or less, but subject to all legal highways.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Cuyahoga Community College District at a price of Fifty Thousand Dollars (\$50,000) per acre for a total price of Nine Hundred Thousand Dollars (\$900,000).

Section 3. That the proceeds of the sale of the property authorized above shall be deposited into the fund or funds which are designated for use by the Division of Recreation and shall be used for various City-wide recreation purposes, which shall include playgrounds, ball fields, recreation centers, and parks.

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

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 June 7, 1999.
Effective June 16, 1999.

Ord. No. 518-99.

By Councilman Cintron.

An ordinance to establish a Planned Unit Development Overlay District and approve the corresponding Planned Unit Development project on properties located at the northeast corner of West 41 Street and Bailey Avenue. (Map Change No. 1989, Sheet No. 1)

Whereas, New Village Corporation (A subsidiary of Neighborhood Progress, Inc.) has submitted an application to the Director of the City Planning Commission proposing the creation of a Planned Unit Development (PUD) Overlay District on properties located at the northeast corner of West 41 Street and Bailey Avenue, N.W. and construction of a PUD project to be known as "Orchard Park": on said properties; and

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

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

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 area outlined on the site plan and described in the legal description contained in File No. 1989, and known as Orchard Park be and the same is hereby designated as a Planned Unit Development (PUD) Overlay District, in accordance with the provisions of Chapter 334 of the Codified Ordinances of Cleveland, Ohio 1976.

Legal Description

Orchard Park, P.U.D.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of the Original Brooklyn Township Lot Nos. 52 and 53 and further known as being part of Sublots 15 through 18, including the Levi F. Jackson Allotment as recorded in Volume 2, Page 46 of Cuyahoga County Map Records, and part of Sublots 19 and 20, all of Sublots Nos. 21 through 24 inclusive and Brough Court (14' wide) in the Sarah A. Tyler Subdivision as recorded in Volume 2, Page 52 of Cuyahoga County Map Records, and is further described as follows:

Beginning at a point at the intersection of the west right-of-way line of West 41st Street (60 feet wide) with the north right-of-way line of Bailey Avenue (50 feet wide) as shown on the Plat of Bailey Street Opening as recorded in Volume 10, Page 3 of Cuyahoga County Map Records;

Course I Thence North 00 degrees, 43 minutes, 27 seconds West, along the east right-of-way line of said West 41st Street, 99.17 feet to an angle point therein;

Course II Thence North 00 degrees, 41 minutes, 53 seconds West, continuing along east right-of-way line, 200.28 feet to a point;

Course III Thence North 89 degrees, 19 minutes, 21 seconds East, 112.52 feet to a point;

Course IV Thence South 00 degrees, 42 minutes, 00 seconds East, 33.24 feet to a point;

Course V Thence North 89 degrees, 18 minutes, 07 seconds East, 12.52 feet to a point;

Course VI Thence South 00 degrees, 42 minutes, 05 seconds East, 11.84 feet to a point;

Course VII Thence North 89 degrees, 17 minutes, 55 seconds East, 100.00 feet to a point in the west right-of-way line of West 40th Place (20 feet wide);

Course VIII Thence South 00 degrees, 42 minutes, 05 seconds East, along said westerly right-of-way line, 157.96 feet to a point in the north line of said O.L. 53;

Course IX Thence South 89 degrees, 59 minutes, 02 seconds East, along said Lot Line, 16.91 feet to a point in the west right-of-way line of West 40th Street (50 feet wide and varies);

Course X Thence South 00 degrees, 32 minutes, 25 seconds West along said West 40th right-of-way line, 60.03 feet to a point;

Course XI Thence North 89 degrees, 58 minutes, 14 seconds West, 100.63 feet to a point;

Course XII Thence South 01 degrees, 09 minutes, 38 seconds East, 39.29 feet to a point in the north right-of-way line of said Bailey Avenue;

Course XIII Thence North 89 degrees, 56 minutes, 07 seconds West, along said north right-of-way line, 140.33 feet to the Place of Beginning and containing 1.3874 Acres of land as described in March, 1999, based on a survey performed in June, 1998 by Joseph Gutoskey, P.S. 7567, be the same, more or less, but subject to all legal highways. Bearings are based on the Cleveland Regional Geodetic System.

Section 2. That the designation of land described in Section 1 and as outlined in red on the map hereto attached shall be identified as Map Change No. 1989, Sheet No. 1, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission.

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

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 7, 1999.
Effective July 17, 1999.

Ord. No. 574-99.

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 elevators, escalators and moving walkways 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 requirement contract in accordance with the Charter and the Codified Ordinances of

Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to maintain and repair elevators, escalators and moving walkways in the estimated sum of \$1,680,000, 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 (2) 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. 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 24867)

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 June 7, 1999.
Effective June 16, 1999.

Ord. No. 576-99.

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 replace interior plants and exterior site landscaping 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 requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to maintain and replace interior plants and exterior site landscaping 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 (2) years may be taken if deemed desirable by the Commissioner of Pur-

chases and Supplies until provision is made for the requirements for the entire term.

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 24866)

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 June 7, 1999.
Effective June 16, 1999.

Ord. No. 581-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 33-99, passed March 1, 1999, relating to a grant from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1999 Drug Prevention, Treatment and Intervention Program; to supplement by adding new Section 3; and to renumber existing Section 3 to "Section 4."

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

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

Section 1. That the title and Section 1 of Ordinance No. 33-99, passed March 1, 1999, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1999 Drug Prevention, Treatment and Intervention Program; and to enter into a contract for the lease of a facility to implement the Centerpoint Program.

Section 1. That the Director of Public Health is hereby authorized to accept a grant in the amount of \$316,960.00, from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1999 Drug Prevention, Treatment and Intervention Program, for the purposes set forth in the application 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 existing title and Section 1 of Ordinance No. 33-99, passed March 1, 1999, are hereby repealed.

Section 3. That Ordinance No. 33-99, passed March 1, 1999, is hereby supplemented by adding new Section 3 thereof to read as follows:

Section 3. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland,

Ohio, 1976, the Director of Public Health is hereby authorized to lease a facility for the implementation of the Centerpoint Program. The term of the lease shall not exceed the grant period and shall be in an estimated amount of \$15,000.00 and shall be payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the purposes of the grant. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

That the Director of Public Health, the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 4. That existing Section 3 of Ordinance No. 33-99, passed March 1, 1999, is hereby renumbered to "Section 4."

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 582-99.
By Councilmen Coats and Johnson
(by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of medical supplies, for the Division of Fire, Department of Public Safety, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of medical supplies in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Fire, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 20623)

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 583-99.
By Councilmen Coats and Johnson
(by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain overhead doors at various locations within the Division of Fire, Department of Public Safety, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio 1976 for the requirements for the period of two (2) years for the necessary items of labor and materials needed to repair and maintain overhead doors at various locations in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Fire, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 20624)

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 584-99.

By Councilmen Coats and Johnson
(by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair, maintain and service MSA breathing apparatus, for the Division of Fire, Department of Public Safety, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to repair, maintain and service MSA breathing apparatus in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Fire, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 20625)

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 585-99.

By Councilmen Coats and Johnson
(by departmental request).

An emergency ordinance authorizing the Director of Public Safety to accept a grant from the State of Ohio — Office of Criminal Justice Services for the Juvenile Accountability Incentive Block Grant Program; and to enter into contract for the lease of office space and the procurement of not to exceed seven vehicles.

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

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

Section 1. That the Director of Public Safety is hereby authorized to accept a grant in the amount of

\$766,289.00, from the State of Ohio - Office of Criminal Justice Services, to conduct the Juvenile Accountability Incentive Block Grant Program, for the purposes set forth in the application and according thereto; that the Director of Public Safety 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. 99-99-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$85,143.00 from Fund No. 01-60-02-0901, is hereby approved in all respects.

Section 3. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Safety is hereby authorized to lease office space at an east side location and a west side location for the implementation of the grant. The term of the lease or leases shall not exceed the grant period and shall be in an aggregate estimated annual amount of \$19,200.00.

That the lease or leases may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the purposes of the grant. That the lease or leases may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

That the lease or leases shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

That the Director of Public Safety, the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease or leases authorized by this ordinance.

Section 4. That the Director of Public Safety is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the lease of not to exceed seven (7) vehicles, to be used for implementation of the program, to be procured by the Commissioner of Purchases and Supplies upon a unit basis.

Section 5. That the cost of the contracts authorized in Sections 3 and 4 above shall be paid from the fund or funds to which are credited the proceeds of the grant accepted pursuant to Section 1 of this ordinance.

Section 6. That the Director of Public Safety shall provide a report to the council regarding the work of this program every six months.

Section 7. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 587-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance to amend Sections 2 and 5 of Ordinance No. 257-97, passed April 14, 1997, relating to expanding Economic Development Initiative Grant Funds for the operation of the Empowerment Zone Business Opportunity Program and to enter into contracts under that program.

Whereas, the Empowerment Zone's economic development program is predicated on assisting businesses who typically have been excluded from conventional lending programs, both private and public; and

Whereas, for reasons that include lack of effective financial and management systems, past credit problems, lack of access to broad consumer networks, and the inability to meet security and collateral underwriting requirements; and

Whereas, the EZ BOP Program was created to meet such unmet needs of Empowerment Zone businesses; and

Whereas, the provision of one-on-one technical assistance for such businesses is as important as the provision of loans and rebates; and

Whereas, the EZ BOP Program represents one of several approaches to address the needs of small businesses; and

Whereas, the Empowerment Zone provides four to six months of assistance to determine suitability of EZ BOP assistance for such businesses; 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 Sections 2 and 5 of Ordinance No. 257-97, passed April 14, 1997, are hereby amended to read, respectively, as follows:

Section 2. That any contract authorized hereby shall not exceed \$30,000.00 to any single small business and shall receive the written approval of the Council person in whose ward said small business is located; the costs of said contract shall be paid from Fund No. 18 SF 003 and 18 SF 001, Request No. 22285. Contracts for purposes of the Program in excess of \$30,000.00 may be approved by Council by appropriate legislation.

Section 5. That the contracting authority granted herein shall expire on June 1, 2001; the Director of Economic Development shall, within six months of the effective date of this ordinance, report to Council on activity of the Program, including, but not limited to, the number and value of contracts entered into and projects completed under the Program.

Section 2. That existing Sections 2 and 5 of Ordinance No. 257-97, passed April 14, 1997, are hereby repealed.

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

Passed June 7, 1999.
Effective June 16, 1999.

Ord. No. 646-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various sizes of front-end loaders and roll-off containers, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Section 1. That 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 for the necessary items of various sizes of front-end loaders and roll-off containers 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 Waste Collection and Disposal, 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 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 23198)

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 647-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance to amend the title and Sections 1 and 3 of Ordinance No. 1724-98, passed November 16, 1998; to supplement said ordinance by adding new Section 4 thereof; and to renumber existing Section 4 of said ordinance to new "Section 5"; relating to applying and accepting grants from the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment; and authorizing said director to enter into contracts to implement the 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 title, Section 1 and Section 2 of Ordinance No. 1724-98, passed November 16, 1998, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Public Health to apply for and accept grants from the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment; and authorizing said director to enter into contracts for the purchase of equipment, supplies and services necessary to implement the program.

Section 1. That the Director of Public Health is hereby authorized to apply for and accept grants in the approximate amount of \$366,269 from the U.S. Environmental Protection Agency and \$1,001,311 from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment in accordance with the purposes set forth in the respective applications; that the Director of Public Health is hereby authorized to file all papers enter into contracts, and execute all documents necessary to apply for and receive the funds under said grants; and that said funds be appropriated for the purposes set forth in the agreements and applications for said grants.

Section 3. That the Director of Public Health is hereby authorized to enter into contracts for the purchase of equipment, supplies and services necessary to implement the Program, and that said contracts are payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

Section 2. That the existing title, Section 1 and Section 2 of Ordinance No. 1724-98, passed November 16, 1998, are hereby repealed.

Section 3. That Ordinance No. 1724-98, passed November 16, 1998, is hereby supplemented by adding new Section 4 thereof to read as follows:

Section 4. That the Director of Public Health shall provide notice to any Councilmember whose ward contains a test result which is in violation of the ordinances enforced by this Program.

Section 4. That existing Section 4 of Ordinance No. 1724-98, passed November 16, 1998, is hereby renumbered to new "Section 5".

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

Passed June 7, 1999.
Effective June 16, 1999.

Ord. No. 651-99.
By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to maintain, repair and test the life safety system, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, for a period not to exceed three 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 Parks, Recreation and Properties 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: labor and materials necessary to maintain, repair and test life safety system at the Cleveland Convention Center for a period not to exceed three years, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 67 SF 001, Request No. 22680.

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 June 7, 1999.
Effective June 16, 1999.

Ord. No. 654-99.
By Councilmen Jackson, Sweeney, Jones, Willis, Robinson and Johnson (by departmental request).

An emergency ordinance determining the method of making various public improvements as authorized by the Year XXV Community Development Block Grant, and authorizing the Directors of Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities to enter into contract for the making of the various public improvements.

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

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

Section 1. that, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, tree planting, road side beautification, and all other street improvements in each of the districts established by the Director of Community Development for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Directors of Public Service and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 1 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, resurfacing, grading, curbing, catch basins, sidewalks, handicap ramps, reconstructing tree lawns, and other street improvements in each of the districts established by the Director of Community Development for the Divisions of Streets and Engineering and Construction, Department of Public Service, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 4. That the Directors of Public Service and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvement set forth in Section 3, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service.

Section 5. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating parks, playgrounds, swimming pools, and recreation areas, including the installation of lighting, signs, streetscapes and related improvements, in each of the districts established by the Director of Community Development for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 6. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 5 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 7. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating parks, playgrounds, swimming pools, community centers, senior citizens' centers, recreation centers, and recreation areas in each of the districts established by the Director of Community Development for the Division of Maintenance, Department of Parks, Recreation and Properties, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 8. That the Directors of Parks, Recreation and Properties and Community Development are

hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for said improvement set forth in Section 7, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Maintenance, Department of Parks, Recreation and Properties.

Section 9. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating retention basins, culverts, sewers, catch basins, manholes and appurtenances, in each of the districts established by the Director of Community Development for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 10. That the Directors of Public Utilities and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 9 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided however that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 11. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing lighting on streets, parking lots, and recreation areas in each of the districts established by the Director of Community Development for the Division of Light and Power, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 12. That the Directors of Public Utilities and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 11 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided however that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 13. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing lighting on streets, parking lots, and recreation areas in each of the districts established by the Director of Community Development for the Division of Light and Power, Department of Public Utilities, by direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 14. That the Directors of Public Utilities and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for said improvement set forth in Section 13, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Light and Power, Department of Public Utilities.

Section 15. That the Directors of Parks, Recreation and Properties and Community Development are 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: furnish and plant trees in the Community Development Block Grant areas established by the Director of Community Development, for the Division of Parks Maintenance, Department of Parks, Recreation and Properties.

Section 16. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating swimming pools, recreation, community, and senior citizens' centers, including the installation of signs, in the Community Development Block Grant districts established by the Director of Community Development for the Division of Architecture, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 17. That the Directors of Public Service and Community Development are hereby authorized and directed to enter into contract for the making of the improvement set forth in Section 16 with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, upon all items constituting units of said improvement.

Section 18. That the Directors of Public Service and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies, equipment, and materials for the improvement set forth in Section 16, including the installation and the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Architecture, Department of Public Service.

Section 19. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining,

curbing, catch basins, tree lawns, streets, tree planting, roadside beautification, and all other improvements to streets and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Engineering and Construction, Department of Public Service. That the Directors of Public Service and Community Development are hereby authorized and directed to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 20. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, streets, tree planting, roadside beautification, and all other improvements to streets and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Streets, Department of Public Service. That the Directors of Public Service and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 21. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating of parks, playgrounds, swimming pools, including the installation of signs, and all other improvements to recreation areas and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Maintenance, Department of Parks, Recre-

ation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 22. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating of parks, playgrounds, swimming pools, including the installation of signs, and all other improvements to recreation areas and their appurtenances in the various Block Grant eligible areas, exclusive from the work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 23. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of retention basins, culverts, sewers, catch basins, manholes and their appurtenances, in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Water Pollution Control, Department of Public Utilities. That the Directors of Public Utilities and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the dis-

tricts established by the Director of Community Development.

Section 24. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing sidewalks, handicap ramps, curbing and reconstructing treelawns in areas of the City of Cleveland determined eligible by the Directors of Community Development and Public Service. The Directors of Community Development and Public Service are hereby authorized to enter into public improvement requirement contract with the lowest bidder after advertising for all such work during the period ending December 31, 2000, upon a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specified districts within the City.

Section 25. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating, and installing streets, parking lots, recreation area lighting and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Light and Power, Department of Public Utilities. That the Directors of Public Utilities and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 26. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of planting trees and installing accessories in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Parks and Urban Forestry, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each

of the districts established by the Director of Community Development.

Section 27. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of community centers, senior citizens' centers, recreation centers, and other public buildings, including the installation of signs, in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 28. That the Directors of Public Service, Parks, Recreation and Properties, and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 27 with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said directors the contractor shall furnish a correct schedule of unit prices, including profit and overhead, upon all items constituting units of said improvement.

Section 29. That the Directors of Public Service, Parks, Recreation and Properties, and Community Development are hereby authorized and directed 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: furniture and equipment to be utilized in conjunction with the making of the public improvement authorized in Section 27 above.

Section 30. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of community centers, senior citizens' centers, recreation centers, and other public buildings in the various Community Development Block Grant eligible areas, including the installation of recreational equipment, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Maintenance, Department of Parks, Recreation and Properties. That the Director of Parks, Recreation and Properties and Community Development are hereby authorized and directed to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for

the work to be done in each of the districts established by the Director of Community Development.

Section 31. That the Directors of Public Service, Parks, Recreation and Properties, Public Utilities and Community Development are hereby authorized and directed to employ by contract one or more architectural or engineering consultants or firms of architectural or engineering consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to prepare plans and specifications for and to oversee the public improvements authorized by the various sections of this ordinance. The selection of the consultants for such services shall be made by the Board of Control upon the nomination of the director or directors authorized to enter into the contract for the making of the public improvement from a list of qualified consultants available for such employment as may be determined after a full and complete canvass 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, and certified by the Director of Finance.

Section 32. That the Director of Finance shall certify the contracts authorized by Sections 19 through 26, inclusive, and Section 30 of this ordinance in the amount set forth in the initial requisition and thereafter he shall certify all orders placed by the Commissioner of Purchases and Supplies pursuant to the requisition issued against any such contract.

Section 33. That the costs of the improvements or contracts hereby authorized shall be paid from Fund Nos. 14 SF 021, 14 SF 022, 14 SF 023, 14 SF 024 and 14 SF 025.

Section 34. 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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 704-99.
By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of

dry cell batteries 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 City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 24626)

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 June 7, 1999.
Effective June 16, 1999.

Ord. No. 717-99.
By Councilmen Westbrook, Robinson and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of installing and maintaining dynamic/LED signs, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing and maintaining dynamic/LED signs, for the Divisions of Burke Lakefront Airport and Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Port Control is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director

the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105 and 60 SF 106, Request No. 24864.

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 718-99.
By Councilmen Gordon and Johnson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Saint Ann Foundation for the Immunization Action Plan Grant; and to enter into contract with Case Western Reserve University to implement the 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 \$20,000, and any other funds as they become available during the grant term, from the Saint Ann Foundation, to conduct the Immunization Action Plan Grant, 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. 718-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized to enter into contract with Case Western Reserve University for the Immunization Action Plan Grant through implementation of the HEALCorps Project as described in the application contained in the File.

Section 4. That the cost of the contract authorized above shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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 June 7, 1999.
Effective June 16, 1999.

Ord. No. 719-99.
By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 2041-97, passed December 15, 1997, relating to applying for and accepting grants from the Health Start Initiative, Maternal Child Health Bureau, U.S. Department of Health and Human Services for Phase II of the Healthy Family Healthy Start Program, Phase II; and to enter into contract with various entities to implement the 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 Section 1 of Ordinance No. 2041-97, passed December 15, 1997, is hereby amended to read as follows:

Section 1. That the Director of Public Health is hereby authorized to apply for and accept grants for Phase II of the Healthy Family Healthy Start Program, from the Health Start Initiative, Maternal Child Health Bureau, U.S. Department of Health and Human Services, each year for a period of five (5) years, in the approximate amount of \$3,146,000 for the first project year, and for such additional amounts as will become available for project years two through five, for the purposes set forth in the applications 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 grants; and that said funds be and they hereby are appropriated for the purposes set forth in the applications for said grants.

Section 2. That existing Section 1 of Ordinance No. 2041-97, passed December 15, 1997, is hereby repealed.

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

Passed June 7, 1999.
 Effective June 15, 1999.

Ord. No. 720-99.
By Councilmen Gordon and Johnson (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 Ryan White Planning and Evaluation 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 \$20,000 and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the Ryan White Planning and Evaluation 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. 720-99-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 June 7, 1999.
 Effective June 15, 1999.

Ord. No. 721-99.
By Councilmen Gordon and Johnson (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 State AIDS Community Based Care 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 \$62,125, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the State AIDS Community Based Care 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. 721-99-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 June 7, 1999.
 Effective June 15, 1999.

Ord. No. 722-99.
By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Cuyahoga County Board of Health for the 1999 Cuyahoga County Health Promotion Project.

Whereas, pursuant to Ordinance No. 419-99, Council authorized the Director of Public Health to apply for a grant to conduct the within described program; and

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

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

Section 1. That the Director of Public Health is hereby authorized to accept a grant in the amount of \$77,000, from the Cuyahoga County Board of Health, to conduct the 1999 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. 419-99-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 June 7, 1999.
 Effective June 15, 1999.

Ord. No. 723-99.
By Councilmen Gordon and Johnson (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 1999-2000 Federal Child Lead Poison Prevention Program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$424,525, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 1999-2000 Federal Child Lead Poison Prevention 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. 723-99-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 June 7, 1999.
 Effective June 15, 1999.

Ord. No. 727-99.
By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts to provide for the demolition, removal or the boarding up of structures within the City of Cleveland.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year XXV from the United States Government, 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 hereby authorized to enter into one or more contracts for the demolition, removal or the boarding up of structures within the City of Cleveland.

Section 2. That the cost of said contract or contracts shall be in an amount not to exceed \$1,822,000 and shall be paid from Fund No. 14 SF 025.

Section 3. That the Director of Community Development is authorized to accept monies in repayment under said program and to utilize said repayments and other program income in a revolving fund for making additional expenditures under this program.

Section 4. Authorizing the City to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of fees under the City's Demolition/Board Up Program.

Section 5. That the Director of the Department of Community Development be and is hereby authorized to enter into forbearance agreements with any recipient of a validly existing loan, administered by the City under the City's Demolition/Board Up Program.

Section 6. That the Director of Community Development is hereby authorized to charge and accept fees and to expend such fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited to and expended from Fund No. 14.

Section 7. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 728-99.
By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds for administrative expenses of the Department of Community Development; and for reimbursement of nonprofit subrecipients for the cost of the audits required by OMB Circular A-133.

Whereas, the City of Cleveland has received Community Development Block Grant, Year XXV, from the United States Government; 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 the Department of Community Development is hereby authorized to expend Community Development Block Grant funds in the amount of \$4,130,000 from Fund No. 14 SF 025, for the administrative expenses of the Department of Community Development in conjunction with the Community Development Block Grant Program, Year XXV, and pursuant to the following schedule:

Personnel	\$3,330,000
Other	\$800,000

Section 2. And that the Director of Community Development is authorized to expend funds listed in the above schedule under "Other" for entering into contracts or reimbursement of nonprofit subrecipients for the cost of the audits required by OMB Circular A-133.

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 730-99.
By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds and Federal HOME Program funds for the administration of the Housing Rehabilitation Programs.

Whereas, the City of Cleveland has received Community Development Block Grants, Year XXV from the United States Government; 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 the Department of Community Development is hereby authorized to expend Community Development Block Grant funds in the amount of \$1,335,119 from Fund No. 14 SF 025 and Federal HOME Program funds from Fund No. 13 SF 885, for the administration of the Housing Rehabilitation Programs in conjunction with the Community Development Block Grant Program, Years XXV, and pursuant to the following schedule:

Personnel	\$1,310,119
Other	\$25,000

Section 2. And that the Director of Community Development is authorized to enter into one or more contracts for professional services related to inspecting properties to comply with Section 8 Housing Quality Standards (HQS).

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 731-99.
By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds for the operation of the Storefront Renovation 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 the Department of Community Development is hereby authorized to expend Community Development Block Grant funds in the amount of \$1,150,000 from Fund No. 14 SF 025, for the operation of the Storefront Renovation Program for all related services including: to enter into rebate contracts with program applicants and to reimburse eligible administrative costs to local development corporations for implementation of the program.

Section 2. That the Director of Community Development is authorized to accept program income monies in repayment from local development corporations under the Storefront Renovation Program, to utilize this program income, other Community Development Block Grant program income and \$100,000 Kiosk program income for additional expenditures under the Storefront Renovation Program.

Section 3. Authorizing the City to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of fees under the City's Storefront Renovation Program.

Section 4. That the Director of the Department of Community Development be and is hereby authorized to enter into forbearance agreements with any recipient of a validly existing loan, administered by the City under the City's Storefront Renovation Program.

Section 5. That the Director of Community Development is hereby authorized to charge and accept fees and to expend such fees to cover costs incurred in the preparation of loan documents, closing, and serving costs. Such fees shall be deposited to and expended from Fund No. 14.

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

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 732-99.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to expend Community Development Block Grant funds for the operation of the Project Clean 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 expend Community Development Block Grant funds in the amount of \$500,000.00, from Fund No. 14 SF 025, for the operation of the Project Clean Program and that said Director and the Director of Community Development are hereby authorized to memorialize said expenditure through a memorandum of understanding.

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 779-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of insurance on computer equipment, for the Division of Information Systems Services, Department of Finance, for a period of one year, with two one-year options to renew.

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

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

Section 1. That the Director of Finance is hereby authorized to 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: insurance for computer equipment, for a one (1) year term commencing October 6, 1999, with two (2) options, exercisable by the Director of Finance, to renew for an additional consecutive one-year term, and cancelable upon thirty days written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 140, Request No. 24507.

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 780-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to lease space at the Ninth Street Plaza Building from MJM Management Company, or its designee, for a term not to exceed one year, with one option to renew for an additional one year term, for the public purpose of office space for the Division of Information Systems Services.

Whereas, the City of Cleveland requires certain space located on the fourth floor of the Ninth Street Plaza Building for the public purpose of leasing space for the offices of the Division of Information System Services; and

Whereas, MJM Management Company, or its designee, has proposed to lease said space to the City of Cleveland; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Finance is authorized to lease from MJM Management Company, or its designee, certain space more fully described as follows: The fourth floor of the Ninth Street Plaza Building, approximately 18,750 square feet of space.

Section 2. That the term of the lease authorized hereby shall be one (1) year commencing January 1, 2000, with one option exercisable by the Director of Finance to renew for an additional one year term, upon the same terms and conditions, including rental. The lease shall provide that the City may cancel at any time during the term upon six (6) months written notice from said Director.

Section 3. That the rent for the lease hereby authorized shall be \$14.50 per square foot, plus allocable utility, operating and maintenance costs.

Section 4. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties with the public purpose or purposes of leasing space for the offices of the Division of Information Systems Services.

Section 5. That the cost of the lease shall be paid from Fund No. 70 SF 140, Request No. 24502.

Section 6. That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

Section 7. That the Director of Finance and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may

be necessary or appropriate to effect the lease authorized by this ordinance.

Section 8. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 781-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of vehicle and equipment parts and supplies needed for the repair and maintenance of airport maintenance vehicles and 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 requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of vehicle and equipment parts and supplies needed for the repair and maintenance of airport maintenance vehicles and 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. 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 24872.)

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 785-99.**By Councilman Cimperman.**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain property located at the West Pier of the Cuyahoga River from the U.S. Department of the Army, Corps of Engineers for a term not to exceed twenty-five years with the City retaining the right to renew for an additional term, and authorizing the Director of Parks, Recreation and Properties to sublease said property to End Marina Development, Inc. for a coterminous term, for the public purpose of providing public access and use of the West Pier as well as providing access to the former Coast Guard Station.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease from the U.S. Department of Army, Corps of Engineers, certain property located at the West Pier of the Cuyahoga River and sublease said property to River's End Marina Development, Inc., and that the terms of the lease from U.S. Department of Army, Corps of Engineers shall pass through to the developer. Said property is more fully described as follows:

**LAND OF THE WEST PIER
OF THE CUYAHOGA RIVER**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot Number 51 and part of the submerged lands of Lake Erie, being a parcel of land bounded and described as follows:

Beginning in the Established U.S. Harbor Line, approved by the Secretary of War August 15, 1940, at a brass disk set in the West Pier of the Cuyahoga River, said point is designated as point "E" on the U.S. Corps of Engineers U.S. Harbor Line map;

Course No. 1: Thence North 54° 23' 38" East along the Northeasterly prolongation of said Harbor Line, 14.78 feet to its intersection with the Southwesterly line of the Cuyahoga River;

Course No. 2: Thence South 29° 46' 42" East along said Southwesterly line, 1015.13 feet to its intersection with a line drawn parallel with and distant Northwesterly 100 feet, by rectangular measurement from the old center line of the Cleveland and Toledo Railroad, said line being further known as the Southeasterly line of a parcel of land conveyed to the United States of America by deed dated July 20, 1898 and recorded in Volume 699, Page 147 of Cuyahoga County Records;

Course No. 3: Thence South 55° 05' 13" West along said Southeasterly line of land so conveyed, 36.64 feet to the most Southerly corner thereof;

Course No. 4: Thence North 29° 46' 57" West along the Southwesterly line of land so conveyed, 1014.68 feet to the most Westerly corner thereof and a point in the aforesaid Established U.S. Harbor Line;

Course No. 5: Thence North 54° 23' 38" East along said U.S. Harbor

Line, 21.98 feet to the aforesaid Brass Disk and the place of beginning, containing within said boundaries 37,078 square feet of land (0.8512 acres), this legal description has been prepared from records by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in November, 1994. The bearings contained herein are to an assumed meridian and are used to indicate angles only, be the same more or less, but subject to all legal highways and waterways.

Section 2. That the terms of the lease and sublease authorized by Section 1 shall be coterminous and shall not exceed twenty five (25) years with right of the City, as Lessee, to renew for an additional twenty-five (25) years.

Section 3. That the consideration for the lease and sublease authorized by Section 1 shall be the operation and maintenance of the property by River's End Marina Development, Inc. including the payment of all utilities and taxes, and any other expenses associated with the property.

Section 4. That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

Section 5. That the Director of Parks, Recreation and Properties and the Director of Law, and other appropriate City officials, are authorized to execute such documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease and sublease authorized by this ordinance.

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

Passed June 7, 1999.

Effective June 16, 1999.

Ord. No. 789-99.**By Councilmen Sweeney and Johnson (by departmental request).**

An emergency ordinance authorizing the purchase by requirement contract of labor and materials needed to repair, rebuild and replace cylinders, pumps, motors, valves, fuel injectors, drive shafts, gear boxes and trailers, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That the Director of Public 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 two (2) years for the necessary items of labor and materials needed to repair, rebuild and replace cylinders, pumps, motors, valves, fuel injectors, drive shafts, gear boxes and trailers, 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 two (2) 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. 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 24166)

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 June 7, 1999.

Effective June 15, 1999.

Ord. No. 790-99.**By Councilmen Sweeney and Johnson (by departmental request).**

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair, clean, recore and replace radiators, heater cores, gas tanks and air conditioning units in City vehicles and equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That the Director of Public 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 two (2) years for the necessary items of labor and materials necessary to repair, clean, recore or replace radiators, heater cores, gas tanks and air conditioning units in City vehicles and 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 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 two (2) 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. 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 24169)

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 791-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials needed to repair and replace automotive, truck and construction equipment glass, including related repairs, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That the Director of Public 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 two (2) years for the necessary items of labor and materials necessary to repair and replace automotive, truck and construction equipment glass, including related repairs 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 two (2) 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. 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 24168)

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 792-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of tire recapping, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That the Director of Public 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 two (2) years for the necessary items of tire recapping 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 two (2) 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. 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 24167)

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 June 7, 1999.
Effective June 16, 1999.

Ord. No. 794-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with Cleveland Action to Support Housing (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan 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 Cleveland Action to Support Housing (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs in the City of Cleveland.

Section 2. That the cost of said contract shall be in an amount not to exceed \$430,000.00, and shall be paid from Fund No. 14 SC 024 and 14 SC 025, RL 1284.

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 795-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Directors of Community Development and the Community Relations Board to expend Community Development Block Grant funds for fair housing services.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year XXV, from the United States Government; 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 the Community Relations Board is hereby authorized to expend Community Development Block Grant funds in the amount of \$100,000.00 from Fund No. 14 SC 025 RL 1282, for fair housing services in conjunction with the Community Development Block Grant Program.

Section 2. That said Director and the Director of Community Development are hereby authorized to enter into a memorandum of understanding for this program.

Section 3. That the Director of the Community Relations Board is hereby authorized to enter into contracts with outside agencies for the purpose of providing fair housing services in conjunction with the Community Development Block Grant Program.

Section 4. That the cost of the contracts authorized by Section 3 shall not exceed \$100,000.00.

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 797-99.

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

An emergency ordinance authorizing the Director of Aging to expend Community Development Block Grant funds for the Senior Homeowners Assistance Program (SHAP) and the CHORE Program.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year XXV, from the United States Government; 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 Aging is hereby authorized to expend Community Development Block Grant funds in the amount of Ninety-Eight Thousand Dollars (\$98,000.00), from Fund No. 14 SC 025 RL 1281, for the Senior Homeowners Assistance Program ("SHAP") and the CHORE Program in conjunction with the Community Development Block Grant Program. The Director of Aging shall appear before the Committee on Public Health in November of 1999 to report on the status of the Program.

Section 2. That said Director and the Director of Community Development are hereby authorized to enter into a memorandum of understanding for this program.

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 June 7, 1999.

Effective June 16, 1999.

Ord. No. 798-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds and Federal HOME funds for the operation of the Low Interest Loan and Grant Programs and to enter into contract with various agencies to implement these programs.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year XXV and Federal HOME grant funds, from the United States Government; 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 hereby authorized to expend Community Development Block Grant funds from Fund No. 14 SC 025, and Federal HOME: Program funds from Fund No. 13 SC 885, RL 1285, in the amount of \$6,796,000, for the operation of the Low Interest Loan and Grant Programs, including all related services, and to enter into contracts under those programs. The

Low Interest Loan and Grant Programs include: Repair-A-Home (RAH), Afford-A-Home (AAH), Senior Home Owners Assistance Program (SHAP), Paint Refund Program, Housewarming, Furnace Repair and Home Maintenance Assistance Program (HMAP).

Section 2. That the Director of Community Development is authorized to expend and to enter into one or more contracts with various non-profit agencies to implement the Low Interest Loan and Grant Programs in the City of Cleveland.

Section 3. That the Director of Community Development is authorized to accept monies in repayment under said programs and to utilize said repayments, and other program income in a revolving fund for additional expenditures under these programs and administrative expenses.

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 June 7, 1999.

Effective June 15, 1999.

Ord. No. 799-99.

By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contracts with Medical Mutual of Ohio, Medical Life Insurance Company, HMO Health Ohio, Kaiser Permanente, Aetna USHealthcare, Inc. to provide medical and life insurance coverage for City employees; and to enter into contract with a joint venture to provide dental insurance for City Employees.

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

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

Section 1. That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to enter into a contract with Medical Mutual of Ohio for SuperMed Plus group preferred provider medical insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1999, on the basis of its proposal dated October 15, 1998.

Section 2. That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to enter into a contract with Medical Mutual of Ohio for SuperMed Select point of service-style health insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1999, on the basis of its proposal dated October 15, 1998.

Section 3. That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to

enter into a contract with Medical Life Insurance Company for group term life insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1999, and voluntary additional group term life insurance coverage, and to obtain from Mutual Health Services Company Section 125 Premium Pass Through services, on the basis of its proposal dated February 10, 1999.

Section 4. That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to enter into a contract with HMO Health Ohio for health maintenance organization-style group health insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1999, on the basis of its proposal dated October 15, 1998.

Section 5. That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to enter into a contract with Kaiser Permanente for health maintenance organization-style group health insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1999, on the basis of its proposal dated October 28, 1998.

Section 6. That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to enter into a contract with Aetna U.S. Healthcare, Inc. for health maintenance organization-style group health insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1999, on the basis of its proposal dated November 16, 1998.

Section 7. That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to contract for the issuance of a policy or policies of dental insurance, on a joint venture basis, which joint venture shall include at least one minority insurance agency, to provide group dental insurance coverage for eligible City of Cleveland employees and officers for a one year term commencing April 1, 1999. The selection of the contractor for such services shall be made by the Director of Personnel and Human Resources after a full and complete canvass.

Section 8. That notwithstanding any Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to enter into contract with Mutual Health Services Company to provide administrative services for the City's Internal Revenue Code (IRC) Section 125 Plan, FlexPro, on the basis of a proposal.

Section 9. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 7, 1999.

Effective June 15, 1999.

Ord. No. 836-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into contract with the Alcohol, Drug Addiction and Mental Health Services/Alcohol and Drug Addiction Services Board of Cuyahoga County to provide alcohol and drug treatment services to Medicaid-eligible individuals, for the Division of Health, Department of Public Health.

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

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

Section 1. That the Director of Public Health is hereby authorized to enter into contract with the Alcohol, Drug Addiction and Mental Health Services/Alcohol and Drug Addiction Services Board of Cuyahoga County, under which the City will provide alcohol and drug treatment services to Medicaid-eligible individuals, during the period from July 1, 1999 through June 30, 2000. The contract shall provide that the City will receive compensation for performing such assessments in the estimated sum of \$48,451.00, and the Director of Finance is hereby authorized to receive and accept such compensation on behalf of the City.

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 837-99.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in Block A-3 of the Cleveland Industrial Park at 4545 Johnston Parkway, Cleveland, Ohio, to Scovil-Hanna Realty LLC.

Whereas, the Director of Economic Development has requested the sale of City-owned property no longer needed for public use and located in Block A-3 of the Cleveland Industrial Park at 4545 Johnston Parkway, Cleveland, Ohio; and

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

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

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

Lee-Seville Industrial Park
Block A-3

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being a part of Block "A" in the Lee-Seville/Cleveland Outerbelt Industrial Park, being a part of Original Warrensville Township Lot Nos. 81, 82 & 103 as shown by the recorded plat in Volume 231 of Maps, Page 42 of Cuyahoga County Records, further bounded and described as follows:

Commencing in the centerline of Johnston Parkway, S.E., (60 feet wide), at its intersection with the centerline of East 153rd Street (50 feet wide);

Thence North 84 degrees 23' 18" West along said centerline of Johnston Parkway, S.E., 462.57 feet to an angle point therein;

Thence North 2 degrees 49' 16" East, 30.00 feet to an angle point in the Northerly line of Johnston Parkway, S.E., and the principle place of beginning of the following described parcel;

Thence North 89 degrees 58' 10" West along said Northerly line, 198.12 feet to its intersection with the Southerly prolongation of the Easterly line of Sublot 1 in said Industrial Park;

Thence North 00 degrees 27' 00" West along said Southerly prolongation, 435.96 feet to be Southeast-erly corner of Sublot 1;

Thence North 89 degrees 34' 05" East along the Easterly prolongation of the Southerly line of said Sublot 1, 321.71 feet to a point therein;

Thence South 00 degrees 09' 18" East and parallel to the line of East 153rd Street, 450.40 feet to a point in the Northerly line of Johnston Parkway, S.E.;

Thence North 84 degrees 23' 18" West along said Northerly line, 121.95 feet to the principle place of beginning.

Containing within said bounds, an area of about 3.2345 Acres of land, be the same more or less, but subject to all legal highways, easements, and restrictions of record.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Scovil-Hanna Realty, LLC at a price not less than fair market value as determined by the Board of Control.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 879-99.

By Councilmen Willis and Johnson (by departmental request).

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

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials needed to repair and install fencing in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 22125)

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 June 7, 1999.
Effective June 15, 1999, without the signature of the Mayor.

Ord. No. 880-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one payment processor envelope extractor machine, for the Division of Utilities Fiscal 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 contract in accor-

dance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one (1) payment processor envelope extractor machine, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Utilities Fiscal Control, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 50 SF 001, Request No. 23376.

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 881-99.
By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants necessary to prepare the 1999 annual reports and consumer information materials, for the Division of Water, Cleveland Public Power and Water Pollution Control.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to employ by contract one or more public relations firms for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to prepare the 1999 annual reports and other consumer information materials for the Division of Water, Cleveland Public Power and Water Pollution Control, including but not limited to research, writing, creative design, photographs, artwork, layout, preparation of camera-ready reproduction and offset lithographic reproduction and other related services.

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

Section 2. That the costs for such services herein contemplated shall be paid from Fund Nos. 52 SF 001, 58 SF 001 and 54 SF 001, Request No. 24063.

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 June 7, 1999.
Effective June 16, 1999.

Ord. No. 882-99.
By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide professional services to design, layout, produce and distribute the 1999 and 2000 water quality reports and other periodic reports, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design, layout, produce and distribute the 1999 and 2000 water quality reports and other periodic reports, including but not limited to writing, photography, artwork, and offset lithographic reproduction, for the Division of Water.

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

Section 2. That the costs for such services herein contemplated shall be paid from Fund No. 52 SF 001, Request No. 24060.

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 888-99.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various salt spreader, insert and plow parts, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That the Director of Public 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 two (2) years for the necessary items of various salt spreader, insert and plow parts, including installation if necessary, 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 two (2) 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. 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 24170)

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 890-99.
By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various equipment, controls and related supplies for heating, ventilating, air conditioning, and refrigeration equipment, for the Division of Property Management, 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 equipment, controls and related supplies for heating, ventilating, air conditioning, and refrigeration equipment, in the approximate amount of \$165,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Property Management, 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. 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 21712)

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 June 7, 1999.

Effective June 16, 1999.

**Ord. No. 900-99.
By Councilman Johnson (by
departmental request).**

An emergency ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$16,120,000 for the purpose of providing funds to improve the municipal street system and related facilities and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds; to authorize agreements with respect to the Bonds; and to authorize the issuance of notes in anticipation of such Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Sixteen Million One Hundred Twenty Thousand Dollars (\$16,120,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is seventeen (17) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Sixteen Million One Hundred Twenty Thousand Dollars (\$16,120,000) for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveway approaches and pedestrian walkways as designated, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving retaining walls, relocating certain utilities, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing signs, signals, markings and other devices for traffic control purposes, together with the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto, and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such Bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Bridges and Roadways Improvement Bonds, Series 1999". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of August 1, 1999, or such other date, but in no event later than December 31, 1999, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year

specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed seven percent (7%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed seven percent (7%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on May 15 and November 15 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning November 15, 1999 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on November 15 in seventeen (17) substantially equal annual installments, beginning November 15, 2000, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 1999 and no later than August 1, 2001, (iii) the final maturity date of the Bonds shall be no later than seventeen (17) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates

pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, or the Director of Finance may determine that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity. In the event that the Bonds are callable, the earliest date for optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice

from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validi-

ty of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms

not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Firststar Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 900-99-A. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be

changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial inter-

ests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Original Purchaser"); provided, however, that if, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in

its capacity as Original Purchaser with respect to the Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever actions may be necessary to terminate that underwriter's standing as Original Purchaser.

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by

the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified inde-

pendent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1999". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds

are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such

redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Sixteen Million One Hundred Twenty Thousand Dollars (\$16,120,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Bridges and Roadways Improvement Bond Anticipation Notes, Series 1999"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. In connection with the issuance of the Notes and the Bonds, Carmona Motley Hoffmann, Inc. shall serve as the financial advisor of the City. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or

before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Firststar Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance

with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1999". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been

issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an

item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City

regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful author-

ity, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

Passed June 7, 1999.

Effective June 15, 1999.

Ord. No. 901-99.
By Councilman Johnson (by departmental request).

An emergency ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$900,000 for the purpose of providing funds for the acquisition and improvement of fire-fighting apparatus and equipment, and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds; to authorize agreements with respect to the bonds; and to authorize the issuance of notes in anticipation of such Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Nine Hundred Thousand Dollars (\$900,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is ten (10) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Nine Hundred Thousand Dollars (\$900,000) for the purpose of acquiring, rehabilitating, installing, enlarging, renovating, equipping, and otherwise improving fire-fighting apparatus and equipment, including fire trucks and aerial ladders, together with all appurtenances necessary and incidental thereto and for the purpose of paying capitalized interest and all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such Bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Fire-Fighting Apparatus Improvement Bonds, Series 1999". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of August 1, 1999, or such other date, but in no event later than December 31, 1999, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed seven percent (7%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed seven percent (7%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on May 15 and November 15 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning November 15,

1999 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on November 15 in ten (10) substantially equal annual installments, beginning November 15, 2000, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 1999 and no later than August 1, 2001, (iii) the final maturity date of the Bonds shall be no later than ten (10) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied

with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, or the Director of Finance may determine that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity. In the event that the Bonds are callable, the earliest date for optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price

thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if

notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provid-

ed, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Firstar Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 901-99-A. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of

the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and regis-

tered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Original Purchaser"); provided, however, that if, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever actions may be necessary to terminate that underwriter's standing as Original Purchaser.

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal

amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause

to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1999". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, war-

rants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be

transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Nine Hundred Thousand Dollars (\$900,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Fire-Fighting Apparatus Improvement Bond Anticipation Notes, Series 1999"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. In connection with the issuance of the Notes and the Bonds, Carmona Motley Hoffmann, Inc. shall serve as the financial advisor of the City. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Firststar Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimburse-

ment of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes

with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1999". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided,

however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and

(v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the

costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

Passed June 7, 1999.

Effective June 15, 1999.

Ord. No. 902-99.
By Councilman Johnson (by departmental request).

An emergency ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$4,960,000 for the purpose of providing funds for improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds; to authorize agreements with respect to the Bonds; and to authorize the issuance of notes in anticipation of such Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Four Million Nine Hundred Sixty Thousand Dollars (\$4,960,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Four Million Nine Hundred

Sixty Thousand Dollars (\$4,960,000) for the purpose of providing funds for constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, police stations, fire stations, service stations, centers and facilities, waste collection, transfer and disposal facilities, and health facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose, and for the purpose of paying capitalized interest and all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such Bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Public Facilities Improvement Bonds, Series 1999". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of August 1, 1999, or such other date, but in no event later than December 31, 1999, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed seven percent (7%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed seven percent (7%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on May 15 and November 15 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning November 15, 1999 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on November 15 in twenty (20) substantially equal annual installments, beginning November 15, 2000, or according to the schedule set forth in the Certificate of Award, provid-

ed that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 1999 and no later than August 1, 2001, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund

Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, or the Director of Finance may determine that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity. In the event that the Bonds are callable, the earliest date for optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than

all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmaturing and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposit-

ed in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the

seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Firststar Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 902-99-A. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner

equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the

system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Original Purchaser"); provided, however, that if, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever actions may be necessary to terminate that underwriter's standing as Original Purchaser.

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any

other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf

of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1999". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied

on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held

and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Four Million Nine Hundred Sixty Thousand Dollars (\$4,960,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Public Facilities Improvement Bond Anticipation Notes, Series 1999"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. In connection with the issuance of the Notes and the Bonds, Carmona Motley Hoffmann, Inc. shall serve as the financial advisor of the City. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Firststar Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will

cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1999". The Notes shall contain a summary statement of purposes encompassing the purpose

for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt

service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as

required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

Passed June 7, 1999.

Effective June 16, 1999.

Ord. No. 903-99.
By Councilman Johnson (by departmental request).

An emergency ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$3,640,000 for the purpose of providing funds to improve municipal parks and recreation facilities and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds; to authorize agreements with respect to the Bonds; and to authorize the issuance of notes in anticipation of such Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Three Million Six Hundred Forty Thousand Dollars (\$3,640,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Three Million Six Hundred Forty Thousand Dollars (\$3,640,000) for the purpose of providing funds to improve municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures,

furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate, and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such Bonds.

Section 2. Authority and Terms.

The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Parks and Recreation Facilities Improvement Bonds, Series 1999". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of August 1, 1999, or such other date, but in no event later than December 31, 1999, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed seven percent (7%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed seven percent (7%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on May 15 and November 15 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning November 15, 1999 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on November 15 in twenty (20) substantially equal annual installments, beginning November 15, 2000, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 1999 and no later than August 1, 2001, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve months prior to the first date on which provision for payment of

principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit

against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, or the Director of Finance may determine that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity. In the event that the Bonds are callable, the earliest date for optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000

unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmaturing and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively,

upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Firststar Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and

paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 903-99-A. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar

shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository

for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Original Purchaser"); provided, however, that if, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever actions may be necessary to terminate that underwriter's standing as Original Purchaser.

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the

City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to deter-

mine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1999". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds.

The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordini-

nance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver

to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Three

Million Six Hundred Forty Thousand Dollars (\$3,640,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Parks and Recreation Facilities Improvement Bond Anticipation Notes, Series 1999"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. In connection with the issuance of the Notes and the Bonds, Carmona Motley Hoffmann, Inc. shall serve as the financial advisor of the City. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Firstar Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on

the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1999". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be

a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or

any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes

and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recit-

ed, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

Passed June 7, 1999.
Effective June 16, 1999.

Ord. No. 904-99.

By Councilman Johnson (by departmental request).

An emergency ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$2,310,000 for the purpose of providing funds for public improvements of municipal properties and easements in residential neighborhoods and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds; to authorize agreements with respect to the Bonds; and to authorize the issuance of notes in anticipation of such Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Two Million Three Hundred Ten Thousand Dollars (\$2,310,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Two Million Three Hundred Ten Thousand Dollars (\$2,310,000) for the purpose of providing funds for public improvements of streets and municipal properties and easements in residential neighborhoods by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary and installing street lighting and signs, signals, markings and other devices for traffic control together with the provision of all necessary and incidental appurtenances in all cases, including the

acquisition of any required real estate and interests in real estate, and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such Bonds.

Section 2. Authority and Terms.

The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Residential Neighborhoods Improvement Bonds, Series 1999". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of August 1, 1999, or such other date, but in no event later than December 31, 1999, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed seven percent (7%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed seven percent (7%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on May 15 and November 15 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning November 15, 1999 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on November 15 in twenty (20) substantially equal annual installments, beginning November 15, 2000, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 1999 and no later than August 1, 2001, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fis-

cal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased

and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, or the Director of Finance may determine that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity. In the event that the Bonds are callable, the earliest date for optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000.

If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Firststar Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the

"Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 904-99-A. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unexpired principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the

City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Original Purchaser"); provided, however, that if, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever actions may be necessary to terminate that underwriter's standing as Original Purchaser.

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with

this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official State-

ment and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1999". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of

the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding

Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Two Million Three Hundred Ten Thousand Dollars (\$2,310,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes.

The Notes shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Residential Neighborhoods Improvement Bond Anticipation Notes, Series 1999"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. In connection with the issuance of the Notes and the Bonds, Carmona Motley Hoffmann, Inc. shall serve as the financial advisor of the City. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Firststar Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal cor-

porate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1999". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and

shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect

to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have

happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all mem-

bers 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 date allowed by law.

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 950-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of diesel fuel, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That 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 for the necessary items of diesel fuel 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 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 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 1714)

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 June 7, 1999.
Effective June 16, 1999.

Ord. No. 954-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Department of Health and Human Services, Maternal & Child Health Bureau for Phase II, Years 3 and 4, of the Healthy Family Healthy Start Program; and to enter into contracts with various entities to implement the program.

Whereas, this ordinance constitutes an emergency measure provid-

ing 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 \$4,375,000, and any other funds as they become available during the grant term, from the Department of Health and Human Services, Maternal & Child Health Bureau, to conduct Phase II, Years 3 and 4, of the Healthy Family Healthy Start 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. 954-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized to enter into a contract or contracts with various entities, including but not limited to Neighborhood Centers Association, CWRU/Infant Mortality Review, Northeast Ohio Neighborhood Health Services (NEON), and the Cleveland Municipal School System, for the implementation of the program, as described in the application, and that said contracts are payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

Section 4. That the Director of Public Health shall appear before the Committee on Public Health every six months beginning December, 1999 through the completion of Phase II, to report on the status of the program.

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 June 7, 1999.

Effective June 16, 1999.

Ord. No. 955-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1999-2000 Drug Prevention, Treatment and Intervention Program; to enter into an agreement with said Board for the City to receive payments from the Medicaid program; to enter into contract authorizing said director to employ one or more professional medical consultants to provide medical services, and to enter into contract for the lease of a facility necessary to implement the 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 \$464,530.00, from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1999-2000 Drug Prevention, Treatment and Intervention 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. 955-99-A, made a part hereof as if fully rewritten herein is hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized to enter into an Agreement with the Alcohol and Drug Addiction Services Board of Cuyahoga County for the City to receive payments from the Medicaid programs for alcohol and drug addiction services provided by the City.

Section 4. That the Director of Public Health is hereby authorized to employ by contract one or more medical professionals for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the program as described in the application.

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

Section 5. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is hereby authorized to lease a facility for the implementation of the grant. The term of the lease shall not exceed the grant period.

That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the purposes of the grant. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

That the Director of Public Health, the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 6. That the costs for such lease and services herein contemplated shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

Section 7. That the Director of Public Health shall appear before the Committee on Public Health in December, 1999 to report on the status of the program.

Section 8. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 7, 1999.

Effective June 16, 1999.

Ord. No. 958-99.

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

An emergency ordinance to amend Section 341.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2035-87, passed October 19, 1987, relating to public land protective districts.

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 341.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2035-87, passed October 19, 1987, is hereby amended to read as follows:

Section 341.01 Purpose

(a) In keeping with its general policy of encouraging the best possible development of the City, Council feels that it is essential to the economic soundness and welfare of the City that the attractiveness of certain areas be enhanced and protected. The economic and social welfare of the City requires reasonable controls over the character, design, placement and relationship of buildings and structures adjoining and in the neighborhood of the Mall, public parks and other public open spaces. The people of the City have invested large sums of money in the development and maintenance of the Mall, public parks and other public open spaces, which investment has in itself enhanced the value of adjoining and neighboring lands.

Therefore, it is declared to be the policy of the City that reasonable controls over the character and design of buildings and structures adjoining or in the neighborhood of the Mall, public parks and other public open spaces within the City in order to provide and protect the light and air available for these areas, thus promoting the public health, safety, morals, comfort, prosperity and general welfare.

(b) Pursuant to division (a) of this section, Public Land Protective District is hereby created, bounded and described as follows:

**PUBLIC LAND
PROTECTIVE DISTRICT**

Beginning at the intersection of the center line of East 13th Street and the center line of Superior Avenue, N.E.;

Thence Southwesterly along said center line of Superior Avenue, N.E. to its intersection with the center line of East 9th Street;

Thence Southeasterly along said center line of East 9th Street to its intersection with the center line of Vincent Avenue, N.E.;

Thence Southwesterly along said center line of Vincent Avenue, N.E. to its intersection with the center line of East 6th Street;

Thence Southeasterly and Southwesterly along said center line of East 6th Street to its intersection with the center line of Euclid Avenue;

Thence Westerly along said center line of Euclid Avenue to its intersection with the center line of the Southerly side of Public Square;

Thence Southwesterly along said center line of the Southerly side of Public Square to its intersection with the center line of Ontario Street;

Thence Southeasterly along said center line of Ontario Street and continuing Southeasterly along the center line of Broadway to its intersection with the center line of Scranton Road, S.E.;

Thence Southwesterly and Northwesterly along said center line of Scranton Road, S.E. to the center line of the Cuyahoga River;

Thence Northerly and Westerly along said center line of the Cuyahoga River to its intersection with the center line of the Carter Road Bridge;

Thence Northwesterly along said center line of the Carter Road Bridge to its intersection with the center line of Canal Road;

Thence Westerly along said center line of Canal Road to its intersection with the center line of Columbus Road;

Thence Southwesterly along said center line of Columbus Road to its intersection with the center line of West Street;

Thence Northwesterly along the center line of West Street to its intersection with the center line of Merwin Street;

Thence Southwesterly along said center line of Merwin Street to its intersection with the center line of Center Street;

Thence Northwesterly along said center line of Center Street to its intersection with the center line of the Cuyahoga River;

Thence Southwesterly and Southeasterly along said center line to its intersection with the center line of the Columbus Road Bridge;

Thence Southwesterly along said center line of the Columbus Road Bridge and Columbus Road to the center line of the Hope Memorial Bridge;

Thence Westerly along said center line of the Hope Memorial Bridge to the center line of West 25th Street;

Thence Northerly along the center line of West 25th Street to its intersection with the center line of West Superior Avenue;

Thence Northeasterly along said center line of West Superior Avenue and the Superior Viaduct and along its Northeasterly prolongation to its intersection with the Northwesterly prolongation of the center line of West Superior Avenue;

Thence Northeasterly along said prolongation of the center line of West Superior Avenue and along said center line of West Superior Avenue to its intersection with the center line of West 10th Street;

Thence Northwesterly and Northwesterly along said center line of West 10th Street to its intersection with the center line of West St. Clair Avenue, N.W.;

Thence Westerly along said center line of West St. Clair Avenue N.W., to its intersection with the center line of West 10th Street;

Thence Northwesterly and Northwesterly along said center line of West 10th Street to its intersection with the center line of Front Avenue;

Thence Westerly along said center line of Front Avenue N.W. to its intersection with the center line of the Cuyahoga River;

Thence Northerly along said center line of the Cuyahoga River to its intersection with the shore line of Lake Erie;

Thence following the shore line of Lake Erie in an Easterly direction to its intersection with the Northwesterly prolongation of the center line of East 13th Street;

Thence Southeasterly along said Northwesterly prolongation and along said center line of East 13th Street to the place of beginning, and as outlined in red on the map here to attached be and the same is now defined as the Public Land Protective District.

Section 2. That existing Section 341.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2035-87, passed October 19, 1987, is hereby repealed.

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

Passed June 7, 1999.

Effective June 16, 1999.

Ord. No. 959-99.

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

An emergency ordinance to amend Sections 1, 3 and 4 of Ordinance No. 2831-86, passed February 9, 1987, as amended; to supplement said ordinance by adding new Sections 3(a), 5, 6, 7, 8 and 9; and to renumber existing Section 5 to new Section 11, relating to establishing a Community Reinvestment Area in the area bounded by Lakeside Avenue on the north, W. 6th Street on the east, St. Clair Avenue on the south, and W. 9th Street on the west; and to repeal Ordinance Nos. 1937-96, 1938-96, 550-96, 1866-97, 915-98, 2195-97 and 395-97, relative thereto.

Whereas, Ordinance No. 2831-86, passed February 9, 1987, established a Community Reinvestment Area in the area bounded by Lakeside Avenue on the north, W. 6th Street on the east, St. Clair Avenue on the south, and W. 9th Street on the west, and was subsequently amended by Ordinance No. 1171-94, passed July 20, 1994; and

Whereas, the City desires to expand the Community Reinvestment Area established by Ordinance No. 2831-86 to include the entire area described in Section 341.01 and Section 341.02 of the Codified Ordinances of Cleveland, Ohio, 1976; and

Whereas, the area described in Section 341.01 and Section 341.02 of the Codified Ordinances of Cleveland, Ohio, 1976, is one in which

housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged; and

Whereas, the City Planning Commission has surveyed the area described in Section 341.01 and Section 341.02 of the Codified Ordinances of Cleveland, Ohio, 1976, and has presented findings showing that the area is blighted and deteriorated; 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 Sections 1 and 4 of Ordinance No. 2831-86, passed February 9, 1987, and Section 3 of Ordinance No. 2831-86, passed February 9, 1987, as amended by Ordinance No. 1171-84, passed July 20, 1994, are hereby amended to read, respectively, as follows:

Section 1. That it is hereby found and determined that the area bounded by Lakeside Avenue on the north, West 6th Street on the east, St. Clair Avenue on the south, and West 9th Street on the west is expanded to include the area described in Section 341.01 of the Codified Ordinances of Cleveland, Ohio, 1976, up through and inclusive of the amendment made by Ordinance No. 958-99, passed _____, and the area described in Section 341.02 of the Codified Ordinances of Cleveland, Ohio, 1976, up through and inclusive of the amendment made by Ordinance No. 199-88, passed on March 21, 1988, and that this area is a blighted and deteriorated area and one in which housing facilities or structures of historical significance are located and new construction and repair of existing facilities or structures is discouraged. Notwithstanding the provisions of Section 303.11 of the Codified Ordinances, properties which are located within the area described above and that are also located within the Public Land Protective District, and/or a business revitalization district, a historic district, and any other district requiring design review shall be subject to the protocol developed by the Directors of Community Development and City Planning, which shall be reviewed and approved by the City Planning Committee.

Within ninety (90) days of the effective date of this ordinance, the Directors of Community Development and City Planning shall present to the City Planning Committee for review and approval a protocol for design review of properties which are located in the area described in Section 341.01 of the Codified Ordinances of Cleveland, Ohio, 1976, up through and inclusive of the amendment made by Ordinance No. 958-99, passed _____, and the area described in Section 341.02 of the Codified Ordinances of Cleveland, Ohio, 1976, up through and inclusive of the amendment made by Ordinance No. 199-88, passed on March 21, 1988, and which are also located in the Public Land Protective District, and/or business revitalization districts, historic districts and any other district requiring design review.

Section 3. That the conversion of three buildings known as Hoyt Block II, located at 750-850 West St. Clair Avenue (Permanent Parcel No.

101-09-018), into approximately 55 units of multi-family residential housing in the Community Reinvestment Area hereinabove described is declared to be a public purpose for which exemption from real property taxation at Seventy Five percent (75%) of the dollar amount by which the new construction or remodeling increased the market value of the property may be granted for the following periods:

(a) For every dwelling containing more than two (2) units, upon which the cost of remodeling is at least Five Thousand Dollars (\$5,000.00), fifteen (15) years for the residential units only.

The exemption set forth above applies only to the multi-family residential project located at Permanent Parcel No. 101-09-018 and shall not apply to any other multi-family residential projects located in the Community Reinvestment Area hereinabove described.

Section 4. That the Commissioner of Neighborhood Development for the City of Cleveland shall serve as the Housing Officer, as defined in Chapter 3735 of the Ohio Revised Code, for the Community Reinvestment Area described hereinabove and shall administer all activities carried out pursuant to Chapter 3735 of the Ohio Revised Code and this ordinance.

Section 2. That existing Sections 1 and 4 of Ordinance No. 2831-86, passed February 9, 1987, and Section 3 of Ordinance No. 2831-86, passed February 9, 1987, as amended by Ordinance No. 1171-84, passed July 20, 1994, are hereby repealed.

Section 3. That Ordinance No. 2831-86, passed February 9, 1987, as amended by Ordinance No. 1171-84, passed July 20, 1994, is hereby supplemented by adding new Sections 3(a), 5, 6, 7, 8 and 9 to read, respectively, as follows:

Section 3(a). That the construction of new structures and the remodeling of existing structures in the projects listed below, which are located in the Community Reinvestment Area described hereinabove, have been declared to be a public purpose for which exemptions from real property taxation were granted under Ordinances 1937-96, passed December 16, 1996; 1938-96, passed December 16, 1996; 550-96, passed June 10, 1996; 1866-97, passed December 15, 1997; 915-98, passed July 29, 1998; 2195-97, passed June 15, 1998; 395-97, passed June 16, 1997; 864-96, passed May 20, 1996; and 1457-95, passed September 25, 1995 and which shall be honored under the terms set forth in those ordinances and as restated below:

a. The construction of six townhouses at Kirkham Place at 1401-11 West 10th Street in the Historic Warehouse District (Permanent Parcel No. 101-14-028) is hereby declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(i) The owners of such real property located within Permanent Parcel No. 101-14-028 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of fifteen (15) years for 75% of the assessed taxes for the construction activities described above.

b. Exemption from real property taxation for the following multi-family residential projects in the Com-

munity Reinvestment Area described hereinabove is authorized as follows:

(i) The conversion of the Bardons and Oliver Buildings located at 1133 West Ninth Street (Permanent Parcel Nos. 101-08-006 and 101-08-007) into approximately 100 apartments is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

a) The owners of such real property located within Permanent Parcel Nos. 101-08-006 and 101-08-007 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for years 1-5; 50% of the assessed taxes for years 6-10, and 25% of the assessed taxes for years 11-12 for the residential improvements described above.

(ii) The conversion of three vacant buildings located at 1001 Huron Road (Permanent Parcel No. 101-36-022), 1020 Huron Road (Permanent Parcel Nos. 101-36-028 to 101-36-031) and 1104 Prospect Avenue (Permanent Parcel No. 101-36-042) into approximately 165 units is declared to be a public purpose for which exemption from real property taxation shall be granted as follows:

a) The owners of such real property located within Permanent Parcel Nos. 101-36-022, 101-36-028 to 101-36-031, and 101-36-042 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for years 1-5; 50% of the assessed taxes for years 6-10, and 25% of the assessed taxes for years 11-12 for the residential improvements described above.

(iii) The construction of approximately 12 residential apartments in the area located at 1895-1905 West 25th Street (Permanent Parcel No. 003-23-033) (Metzner Building) is hereby declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property located within Permanent Parcel No. 003-23-033 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for the construction activities described above.

(iv) The renovation of the four inter-connected buildings that comprise Otis Terminals located at 1300 West Ninth Street (Permanent Parcel Nos. 101-13-005 and 101-13-004) into approximately 249 multi-family residential units is hereby declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property located within Permanent Parcel Nos. 101-13-005 and 101-13-004 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for years 1-5; 50% of the assessed taxes for years 6-10, and 25% of the assessed taxes for years 11-12 for the construction activities described above.

(v) The renovation of four buildings, located at 750 Prospect Avenue (Permanent Parcel No. 101-29-007), known as Pointe at Gateway, to include 42 market rate apartments is hereby declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

a) The owner of such real property located in Permanent Parcel No. 101-29-007 in the Community Reinvestment Area described above may file an application for real property taxation with the Commissioner of Neighborhood Development for a period of twelve (12) years for 75% of the assessed taxes on the construction activities described above.

(vi) The renovation of the building known as Windsor Block located at 322, 328, 334 and 340 Euclid Avenue (Permanent Parcel Nos. 101-26-033, 101-26-034, 101-26-035, 101-26-036, 101-26-064) into approximately 42 residential units is hereby declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property located within Permanent Parcel Nos. 101-26-033, 101-26-034, 101-26-035, 101-26-036, 101-26-064 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for years 1-5; 50% of the assessed taxes for years 6-10, and 25% of the assessed taxes for years 11-12 for the construction activities described above.

The terms set forth for the projects listed above apply only to those projects and shall not apply to any construction or remodeling of single-family, two-family, or multi-family residential properties which commences after the effective date of this amending ordinance.

Section 5. (a) That the construction or remodeling of any other multi-family structure, located in the Community Reinvestment Area described hereinabove, for which construction or remodeling is begun after the effective date of this amending ordinance, is declared to be a public purpose for which exemptions from real property taxation may be granted as follows:

The owners of such multi-family real property may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for construction or remodeling of such property which commences after the effective date of this amending ordinance under the terms set forth below:

(i) For new construction of Low Income Housing Tax Credit multi-family projects where 50% or more of the occupants qualify as low income residents per the tax credit laws, seventy-five percent (75%) of the assessed value of the new structure for a period of twelve (12) years;

(ii) For Low Income Housing Tax Credit multi-family projects upon which the cost of remodeling is at least Fifteen Thousand Dollars (\$15,000.00) per unit or Five Hundred Thousand Dollars (\$500,000.00) per structure and where 50% or more of the occupants qualify as low income residents per the tax credit laws, seventy-five percent (75%) of the dollar amount by which remodel-

eling increased the market value of the structure for a period of twelve (12) years;

(iii) For multi-family residential projects utilizing historic tax credits upon which the cost of remodeling is at least Fifteen Thousand Dollars (\$15,000.00) per unit or Five Hundred Thousand Dollars (\$500,000.00) per structure, a period of twelve (12) years for 75% of the dollar amount by which the remodeling increased the market value of the structure for years 1-5, 50% of the dollar amount by which the remodeling increased the market value of the structure for years 6-10, and 25% of the dollar amount by which the remodeling increased the market value of the structure for years 11-12;

(iv) For the construction of all other multi-family residential projects, seventy-five percent (75%) of the assessed value of the new construction for a period of fifteen (15) years;

(v) For the remodeling of all other multi-family residential projects upon which the cost of remodeling is at least Fifteen Thousand Dollars (\$15,000.00) per unit or Five Hundred Thousand Dollars (\$500,000.00) per structure, a period of twelve (12) years for 75% of the dollar amount by which the remodeling increased the market value of the structure for years 1-5, 50% of the dollar amount by which the remodeling increased the market value of the structure for years 6-10, and 25% of the dollar amount by which the remodeling increased the market value of the structure for years 11-12.

The tax exemption rate schedule set forth above shall remain in effect from the effective date of this ordinance until December 15, 1999, but may be withdrawn sooner upon written request of the President of Cleveland City Council to the Director of Community Development. During such period until December 15, 1999, no tax exemption shall be granted without the prior written consent of the Councilmember in whose ward the property is located.

Section 6. That the Community Reinvestment Area hereinabove described shall expire on June 15, 2002, unless an extension is authorized by an amendment by Council.

Section 7. That the Department of Community Development shall present to City Council a biennial review concerning the status of all abatements that have been granted to property owners within the CRA created above and shall include a full report on the technical implications of sunsetting this ordinance.

Section 8. That pursuant to Ohio Revised Code Section 5709.85, the Tax Incentive Review Council of the City of Cleveland on an annual basis shall review the abatements from property taxation which have been granted in the Community Reinvestment Area hereinabove described and shall make recommendations to the Director of Community Development as authorized under Ohio Revised Code Section 5709.85.

Section 9. That pursuant to Ohio Revised Code Section 3735.69, a Housing Council shall be appointed for the Community Reinvestment Area hereinabove described. The Housing Council shall make an annual inspection or the properties within the Community Reinvestment Area hereinabove described for which abatements have been granted

under Ohio Revised Code Section 3735.67 and shall hear appeals pursuant to Ohio Revised Code Section 3735.70.

Section 10. That the Director of Community Development is authorized and directed to commission a study to determine the appropriate tax exemption terms and levels for the City of Cleveland. The results of that study shall be provided to the Chairman of the Committee on Community and Economic Development and to the Clerk of Cleveland City Council no later than October 1, 1999. Council may as a result of that study, or sooner, modify from time to time the tax exemption rate schedule set forth above; however, such modification shall not be considered an amendment to this legislation. Council acknowledges that such modification may be required to meet the economic conditions existing in the City of Cleveland.

Section 4. That existing Section 5 of Ordinance No. 2831-86, passed February 9, 1987, is hereby renumbered to new "Section 11".

Section 5. That the following ordinances are hereby repealed:

Ordinance No. 1937-96, passed December 16, 1996,

Ordinance No. 1938-96, passed December 16, 1996,

Ordinance No. 550-96, passed June 10, 1996,

Ordinance No. 1866-97, passed December 15, 1997,

Ordinance No. 915-98, passed July 29, 1998,

Ordinance No. 2195-97, passed June 15, 1998,

Ordinance No. 395-97, passed June 16, 1997.

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

Passed June 7, 1999.

Effective June 16, 1999.

Ord. No. 960-99.

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

An emergency ordinance to amend Sections 1, 3 and 4 of Ordinance No. 1776-A-90, passed April 22, 1991; relating to establishing the City of Cleveland, except the area defined as the "Downtown Plan Area" by the Civic Vision 2000 Plan, as a Community Reinvestment Area, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain findings and determinations in connection therewith; and to repeal Ordinance Nos. 1865-97, 2366-91, 2122-96, 1788-97, 157-98, 1167-96, 1316-97, 1932-97, 553-96, 1512-93, 93-96, 1352-90, 2283-95, and 1884-91, passed by various ordinances, relating thereto; and to supplement said ordinance by adding new Sections 4a., 4b., 4c., 4d., and 4e. thereof.

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

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

Section 1. That Sections 1, 3 and 4 of Ordinance No. 1776-A-90, passed April 22, 1991, are hereby amended to read, respectively, as follows:

Section 1. Based upon information and data presented to the Council and contained in File No. 1776-A-90-A, it is hereby found and determined that the City of Cleveland, except the area defined as the "Downtown Plan Area" by the Civic Vision 2000 Plan, is a blighted and deteriorated area, and is an area in which housing facilities or structures of historical significance are located and new construction and repair or existing facilities or structures are discouraged. This finding of blight and deterioration shall in no way be construed as a finding of slum and blight for purposes of an eminent domain action against any property located in the area described herein.

Section 3. That the construction of new structures and the remodeling of existing structures in the Community Reinvestment Area is hereby declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owner of any such real property in the Community Reinvestment Area described hereinabove may file an exemption from real property taxation for a period of fifteen (15) years for one hundred percent (100%) of the assessed taxes for new construction and conversion projects consisting of one (1) and two (2) family residential properties.

(b) The owner of any such real property in the Community Reinvestment Area described hereinabove may file an exemption from real property taxation for a period of ten (10) years for one hundred percent (100%) of the assessed taxes on the following improvements:

(i) Improvements on one (1) and two (2) family residential property which cost greater than \$2,500 and, but for the tax exemption granted pursuant to this ordinance, would increase the assessed value of the real estate seeking the exemption.

(c) The neighborhood residential projects set forth in Section 3(b) above may be eligible to receive an exemption from real property taxation for a period up to ten (10) years if the project uses the Federal Low Income Housing Tax Credit Program.

(d) That the construction of new multi-family residential structures and the remodeling of existing multi-family residential structures in the projects listed below, which are located in the Community Reinvestment Area described hereinabove, have been declared to be a public purpose for exemption from real property taxation under Ordinances 1865-97, passed 12/15/97; 2366-91, passed 12/16/91; 2122-96, passed 12/16/96; 1788-97, passed 12/15/97; 157-98, passed 4/6/98; 1167-96, passed 7/16/96; 1316-97, passed 12/15/97; 1932-97, passed 3/2/98; 553-96, passed 6/10/96; 1512-93, passed 8/3/93; 93-96, passed 4/29/96; 1352-90, passed 7/23/90; 2283-95, passed 4/29/96, and shall be honored under the terms set forth in those ordinances and as restated below:

(i) The renovation of the second, third and fourth floors of the Bender Building located at 2528 Lorain Avenue (Permanent Parcel No. 003-38-031) into 12 multi-family residential units in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

a) The owner of such real property located in Permanent Parcel No. 003-38-031 may file an application from exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for the construction activities described above.

(ii) The acquisition and rehabilitation of two (2) vacant four (4) story walkup buildings located at 3147 Prospect Avenue (Permanent Parcel No. 103-06-020) and 2029 East 40th Street (Permanent Parcel No. 103-09-027) into 67 multi-family residential units in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property located at 3147 Prospect Avenue (Permanent Parcel No. 103-06-020) and 2029 East 40th Street (Permanent Parcel No. 103-09-027) may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for 100% of the assessed taxes for acquisition and gut rehabilitation for a period of twelve (12) years.

(iii) The rehabilitation of a nineteen (19) unit apartment complex located at 1847 Crawford Road (Permanent Parcel No. 119-04-056) into 19 multi-family residential units in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

a) The owner of such real property located in Permanent Parcel No. 119-04-056 may file an application from exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the assessed taxes for the construction activities described above.

(iv) The renovation of the KARE Building located at 13010-16 Kinsman Road (Permanent Parcel No. 130-24-021) into eighteen units of multi-family residential housing in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

a) The owners of such real property in the KARE Building located in Permanent Parcel No. 130-24-021 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the assessed taxes for the construction activities described above.

(v) The construction of approximately 110 new homes in attached units on a nine acre site located at 4221 Jennings Road (Permanent Parcel Nos. 009-33-005 and 009-33-006) in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel Nos. 009-33-005 and 009-33-006 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development

for the City of Cleveland for a period of ten (10) years for 100% of the assessed taxes for the construction activities described above.

(vi) The renovation of a building known as the Lincoln Bathhouse at 1201 Starkweather (Permanent Parcel Nos. 004-21-015 and 004-21-097) into four condominium units, six new single-family detached townhomes and one duplex unit in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel Nos. 004-21-015 and 004-21-097 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the assessed taxes for the construction activities described above.

(vii) The renovation of the apartment building located at 5114 Herman Avenue (Permanent Parcel No. 003-10-008) into three units of multi-family residential housing in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel No. 003-10-008 located at 5114 Herman Avenue described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the assessed taxes for the construction activities described above.

(viii) The construction of approximately 21 residential units in the Merrell Building (Permanent Parcel No. 003-38-017) located at 1900 West 25th Street into 21 multi-family residential units in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel No. 003-38-017 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for the construction activities described above.

(ix) The construction of approximately 80 units of apartments located between the Notre Dame Academy Building located at 1325 Ansel Road (Permanent Parcel No. 107-12-180) and the Gordon Building located at 1053 East 71st Street (Permanent Parcel No. 105-27-097) in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in the apartments located between the Notre Dame Academy Building and Gordon Building described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a peri-

od of twelve (12) years for 100% of the assessed taxes for the construction activities described above.

(x) The rehabilitation of a seventeen unit apartment complex located at 1412-16 West 110th Street (Permanent Parcel No. 001-025-094) in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in the apartment complex located in Permanent Parcel No. 001-025-094 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the assessed taxes for the construction activities described above.

(xi) The construction of new structures and the remodeling of existing structures at Permanent Parcel Nos. 117-17-002, 117-17-003, 117-17-004, known as Rudwick Apartments, at 17500 Euclid Avenue in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property located in Permanent Parcel Nos. 117-17-002, 117-17-003, and 117-17-004 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for the following periods:

i) for every dwelling containing more than two (2) units, upon which the cost of remodeling is at least Five Thousand Dollars (\$5,000.00), 100% of the dollar amount by which the remodeling increased the market value of the property for a period of twelve (12) years for the residential dwelling units only;

ii) for every newly constructed dwelling, 100% of the dollar amount by which the new construction increased the market value of the property for a period of twelve (12) years for the residential dwelling units only;

iii) for every remodeled or newly constructed structure, no exemption is granted for any commercial or industrial space therein.

The terms set forth for the projects listed above apply only to those projects and shall not apply to any other construction or remodeling of single-family, two-family, or multi-family residential properties located in the Community Reinvestment described hereinabove.

(xii) The construction of new structures and the remodeling of existing structures at Permanent Parcel No. 025-19-050 at Granton Avenue; Permanent Parcel No. 001-05-012 at 10500 Edgewater Drive; and Permanent Parcel No. 002-16-034 at 6314 Franklin Boulevard are hereby declared to be a public purpose for which exemption from real property taxation in the dollar amount by which the new construction or remodeling increased the market value of the property may be granted as follows:

a) The owners of such real property located in Permanent Parcel Nos. 025-19-050, 001-05-012, and 002-16-034 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood

Development for the following periods:

i) for every dwelling containing not more than two (2) family units upon which the cost of remodeling is at least Two Thousand Five Hundred Dollars (\$2,500.00), seven (7) years for the residential dwelling units only.

ii) for every dwelling containing more than two (2) units, upon which the cost of remodeling is at least Five Thousand Dollars (\$5,000.00), seven (7) years for the residential dwelling units only.

iii) for every newly constructed dwelling, seven (7) years for the residential dwelling units only.

iv) for every remodeled or newly constructed structure, no exemption granted for any commercial or industrial space therein.

(e) That the remodeling of the multi-family residential structures listed below, upon which the cost of remodeling is at least Fifteen Thousand Dollars (\$15,000) per unit or Five Hundred Thousand Dollars (\$500,000) per structure, and which are located in the Community Reinvestment Area described hereinabove, are declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(i) The conversion of three buildings located in the Community Reinvestment Area described hereinabove at 10803 Detroit Avenue (Permanent Parcel No. 001-25-028), 10811 Detroit Avenue (Permanent Parcel No. 001-25-027), and 10903 Detroit Avenue (Permanent Parcel No. 001-25-026), known as Schilling Square Condominiums, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel Nos. 001-25-028, 001-25-027, 001-25-026 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(ii) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 11014 Detroit Avenue (Permanent Parcel No. 001-18-009), known as Eastman Condominiums, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel No. 001-18-009 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(iii) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 2341 West 7th Street (Permanent Parcel No. 004-19-006) into four apartments is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel No. 004-19-006 described hereinabove may file an application for exemption from

real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(iv) The remodeling of two buildings located in the Community Reinvestment Area described hereinabove at 3507 and 3515 East 142nd Street (Permanent Parcel Nos. 139-01-111 and 139-01-113) into twelve apartments, known as Mt. Pleasant Homes III, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel Nos. 139-01-111 and 139-01-113 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(v) The remodeling of one building located in the Community Reinvestment Area described hereinabove at 1644, 1646, 1648, and 1650 Brainard Avenue (Permanent Parcel No. 008-12-049) known as Brainard Terrace, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel No. 008-12-049 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(vi) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 8001-8005 Detroit Avenue, (Permanent Parcel No. 002-20-001), known as the Muirville project is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of the multi-family residential units in Permanent Parcel No. 002-20-001 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(vii) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 7918 Detroit Avenue (Permanent Parcel No. 002-01-007) known as Detroit Chateau Apartments, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of the multi-family residential units in Permanent Parcel No. 002-01-007 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(viii) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 1389-91 West 64th Street, (Permanent Parcel No. 002-12-020), known as Harp Apartments, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of Low Income Housing Tax Credit multi-family residential units in Permanent Parcel No. 002-12-020 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

b) The owners of all other multi-family residential units in Permanent Parcel No. 002-12-020 described hereinabove may file an application for exemption from real property taxation upon the cost of remodeling of at least Five Thousand Dollars (\$5,000.00) with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(ix) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 5401 North Marginal Road, (Permanent Parcel No. 105-01-006), known as the Quay 55 apartments, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel No. 105-01-006 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the dollar amount by which the remodeling increased the market value of the structure.

The terms set forth for the projects listed above apply only to those projects and shall not apply to any other construction or remodeling of single-family, two-family, or multi-family residential properties located in the Community Reinvestment Area described hereinabove.

(f) That the construction or remodeling of any other multi-family structure, located in the Community Reinvestment Area described hereinabove, for which construction or remodeling is begun after the effective date of this amending ordinance is declared to be a public purpose for which exemptions from real property taxation shall be granted as follows:

The owners of such multi-family real property may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland under the terms set forth below:

(i) For the new construction of Low Income Housing Tax Credit multi-family projects where 50% or more of the occupants qualify as low income residents per the tax credit laws, 100% of the assessed value of the new construction for a period of fifteen (15) years;

(ii) For Low Income Housing Tax Credit multi-family projects upon which the cost of remodeling is at least Fifteen Thousand Dollars (\$15,000) per unit or Five Hundred Thousand Dollars (\$500,000) per structure where 50% or more of the occupants qualify as low income residents per the tax credit laws, one hundred percent (100%) of the dollar amount by which the remodeling increased the value of the structure for a period of twelve (12) years;

(iii) For multi-family residential projects utilizing historic tax credits upon which the cost of remodeling is at least Fifteen Thousand Dollars (\$15,000) per unit or Five Hundred Thousand Dollars (\$500,000) per structure one hundred percent (100%) of the dollar amount by which the remodeling increased the market value of the structure for a period of twelve (12) years;

(iv) For the construction of all other multi-family residential projects, a period of fifteen (15) years for 100% of the assessed value of the new structure.

(v) For the remodeling of all other multi-family residential projects upon which the cost of remodeling is at least Fifteen Thousand Dollars (\$15,000) per unit or Five Hundred Thousand Dollars per structure, a period of twelve (12) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

The tax exemption rate schedule set forth above shall remain in effect from the effective date of this ordinance until December 15, 1999, but may be withdrawn sooner upon written request of the President of Cleveland City Council to the Director of Community Development. During such period until December 15, 1999, no tax exemption shall be granted without the prior written consent of the Councilmember in whose ward the property is located.

Section 4. That the Commissioner of Neighborhood Development for the City of Cleveland shall serve as the Housing Officer, as defined by Section 3735.65 et seq. of the Ohio Revised Code, for the Community Reinvestment Area described hereinabove and shall administer all activities carried out pursuant to Section 3735.65 et seq. of the Ohio Revised Code and this ordinance.

Section 2. That existing Sections 1, 3 and 4 of Ordinance No. 1776-A-90, passed April 22, 1991, are hereby repealed.

Section 3. That Ordinance No. 1776-A-90, passed April 21, 1991, is hereby supplemented by enacting new Sections 4a., 4b., 4c., 4d. and 4e., thereof to read, respectively, as follows:

Section 4a. That the Community Reinvestment Area hereinabove described shall expire on June 15, 2002 unless an extension is authorized by an amendment by Council.

Section 4b. That the Department of Community Development shall present to City Council a biennial review concerning the status of all abatements that have been granted to property owners within the CRA created above and shall include a full report on the technical implications of sunseting this ordinance.

Section 4c. That pursuant to Ohio Revised Code Section 5709.85, the Tax Incentive Review Council of the City of Cleveland on an annual basis shall review the abatements from property taxation which have been granted in the Community Reinvestment Area hereinabove described and shall make recommendations to the Director of Community Development as authorized under Ohio Revised Code Section 5709.85

Section 4d. That pursuant to Ohio Revised Code Section 3735.69, a Housing Council shall be appointed for the Community Reinvestment Area hereinabove described. The Housing Council shall make an annual inspection of the properties within the Community Reinvestment Area hereinabove described for which abatements have been granted under Ohio Revised Code Section 3735.67 and shall hear appeals pursuant to Ohio Revised Code Section 3735.70.

Section 4e. That the Director of Community Development is authorized and directed to commission a study to determine the appropriate tax exemption terms and levels for the City of Cleveland. The results of that study shall be provided to the Chairman of the Committee on Community and Economic Development and to the Clerk of Cleveland City Council no later than October 1, 1999. Council may as a result of that study, or sooner, modify from time to time the tax exemption rate schedule set forth above; however, such modification shall not be considered an amendment to this legislation. Council acknowledges that such modification may be required to meet the economic conditions existing in the City of Cleveland.

Section 4. That the following ordinances are hereby repealed:

Ordinance No. 1865-97, passed December 15, 1997,

Ordinance No. 2366-91, passed December 16, 1991,

Ordinance No. 2122-96, passed December 16, 1996,

Ordinance No. 1788-97, passed December 15, 1997,

Ordinance No. 157-98, passed April 6, 1998,

Ordinance No. 1167-96, passed July 16, 1996,

Ordinance No. 1316-97, passed December 15, 1997,

Ordinance No. 1932-97, passed March 2, 1998,

Ordinance No. 553-96, passed June 10, 1996,

Ordinance No. 1512-93, passed August 11, 1993,

Ordinance No. 93-96, passed April 29, 1996,

Ordinance No. 1352-90, passed July 23, 1990,

Ordinance No. 2283-95, passed April 29, 1996, and

Ordinance No. 1884-91, passed October 7, 1991.

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 June 7, 1999.

Effective June 16, 1999.

Ord. No. 961-99.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept a Section 108 Loan from the United States Department of Housing and Urban Development in order to provide economic assistance to partially finance the construction of new housing and the rehabilitation of existing housing in the Homeownership Zone; authorizing aid director to enter into a contract with BFR Partners Company, LLC, or its designee, for partial financing for the construction of the project; authorizing the Director of Community Development to enter into a project agreement with BFR Partners Company, LLC, or their designee, and Burten, Bell, Carr Development Corp., or their designee, for the acquisition, clearance and redevelopment of certain lands for the project; and authorizing the Directors of Economic Development and Community Development to enter into a Neighborhood Development Investment Fund contract with BFR Partners Company, LLC, or its designee, for partial financing acquisition, remediation, site preparation and public infrastructure related to the development of housing and acquisition of land in the Homeownership Zone.

Whereas, BFR Partners Company, LLC, or their designee, ("BFR") and Burten, Bell, Carr Development Corp., or their designee, ("BBC"), have submitted a joint proposal which the Director of Community Development has determined to be a satisfactory means of achieving the purposes of elimination and prevention of blighting influences for the Homeownership Zone located in an area bounded by Cedar Avenue; East 36th Street; Community College Avenue and Scovill Avenue; and East 71st Street, in Cleveland, Ohio; and

Whereas, through Ordinance No. 56-94, passed June 13, 1994, the City established the Neighborhood Development Investment Program and the Neighborhood Development Investment Fund (NDIF) for the purpose of stimulating the development of major opportunities for job creation, retention, and expansion in the City's neighborhoods; 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 hereby authorized to apply for and accept a loan in the amount of Twelve Million Dollars (\$12,000,000.00), from the United States Department of Housing and Urban Development ("HUD") Section 108 Loan Program ("108 Loan"), for the purposes set forth in the application and according thereto.

Section 2. That the Director of Community Development is hereby authorized to file all papers and execute all documents necessary to apply for and accept the 108 Loan from HUD, to enter into contract with HUD, to pledge any and all collateral necessary to secure repayment thereof under the 108 Loan agreement (including without limitation future Community Development Block Grant funds), and

receive the funds; and that said funds be and they hereby are appropriated for the purposes of providing economic assistance to partially finance the construction of approximately 420 units of new housing and the rehabilitation of 65 housing units in an area bounded by Cedar Avenue; East 36th Street; Community College Avenue and Scovill Avenue; and East 71st Street, Cleveland, Ohio, known as the Homeownership Zone (the "Project").

Section 3. That the application for said 108 Loan, File No. 961-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 4. That the Director of Community Development is hereby authorized to enter into a contract with BFR Partners Company, LLC, or its designee, to provide economic development assistance for construction of the Project.

Section 5. That the costs of said contract shall not exceed Twelve Million Dollars (\$12,000,000.00), and shall be paid from Fund No. 13 SC 887, and from future community development block grant funds and UDAG repayment funds which are appropriated to pay the costs of said contract.

Section 6. That the Director of Community Development is hereby authorized to accept collateral as said director shall deem adequate in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 7. That the Director of Community Development is hereby authorized to accept monies in repayment of the loan.

Section 8. That the Director of Community Development is hereby authorized to accept charges and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 13 SC 887.

Section 9. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 10. That notwithstanding and as an exception to the provisions of Title V of the Community Development Code and Chapters 181 and 183 in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to enter into and execute a project agreement for and on behalf of the City of Cleveland with ("BFR") and ("BBC"), (jointly the "Redeveloper") for the acquisition, disposition and private redevelopment for the homeownership Zone.

Section 11. That the project agreement authorized by Section 10 shall include without limitation the following terms and conditions:

a) an agreement by the City of Cleveland to acquire that property within the Homeownership Zone needed for construction of approximately 420 units of new housing construction;

(b) an agreement by the City of Cleveland to convey, by official deed or deeds, within the Homeownership Zone, certain real property acquired under the City's Land Reutilization Program and located in the Homeownership Zone; provided that the deed or deeds shall contain such

restrictive covenants, reversionary interests or similar provisions as may, in the judgment of the Director of Community Development, be required to insure the elimination within the Homeownership Zone of conditions of blight and deterioration and for the prevention of recurrence of said conditions;

(c) a commitment by the Redeveloper to comply with all Federal and state real property acquisition requirements, including without limitation relocation assistance, to the extent Federal or state funding is usual for acquisition;

(d) a commitment by the Redeveloper to pay all costs of real property acquisition within the Homeownership Zone;

(e) a commitment by the Redeveloper to pay all costs of demolition required to develop the Homeownership Zone in order to build approximately 420 units of new housing construction; and

(f) such other requirements as the Director of Community Development may deem necessary to protect the interests of the City of Cleveland.

Section 12. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the property referenced in Section 11 may be conveyed to the Redeveloper pursuant to the project agreement.

Section 13. That this Council finds the conveyance to the Redeveloper of the property described in Section 12, for the purposes of redevelopment, constitutes a public use of said property.

Section 14. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described in Section 12 of this ordinance at a price not less than the fair reuse value of the property taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed or deeds of conveyance.

Section 15. That the conveyance to the Redeveloper shall be made by official quitclaim deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

Section 16. That the Mayor, the Director of Community Development, the Director of Law, and such appropriate City officials are authorized to execute such certifications and documents, and take such other actions as may be necessary or appropriate in connection with carrying out the terms of the project agreement and the activities contemplated by the Plan.

Section 17. That, subject to the provisions of Section 24 of this Ordinance, the Directors of Economic Development and Community Development are hereby authorized to enter into a Neighborhood Development Investment Fund ("NDIF") contract with BFR, to provide economic development assistance to partially finance the acquisition, remediation, site preparation and public infrastructure related to the development and sale of new housing construction in the Homeownership Zone, located in an area bounded by Cedar Avenue; East 36th Street; Community College Avenue and Scovill Avenue; and East 71st Street, in Cleveland, Ohio.

Section 18. That the terms of said NDIF contract shall comply with the requirements of the Neighborhood

Development Investment Program and NDIF, as set forth in Section 1 of Ordinance No. 56-94 passed June 13, 1994, and shall be in accordance with the terms as set forth in the Executive Summary contained in File mentioned in Section 3 of this ordinance.

Section 19. That the costs of said NDIF contract shall not exceed Three Million Dollars (\$3,000,000.00), and shall be paid from Fund No. 10 SF 501, Request No. 1005.

Section 20. That the Directors of Economic Development and Community Development are hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 18 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 21. That the Directors of Economic Development and Community Development are hereby authorized to accept monies in repayment of such loan and to deposit said monies in Fund No. 10 SF 501.

Section 22. That the Directors of Economic Development and Community Development are hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 10 SC 501, Loan Fees Fund.

Section 23. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 24. That, prior to entering into any contract authorized herein, the Director of Finance is required and hereby directed to certify that said contract is in compliance with the provision of Section 1 of Ordinance No. 56-94 regarding the use of such funds for construction and/or rehabilitation of housing units within the City, and to certify that unappropriated funds equal to the contract amount set forth in Section 19 of this ordinance have been collected by the City and are available to be allocated to such contract.

Section 25. 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 June 7, 1999.

Effective June 16, 1999.

Ord. No. 962-99.
By Councilmen Cintron, Gordon, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating West 40th Place, and authorizing the Director of Community Development to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating West 40th Place, including but not limited to, paving, grading, drainage, installing water lines, curbing, sidewalks, lighting, streetscaping, traffic signals, and other necessary appurtenances (the "Improvement"), for the Department of Community Development, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the Improvement.

Section 2. That the Director of Community Development is hereby authorized to enter into contract for the making of the above Improvement with the lowest responsible bidder after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of said Improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

Section 3. That the cost of said Improvement hereby authorized shall be paid from Fund Nos. 52 SF 223 and 52 SF 225, Request No. 1292.

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 964-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with the AIDS Housing Council of Greater Cleveland, Inc. or its designee, for the construction of rental housing facilities.

Whereas, the City of Cleveland has received a Housing Opportunities for Persons With AIDS Grant (HOPWA) from the United States Government; 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 hereby authorized to enter into contract with the AIDS Housing Council of Greater Cleveland, Inc. or its designee, for the construction of two multi-unit community residences; one located at 8901 Detroit Avenue and one located at the intersection of Willowmere Road and Lakeview Road.

Section 2. That the contract shall be in the form of a grant, utilizing HOPWA funds, and the cost shall be in an amount not to exceed \$136,500.00, and shall be paid from Fund No. 13 SC 873, Request No. 1290.

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 1027-99.

By Councilman Britt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Open Door Missionary Baptist Church to hang four vertical banners on utility poles (by separate permission) between 8215 and 8231 Woodland Avenue and East 82nd Street for the period of June 1, 1999 to July 30, 1999 inclusive, publicizing the Church's 75th Anniversary Celebration.

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 Open Door Missionary Baptist Church, 8215 Woodland Avenue, to hang four vertical banners on utility poles (by separate permission) at 8215 Woodland Avenue on Pole Numbers E/4-18-29 and E/4-18-31, and at 8231 Woodland and East 82nd Street on Pole Numbers E/4-18-32 and E/4-18-30 from the period of June 1, 1999 to July 1, 1999, publicizing the Church's 75th Anniversary Celebration, 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 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.

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 1028-99.

By Councilman Britt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the God's House of Prayer and Deliverance to stretch two banners on utility poles (by separate permission) on Woodland Avenue, between E. 110 & E. 111 Streets, and Woodhill Road between Kennedy & Cumberland from the period of June 10, 1999 to June 30, 1999, inclusive, publicizing a special event for the church.

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 God's House of Prayer and Deliverance to stretch two banners on utility poles (by separate permission) at Woodland Avenue between East 110th and East 111th Streets, Pole Number E/4-30, and at Woodhill Road between Kennedy and Cumberland Pole Number E/4-18A-5; from the period of June 10, 1999 to June 30, 1999, publicizing a special event for the Church, 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 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 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.

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 1029-99.

By Councilman Britt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the American Red Cross to stretch a banner on Cleveland Clinic's Overhead Pedestrian Bridge (by separate permission) at Carnegie Avenue between East 93rd and East 96th Streets for the period of June 8, 1999 to June 30, 1999 inclusive, publicizing a charitable raffle.

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

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

fore,

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

Section 1. That 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 American Red Cross, to stretch a banner on Cleveland Clinic's Overhead Pedestrian Bridge at Carnegie Avenue between East 93rd and East 96th Street (by separate permission), for a charitable raffle sponsored by various other organizations for the benefit of The American Red Cross, for the period of June 8, 1999 through June 30, 1999, inclusive, 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 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.

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 1030-99.

By Councilman Britt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the True Holiness Temple to stretch a banner on utility poles (by separate permission) at 7710 Euclid Avenue for the period of June 5, 1999 to June 29, 1999 inclusive, publicizing a special event for the temple.

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 True Holiness Temple to stretch a banner on utility poles (by separate permission) at 7710 Euclid Avenue, on pole numbers E-4-30 and K-16-23, for the period of June 5, 1999 to June 29, 1999, inclusive, publicizing a special event for their temple, 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 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.

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 1031-99.

By Councilman O'Malley.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to our Lady of Good Counsel Church to stretch two banners on utility poles (by separate permission) on east and west sides of their parking lot on Pearl Road and on the east and west side of State Road at Mobile Court period of May 24, 1999 to June 30, 1999, inclusive, publicizing a special event for the church.

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 Our Lady of Good Counsel, 4423 Pearl Road, to stretch two banners on utility poles (by separate permission) on the east and west sides of their parking lot at Pearl Road, on pole numbers (CEI) 260093, (CPP) GOM 15-1, and at the east and west side of State Road at Mobile Court on two CEI poles with no numbers for the period of May 24, 1999 to June 30, 1999, inclusive, publicizing a special event for the Church, 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 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.

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 1032-99.

By Councilman Patmon.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Glenville Health Center to hang 14 vertical banners on utility poles (by separate permission) on the south side of St. Clair Ave. beginning at E. 105th St. and ending at E. 107th St. for the period of August 1, 1999 to September 1, 1999 inclusive, publicizing their service and location to the community.

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 Glenville Health Center, 10640 St. Clair Avenue, to hang fourteen (14) vertical banners on utility poles (by separate permission) on the south side of St. Clair Avenue beginning at East 105th Street and ending at East 107th Street, on poles that have no numbers but do have tag identification beginning at M-7-23 through and including M-7-35; for the period of August 1, 1999 to September 1, 1999 inclusive to publicize the Center's service and locations to the community, 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 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.

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 1033-99.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Cleveland-Cuyahoga County Port Authority to encroach into the right-of-way of the West 9th Street Bridge with an ornamental iron security fence and gate.

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 Cleveland-Cuyahoga County Port Authority, 101 Erieside

Avenue, Cleveland, Ohio 44114, its successors and assigns, for the construction, use and maintenance of an ornamental iron security fence and gate to be installed on West 9th Street Bridge into the Port of Cleveland, and which security fence and gate will encroach into the public right-of-way of the West 9th Street Bridge into the Port of Cleveland at the location more fully described in the Plans filed in the Office of the Clerk of the Council of the City of Cleveland and known as File No. 1033-99-A.

Section 2. That said ornamental iron security fence and gate shall be placed within the public right-of-way as aforesaid in Section 1, and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

Passed June 7, 1999.
Effective June 16, 1999.

Ord. No. 1034-99.

By Councilman Cintron.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 14. (Dino Constantino).

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to peddle 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 14; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 14: Dino Constantino.

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

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

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

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

Passed June 7, 1999.
Effective June 16, 1999, without the signature of the Mayor.

Ord. No. 1035-99.

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7721 and 7715-17 Decker Avenue to Virgil B. Long.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the 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 Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-05-078 and 106-05-079, as more fully described in Section 2 below, to Virgil B. Long.

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. 106-05-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 12 in Decker's Subdivision of part of Original One Hundred Acre Lot No. 345, as shown by the recorded plat in Volume 10 of Maps, Page 19 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Decker Avenue, now known as Decker Avenue, N.E., 183 feet 1-3/8 inches deep on the Easterly line, 183 feet 1-1/2 inches deep on the Westerly line and 35 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P.P. No. 106-05-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in Dinceman Decker's Subdivision of part of Original One Hundred Acre Lot No. 345, as shown by the recorded plat in Volume 10 of Maps, Page 19 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Decker Avenue, and extending back 183 feet 1-5/8 inches on the Westerly line 183 feet 1-1/2 inches on the Easterly line, and having a rear line of 35 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

Passed June 7, 1999.
Effective June 16, 1999.

Ord. No. 1036-99.

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

An emergency ordinance determining the method of making the public improvement of reconstructing War Avenue; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to employ professional design consultants; and authorizing the said director to enter into any agreements relative thereto necessary to implement the 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, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of reconstructing War Avenue between East 71st Street to the westerly end thereof, for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Service is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or

any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the Director of Public Service is hereby authorized and directed to employ by contract one or more design consultants or one or more firms of design consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the public improvement authorized above.

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

Section 4. That the Director of Public Service is hereby authorized to enter into such agreements as are necessary to complete the planning and construction of the Improvement.

Section 5. That the cost of the public improvement and the cost of the professional services authorized herein shall be paid from Fund No. 11 SF 401, Request No. 4305.

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

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 1037-99.
By Councilmen Sweeney and Johnson (by departmental request).
An emergency ordinance determining the method of making the public improvement of reconstructing West 32nd Street; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to employ professional design consultants; and authorizing the said director to enter into any agreements relative thereto necessary to implement the 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, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of reconstructing West 32nd Street between Walbrook Avenue to Oak Park Avenue, for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Service is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the Director of Public Service is hereby authorized and directed to employ by contract one or more design consultants or one or more firms of design consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the public improvement authorized above.

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

Section 4. That the Director of Public Service is hereby authorized to enter into such agreements as are necessary to complete the planning and construction of the Improvement.

Section 5. That the cost of the public improvement and the cost of the professional services authorized herein shall be paid from Fund No. 11 SF 401, Request No. 4310.

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

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 1038-99.
By Councilman White.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Mystic Knights to stretch two (2) banners on utility poles (by separate permission) on Miles Avenue for the period of May 30, 1999 to June 30, 1999, inclusive.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Mystic Knights, 11417 Miles

Avenue, Cleveland, Ohio 44105, to install, maintain and remove two (2) banners on Miles Avenue at 11407 Miles Avenue, no tag; and at 11404 Miles Avenue, no tag; to be attached to Cleveland Public Power Company utility poles, (by separate permission) for the period of May 30, 1999 to June 30, 1999, inclusive, 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 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.

Passed June 7, 1999.
Effective June 15, 1999.

Ord. No. 1039-99.
By Councilman White.
An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contracts with the Cleveland Municipal School District and Cleveland Initiative for Education for delivery of the Summer Youth Employment Program under the Job Training Partnership Act.

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

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

Section 1. That the Director of Personnel and Human Resources is hereby authorized to enter into contracts with the following service deliverers in amounts not to exceed those listed below, for the administration and delivery of the Summer Youth Employment Program, Title II Part B:

Cleveland Municipal School District	\$2,784,000
Cleveland Initiative for Education	\$146,000

Section 2. That the cost of the contracts authorized above shall not exceed \$2,930,000.00, and shall be paid from Fund No. 15 SF 064, Request No. 08994.

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 June 7, 1999.
Effective June 15, 1999.

Ord. No. 1040-99.**By Councilman Westbrook.**

An emergency ordinance to amend Section 2 of Ordinance No. 804-99, passed May 3, 1999 relating an agreement with VERIO for materials and services necessary to provide Internet access for Cleveland City Council.

Whereas, on May 3, 1999, Council passed legislation, Ordinance No. 804-99, authorizing an agreement for Internet access for Cleveland City Council; and

Whereas, the amount of the agreement is Five Hundred Dollars (\$500.00) greater than the amount stated in the previous legislation; and

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

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

Section 1. That Section 2 of Ordinance No. 804-99, passed May 3, 1999, is hereby amended to read as follows:

Section 2. That total cost for such services and purchases herein contemplated shall not exceed Twenty-Eight Thousand Seven Hundred Ninety Dollars (\$28,790.00) and shall be paid Fund No. 01 SF 001.

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

Passed June 7, 1999.

Effective June 16, 1999.

Ord. No. 1041-99.**By Councilmen Cimperman and Cintron.**

An emergency ordinance consenting to and approving the issuance of a permit for the 5K Run and Walk on June 26, 1999, sponsored by Lutheran SportsHealth.

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 5K Run and Walk sponsored by Lutheran SportsHealth Center, on June 26, 1999, the route of the 5K Run & Walk will start at W. 25th and Franklin, proceed east on Franklin to W. 25th, proceed south on W. 25th to Lorain Rd., proceed east on Lorain and over the Lorain/Carnegie Bridge, proceed north on Ontario to Huron, west on Huron to the Superior/Carnegie Bridge and west on the bridge to W. 25th then south on West 25th back to Franklin, 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 or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed June 7, 1999.

Effective June 15, 1999.

Ord. No. 1042-99.**By Councilman Jackson.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to The MetroHealth System to stretch a banner 30 feet north of Platt, in the vicinity of MetroHealth's Clement Center for the period from July 1, 1999 to August 31, 1999, inclusive, publicizing Around the World with Health and Safety for All Ages.

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, 1979, the Director of Public Service is hereby authorized and directed to issue a permit to The MetroHealth System to install, maintain and remove a banner 30 feet north of Platt, in the vicinity of MetroHealth's Clement Center for the period from July 1, 1999 to August 31, 1999, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed June 7, 1999.

Effective June 15, 1999.

Ord. No. 1043-99.**By Councilman Polensek.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Northeast Shores Development Corporation to stretch four (4) banners, on Cleveland Public Power utility poles (by separate permission), on E. 185th St. & Neff Rd., Lake Shore Blvd. & E. 185th St., LaSalle at E. 185th St. & Pawnee at E. 185th for the period of July 13, 1999 to August 6, 1999, inclusive, to publicize their street festival.

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, 1979, the Director of Public Service is hereby authorized and directed to issue a permit to the Northeast Shores Development Corporation to install, maintain and remove four (4) banners on Cleveland Public Power utility poles (by separate permission), on E. 185th St. & Neff Rd., Lake Shore Blvd. & E. 185th St., LaSalle at E. 185th St. & Pawnee at E. 185th for the period from July 13, 1999 to August 6, 1999, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed June 7, 1999.

Effective June 15, 1999.

Ord. No. 1044-99.**By Councilman Polensek.**

An emergency ordinance consenting to and approving the issuance of a permit for The East 185th Street Festival Run on July 29, 1999, sponsored by Northeast Shores Development Corporation, as part of the Annual Festival.

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 East 185th Street Festival Run, sponsored by Northeast Shores Development Corporation, on July 29, 1999, with the run beginning at Villa Angela/St. Joseph High School and encompass a scenic route along the westbound lanes of Lake Shore Boulevard, Euclid Creek State Park and the residential area along Lake Erie, and end at Villa Angela/St. Joseph High School, 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 or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed June 7, 1999.
Effective June 15, 1999.

**Ord. No. 1087-99.
By Councilmen Sweeney and Johnson (by departmental request).**

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to plant trees at various locations throughout the City of Cleveland on City-owned property, for the Division of Park Maintenance and Properties, 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 labor and materials necessary to plant trees at various locations throughout the City of Cleveland on City-owned property 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 Park Maintenance and Properties, 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 combina-

tion 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 1692)

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 June 7, 1999.
Effective June 15, 1999.

REPRINT

**Ord. No. 412-99.
By Councilmen Westbrook and Johnson (by departmental request).**

An emergency ordinance authorizing the Director of Port Control to enter into contract with Colliers Intl. for services necessary to manage and maintain the building and grounds of the Consolidated Rental Car Facility, for a period of 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 Port Control is hereby authorized to enter into contract with Colliers

Intl. for services necessary to manage and maintain the building and grounds of the Consolidated Rental Car Facility, for a period of one year, commencing upon execution of the contract.

Section 2. That the Director of Port Control shall require that prevailing wage rates are paid to all subcontractors or employees of Colliers, Intl.

Section 3. That the costs for such services herein contemplated shall not exceed \$350,000 and be paid from Fund No. 60 SF 001, Request No. 24855. That all payments made to Colliers Intl. under this contract shall be paid only after approval of invoices for services rendered.

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

Passed May 24, 1999.
Effective June 3, 1999, without the signature of the Mayor.

COUNCIL COMMITTEE MEETINGS

Friday, June 11, 1999

Community and Economic Development Committee: 9:30 A.M.—Present: Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis. Excused: Rybka.

Monday, June 14, 1999

Committee of the Whole: 9:00 A.M.—Present: Westbrook, Britt, Cimperman, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Melena, Patmon, Polensek, Robinson, Rybka, Sweeney, White, Willis, Zone. Excused: Dolan, O'Malley.

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