

The City Record

Official Publication of the City of Cleveland

May the Ninth, Two Thousand and One

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL—LEGISLATIVE

President of Council—Michael D. Polensek

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3232 East 119th 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.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

MAYOR – Michael R. White

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 Barry Withers, Executive Assistant for Administration
 Susan E. Axelrod, Senior Executive Assistant for Health and Human Services
 Kenneth Silliman, Executive Assistant for Development
 Nicholas P. Jackson, Executive Assistant for Services
 Nina Turner, Executive Assistant for Legislative Affairs
 Marvin Hayes, Executive Assistant for Intergovernmental Affairs
 Lucille Ambroz, Director, Office of Equal Opportunity

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Lauren Moore, Chief City Prosecutor; Criminal Branch – Justice Center
 8th Floor, Court Towers, 1200 Ontario Street
 Karen E. Martines, Law Librarian, Room 100

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Frank Badalamenti, Manager, Internal Audit
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 City Treasury – Algeron Walker, Treasurer, Room 115
 Assessments and Licenses – Robert C. Brown, Commissioner, Room 122
 Purchases and Supplies – Myrna Branche, Commissioner, Room 128
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DIVISIONS – 1201 Lakeside Avenue
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 Utilities Fiscal Control – Morry Blech, Commissioner
 Cleveland Public Power – James F. Majer, Commissioner
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 Architecture – Kurt Weibusch, Commissioner, Room 517

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 Property Management – Tom Nagle, Commissioner, East 49th & Harvard

Parking Facilities – Dennis Donahue, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.

Park Maintenance and Properties – Richard L. Silva, Commissioner, Public Auditorium – E. 6th & Lakeside.

Recreation – Michael Cox, Commissioner, Room 8
 Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

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 Neighborhood Services – Louise V. Jackson, Commissioner.
 Neighborhood Development – Donald T. Moss, Commissioner.
 Building & Housing – Robert Vilkas, Commissioner, 5th Floor, City Hall.

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

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

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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 C. Ellen Connally	15C
Judge Ann Marie Feighan	12B
Judge Sean C. Gallagher	12C
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Mary E. Kilbane	14C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	12A

Earle B. Turner – Clerk of Courts, 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

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WEDNESDAY, MAY 9, 2001

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CITY COUNCIL

MONDAY, MAY 7, 2001

The City Record

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RUBY F. MOSS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

ORDINANCES

Ord. No. 870-2000.

By Councilmen Cimperman and Patmon (by departmental request).

An emergency ordinance **approving the Euclid/Prospect II Community Development Plan Area.**

Whereas, pursuant to Ordinance No. 2606-81, passed December 14, 1981, this Council approved the Euclid Prospect Area Community Development Plan for the Plan Area designated and described in such Community Development Plan, and by Ordinance Nos. 1766-87, passed November 16, 1987, and 2317-92, passed December 14, 1992, adopted certain amendments to said Community Development Plan, and which Plan contemplated certain activities and treatment for the elimination of conditions of blight and deterioration, and for the prevention of recurrence thereof within said Community Development Plan Area; and

Whereas, the City Planning Commission has replaced the Euclid Prospect Area Community Development Plan with the Euclid/Prospect

II Community Development Plan which Plan shall supersede the findings and recommendations of the original Plan; and

Whereas, pursuant to notice duly given, the City Planning Commission held a public hearing on the Euclid/Prospect II Community Development Plan, and has approved such Plan; and

Whereas, the document entitled "Euclid/Prospect II Community Development Plan," dated March, 2001, and the City Planning Commission findings and related materials have been presented to this Council, and are set forth in File No. 870-2000-A, and oral reports and testimony thereon have been presented by City staff and Council has been apprised of the facts, conditions, structural deficiencies, and blighting influences pertaining to the amended Plan Area, including the existence of a majority of structures therein which because of structural deficiencies by reason of age, deterioration, dilapidation, or obsolescence, or non-conformance with modern code requirements relating to building, or fire protection, or of existing conditions therein endangering life and property by fire or other causes, and because of the existence in such amended Plan Area of other conditions which are detrimental to the public health, safety, morals, and general welfare; and

Whereas, for the foregoing reasons, Council has determined that the Plan for the Plan Area, and the implementation of the measures therein set forth will be in the best interests of the citizens of the City and will provide for the general health, safety, and welfare of the City; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of public property, health, and safety in that approval of the Plan is necessary in order that steps can be immediately undertaken to eliminate conditions of blight and deterioration in the Plan Area; now, therefore,

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

Section 1. That, based upon the facts and conditions concerning blight and determined that the **Euclid/Prospect II Community Development Plan is adopted in the respects set forth in the above-mentioned file, which Plan includes without limitation, the Land Use Restrictions thereof.**

Section 2. That this Council hereby finds that the public actions and policies proposed and contemplated by the **Euclid/Prospect II Community Development Plan** are necessary and appropriate in order to

eliminate the conditions of blight and deterioration, and prevent the recurrence therein the Plan Area; and it is hereby found and determined that the Plan conforms to and is in compliance with the applicable provisions of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 3. That it is hereby found and determined that the Plan will afford maximum opportunity consistent with the sound needs of the City as a whole for redevelopment of the Plan Area and that the Plan gives due consideration to the provision of adequate open space, park and recreational areas appropriate to the area and that the Plan is in conformity with the general Plan of the City and the workable program for community improvements of the City.

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.

Ord. No. 2015-2000.

By Mayor White.

An emergency ordinance determining the method of making the public improvement of demolishing, relocating and constructing certain NASA facilities in order to permit the construction of Runway 5L/23R; authorizing the Director of Port Control to enter into contracts for the making of such improvement; authorizing contracts for the purchase of supplies, materials, equipment and other items required to make the improvement, including rental, labor and installation, if necessary; authorizing said Director to apply and pay for permits, licenses, or other authorizations as necessary to make the public improvement; **authorizing contracts with Siemens, Inc. and Cutler Hammer for the purchase of computer-based distributed control systems;** and authorizing the Commissioner of Purchases and Supplies to acquire such interests in real property as are necessary to make the public 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 demolishing, relocating and constructing certain NASA facilities in order to permit the construction of Runway 5L/23R ("Improvement").

Section 2. The Director of Port Control is hereby authorized to enter into contracts for the making of the Improvement, by contracts duly let to the lowest responsible bidders after competitive bidding for a gross price, provided however, that each separate bid on a unit price basis 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 com-

ination, 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 the Improvement. **The Director of Port Control shall present the one hundred percent (100%) design drawings for the Improvement to the Chairman of the Aviation and Transportation Committee and the Chairman of the Finance Committee for their review prior to the award of the contract(s) authorized by this division, for the making of the Improvement.**

Section 3. That the Director of Port Control is hereby authorized to make written standard purchase contracts and written requirements contracts in accordance with the Charter and Codified Ordinances of Cleveland, Ohio, 1976, the period of such requirements not to exceed two years, for each and all of the necessary items of supplies, material, equipment and other items required to make the Improvement, including the rental of such items, and labor and materials to install and maintain any and all of the foregoing items, to be purchased or procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control. Bids shall be taken in such a manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine.

Section 4. That notwithstanding and as an exception to the provision of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase, lease or otherwise acquire easements, fee interests, licenses, permits, mitigation credits, and other rights or interests in real property directly necessary for the Improvement.

Section 5. That the Director of Port Control is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire said rights or interests in real property directly necessary for the Improvement and to employ title companies, surveyors, escrow agents, appraisers, environmental consultants, and field service consultants necessary for the acquisition or use of the rights or interests in real property authorized by Section 4 hereof.

Section 6. That the Director of Port Control is hereby authorized to enter into agreements with the holders of said rights or interests in real property to relocate or to otherwise modify existing buildings, equipment, fixtures or other features of said property and to pay or reimburse related costs to permit the making of the Improvement.

Section 7. That the Director of Port Control is hereby authorized to enter into agreements with federal, state, and local governmental or regulatory entities or other public authorities necessary and to pay or reimburse directly related costs incurred by such entities for the purpose of making the Improvement.

Section 8. That the Director of Port Control is hereby authorized to apply for and pay for such permits and licenses required by any regulatory entity or other public authority for making of the Improvement.

Section 9. That it is hereby determined that certain commodities necessary for the Improvement are non-competitive and cannot be secured from any source other than Siemens, Inc. Therefore, the Director of Port Control is hereby authorized to make a written contract with Siemens, Inc. for the purchase of the following computer-based distributed control systems: the PPSS Life Safety System, and the EMCS Energy Management Control System, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control, upon an amount determined by the Board of Control and pursuant to terms and conditions acceptable to the Director of Law.

Section 10. That it is hereby determined that certain commodities necessary for the Improvement are non-competitive and cannot be secured from any source other than Cutler Hammer. Therefore, the Director of Port Control is hereby authorized to make a written contract with Cutler Hammer for the purchase of the following computer-based distributed control system: the IMPAC Power Monitoring System, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control, upon an amount determined by the Board of Control and pursuant to terms and conditions acceptable to the Director of Law.

Section 11. That the cost of any requirement contracts entered into pursuant to this ordinance shall be charged against the proper account and the Director of Finance shall certify thereon, 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.

Section 12. That, as a condition precedent to entering into any contracts or agreements contemplated to make the Improvement, the Department of Port Control shall be in receipt of all necessary federal approvals, including the Record of Decision for the Environmental Impact Statement, and other such regulatory approvals as may be required.

Section 13. That the Director of Port Control shall file a copy of all contracts, permits, licenses or agreements entered into by the City as authorized by this ordinance with the Clerk of Council, the President of Council, the Chairman of the Aviation and Transportation Committee and the Chairman of the Finance Committee within five (5) business days of execution by the City.

Section 14. That the cost of any expenditures authorized by this ordinance for any contract, including all public improvements, standard purchases, requirements contracts and property acquisition, shall not exceed a total amount of \$86,908,692.00 and shall be paid from

Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, passenger facility charges and the fund and/or sub-funds to which are credited the proceeds of any general airport revenue bonds, federal grants, state grants, and local grants issued for the purpose of the Improvement authorized herein. In the event that the Improvement exceeds or is anticipated to exceed the amount specified for each project component listed herein, the Director of Port Control shall notify the President of Council, the Chairman of the Aviation and Transportation Committee, and the Chairman of the Finance Committee of the need for a subsidiary agreement in accordance with Section 185.44 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, and shall immediately proceed to secure the necessary legislative approval from Cleveland City Council. (RL 8297)

Section 15. That, in accordance with federal law and to the extent permitted by federal law, all construction contracts entered into pursuant to this ordinance shall establish a goal of hiring at least thirty percent (30%) MBE, ten percent (10%) FBE, twenty-five percent (25%) minority workforce, seven and one-half percent (7.5%) female workforce and forty percent (40%) City residents. In seeking to obtain such goal, all contractors shall utilize best efforts.

Section 16. That the Director of Port Control shall provide detailed bimonthly written reports to the President of Council, the Chairman of the Aviation and Transportation Committee, and the Chairman of the Finance Committee of all expenditures made pursuant to this ordinance, including the source of funds for such expenditures. The Director of Port Control shall also provide to the aforementioned Council representatives detailed bimonthly written reports of the MBE/FBE goals and residency and workforce goals set forth herein.

Section 17. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Ord. No. 27-01.

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

An emergency ordinance authorizing the Director of Community Development to enter into a project agreement with MRN Ltd., an Ohio limited partnership for the acquisition, clearance and redevelopment of certain lands in the Euclid/Prospect II Community Development Plan Area.

Whereas, the Council of the City of Cleveland by Ordinance No. _____, passed _____, approved and adopted the Euclid/Prospect II Community Development Plan dated _____ (the "Plan"), for the plan area designated and described in said Plan (the "Plan Area"); and

Whereas, the Plan established a treatment area for a portion of the Plan Area (the "Treatment Area") to

achieve some of the following purposes: public or private land acquisition, public or private demolition or redevelopment of structures, public or private site improvements, or any combination of these purposes; and

Whereas, MRN Ltd., an Ohio limited partnership, have submitted a proposal which the Director of Community Development has determined to be a satisfactory means of achieving some of the purposes for the Treatment Area as described in the Plan; and

Whereas, this ordinance constitutes an emergency measure providing for the public property, health or safety, in that the authorization of a project agreement with MRN Ltd., an Ohio limited partnership will achieve certain purposes for the Treatment Area as described in the Plan; now, therefore,

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

Section 1. That notwithstanding and as an exception to any section of 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 MRN Ltd., an Ohio limited partnership (the "Redeveloper") for the acquisition, disposition and private redevelopment for the Treatment Area in accordance with the provisions of the Plan. The Plan Area is described as follows:

**EUCLID — PROSPECT C.D.
PLAN BOUNDARY**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and beginning at the intersection of the centerline of Ontario Street (99.00 feet wide) with the centerline of West Prospect Avenue (100.00 feet wide);

Thence Westerly, along the centerline of said West Prospect to its intersection with the Southerly prolongation of the Westerly line of property owned by DeBartolo Public Square Inc. and known as P.P.N. 101-23-001 and 101-23-003 A & B;

Thence Northerly, along the Southerly prolongation and the Westerly line of said DeBartolo Public Square Inc. property and its Northerly prolongation to its intersection with the centerline of the South Roadway of Public Square;

Thence Easterly, along the centerline of the said South Roadway to its intersection with the centerline of the East Roadway of Public Square;

Thence Northerly, along said East Roadway to its intersection the centerline of with Superior Avenue (132.00 feet wide);

Thence Easterly, along said Superior Avenue to its intersection with the Northerly prolongation of the Westerly line of land owned by Leader-Cleveland Realty Associates (P.P.N. 101-26-010);

Thence Southerly, along said Northerly prolongation and Westerly line to the Southwest corner thereof;

Thence Easterly, along the Southerly line of said Leader-Cleveland Realty Associates and its Easterly prolongation to its intersection with the centerline of East 6th Street (50.00 feet wide);

Thence Southerly, along said East 6th Street to its intersection with the centerline of Euclid Avenue

(99.00 feet wide);

Thence Easterly, along said Euclid Avenue to its intersection with the centerline of East 8th Street (16.00 feet wide);

Thence Southerly, along said East 8th Street to its intersection with the centerline of Prospect Avenue (82.50 feet wide);

Thence Westerly, along said Prospect Avenue to its intersection with the centerline of Ontario Street;

Thence Southerly, along the said centerline of Ontario Street to its intersection with the centerline of West Prospect Avenue and the place of beginning.

Section 2. That the project agreement authorized herein shall include without limitation the following terms and conditions:

(a) an agreement by the City of Cleveland to acquire that property within the Treatment Area which cannot be privately acquired in a timely fashion through reasonable negotiations;

(b) an agreement by the City of Cleveland to convey, by official deed or deeds, within the Treatment Area, certain property more fully described in Section 3 of this ordinance; provided that the deed or deeds shall contain such restrictive covenants, reversionary interests or similar provisions ad may, in the judgment of the Director of Community Development, be required to insure the elimination within the Treatment Area 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 Treatment Area;

(e) a commitment by the Redeveloper to pay all costs of demolition required to develop the Treatment Area in accordance with the Plan;

(f) an agreement by the Redeveloper to use best efforts to meet the following Minority Business Enterprise and Female Business Enterprise construction contractor participation goals:

**30% MBE; and
10% FBE; and**

(g) such other requirements as the Director of Community Development may deem necessary to protect the interests of the City of Cleveland.

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 following property may be conveyed to the Redeveloper pursuant to the project agreement:

Euclid-Prospect II C.D. Plan
Treatment Area
Block 3 Site B

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and beginning on the centerline of Euclid Avenue (99 feet wide) at its intersection with the centerline of East 3rd Street (16.5 feet wide); thence Easterly along the centerline of said Euclid Avenue to its intersection with the Northerly

prolongation of the Easterly line of a parcel of land owned by Alvin Krenzler (PPN 101-26-040); thence Southerly along the Northerly prolongation and the Easterly line of said Krenzler parcel to the South Easterly corner thereof; thence Westerly along the Southerly line of said Krenzler parcel and its Westerly prolongation to its intersection with the Easterly line of a parcel of land owned by Miriam G. Kenney et al (PPN 101-26-043); thence Southerly along the Easterly line of said Kenney parcel and its Southerly prolongation to its intersection with the centerline of Prospect Avenue (82.5 feet wide); thence Westerly along the centerline of said Prospect Avenue to its intersection with the centerline of East 3rd Street as aforesaid; thence Northerly along the centerline of said East 3rd Street to its intersection with the

centerline of Euclid Avenue and the place of beginning.

Section 4. That this Council finds the conveyance to the Redeveloper of the property described herein, for the purpose of redevelopment, constitute a public use of said property.

Section 5. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described herein at a price not less than the fair market 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 6. 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 7. That the Mayor, the Director of Community Development, the Director of Economic 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 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.

Ord. No. 85-01.

By Councilman Westbrook (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Cudell Improvement, Inc. to encroach into the right-of-way of Detroit Avenue between West 110th and West 117th Streets with approximately nineteen (19) banners to be attached to CPP utility poles (by separate permission) for an on-going banner program for the Detroit Business District.

Whereas, this ordinance constitutes an emergency measure providing for 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 Cudell Improvement, Inc., 11650 Detroit Avenue, Cleveland, Ohio 44102, its successors and assigns, for the construction, use and maintenance of an on-going banner program which will include approximately nineteen (19) banners for the Detroit Avenue Business District, to be attached to Cleveland Public Power utility poles (by separate permission) which will encroach into the public right-of-way of Detroit Avenue between West 110th Street and West 117th Street at the locations more fully described as follows:

<u>LOCATION:</u>	<u>POLE NUMBER:</u>	<u>USE:</u>
<u>DETROIT AVENUE:</u>		
11006 Detroit (N)	E-7-11	Banner
11014 Detroit (N)	No Tag	Banner
11024 Detroit (N)	E-7-12	Banner
11210 Detroit (N)	E-7-15	Banner
11500 Detroit (N)	E-7-17	Banner
11500 Detroit (N)	E-7-19	Banner
11604 Detroit (N)	E-7-21	Banner
11650 Detroit (N)	E-7-23	Banner
NE Corner of Detroit & W. 117 St.	E-7-24	Banner
SE Corner of Detroit & W. 117 St.	E-8-2	Banner
11609 Detroit (S)	E-8-4	Banner
11603 Detroit (S)	E-8-5	Banner
11411 Detroit (S)	E-8-9	Banner
11411 Detroit (S)	E-8-7	Banner
11215 Detroit (S)	E-8-10	Banner
11201 Detroit (S)	E-8-11	Banner
11103 Detroit (S)	E-8-13	Banner
11101 Detroit (S)	E-8-14	Banner

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

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

Section 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 the banners authorized by this ordinance shall be reviewed by the City Planning Commission.

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

Ord. No. 444-01.

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

An emergency ordinance authorizing the Director of Community Development to enter into a First Amendment to Contract No. 56401 with Kamms Corners Development Corporation to provide additional neighborhood revitalization activities.

Ord. No. 538-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for a grant from the Minority Health Commission for the Diabetes Action Plan 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 a grant in the approximate amount of \$200,000, and any other funds as they may become available during the grant term, from the Minority Health Commission, to conduct the Diabetes Action Plan Program.

Section 2. That the application for said grant, File No. 538-01-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.

Ord. No. 540-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of animal trapping services, for the Division of Environment, Department of Public Health.

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

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

Section 1. That the Director of Public Health is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of animal trapping services 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 Environment, Department of Public Health. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases

and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of said contract shall not exceed \$60,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 25170)

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

Ord. No. 541-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio 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 service and equipment 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 approximate amount of \$2,554,960 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 application; that the Director of Public Health is hereby authorized to file all papers 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 application for said grants.

Section 2. That the application for said grant, File No. 541-01-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects, including the obligation of the City of Cleveland to provide in cash matching funds in the sum of \$491,250, from the Division of Environment's General Fund budget in order to receive the grant from the U.S. Environmental Protection Agency.

Section 3. That the Director of Public Health is hereby authorized to enter into contracts for the purchase of equipment 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 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.

Ord. No. 613-01.

By Councilmen Gordon and Patmon.

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Western Reserve Area Agency on Aging for the 2001 Western Reserve Area Agency on Aging Grant.

Ord. No. 615-01.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply and accept a grant from the State of Ohio Department of Development to conduct the State Home Weatherization Assistance Program and to enter into contract with various organizations, individual landlords, tenants and contractors for the purpose of providing weatherization assistance to low-income City residents through the State Home Weatherization Assistance Program.

RESOLUTIONS**Res. No. 140-01.**

By Councilman Willis.

An emergency resolution requiring the laying, re-laying and repairing of sidewalks, driveway aprons, curbs, gutters and/or castings on certain streets and any associated corner properties herein named in 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 it is necessary to lay, re-lay and repair sidewalks, driveway aprons, curbs, gutters and/or castings, including adjustments of utility boxes, where necessary, in the City of Cleveland on the following streets, at the locations hereinafter named and between the points mentioned, including both the frontage and depth of corner lots where said streets intersect, be laid, re-layed and repaired, with either stone flagging or concrete, to the full width of the present sidewalks or curbing on the streets and any associated corner properties respectively:

West 93rd Street and West 95th Street - Madison Avenue to Willard Avenue

9801 Denison Avenue - Southwest corner of Denison Avenue and West 98th Street

3243 West 98th Street - Southeast corner of Denison Avenue and West 98th Street

Ashbury Avenue - East Boulevard to Lakeview Road

Woodhaven - Ridge Road to West 63rd Street

West 59th Street - Memphis to Ridgeview

Cleveland Road - North of St. Clair Avenue

Catalpa Road - North of Euclid Avenue

East 176th - Villaview to Nottingham Road

East 177th - Villaview to Nottingham Road

Creekview - Nottingham Road to east end

Dillewood - East 176th Street to east end

Nottingham Road - Villaview to Lakeshore Boulevard

Shelton Road - Nottingham Road to east end

Tiverton road - Nottingham Road to east end

Sprengle Road - West 146th Street to West 143rd Street (curb only)

Allien Avenue - East of W. 179th Street to W. 176th Street.

Section 2. That, provided that eighty percent (80%) of the property owners on each street subject to this resolution agree to the work described in Section 1 of this resolution, the Director of Finance shall cause a written notice of the adoption of this resolution to be served upon the owner, agent of the owner, of each parcel of land abutting upon the sidewalk, driveway apron, curb, gutter, and/or casting to be laid or re-layed or repaired. In the manner provided by law for the service of summons in civil actions and in accordance with Section 164 of the City Charter of the City of Cleveland. A copy of the notice, with the time and manner of service endorsed thereon, signed by the person serving it shall be returned to the office of the Director of Finance and there filed and preserved. The said notice shall also provide that: if the sidewalk, driveway apron, curb, gutter, and/or casting are not laid, re-layed or repaired by the abutting owner, in accordance with the notice, within fifteen (15) days from service of notice or completion of the publication thereof, the City will proceed, through the appropriate department, to lay, re-lay or repair such sidewalk, driveway apron, curb, gutter, and/or casting, including adjustments of utility boxes, where necessary at the cost and expense of the owner of the property in front of which the same is laid, re-layed, repaired; and the cost and expense thereof, unless paid to the Director of Finance, will be assessed against the abutting property, and collected in the same manner as other assessments, as provided in Section 165 of the Charter of the City of Cleveland.

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

Res. No. 317-01.

By Mayor White.

An emergency resolution supporting the efforts of the Cleveland Restoration Society, the Downtown Cleveland Partnership, and Downtown Ohio, Inc. in preparing a proposal, for submission to members of the Ohio State Legislature, to provide a historic property rehabilitation tax credit for the renovation and maintenance of historic property.

BOARD OF CONTROL

May 2, 2001

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 2, 2001, at 11:00 a.m. with Acting Mayor Carter presiding.

Present: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander

Absent: Director Patterson.

Others: Mynna Branche, Commissioner, Purchases and Supplies, Lucille Ambroz, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 282-01.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of Valley Ford Truck Sales, Inc. for an estimated quantity of cab/chassis with aerial bucket/chip dump body 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 6, 2001, pursuant to the authority of Ordinance No. 1685-2000, passed by the Council of the City of Cleveland on October 30, 2000, and Ordinance No. 99-01, passed by the Council of the City of Cleveland on January 22, 2001, which on the basis of the estimated quantity would amount to Ninety-Nine Thousand Nine Hundred Twenty-Six and 00/100 Dollars (\$99,926.00) (Net), 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. 29610 which shall be certified against such contract in the sum of Ninety-Nine Thousand Nine Hundred Twenty-Six and 00/100 Dollars (\$99,926.00).

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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Valley Ford Truck Sales, Inc. for the above mentioned purchase is hereby approved:

Logical Services, Inc.
MBE — \$800.00 per unit

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 283-01.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 271-01, adopted April 25, 2001, pursuant to the authority of Ordinance No. 1980-96, passed June 2, 1997, approving the bid of D & M Painting Corporation, as lowest and best for Chamberlin Water Tower demolition, items 1 through 8, for the Division of Water, Department of Public Utilities, is hereby amended by deleting the words "two hundred twenty-two thousand one hundred four dollars", where appearing, and substituting the words "two hundred twenty-five thousand one hundred four dollars."

Be it further resolved that all other provisions of said Resolution No. 271-01 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 284-01.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Utilicon Corporation for an estimated quantity of repair of water mains and appurtenances (area c) (all items) for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 4th day of April, 2001, pursuant to the authority of Ordinance No. 1415-99, passed October 4, 1999, on the basis of the estimated quantity would amount to One Million Six Hundred Twenty-Six Thousand Eight Hundred Sixty-Two and 50/100 Dollars (\$1,626,862.50) (2%, Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 33918 which shall be certified against such contract in the sum of Six Hundred Thousand Dollars (\$600,000.00)

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Utilicon Corporation, for the contract authorized herein hereby is approved:

NAME	MBE/FBE
RMC, Inc.	MBE \$249,000.00/15%

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whit-

low, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 285-01.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Wesco Distribution, Inc. for an estimated quantity of meters and metering equipment, item no. 2, 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 March 29, 2001, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to One Hundred Thirty Three Thousand Six Hundred and no/100 Dollars (\$133,600.00), (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. 36517

which shall be certified against such contract in the sum of Sixteen Thousand Seven Hundred and no/100 Dollars (\$16,700.00).

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: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 286-01.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Pepco for an estimated quantity of meters and metering equipment, item nos. 1 and 3, 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 March 29, 2001, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to One Hundred Fifty Two Thousand Eight Hundred Seventy Five and no/100 Dollars (\$152,875.00) (2%, 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. 36516

which shall be certified against such contract in the sum of Twenty One Thousand Four Hundred Two and 50/100 Dollars (\$21,402.50).

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: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 287-01.

By Director Sheperd.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Board of Control Resolution No. 83-01, adopted February 14, 2001, pursuant to Ordinance Nos. 552-2000, passed June 19, 2000, and 1234-2000, passed July 17, 2000, approving Independence Excavating, Inc., for the public improvement of the Brookpark Waterline Relocation project for this Division of Cleveland Hopkins International Airport, Department of Port Control, the employment of the following subcontractors for the above-mentioned public improvement project is hereby approved:

SUBCONTRACTORS DESCRIPTION

East Jordan Iron Works	Finish cast Iron castings for structures to Berkshire construction
State Barricading, Inc.	Labor and Material for maintenance of traffic
Victory White	Furnishing Waterline materials to Lawrence Harris construction for 12" size or less

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 288-01.

By Director Ricchiuto.

Whereas, by Resolution No. 196-01, adopted March 28, 2001, pursuant to the authority of Ordinance No. 2022-2000, passed by the Council of the City of Cleveland on December 18, 2000, this Board of Control approved the bid of Baker Vehicle Systems, Inc., as the lowest and best bid for the purchase of Cushman-Ransome parts and labor; and

Whereas, in said Resolution No. 196-01, the bidder's Requisition No. was incorrectly stated as 29565; now, therefore,

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

the Board of Control Resolution No. 196-01, adopted March 26, 2001, affirming and approving the bid of Baker Vehicle Systems, Inc. as the lowest and best for the purchase of Cushman-Ransome parts and labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, hereby is amended by changing the bidder's Requisition No. to 29569.

Be it further resolved that all other provisions of said resolutions not expressly amended hereby shall remain in full force and effect.

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 289-01.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Petroleum Traders Corporation for an estimated quantity of gasoline, item 1 (a and b) and item 2 (a and b), 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 12, 2001, pursuant to the authority of Ordinance No. 134-01, passed by the Council of the City of Cleveland on March 19, 2001, which on the basis of the estimated quantity would amount to One Million Six Hundred Eighty Thousand Two Hundred Twenty Three and no/100 Dollars (\$1,680,223.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 29613

which shall be certified against such contract in the sum of Four Hundred Thousand and no/100 Dollars (\$400,000.00).

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: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 290-01.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Fleet Supplies, Inc. for an estimated quantity of gasoline, item 3 (a and b) 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 12, 2001, pursuant to the authority of Ordinance No. 134-01,

passed by the Council of the City of Cleveland on March 19, 2001, which on the basis of the estimated quantity would amount to Twelve Thousand Four Hundred Thirty Five and 60/100 Dollars (\$12,435.60) (0% Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 29612

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

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

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 291-01.

By Director Miller.

Whereas, Resolution No. 503-00, adopted by this Board on July 19, 2000, pursuant to the authority of Ordinance No. 104-2000, passed by the Cleveland City Council on April 17, 2000, authorized the Director of Parks, Recreation & Properties to enter into a contract with Ballast Construction, Inc. as the lowest responsible bidder for the public improvement, in the aggregate amount of One Hundred Thirty Two Thousand, Seven Hundred Nine and 50/100 Dollars (\$132,709.50); and

Whereas, Ordinance No. 291-01, passed by Cleveland City Council on April 9, 2001, amended Ordinance No. 104-2000 to exclude public improvement contracts for swimming pool fence replacement from the requirement therein that the contract be executed within ninety days of passage of said Ordinance; and

Whereas, the City desires to amend Resolution No. 503-00 to include reference to Ordinance No. 291-01; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 503-00, adopted July 19, 2000, affirming and approving Ballast Construction, Inc. as lowest responsible bidder for certain improvements is hereby amended by adding the words "and Ordinance No. 291-01" after the words "Ordinance No. 104-2000", where appearing, and by adding the words "and April 9, 2001 respectively" after the words "April 17, 2000", where appearing.

Be it further resolved that all other provisions of said Resolution No. 503-00 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Direc-

tors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 292-01.

By Director Miller.

Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 263-01, adopted April 18, 2001 approving ParkWorks to conduct a vacant lot maintenance program with the City of Cleveland, is hereby amended by deleting the amount of "1.79 cents per square foot" where appearing in the second paragraph and substituting therefor the amount "1.64 cents per square foot".

Be it further resolved that all other terms and provisions of said Resolution No. 263-01 not hereby amended shall remain unchanged and in full force and effect.

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 293-01.

By Director Miller.

Resolved, by the Board of Control of the City of Cleveland that the bid of Hillcrest Food Service for an estimated, quantity of various food items (Bid I: 1-22) (Bid II: 23-170) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period of one year beginning with the date of execution of a contract, received on the 25th day of April, 2001, pursuant to the authority of Ordinance No. 2156-2000, passed December 18, 2000, which on the basis of the estimated quantity would amount to Sixty Nine Thousand Five Hundred Seventy Seven and 08/100 Dollars (\$69,577.08), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 32697

which shall be certified against such contract in the sum of Twenty Five Thousand and 00/100 (\$25,000.00) Dollars.

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: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 294-01.

By Director Miller.

Resolved, by the Board of Control of the City of Cleveland that the bid of Valley Ford Truck Sales, Inc. for

the following: One (1) cab/chassis with aerial bucket/chip dump body for the Division of Park Maintenance and Properties, Department of Park, Recreation and Properties, received on April 6, 2001, pursuant to the authority of Ordinance No. 104-2000, passed by the Council of the City of Cleveland April 17, 2000, which on the basis of the order quantity would amount to Ninety-Nine Thousand Nine Hundred Twenty-Six and 00/100 Dollars (\$99,926.00) (Net-10 Days), is hereby approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a contract for such item.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Valley Ford Truck Sales, Inc. for the above mentioned purchase is hereby approved:

Logical Services Inc.
MBE — \$800.00 per unit

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 295-01.

By Director Miller.

Resolved, by the Board of Control of the City of Cleveland that the bid of Tom Paige Catering Company for an estimated quantity of meals for the Summer Food Program (Item 1 — approximately One Hundred and Twenty Four Thousand unitized lunches complete as specified) (Item 2 — approximately Twenty Seven Thousand breakfasts complete as specified) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period three (3) months, beginning with the date of execution of a contract received on the 25th day of April 2001, pursuant to the authority of Ordinance No. 2156-2000, passed December 18, 2000, which on the basis of the estimated quantity would amount to Two Hundred Twenty Five Thousand Four Hundred and 00/100 (\$225,400.00) Dollars, is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 32696

which shall be certified against such contract in the sum of One Hundred Twenty Two Thousand and 00/100 Dollars (\$122,000.00).

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: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Direc-

tors Miller, Hudecek, Warren and Alexander.

Nays: None.
Absent: Director Patterson.

Resolution No. 296-01.

By Director Miller.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of R. DiLillo & Company for the public improvement of Mercedes Cotner Park Site Improvements, for Base Bid Items #A1-#A25, #A27 - #A52, #A57 - #A82, Alternate Items #4A - #7A and Add Alternate Items #AA1 - #AA5 and #AA7 - #AA11 including the adjusted 5% contingency, for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on February 14, 2001, pursuant to the authority of Ordinance No. 849-99 and Ordinance No. 1728-00, passed June 14, 1999 and April 9, 2001, upon a unit basis for the improvement in the aggregate amount of Five Hundred Seventy Four Thousand, Seven Hundred Thirty and 00/100 Dollars (\$574,730.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractors for R. DiLillo & Company on the public improvement for Mercedes Cotner Park Site Improvements are hereby approved.

SUBCONTRACTS

RESPONSIBILITY

Cook Paving (MBE)	Asphalt Paving
Tech Ready Mix (MBE)	Concrete Supply
Barrow Sign (FBE)	Signage

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.
Absent: Director Patterson.

Resolution No. 297-01.

By Director Miller.

Be it resolved by the Board of Control of the City of Cleveland that the base bid, including alternates 1, 2, 3, and 4, of Envirocom Construction Inc. for the Highland Park Cemetery Mausoleum Masonry Restoration, for the Department of Parks, Recreation and Properties, received on April 12, 2001, pursuant to the authority of Ordinance No. 1422-98, passed December 7, 1998, for a gross price for the improvement in the aggregate amount of Three Hundred Sixty Six Thousand Two Hundred and no/100 Dollars (\$366,200.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

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

the following subcontractor by Envirocom Construction Inc. is hereby approved:

Pearlrock Mechanical
MBE — \$46,500.00

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.
Absent: Director Patterson.

Resolution No. 298-01.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2075-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, pursuant to Ordinance No. 1547-90 passed by the Council of the City of Cleveland on April 8, 1991, this Board of Control adopted Resolution No. 379-2000 on June 7, 2000, authorizing the sale of Permanent Parcel No. 136-18-052 (Westerly half); and

Whereas, said Resolution No. 379-2000 incorrectly identified the purchasers of said parcel as Willie L. Coleman II and Angela Coleman; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 379-2000, adopted by this Board of Control on June 7, 2000, authorizing the execution of a deed for Permanent Parcel No. 137-18-052 (Westerly half) to certain purchasers is hereby amended by correcting the spelling of the purchaser's names to "Willie L. Coleman II and Tangala Coleman".

Be it further resolved that all other provisions of said Resolution No. 379-2000 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.
Absent: Director Patterson.

Resolution No. 299-01.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2075-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 126-01-023 located on Platt Avenue in Ward 6; and

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

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

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Kenneth Harris for the sale and development of Permanent Parcel No. 126-01-023 located on Platt Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.
Absent: Director Patterson.

Resolution No. 300-01.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2075-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 119-29-168, 119-29-169, 119-29-170, and 119-29-171 under said Land Reutilization Program; and

Whereas, Ordinance No. 133-2000 passed March 27, 2000, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Fairfax Renaissance Development Corporation or designee has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that that pursuant to the authorization of Ordinance No. 133-2000 passed March 27, 2000, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Fairfax Renaissance Development Corporation or designee for the sale and development of Permanent Parcel No. 119-29-168, 119-29-169, 119-29-170, and 119-29-171, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100.00 (each), which amount is hereby determined to be no less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 301-01.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2075-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 105-32-163, 105-32-164 and 105-32-165 under said Land Reutilization Program; and

Whereas, Ordinance No. 87-01 passed April 9, 2001, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, The House of God, The Church of the Living Good, The Pillar and the Ground of the Truth, The House of Prayer for All People, Inc. of Kentucky have proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 87-01 passed April 9, 2001, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with The House of God, The Church of the Living Good, The Pillar and the Ground of the Truth, The House of Prayer for All People, Inc. of Kentucky for the sale and development of Permanent Parcel Nos. 105-32-163, 105-32-164 and 105-32-165, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100 each, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 302-01.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2075-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 104-17-159 under said Land Reutilization Program; and

Whereas, Ordinance No. 305-01 passed April 9, 2001, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Joanne Teague has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 305-2001 passed April 9, 2001, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Joanne Teague for the sale and development of Permanent Parcel No. 104-17-159, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Acting Mayor Carter, Acting Director Marks, Directors Brooks, Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Director Patterson.

Resolution No. 303-01.

By Director Brooks.

Be it resolved by the Board of Control of the City of Cleveland that the employment of Primexus, Inc. as a subcontractor to Keane, Inc. under Contract #54536 for the remediation of various applications to insure they are Year 2000 compliant, pursuant to Ordinance No. 1744-97, passed by City Council on October 20, 1997 as amended, and Ordinance No. 521-99, passed March 29, 1999, and Board of Control Resolutions Nos. 1080-97 and 398-99, adopted October 29, 1997 and June 23, 1999, respectively, is hereby approved.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ANNE BLOOMBERG,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 21, 2001

9:30 A.M.

Calendar No. 01-80: 7201-7327 Dellenbaugh Avenue (Ward 7)

Cuyahoga Metropolitan Housing Authority (CMHA) c/o Steve Oladeji, appeals to install approximately 370 linear feet of 6' high ornamental fencing to the south and east of an approximate 524' x 235' parcel located in a Multi-Family District on the north side of Dellenbaugh Avenue at 7201-7327 Dellenbaugh Avenue; said installation being contrary to the Fence Regulations where a 6' high ornamental fence is proposed and the maximum height of fencing permitted is 4' as stated in Section 358.04(a) of the Codified Ordinances.

Calendar No. 01-81: 7200-7324 Wade Park Avenue (Ward 7)

Cuyahoga Metropolitan Housing Authority (CMHA) c/o Steve Oladeji, appeals to install approximately 370 linear feet of 6' high ornamental fencing to the north and east of an approximate 280' x 94' parcel located in a Multi-Family District on the south side of Wade Park Avenue at 7200-7324 Wade Park Avenue; said installation being contrary to the Fence Regulations where a 6' high ornamental fence is proposed and the maximum height of fencing permitted is 4' as stated in Section 3 5 8.04(a) of the Codified Ordinances.

Calendar No. 01-82: 1425-1457 East 71st Street (Ward 7)

Cuyahoga Metropolitan Housing Authority (CMHA) c/o Steve Oladeji, appeals to install approximately 380 linear feet of 6' high ornamental fencing to the north, south and west of an approximate 280' x 85' parcel located in a Multi-Family District on the east side of East 71st Street between Wade Park Avenue and Dellenbaugh Avenue at 1425-1457 East 71st Street; said installation being contrary to the Fence Regulations where a 6' high ornamental fence is proposed and the maximum height of fencing permitted is 4' as stated in Section 358.04(a) of the Codified Ordinances.

Calendar No. 01-85: 1391 West 110th Street (Ward 18)

H.S.C. General Partnership, owner c/o Elizabeth Kohout, appeals to change the use of an existing 162' x 223' one-story warehouse building into a manufacturing and assembly use all situated on an approximate 252' x 480' irregular shaped parcel located in a General Retail Business District on the northeast corner of Detroit Avenue and West 110th Street at 1391 West 110th Street; said change of use being contrary to the Landscaping and Screening Requirements of Section 352.10 where a 6' wide landscaping strip is required along West 110th Street between the parking lot and the street and the proposed use is first permitted in a Semi-Industry District as stated in Section 345.03 and contrary to the nonconforming use limitations and

requires the Board of Zoning Appeals approval as stated in Section 359.01(a) of the Codified Ordinances.

Calendar No. 01-87: 2776A Van Aken Boulevard (Ward 4)

GMS Management Company, Inc. owner c/o Stuart J. Graines and Paul M. Greenberger, attorney, appeal under the authority of the jurisdiction and power of Section 329.02 of the Codified Ordinances from the Violation Notice issued on April 9, 2001 by the Division of Building and Housing, Department of Community Development for the property at 2776A Van Aken Boulevard.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 7, 2001

At the meeting of the Board of Zoning Appeals on Monday, May 7, 2001, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 01-73: 3402 Ruby Avenue

Donald White, owner, appealed to construct a 6' x 24' one-story porch extension to the front of an existing 6' x 24' front porch of a two family house in a Two-Family District.

Calendar No. 01-67: 1743 East 17th Street

Med-All, Inc. c/o Nick Hill, owner, appealed to demolish a one-story masonry building and establish a surface parking lot for 40 cars and change the use of a one-story masonry office building into a warehouse in a General Retail Business District.

The following appeals were **Denied:**

Calendar No. 01-72: 18012 Hillgrove Avenue

Kevin Marrie, owner, appealed to change the use of a two dwelling unit house into three dwelling units in a Two-Family District.

Calendar No. 01-74: Violation Notice Appeal — 619-625 East 140th Street

Fayez H. Sammour, owner, appealed from the Violation Notice issued by the Commissioner of Building and Housing on March 5, 2001.

The following appeals were **Postponed:**

Calendar No. 01-26: 3887 Lee Road postponed to May 29, 2001.

Calendar No. 01-44: 3712 East 59th Street postponed to May 29, 2001.

Calendar No. 01-68: 3219 Detroit Avenue postponed to June 4, 2001.

The following appeals were **Withdrawn:**

Calendar No. 01-71: 2230 Euclid Avenue — Lot Split Appeal

Trustees of the Episcopal Diocese of Ohio, owner, appealed from the refusal to approve the splitting of a 127' x 146' parcel into an approximate 114' x 132' irregular shaped parcel and a 32' x 127' parcel on the south side of Euclid Avenue.

Calendar No. 01-39: 16300 South Waterloo Road

Michael Liptack, owner, appealed to expand an existing engineering company use to store materials and equipment outside in a General Industry District.

On Monday, May 7, 2001, in Executive Session:

The following appeals were heard on Monday, April 30, 2001, and said decisions were approved and adopted by the Board on May 7, 2001:

The following appeals were **Approved:**

Calendar No. 01-64: 511 Spring Road

Pat Manco, owner, appealed to construct a 6' x 20' addition to an existing garage in a One-Family District.

Calendar No. 01-65: 13420 Sherry Avenue

Sharon Minter, owner, appealed to enclose a 7'-1" x 28' front porch of a single family dwelling in a One-Family District.

Calendar No. 01-70: 6301 Dellbank Drive

Robert W. Beech, owner, appealed to install 73 linear feet of 5' high ornamental fencing with a gate to the rear of a corner parcel in a One-Family District.

Calendar No. 01-75: 6005 Parkridge Avenue

Jerrold L. Zarlenga, owner, appealed to construct a 28' x 38' two-story, frame single family house in a One-Family District.

Calendar No. 01-51: Appeal of Christopher L. Smalls

Christopher L. Smalls appealed under Section 76-6 and the Charter of the City of Cleveland and Section 674.04 of the Codified Ordinances from the denial of Handgun Registration and Handgun Owner's Identification Card; decision of the Chief of Cleveland Police Division reversed.

The following appeals were **Denied:**

Calendar No. 01-66: 3305 West 44th Street

Ronald Edvon, owner, appealed to park a motor vehicle in the driveway setback area of a single dwelling house in a Two-Family District.

Calendar No. 01-69: 576 East 152nd Street

Thomas Gettings, owner, appealed to expand a Rooming House by adding a one-story, drive through concession trailer to sell hot dogs in a General Retail Business District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On City Planning

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Monday, May 21, 2001
1:30 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, May 21, 2001, at 1:30 P.M., to consider the following ordinance now pending in the Council:

Ord. No. 452-01.

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

An ordinance to amend Section 350.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, relating to billboards; to enact new Section 341.021 of said codified ordinances relating to airport and lakefront public land protective districts; and to change the use, area and height districts of lands east of West 11 Street to limited access line of State Route 176 (Map Change No 2029, Sheet No 6).

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

JOSEPH C. CIMPERMAN,
Chairman
Committee on City Planning

May 9, 2001 and May 16, 2001

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, MAY 17, 2001

The Rehabilitation of East 55th Street — Phase III From Superior Avenue to South Marginal Road, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1588-2000, passed by the Council of the City of Cleveland.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

Meter Reading Computer Readers, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1678-2000, passed by the Council of the City of Cleveland, November 27, 2000.

Messenger Services, for the Various Divisions of City Government, Department of Finance.

May 2, 2001 and May 9, 2001

FRIDAY, MAY 18, 2001

Towing Services, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 366-

01, passed by the Council of the City of Cleveland, April 9, 2001.

Meyer Snow Plow and Spreader Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1822-99, passed by the Council of the City of Cleveland, December 6, 1999.

May 2, 2001 and May 9, 2001

WEDNESDAY, MAY 23, 2001

Residential Sound Insulation Program (RSIP)-Contract C-01, for the Department of Port Control, as authorized by Ordinance No. 469-98, passed by the Council of the City of Cleveland.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) 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 THURSDAY, MAY 10, 2001, 12:00 NOON LOCAL TIME, IN THE 2ND FLOOR MAIN CONFERENCE ROOM, ADMINISTRATION OFFICE, PASSENGER TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE. ATTENDANCE IS MANDATORY.

Residential Sound Insulation Program (RSIP)-Contract D-01, for the Department of Port Control, as authorized by Ordinance No. 469-98, passed by the Council of the City of Cleveland.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) 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 THURSDAY, MAY 10, 2001, 12:00 NOON LOCAL TIME, IN THE 2ND FLOOR MAIN CONFERENCE ROOM, ADMINISTRATION OFFICE, PASSENGER TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE. ATTENDANCE IS MANDATORY.

May 2, 2001 and May 9, 2001

WEDNESDAY, MAY 30, 2001

Service and Maintenance of MSA and AIM Gas Detection Equipment and Calibration Systems, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2105-2000, passed by the Council of the City of Cleveland, February 12, 2001.

A PRE-BID MEETING WILL BE HELD ON MONDAY, MAY 21, 2001, 10:00 A.M., 4TH FLOOR, NORTH CONFERENCE ROOM, CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO.

May 2, 2001 and May 9, 2001

WEDNESDAY, MAY 23, 2001

Golf Carts, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 80-01, passed by the Council of the City of Cleveland, April 9, 2001.

Autocad Software, Installation and Support, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1198-2000, passed by the Council of the City of Cleveland, August 7, 2000.

Disposal of Debris at Landfills, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 946-99, passed by the Council of the City of Cleveland, June 14, 1999.

A PRE-BID MEETING WILL BE HELD ON FRIDAY, MAY 18, 2001, 10:00 A.M., AT THE DIVISION OF WATER IN THE 4TH FLOOR FINANCE CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. ATTENDANCE IS MANDATORY.

May 9, 2001 and May 16, 2001

THURSDAY, MAY 24, 2001

Rehabilitation of State Road, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 1284-99 and 730-2000, passed by the Council of the City of Cleveland, July 14, 1999 and June 12, 2000, respectively.

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.

May 9, 2001 and May 16, 2001

WEDNESDAY, MAY 30, 2001

Elevator Maintenance at City Hall, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 297-01, passed by the Council of the City of Cleveland, April 9, 2001.

Elevator Maintenance and Repair, for the Department of Public Health, as authorized by Ordinance No. 1683-2000.

A PRE-BID MEETING WILL BE SCHEDULED. PLEASE CALL (216) 664-2634 TO OBTAIN DATE, TIME AND LOCATION INFORMATION.

May 9, 2001 and May 16, 2001

FRIDAY, JUNE 1, 2001

Fifteen (15) 25-Cubic Yards Refuse Packer Body Replacements, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 1685-2000 and 99-01, passed by the Council of the City of Cleveland, October 30, 2000 and January 22, 2001, respectively.

Pharmaceutical Supplies, for the Department of Public Health, as authorized by Ordinance No. 1804-2000, passed by the Council of the City of Cleveland, November 27, 2000.

May 9, 2001 and May 16, 2001

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 753-01.

By Councilman Britt.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 8716 Cedar Avenue, and repealing Res. No. 1328-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 8716 Cedar Avenue by Res. No. 1328-2000 adopted by Council July 28, 2000; and

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

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

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

Section 1. That objection to the renewal of a C1 and C2 Liquor Permit to 8716 Cedar Avenue, be and the same is hereby withdrawn and Res. No. 1328-2000, containing said objection, be and the same is hereby repealed and that this council consents to the immediate renewal thereof.

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

Adopted April 30, 2001.

Effective May 7, 2001.

Res. No. 754-01.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit to 3146 West 14th Street, and repealing Res. No. 184-01 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 3146 West 14th Street by Res. No. 184-01 adopted by Council February 5, 2001; 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 D5 Liquor Permit to 3146 West 14th Street, be and the same is hereby withdrawn and Res. No. 184-01, 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.

Adopted April 30, 2001.

Effective May 7, 2001.

Res. No. 755-01.

By Councilman Lewis.

An emergency resolution objecting to the issuance of ownership of a C1 Liquor Permit to 9200 Wade Park Ave., Unit EA10.

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. 6273858, Mydis LTD, DBA My Food, 9200 Wade Park Ave., Unit EA10, 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, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 6273858, Mydis LTD, DBA My Food, 9200 Wade Park Ave., Unit EA10, 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 is hereby directed to transmit two certified copies of this

resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted April 30, 2001.

Effective May 7, 2001.

Res. No. 756-01.

By Councilman Lewis.

An emergency resolution objecting to the issuance of a C2 Liquor Permit to 7038 Linwood, 1st Fl.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 3350209, Annette Green, DBA Greens Linwood Deli, 7038 Linwood, 1st Fl., Cleveland, Ohio 44103; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C2 Liquor Permit to Permit No. 3350209, Annette Green, DBA Greens Linwood Deli, 7038 Linwood, 1st Fl., Cleveland, Ohio 44103 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 30, 2001.
Effective May 7, 2001.

Res. No. 757-01.

By Councilman Lewis.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 1795 East 55th Street.

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. 3160612, Elias Ghazal, DBA Big Star Eagle Market, 1795 East 55th Street, Cleveland, Ohio 44103 to Permit No. 77052750005, Sammor Inc., DBA Big Star Market, 1795 East 55th Street, Cleveland, Ohio 44103; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X

Liquor Permit from Permit No. 3160612, Elias Ghazal, DBA Big Star Eagle Market, 1795 East 55th Street, Cleveland, Ohio 44103 to Permit No. 77052750005, Sammor Inc., DBA Big Star Market, 1795 East 55th Street, Cleveland, Ohio 44103 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 30, 2001.
Effective May 7, 2001.

Res. No. 758-01.

By Councilman Melena.

An emergency resolution objecting to the issuance of a C2 Liquor Permit to 5718 Bridge Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 7467795, Norma Rodriguez, DBA Grocery Store, 5718 Bridge Ave., 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, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said

permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the issuance of a C2 Liquor Permit to Permit No. 7467795, Norma Rodriguez, DBA Grocery Store, 5718 Bridge Ave., 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 is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted April 30, 2001.
Effective May 7, 2001.

Res. No. 759-01.

By Councilman Patmon.

An emergency resolution objecting to the issuance of a C2 Liquor Permit to 1204 East 105th Street.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 1921184, Mary Daniels, DBA McDaniels Mini Market, 1204 East 105th Street, Cleveland, Ohio 44108; 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 pro-

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

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

Section 1. That Council does hereby record its objection to the issuance of a C2 Liquor Permit to Permit No. 1921184, Mary Daniels, DBA McDaniels Mini Market, 1204 East 105th Street, Cleveland, Ohio 44108 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 30, 2001.
Effective May 7, 2001.

Res. No. 760-01.
By Councilman Polensek.
An emergency resolution objecting to the issuance of a C2 Liquor Permit to 15504 Waterloo Road.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 1895520, Bechara E. Daher, DBA Freeway Service & Mini Mart, 15504 Waterloo Road, 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, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the issuance of a C2 Liquor Permit to Permit No. 1895520, Bechara E. Daher, DBA Freeway Service & Mini Mart, 15504 Waterloo Road, 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 is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted April 30, 2001.
Effective May 7, 2001.

Res. No. 761-01.
By Councilman Polensek.
An emergency resolution objecting to the issuance of a C2 Liquor Permit to 910 East 185th Street.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 56036170115, Mascot Petroleum Co. Inc., DBA Sunoco Sunmart, 910 East 185th Street, Cleveland, Ohio 44119; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C2 Liquor Permit to Permit No. 56036170115, Mascot Petroleum Co. Inc., DBA Sunoco Sunmart, 910 East 185th Street, Cleveland, Ohio 44119 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 30, 2001.
Effective May 7, 2001.

Res. No. 762-01.
By Councilmen Polensek and Jones.

An emergency resolution supporting H.R. 1032 prohibiting oil and gas exploration in the Great Lakes and urging its prompt passage by Congress.

Whereas, Congressman Dennis Kucinich recently introduced H.R. 1032 in the United States House of Representatives prohibiting oil and gas exploration, including any slant or directional drilling, in the Great Lakes region; and

Whereas, directional drilling allows exploration companies to drill on land at an angle to reserves below the lake bottom and such drilling may extend for miles; and

Whereas, the practice of directional drilling raises concerns about potential oil leaks and the release of the potentially lethal chemical, hydrogen sulfide, into the lake waters; and

Whereas, this Council of the City of Cleveland believes that oil and gas exploration in the Great Lakes presents a potential health hazard to the 35 million people living near the Great Lakes, including residents of the City of Cleveland; and

Whereas, this Council joins with Senator Voinovich, State Representatives Brian Flannery and Christopher Redfern, Mayors Deborah Sutherland of Bay Village and Donald Umerley of Rocky River, the Sierra Club and Ohio PIRG, among others, in prohibiting drilling in the Great Lakes; and

Whereas, this Council urges Congress to pass H.R. 1032 in an expeditious manner; and

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

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

Section 1. That this Council of the City of Cleveland believes that oil and gas exploration in the Great Lakes presents a potential health hazard to the 35 million people living near the Great Lakes, including residents of the City of Cleveland, and as such, urges the prompt passage of H.R. 1032 by Congress.

Section 2. That the Clerk is hereby requested to transmit a copy of this resolution to President George W. Bush, Speaker of the House of Representatives Dennis Hastert, and Congressman Dennis Kucinich.

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 April 30, 2001.
Effective May 7, 2001.

Res. No. 763-01.
By Councilmen Polensek and Patmon.

An emergency resolution supporting the goals and objectives of labor unions within the City of Cleveland and nationally; and urging unions to work together amicably to resolve any differences that may arise between labor organizations.

Whereas, this Council of the City of Cleveland, through passage of numerous pieces of legislation, has recognized the rights of all workers to seek safe, fair working conditions and to be paid equitably for their work; and

Whereas, this Council, through passage of numerous pieces of legislation and its actions, has demonstrated support for labor unions within the City of Cleveland and nationally; and

Whereas, it is this Council's hope and desire that unions can work together amicably to resolve any differences that may arise between organizations in order that all union members can benefit equitably; and

Whereas, this Council does not wish to interject this body into an inter-union labor disagreement and fervently hopes that any dispute between labor organizations will be resolved so as to not adversely impact the interests of any workers; 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 this Council of the City of Cleveland supports the goals and objectives of labor unions within the City of Cleveland and nationally; and it is this Council's hope and desire that unions can work together amicably to resolve any differences that may arise between labor organizations.

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 April 30, 2001.
Effective May 7, 2001.

Res. No. 764-01.
By Councilmen Polensek, White and Jones.

An emergency resolution opposing H.B. 225 that would permit carrying concealed weapons in Ohio.

Whereas, a bill allowing any adult to carry a concealed weapon was recently introduced in the Ohio House of Representatives, as H.B. 225, which would change Ohio from one of seven states where concealed weapons are prohibited, to one of only two states where concealed weapons are allowed without any restrictions; and

Whereas, the proposed legislation would enact a "Vermont-style" gun law, which is unique in the United States for its total lack of restrictions, without any requirement for safety training, previous weapons experience or permits; and

Whereas, in addition to the seven states, including Ohio, where concealed weapons are currently prohibited, there are fourteen states which prohibit concealed weapons, except when issued by law enforcement agencies, and twenty-eight states which allow concealed weapons for "law-abiding citizens;" and

Whereas, the proposed bill is opposed by the Fraternal Order of Police, and the liberalization of concealed weapons laws is opposed generally by almost every major law enforcement organization, including the International Brotherhood of Police Officers and the International Association of Chiefs of Police; and

Whereas, an Ohio Poll released this month found that 69 percent of Ohioans oppose a law that would make it easier to get a permit to carry a concealed weapon, which is consistent with two previous polls in 1995 and 1999, and conceal-and-carry legislation is even more strongly opposed in Northeast Ohio, where 73 percent of residents oppose the idea, 79 percent of urban residents oppose it, and 85 percent of blacks oppose any such proposal; and

Whereas, the number of crime victims who successfully use firearms to defend themselves is relatively small, more guns lead to more crime or at least a much smaller reduction in the crime rate, in Texas it was found that the weapon-related offense rate among concealed hand-

gun license holders was more than twice as high as that of the general population, and police officers know that the very sight of a gun can escalate a situation, and lead to greater violence and injury; and

Whereas, laws allowing the carrying of concealed-weapons have nothing to do with private firearms ownership in the home, rather they relate solely to allowing individuals to carry their concealed guns almost anywhere in the community, including churches, stores, malls, theaters, parks, offices, City Hall, RTA, and other public places; now therefore,

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

Section 1. That this Council opposes the passage of H.B. 225, or any legislation that would change Ohio's concealed weapons prohibition. That this Council also urges the Ohio General Assembly to reject the proposed legislation, or any variation of it, and urges Governor Taft to veto any such legislation should it be approved by the General Assembly. This Council urges Governor Taft to announce that he will veto the legislation should it reach his desk.

Section 2. That copies of this Resolution shall be provided by the Clerk of Council to State Representative Tom Brinkman, the sponsor of the bill, to the House and Senate leadership, to Governor Taft, and the Northeast Ohio delegation to the General Assembly.

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 April 30, 2001.
Effective May 7, 2001.

Res. No. 765-01.
By Councilman Westbrook.

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to the improvement of West 117th Street from Madison Avenue to approximately 100 feet north of Clifton Boulevard by constructing an amenity strip in the sidewalk and emplacing tree pockets along the public right-of-way.

Whereas, this Council did, on the 12th day of February, 2001, duly adopt Resolution No. 2124-2000, declaring therein the necessity of improvement of West 117th Street from Madison Avenue to approximately 100 feet north of Clifton Boulevard by constructing an amenity strip in the sidewalk and emplacing tree pockets along the public right-of-way; and

Whereas, pursuant to said resolution, the estimated assessments for said improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of said resolution and of the filing of said estimated assessments has been duly served upon all property owners to be assessed in the manner provided by law; and

Whereas, written objection to said estimated assessments have been filed by one or more such property owners; 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 Ms. Magda Gomez, Ms. Barbara Mullally and Ms. Bobbi Reichell, three disinterested freeholders of said City, be and the same hereby are appointed as an assessment equalization board, to hear and determine all written objections filed in accordance with law to the estimated assessments heretofore filed with the Clerk of this Council pursuant to Resolution No. 2124-2000 of this Council. Said board is hereby authorized and directed to equalize such assessments as it deems proper to conform to the standards prescribed by Resolution No. 2124-2000 and by law.

Section 2. That the assessment equalization board shall meet at 10:00 o'clock, a.m. on 15th day of May, 2001, at Cleveland City Hall, 601 Lakeside Avenue, Room 509, for the purposes aforesaid, and upon completion of such hearing and any adjournments thereof, shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council be and she hereby is authorized and directed to notify, by certified mail, each person who has filed timely written objection to said estimated assessments of the time and place of the hearing of the assessment equalization board.

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 April 30, 2001.

Effective May 7, 2001.

Res. No. 766-01.

By Councilman Westbrook.

An emergency resolution objecting to the issuance of a C2 Liquor Permit to 8615-17 Denison Front.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 97169300005, Judith H. Withrow, DBA Rogers Grocery, 8615-17 Denison Front, 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, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the issuance of a C2 Liquor Permit to Permit No. 97169300005, Judith H. Withrow, DBA Rogers Grocery, 8615-17 Denison Front, 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 is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted April 30, 2001.

Effective May 7, 2001.

Res. No. 767-01.

By Councilman White.

An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 9911 Miles Avenue, and repealing Res. No. 571-01 objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 9911 Miles Avenue by Res. No. 571-01 adopted by Council March 26, 2001; and

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

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

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

Section 1. That objection to the issuance of a C1 Liquor Permit to 9911 Miles Avenue, be and the same is hereby withdrawn and Res. No. 571-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

Adopted April 30, 2001.

Effective May 7, 2001.

Res. No. 768-01.

By Councilman Willis.

An emergency resolution objecting to the issuance of a C2 Liquor Permit to 12107-09 St. Clair Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 74015602630, Rite Aid of Ohio Inc., DBA Rite Aid Disc Pharm 2630, 12107-09 St. Clair Avenue, Cleveland, Ohio 44108; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C2 Liquor Permit to Permit No. 74015602630, Rite Aid of Ohio Inc., DBA Rite Aid Disc Pharm 2630, 12107-09 St. Clair Avenue, Cleveland, Ohio 44108 and requests

the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 30, 2001.

Effective May 7, 2001.

Ord. No. 1963-2000.

By Mayor White.

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to install and maintain a Kronos timekeeping system, including hardware, software, training and project services, for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to install and maintain a Kronos timekeeping system, including hardware, software, training and project services in the estimated sum of \$155,000, 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 a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 30904)

Section 3. That pursuant to Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to effectuate such cooperative efforts and may enter into contract with the vendors selected through that cooperative process.

Section 4. That upon execution of the software license contract and software maintenance contract authorized herein, the Director of Port Control shall provide the Chairman of the Aviation and Transportation Committee with a copy of such contracts.

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 April 30, 2001.

Effective May 7, 2001.

Ord. No. 2219-2000.

By Councilman Polensek.

An emergency ordinance to amend Sections 443.26 and 443.261 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1145-97, passed July 16, 1997 and Ordinance No. 2207-97, passed December 15, 1997 relating to rates of fare and receipts for taxicabs.

Whereas, this ordinance constitutes an emergency measure providing for 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 443.26 and 443.261 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1145-97, passed July 16, 1997 and Ordinance No. 2207-97, passed December 15, 1997, respectively, are hereby amended to read as follows:

Section 443.26 Rates of Fare; Receipts

(a) The maximum rates of fare for gasoline fueled or propane fueled taxicabs shall be as follows:

(1) For the first one-sixth mile or fraction thereof, one dollar and eighty cents (\$1.80).

(2) For each succeeding one quarter mile or fraction thereof, forty cents (\$.40).

(b) Waiting Time or Traffic Delay Charge. The rate for waiting or traffic delay shall be fifteen dollars (\$15.00) per hour except for coaches hired at the hourly rate.

(c) Hourly Rate. Public hacks may, upon request of passengers, accept employment whereby the fare to be asked may be computed on an hourly rental. When a public hack is so employed, the fare to be charged shall be computed from the time of leaving the nearest station of the owner to the time of returning to the nearest station from the point of dismissal.

(d) Receipt to be Given. Upon request of a passenger, the owner, driver, chauffeur or other person in charge or control of a public hack shall deliver to the person paying for the hire of the same at the time of such payment a receipt therefor upon a blank, the form of which is to be prescribed and approved by the Commissioner of Assessments and Licenses. The receipt shall contain in legible type or writing the name of the owner, the City license number, the driver's City license number and other items for which a charge is made, the total amount paid and the date of payment.

Section 443.261 Drivers' Expenses Capped; Reporting

(a) Finding. This Council finds that the wages earned by drivers of public hacks are inadequate to insure a sufficient number of taxicabs and capable drivers, and that the public convenience and necessity require the imposition of a cap on the expenses paid by drivers of public hacks.

(b) Definitions. As used in this section:

(1) "Base rates" means the drivers' expenses charged by a company, association or independent operator to its drivers on the date of passage of the ordinance that enacts this section.

(2) "Drivers' expenses" means all costs, expenses and fees paid by drivers to a company, association or independent operator currently charged or hereafter established for the lease of a public hack, and includes, by way of example and not by way of limitation, the costs of the lease itself, insurance, surcharges, and fuel.

(c) Drivers' Expenses Capped. For the period of January 1, 2001 through December 31, 2003 a company, association or independent operator shall not increase its drivers' expenses by more than five percent (5%) over its "base rates".

In the case of fuel only, changes in the market price of the commodity may be passed along to drivers, and any such increase shall not be counted toward the caps imposed by this division. Overhead costs associated with the sale of fuel by a company, association or independent operator are subject to the caps imposed by this division.

(d) Reporting. Within ten (10) days after the effective date of this section, each company, association or independent operator shall submit a schedule of its base rates as defined in division (b) of this section.

On or before December 31 in each year subsequent to the effective date of this section, each company, association or independent operator shall submit its then current drivers' expenses, identifying any changes to the same. The requirements of this paragraph are satisfied by the company, association or independent operator by a certification of the percentage change in drivers' expenses from the previous reporting period.

All reports required by this section shall be certified by an affidavit by the owner of the company, association or independent operator, on such forms as the Commissioner of Assessments and Licenses shall prescribe.

Section 2. That existing Section 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1145-97, passed July 16, 1997, is hereby repealed.

Section 3. That Section 443.261 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by this ordinance shall expire and be of no further force and effect on December 31, 2003.

Section 4. That Section 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by this ordinance, shall take effect and be in force thirty (30) days after passage 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 April 30, 2001.
Effective May 7, 2001.

Ord. No. 86-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Department of Justice for the 2001 Cleveland Community Re-entry 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 \$46,195, from the United States Department of Justice, OCJS, to conduct the 2001 Cleveland Community Re-entry 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. 86-01-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 \$15,399, payable from Fund No. 01-500300-639905, 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 April 30, 2001.
Effective May 7, 2001.

Ord. No. 136-01.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to employ one or more environmental consultants and one or more consultants to provide asbestos evaluation and Phase I environmental audits; and authorizing the purchase by requirement contract of clean-up and securing of sites and the removal and disposal of underground storage tanks, for the Division of Building and Housing, Department of Community Development, 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 Community Development is hereby authorized to employ by contract one or more environmental consultants or one or more firms of environmental 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 provide environmental compliance monitoring services in conjunction with the City's demolition program for a one year period.

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 Community Development from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Community Development 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 Community Development, and certified by the Director of Finance.

Section 2. That the Director of Community Development 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 provide asbestos evaluation and Phase I environmental audit services in conjunction with the City's demolition program for a one year period.

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 Community Development from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Community Development 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 Community Development, and certified by the Director of Finance.

Section 3. That the Director of Community Development 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 clean-up and securing of sites and the removal and disposal of underground storage tanks, in the estimated sum of \$200,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Building and Housing, Department of Community Development. 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 a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 4. That the cost of said professional service contracts authorized in Sections 1 and 2 herein, shall be paid from Fund No. 14 SF 026 and from the fund or funds to which are credited any Community Development Block Grant funds appropriated and approved for this purpose and that the cost of said requirement contract authorized in Section 3 herein 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 20700)

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 April 30, 2001.
Effective May 7, 2001.

Ord. No. 300-01.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Urban Forest property maintenance services, 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 accor-

dance 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 Urban Forest property maintenance services necessary to maintain trees in the Vacant Lot Program 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 combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of said contract shall not exceed \$40,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22865)

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 April 30, 2001.
Effective May 7, 2001.

Ord. No. 302-01.
By Councilmen Jackson, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2377, 2369 East 61st Street and the northerly part of 6203 Quincy Avenue to Burten, Bell, Carr Development Inc., 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 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). 118-29-091, 118-29-093, 118-29-040 (Northerly part of), as more fully described below, to Burten, Bell, Carr Development Inc., or designee.

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

P. P. No. 118-29-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 73 and 74 in W.S. and M.W. Chamberlain's Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335 as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 28 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Easterly line of East 61st Street (formerly Lodge Avenue) 153 feet Northerly from the intersection of said Easterly line of East 61st Street with the Northerly line of Quincy Avenue, S.E., thence Southerly long the Easterly line of East 61st Street, 35 feet; thence Easterly and parallel with the Northerly line of Quincy Avenue, S.E., about 80 feet, 1/4 inch to the Easterly line of Sublot No. 74; thence Northerly along the Easterly line of Sublot No. 74, 35 feet; thence Westerly and parallel with the Northerly line of Quincy Avenue about 80 feet 1/4 inch to the Easterly line of East 61st Street and, place of beginning. Said part of Sublots Nos. 73 and 74 forming a parcel of land having a frontage of 35 feet on the Easterly side of East 61st Street and extending back between parallel lines about 80 feet 1/4 inch according to 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. 118-29-093

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 81 in W.S. and M.W. Chamberlain's Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records.

Beginning on the Easterly line of East 61st Street (formerly Lodge Avenue) at the Northwesterly corner of said Sublot No. 81; thence Southerly along said Easterly line of East 61st Street, 36 feet; thence Easterly on a line parallel with the Northerly line of said Sublot No. 81, 80 feet 1/4 inches to the Westerly line of land conveyed to Paul Spero by deed dated April 30, 1906 and recorded in Volume 997, Page 75 of Cuyahoga County Records; thence Northerly along said Westerly line of land so conveyed to Paul Spero, 36 feet to the Northerly line of said Sublot No. 81; thence Westerly along said Northerly line of Sublot No. 81, 80 feet 1/4 inches to place of begin-

ning, be the same more or less, but subject to all legal highways.

P. P. No. 118-29-040
(Northerly part of)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 75 and 81 in the Chamberlain Allotment, Volume 3 Page 28, bounded, and described as follows:

Beginning at the intersection of the Northerly right of way line of Quincy Avenue (80 feet wide) and the Easterly right of way line of East 61st Street (60 feet wide); thence North 00° 49' 18" West, along the said right of way of East 61st Street, a distance of 118.00 feet to a point; thence South 89° 37' 33" East, a distance of 80.08 feet to a point, said point also being the place of beginning for the parcel herein described; thence North 00° 50' 43" West, a distance of 107.40 feet to a point; thence North 89° 22' 13" East, a distance of 40.01 feet to a point; thence South 00° 15' 21" East, a distance of 108.10 feet to a point; thence North 89° 37' 33" West, a distance of 40.04 feet to the place of beginning, and containing therein 4,312 square feet (0.0990 acre) of land, be the same more or less, but subject to all legal highways and easements of record.

Suhail and Suhail, Inc. prepared this description, based on a survey performed in February 2001.

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

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

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

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

Passed April 30, 2001.
Effective May 7, 2001.

Ord. No. 439-01.
By Councilmen Reed, Rybka and Patmon (by departmental request).
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a cash gift from the Estate of Willie Vivian Edwards to be used for college scholarships and the purchase of staff shirts, video equipment, and labor and materials to maintain and repair video equipment at Zelma Watson George Recreation Center.

Whereas, the Director of Parks, Recreation and Properties desires to award scholarships, to be paid from a cash gift made to the Zelma Watson George Recreation Center ("Center"), to graduating seniors attending Cleveland Public Schools and participating in Center programs; and

Whereas, this Council hereby finds that awarding such scholarships is a proper public purpose; 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 any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation and Properties is hereby authorized to accept on behalf of the Division of Recreation, Zelma Watson George Recreation Center ("Center") a cash gift in the amount of \$24,437.59, from the Estate of Willie Vivian Edwards. That the Director of Parks, Recreation and Properties is hereby authorized to file all papers and execute all documents necessary to receive the funds under this gift; and that said funds are hereby appropriated for the purpose of awarding four (4) \$500.00 scholarships per year for a period of ten years to graduating seniors attending Cleveland Public Schools and participating in Center programs and purchasing for the Center staff shirts, video equipment and labor and materials necessary to maintain and repair video equipment.

Section 2. That, upon expenditure of any portion of the funds referenced herein, the Director of Parks, Recreation and Properties shall provide a written report describing the expenditure to the Councilman representing Ward 3.

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 April 30, 2001.
 Effective May 7, 2001.

Ord. No. 440-01.
By Councilmen Reed, Rybka and Patmon (by departmental request).
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a property adoption agreement with the Cleveland Baseball Federation for improvements to Little League Diamond No. 6 at Luke Easter Park.

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 and Section 133.24 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is hereby authorized to enter into a property adoption agreement with the Cleveland Baseball Federation for Little League Diamond No. 6 at Luke Easter Park. The Cleveland Baseball Federation may make improvements to the adopted property, which improvements may include but not be limited to, installing a grass infield, fencing, player benches and other diamond accessories. The Cleveland Baseball Federation shall maintain the adopted property during the term of the property adoption.

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

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

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

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 April 30, 2001.
 Effective May 7, 2001.

Ord. No. 441-01.
By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with Boston Mills Ski Resort to provide youth ski lessons for the 2002 ski season, for the Division of Recreation, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract with Boston Mills Ski Resort to provide youth ski lessons for the 2002 ski season, in the total sum of \$20,160.00, payable from Fund No. 01-700401-638000, Request No. 32604.

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 April 30, 2001.
 Effective May 7, 2001.

Ord. No. 492-01.
By Councilmen Dolan and Patmon (by departmental request).

An emergency ordinance to authorize the issuance and sale of subordinated airport revenue notes in the aggregate principal amount not to exceed \$46,000,000, in anticipation of the issuance of bonds, to retire outstanding notes issued to pay costs of acquiring real property and interests in real property for the purpose of improving the Airport System.

Whereas, pursuant to Ordinance No. 78-99 passed January 14, 1999, the City issued \$40,000,000 Taxable Airport Surplus Revenue Notes, Series 1999 ("Outstanding Notes") for the purpose of acquiring real property and interests therein for the future expansion of Cleveland Hopkins International Airport; and

Whereas, the Outstanding Notes mature on June 15, 2001 and it is necessary to issue the Notes herein authorized to retire the Outstanding Notes and to do so as soon as possible to take advantage of favorable conditions in the financial markets, and, as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

Section 1. Definitions. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Airport" means Cleveland Hopkins International Airport, as it now exists or hereafter may be changed, modified, or expanded.

"Airport System" means the Airport and Burke Lakefront Airport, as it now exists or hereafter may be changed, modified or expanded.

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of book entry interests in Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (ii) physical Note certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Notes "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Notes and that principal and interest.

"Certificate of Award" means, the certificate authorized by Section 11, to be signed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Notes and their issuance, sale, and delivery, as this Ordinance requires or

authorizes to be set forth or determined therein.

"City" means the City of Cleveland, Ohio.

"Clerk" means the Clerk of Council of the City.

"Continuing Disclosure Certificate" means, collectively, the certificate or certificates authorized by Section 14, which, together with the agreements of the City set forth in that Section, shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and book entry owners of the Notes in accordance with the Rule.

"Credit Support Instrument" means a letter of credit, an insurance policy, or other credit enhancement or liquidity device provided to enhance the security or liquidity of the Notes.

"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 book entry interests in Notes or the principal and interest, and to effect transfers of Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Director of Finance" means the Director of the Department of Finance of the City.

"Director of Law" means the Director of the Department of Law of the City.

"Director of Port Control" means the Director of the Department of Port Control of the City.

"Financial Advisor" means Carmona Motley Hoffmann, Inc., or such other financial advisor to the City selected from time to time by the City.

"Indenture" means the Trust Indenture, dated as of November 1, 1976, between the City and The Cleveland Trust Company, as original Trustee, together with all supplements thereto.

"Mayor" means the Mayor of the City.

"Note Proceedings" means, collectively, this Ordinance, the Certificate of Award, the Purchase Agreement, any trust agreement, the Continuing Disclosure Certificate, and such other proceedings of the City, including the Notes, that provide collectively for, among other things, the rights of holders and beneficial owners of the Notes.

"Original Purchaser" means the original purchasers of the Notes: SBK-Brooks Investment Corp., A.G. Edwards & Sons, Inc., Jackson Securities, and Goldman, Sachs & Co.

"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.

"Project" means the acquisition of real property and interests in real property for the purpose of improving the Airport System, as more specifically described in Ordinance No. 77-99, passed by the Council on January 14, 1999, which ordinance amended Ordinance No. 68-94, passed by the Council on January 18, 1994.

"Rule" means Rule 15c2-12, prescribed by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

"Subordinated Airport Revenue" means the Airport Revenue (as defined in the Indenture) deposited in the Surplus Fund and/or the Improvement Fund (both Funds as created under Section 5.02 of the Indenture), subject to any requirements of the Use Agreements (as defined in the Indenture) for the approval by the Airlines (as defined in the Indenture) of, or lack of objection by the Airlines to, the use by the City of such deposits for the Project.

Any reference herein to the City or the Council of the City, the Director of Finance, the Director of Law, the Clerk, or any other officers of the City, shall include those who or which succeed to the functions, duties, or responsibilities thereof pursuant to or by operation of law or who or which are lawfully performing such functions, duties, or responsibilities.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa.

Section 2. The Bonds. It is necessary for the reasons set forth in the preambles to this Ordinance to issue bonds of this City in the aggregate principal amount of not to exceed \$46,000,000 (the "Bonds") to pay a portion of the costs of the Project, including costs of issuance of the Bonds, to adequately fund any debt service reserve fund that may be established pursuant to Section 12, and to retire the Notes (as defined in Section 3 below). Interest on the Bonds shall be payable semiannually until the principal amount is paid. The Bonds are estimated to mature in 25 annual principal installments that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The Bonds will be subordinated revenue obligations of the City, the principal of and interest on which will be secured solely by, and payable solely from, Subordinated Airport Revenue. The Notes may be retired from the proceeds of obligations issued other than the Bonds or from other moneys available for such purpose. The Bonds or other obligations that may be issued to retire the Notes will have such terms as are provided in a subsequent ordinance of this Council authorizing their issuance and sale.

Section 3. Issuance of Notes. It is necessary for the reasons set forth in the preambles to this Ordinance, and this Council determines, that notes in the aggregate principal amount not to exceed \$46,000,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds, the proceeds of which will be used to retire the Outstanding Notes, to pay costs of any Credit Support Instrument with respect to the Notes, to fund interest on the Notes and any debt service reserve fund established under Section 12, and to pay costs of issuance of the Notes. The Notes shall be issued in the aggregate principal amount not to exceed \$46,000,000 that is determined by the Director of Finance in the Certificate of Award to be required to be issued for the purposes stated above in this Section, taking into

account other moneys available for such purposes. The Notes shall be dated the date of issuance or such other date as is designated in the Certificate of Award. The Notes shall mature on a date to be determined by the Director of Finance in the Certificate of Award in accordance with his determination of the best interest of and financial advantages to the City, provided that such date shall not be later than five years from the date of issuance of the Notes.

Section 4. Interest. The Notes shall bear interest from their date at the rate per annum set forth in the Certificate of Award, or if any Notes bear interest at a variable rate, at the rate determined pursuant to the method set forth in the Certificate of Award. Interest on the Notes shall be payable on the dates determined by the Director of Finance in the Certificate of Award and until the principal amount is paid or payment is provided for. If any Notes bear interest at a fixed rate, that rate shall not exceed eight percent (8%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months) and interest shall be payable not more often than every six months and at maturity or at any earlier redemption date. If any Notes bear interest at a variable rate or rates, those rates shall not exceed that set forth in Section 5, and interest shall be payable not more often than once a month and following purchase and at maturity or at any earlier redemption date.

Section 5. Variable Rate Notes. In the event that the Director of Finance determines that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates, redeemable by the City without penalty or premium on interest adjustment dates, then the Director of Finance is authorized to so specify in the Certificate of Award. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that the variable rate Notes shall not bear interest at a rate in excess of twelve percent (12%) per annum. That maximum interest rate shall not apply to variable rate Notes during any period those Notes are held by a provider of a Credit Support Instrument because they could not be remarketed and the terms of the Credit Support Instrument do not permit such a maximum rate of interest. Holders of variable rate Notes may be given the right to tender their variable rate Notes for purchase by the City at the times, on the terms, and subject to the conditions set forth in the Certificate of Award and any tender agreement; provided that tender rights shall be exercisable only at such times as a Credit Support Instrument is in place that provides for the payment of the purchase price payable to the tendering holder of a variable rate Note. If the Director of Finance des-

ignates any Notes as variable rate Notes, and if the holders of the variable rate Notes are to be entitled to tender the variable rate Notes for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate Notes the provider or providers for any Credit Support Instrument, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Registrar), remarketing agents, and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Director of Finance, in connection with the original issuance of the Notes, and regardless of the Notes bearing interest at variable or fixed rates, is authorized to contract for a Credit Support Instrument, and to pay the costs of it from proceeds of the Notes, if he determines that the Credit Support Instrument will result in a savings in the cost of this financing to the City.

Section 6. Payment of Debt Charges on the Notes; Redemption. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the Registrar (as defined in Section 7) as the City's paying agent. If agreed to by the Original Purchaser, the Notes shall be subject to redemption without penalty or premium at the option of the City in whole or in part at any time prior to maturity as provided in this Ordinance.

If fewer than all of the Notes of a single maturity are to be redeemed, the selection of Notes of that maturity to be redeemed, or portions thereof in amounts of the minimum authorized denomination or any integral multiple thereof, shall be made by lot in a manner determined by the Registrar. In the case of a partial redemption of Notes by lot when Notes of denominations greater than the minimum authorized denomination are then outstanding, each unit of principal thereof in the amount of the minimum authorized denomination shall be treated as if it were a sep-

arate Note of the denomination of the minimum authorized denomination. If it is determined that one or more, but not all, of the units of principal amount in the amount of the minimum authorized denomination represented by a Note are to be called for redemption, then, upon notice of redemption of such unit or units, the registered owner of that Note shall surrender the Note to the Registrar (i) for payment of the redemption price of such unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption), and (ii) for issuance, without charge to the registered owner, of a new Note or Notes 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 Note surrendered.

The notice of the call for redemption of Notes shall identify (i) by designation, letters, numbers, or other distinguishing marks, the Notes 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 30 days prior to the date fixed for redemption, to the registered owner of each Note subject to redemption in whole or in part at the registered owner's address shown on the Note Register (as defined in Section 7) maintained by the Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Note, however, shall not affect the validity of the proceedings for the redemption of any Note.

In the event that notice of redemption shall have been given by the Registrar to the registered owners as provided above, there shall be deposited with the Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Notes for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Notes 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 accrued interest to the redemption date. If moneys for the redemption of all of the Notes and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are 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 those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes 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 moneys held by the Registrar for the redemption of particular Notes 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 Notes.

Section 7. Registrar. The Director of Finance shall designate a bank or trust company to act as the authenticating agent, registrar, transfer agent, and paying agent for the Notes after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose (the "Registrar"). The Director of Finance shall sign and deliver, in the name and on behalf of the City, a registrar agreement or agreements between the City and the Registrar (the "Registrar Agreement") in a form consistent with this Ordinance and as approved by the Director of Law. In the event that a trust agreement secures the Notes, as provided in Section 12, the Registrar Agreement may be incorporated in such trust agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the 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.

The Notes shall be issued only as fully registered Notes. Principal on the Notes shall be payable when due upon presentation and surrender of the Notes at the designated office of the Registrar designated in the Registrar Agreement. Interest on each Note shall be paid on each interest payment date by check or draft mailed to the person in whose name the Note was registered, and to that person's address appearing on the Note Register (defined below in this Section) at the close of business on the 15th day of the calendar month next preceding that interest payment date. The City will cause the Registrar to maintain and keep all books and records necessary for the registration, exchange, and transfer of Notes as provided in this Section (the "Note Register") so long as any of the Notes remain outstanding. Subject to the provisions of this Section, 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 the Note Proceedings. 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 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.

Notwithstanding the foregoing, if and so long as the Notes are issued in a book entry system, principal of and interest on the Notes shall be payable in the manner provided in any agreement entered into by the Director of Finance, in the name and on behalf of the City, in connection with the book entry system.

Section 8. Transfer and Exchange of Certain Notes. Notes may be exchanged for Notes of any authorized denomination upon presentation and surrender at the office designated by 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 Note may be transferred only on the Note Register upon presentation and surrender of the Note at the office designated by 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 Note or Notes, of any authorized denomination or authorized 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 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 Registrar shall authenticate and deliver Notes in accordance with the provisions of the Note Proceedings. 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 Notes issued and authenticated upon any exchange or transfer shall be valid special obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Note Proceedings, as the Notes surrendered upon that exchange or transfer. Neither the City nor the Registrar shall be required to make any exchange or transfer of a Note during the period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Notes and ending at the close of business on the day of such mailing or to transfer or exchange any Note selected for redemption in whole or in part.

Section 9. Book Entry. Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be in the best interests of and financially advantageous to the City, the Notes may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

The Notes 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 Notes may be issued in the form of a single, fully registered Note 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 book entry interest owners of Notes in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iii) ownership of book entry 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 book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes 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 Notes 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 Director of Finance, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and authenticate and deliver note 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 also is 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 Notes, 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 10. Execution of Notes. Notes shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile, and shall bear the seal of the City or a facsimile thereof; provided that no Note shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Note Proceedings unless and until the certificate of

authentication printed on the Note is signed by the Registrar as authenticating agent, and authentication by the Registrar shall be conclusive evidence that the Note so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Note Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Registrar or by any other person acting as an agent of the Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Notes.

Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature. The Notes shall be issued in the denominations as requested by the Original Purchaser and approved by the Director of Finance, in conformity with this Ordinance. The entire principal amount may be represented by a single note and may be issued as fully registered securities and in book entry or other uncertificated form if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes may be issued in the authorized denominations of either (a) \$100,000 each or in any denomination that is the sum of (i) \$100,000 and (ii) \$5,000 or any integral multiple thereof, and not exchangeable for other Notes in denominations less than \$100,000, or (b) \$5,000 or any integral multiple thereof, as determined by the Director of Finance in the Certificate of Award to be in the best interests of the City. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

Section 11. Sale of Notes. That the Notes are hereby awarded to the following underwriters in the following percentages: SBK-Brooks Investment Corp., Senior Manager, (40%); A.G. Edwards & Sons, Inc., Co-Manager, (20%), Jackson Securities, Co-Senior Manager, (20%), and Goldman, Sachs & Co., Co-Manager, (20%). The following firms are hereby designated to serve as underwriters' counsel to the Original Purchasers in the following percentages: Vorys, Sater, Seymour and Pease LLP, (85%) and David Hill and Associates, (15%). The Notes shall be sold at not less than 97% of par plus accrued interest at private sale by the Director of Finance to the Original Purchaser in accordance with law and the provisions of this Ordinance. 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 Notes, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever

er action may be necessary to terminate that underwriter's standing as Original Purchaser. The Director of Finance shall sign the Certificate of Award referred to in this Ordinance, evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, a note purchase agreement between the City and the Original Purchaser, or representative thereof (the "Purchase Agreement"), in a form consistent with this Ordinance and as approved by the Director of Law. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Purchase 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. The Mayor, the Director of Finance, the Clerk, the Director of Law, and other City officials, as appropriate, are each authorized and directed 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.

Section 12. Security for the Notes. The Notes are special obligations of the City. The interest on the Notes, unless paid from other sources available to the City, is secured solely by, and is payable solely from proceeds of the Notes or Bonds or the Subordinated Airport Revenue.

The principal of the Notes, unless paid from other sources available to the City, is payable solely from the proceeds of the Bonds. The City covenants and agrees to do all things necessary to effect the issuance and delivery, prior to the maturity of the Notes, of the Bonds or any renewal notes, in that principal amount as may be necessary, together with any other moneys available to the City for the purpose, to pay the principal of the Notes when due at maturity and to do all things necessary to sell the Bonds in sufficient time to permit their delivery prior to the maturity of the Notes. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose. Notwithstanding the foregoing, the City covenants and agrees to issue Additional Revenue Bonds on a parity with Airport Revenue Bonds (all as defined in the Indenture) to retire the Notes, if and to the extent the City can satisfy the conditions precedent under the Indenture for the issuance of Additional Revenue Bonds. Further, if the Director of Finance determines,

based on the written advice of the Financial Advisor, that under conditions of the market at that time, the Bonds cannot be issued with reasonable terms, the City covenants and agrees that it will issue obligations payable from other City sources to retire the Notes at maturity.

The City shall not be obligated to pay principal of and interest on the Notes from any funds or sources other than those described in this Section, and the Notes shall not be a claim upon or lien against any other property of the City. The Notes, as to both principal and interest, are not general obligations of the City, and the full faith and credit of the City is not pledged to their payment. The holders of the Notes shall have no right to have taxes levied by the City for the payment of principal of and interest on the Notes. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions, or obligations of this Ordinance or of the Notes.

The City will observe and perform all its agreements and obligations provided for by the Notes or this Ordinance. All of the obligations under this Ordinance are hereby established as duties specifically enjoined by law and resulting from an office, trust, or station upon the City within the meaning of Section 2731.01 of the Ohio Revised Code.

In the event that the interest on the Notes is to be provided for from Note proceeds, or if in the judgment of the Director of Finance, after consultation with the Financial Advisor, a debt service reserve to secure the Notes is in the best interest of and financially advantageous to the City, the City shall enter into a trust agreement with the bank or trust company serving as Registrar for the Notes and providing for a debt service fund or debt service reserve fund, as applicable, to be held by that bank or trust company, in its capacity as trustee, and such fund or funds are hereby authorized. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the trust agreement in a form consistent with this Ordinance and approved by the Director of Law. The Mayor, Director of Finance, Director of Port Control and other City officials, as appropriate, are authorized to take such actions as are necessary or appropriate to consummate such additional security for the Notes. Such trust agreement may be supplemental to the Indenture. The City hereby covenants and agrees to appropriate annually from the Subordinated Airport Revenue into any such funds amounts sufficient to maintain the balances required by the trust agreement and to restore any deficiency therein.

Section 13. Note Proceeds. The proceeds from the sale of the Notes are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of the pro-

ceeds to be used to pay interest on the Notes or to make a required deposit to a debt service reserve fund shall be paid into the debt service fund and debt service reserve fund, respectively, created pursuant to Section 12.

Section 14. Disclosure. If, in the judgment of the Director of Finance, after consultation with the Financial Advisor and the Original Purchaser, an official statement or other disclosure document is appropriate relating to the initial offering of the Notes, the Director of Finance, on behalf of the City and in that officer's official capacity, is authorized to (i) cooperate with the Original Purchaser in the preparation of, and the making of modifications, completions or changes of or supplements to, such a disclosure document, (ii) determine, and to certify or otherwise represent, when the disclosure document is to be deemed final or is final, (iii) authorize the use and distribution of that disclosure document and any supplements thereto in connection with the initial offering of the Notes, and (iv) sign certificates, statements or other documents in connection with the finality, accuracy, and completeness of that disclosure document.

For the benefit of the holders and beneficial owners from time to time of the Notes, the City agrees, as the only obligated person with respect to the Notes under the Rule, to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5)(i) of the 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 Director of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, and if required under the Rule, a Continuing Disclosure Certificate or Certificates in conformance with the reporting requirements of the Rule. The agreement formed, collectively, by this paragraph and that Certificate, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the annual appropriation of any funds that may be necessary 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.

Section 15. Ratings, Insurance, and Other Credit Enhancement. If, in the judgment of the Director of Finance after consultation with the Original Purchaser, the filing of an application for a rating on the Notes by one or more nationally recognized rating agencies or a Credit Support Instrument is in the best interest of, and financially advantageous to, the City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency, company or Credit provider such information as may be required for the purpose. The cost of obtaining each rating and Credit Support Instrument, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, shall be paid from the proceeds of the Notes.

Section 16. Interest Rate Swaps, Hedges and Caps. For the purpose of achieving the optimal available debt structure for the Notes, the Director of Finance may, based on the written advice of the Financial Advisor, enter into one or more agreements in connection with or subsequent to the issuance of the Notes for an interest rate swap, an interest rate cap or other such arrangement to lower the effective interest rate on the obligations to the City or to hedge the exposure of the City against fluctuations in prevailing interest rates, provided, however, that: (i) the debt structure that is simulated through the combination of the Notes with any such agreements shall comply with the restrictions of this Ordinance on the terms of and security for the Notes applied to that structure as though it consisted solely of Notes; (ii) the counterparty to any swap agreement and the provider of any interest rate cap shall have a rating of at least "A" by either Moody's Investors Service, Inc., or Standard & Poor's Corporation; (iii) no such agreement shall purport to entitle the counterparty to the agreement to payment by the City from any source other than the sources which secure the Notes as described in this Ordinance; (iv) the cost of obtaining any such interest rate cap or other such arrangement shall have been determined by the Director of Finance, based on the written advice of the Financial Advisor, to be justified by the corresponding benefit to the City and to be commercially reasonable based on then current market conditions. The notional amount on which any such agreement is based shall not be subject to the limitations set forth herein on the maximum principal amount of the Notes.

Section 17. Tax Covenants. In the event that the Notes are issued and sold as obligations bearing interest that is excluded from gross income for federal income tax purposes, the covenants in this Section 17 shall govern. However, if the Notes are issued and sold as obligations bearing interest that is included in gross income for fed-

eral income tax purposes, the City shall not be bound by the covenants of this Section with respect to the Notes.

Subject to the foregoing, the City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes 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 on the Notes 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 to be and 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 to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (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.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes 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 as the City is permitted to 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 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 (c) to give one or more appropriate certificates of the City,

for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, 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.

Section 18. Captions, Headings, and Section References. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 19. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Notes authorized herein. 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.

Section 20. Satisfaction of Conditions. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid, and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law, and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Notes.

Section 21. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 22. Emergency. This Ordinance is hereby declared to be an emergency measure and, provided it 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 period allowed by law.

Passed April 30, 2001.
Effective May 7, 2001.

Ord. No. 495-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2002 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 amount of \$350,000, from the Ohio Department of Health, to conduct the 2002 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. 495-01-A, made a part hereof as if fully rewritten herein, including the obligation to devote program income from first and third party billings, estimated at \$60,000, 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 April 30, 2001.
Effective May 7, 2001.

Ord. No. 548-01.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of de-icer, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period not to exceed one year.

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

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

Section 1. That the Director of 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 of the necessary items of de-icer, 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 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 combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall not exceed \$30,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 12199)

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 April 30, 2001.
Effective May 7, 2001.

Ord. No. 619-01.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of fasteners, for the various divisions of City government, for a period not to exceed one year.

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of fasteners, 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 one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall not exceed \$130,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which pur-

chase, 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 43002)

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 April 30, 2001.
Effective May 7, 2001.

Ord. No. 620-01.

By Councilman and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of exterminating services, for the various divisions of City government, for a period not to exceed one year.

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of exterminating services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of 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 one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall not exceed \$40,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 43005)

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 April 30, 2001.
Effective May 7, 2001.

Ord. No. 658-01.**By Councilman Reed.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Parkworks to provide an Adult Basic Landscaping Training Program in order to carry out the public purpose of providing job training through the use of Ward 3 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Parkworks to provide an Adult Basic Landscaping Training Program in order to carry out the public purpose of providing job training through the use of Ward 3 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$40,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed April 30, 2001.
Effective May 7, 2001.

Ord. No. 749-01.**By Councilman Coats.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to ONDP Cuyahoga County Task Force to stretch one (1) banner between Euclid Ave. & London Rd. near Good Shepard Church using C.P.P. utility poles (by separate permission) for the period of April 24, 2001 to May 4, 2001, inclusive publicizing the "National Day of Prayer".

Whereas, this ordinance constitutes an emergency measure providing for 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 ONDP Cuyahoga County Task Force, P.O. Box 81321, Cleveland, Ohio 44181, to install, maintain and remove one (1) banner to be hung using Cleveland Public Power utility poles, (by separate permission) publicizing the "National Day of Prayer" for the period of April 24, 2001 to May 4, 2001, inclusive, and which banners are to be hung at the following pole locations and numbers: on Euclid Avenue at London Road, near the Good Shepherd Baptist Church, a

vinyl banner with two-sided text, pole numbers NH-3-57-14-1, and NH-3-57-14-1-A; which poles and locations shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be 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 April 30, 2001.
Effective May 7, 2001.

Ord. No. 750-01.**By Councilman Melena.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to The Cleveland Catholic Diocese, for Our Lady of Mt. Carmel Church to hang approximately (20) twenty banners on the north & south sides of Detroit Avenue using C.P.P. utility poles (by separate permission) for the period of April 4, 2001 to May 4, 2001, inclusive, publicizing their Church's 75th Anniversary in service 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 The Cleveland Catholic Diocese for Our Lady of Mt. Carmel Church, 6928 Detroit Avenue, Cleveland, Ohio 44102, Cleveland, Ohio 44105, to install, maintain and remove approximately twenty (20) banners to be hung using Cleveland Public Power utility poles, (by separate permission) publicizing their Church's 75th Anniversary in service to the community for the period of April 11, 2001 to May 11, 2001, inclusive, and which banners are to be hung at the following pole locations and numbers: on the north side of Detroit Avenue at 6902 Detroit, pole #TT-38; Church Driveway, pole #TT-39; 6928 Detroit, pole #TT-40; Church Bldg., pole #TT-41; 7000 Detroit, pole #TT-42; 7006 Detroit, pole #TT-43; Berry's Parking Lot, pole #TT-44, 7200 Detroit, pole #TT-45; 6901 Detroit, pole #TT-3 (4875); 6907 Detroit, pole #TT-4; 6917 Detroit, pole #TT-5; 6929 Detroit, pole #TT-6; 7001 Detroit, pole #TT-7; McDonalds Restaurant on Detroit Avenue, pole #TT-8; Auto Parts Store Parking Lot on Detroit Avenue, pole #TT-9,

Across from Detroit Avenue from Berry's Funeral Home, pole #TT-10; and which poles and locations shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be 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 April 30, 2001.
Effective May 7, 2001.

Ord. No. 751-01.**By Councilman Polensek.**

An emergency ordinance to repeal Ordinance No. 454-01, passed March 12, 2001.

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

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

Section 1. That Ordinance No. 454-01, passed March 12, 2001, is hereby repealed.

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 April 30, 2001.
Effective May 7, 2001.

COUNCIL COMMITTEE MEETINGS

Thursday, May 3, 2001

City Planning Committee: 1:30 p.m.—Present: Cimperman, Chairman; Rybka, Vice Chairman; Reed, White, Excused: Dolan, Jackson, O'Malley.

Wednesday, May 9, 2001

Aviation & Transportation Committee: 10:00 a.m.—Present: Dolan, Chairman; O'Malley, Vice Chairman; Brady, Jones, Patmon, Rybka, Sweeney.

City Planning Committee (Zoning): 1:00 p.m.—Present: Cimperman, Chairman; Rybka, Vice Chairman; Dolan, Jackson, O'Malley, Reed, White.

City Planning Committee: 1:30 p.m.—Present: Cimperman, Chairman; Rybka, Vice Chairman; Dolan, Jackson, O'Malley, Reed, White.

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