

# The City Record

Official Publication of the City of Cleveland


November the Twenty-Second, Two Thousand

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL—LEGISLATIVE

President of Council—Michael D. Polensek

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

### MAYOR – Michael R. White

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**MORAL CLAIMS COMMISSION** – Law Director Cornell P. Carter; Chairman; Finance Director Ronald E. Brooks; Council President Michael D. Polensek; Councilman Bill Patmon; Councilman Martin J. Sweeney.

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

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

**CLEVELAND LANDMARKS COMMISSION** – Room 519 – Richard Schanfarber, Chairman; Paul Volpe, Vice Chairman; Paul Burik, James Gibans, Sandra Morgan, Hunter Morrison, Theodore Sande, Galen Schuerlein, Randall Shorr, Councilman Joseph Cimperman, Councilman Timothy J. Melena, Robert Keiser, Executive Secretary.

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 87

WEDNESDAY, NOVEMBER 22, 2000

No. 4537

## CITY COUNCIL

MONDAY, NOVEMBER 20, 2000

### The City Record

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Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

#### MONDAY

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, November 20, 2000.

The meeting of the Council was called to order, Council Majority Whip, William W. Patmon, in the Chair.

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

Also present were Mayor White and Directors Brooks, Konicek, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Warren, Alexander, Dove and Acting Directors Carter and Sheperd.

Absent: Director Carter.

Pursuant to Ordinance No. 2976-76, the Council Meeting was opened with a prayer offered by Rev. Lloyd O'Keefe of the Episcopal Diocese of Ohio, located at 2230 Euclid Avenue in Ward 5. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 2057-2000.

Agreement No. 56689 with the Young Men's Christian Association of Cleveland, Ohio - Glenville

Branch re: financial assistance under Title I of the Housing and Community Development Act of 1974. Received.

##### File No. 2058-2000.

Agreement No. 56710 with Boys and Girls Clubs of Cleveland re: Garden Valley Social Recreation Program. Received.

##### File No. 2059-2000.

Agreement No. 56711 with the For Hope Corporation re: Reading in the Street. Received.

##### File No. 2060-2000.

Agreement No. 56712 with Tri-Street Club re: Security Yard Lights. Received.

##### File No. 2061-2000.

Agreement No. 56713 with Boys and Girls Clubs of Cleveland re: Mini Olympics. Received.

##### File No. 2062-2000.

Agreement No. 56714 with Alexander Hamilton Middle School re: Hamilton Helpers. Received.

##### File No. 2063-2000.

Agreement No. 56715 with Goodrich Gannett Neighborhood Center re: financial assistance under Title I of the Housing and Community Development Act of 1974. Received.

##### File No. 2064-2000.

Agreement No. 56717 with Fairfax Renaissance Development Corporation re: financial assistance under Title I of the Housing and Community Development Act of 1974. Received.

##### File No. 2065-2000.

Agreement No. 56544 with Miles Ahead, Inc. re: financial assistance under Title I of the Housing and Community Development Act of 1974 including Community Festival. Received.

##### File No. 2066-2000.

Agreement No. 56658 with Esperanza, Inc. re: Cityworks Neighborhood Matching Grant Program for a Walton Elementary's Prime Time for Reading Project. Received.

##### File No. 2067-2000.

Agreement No. 56660 with Fairfax Renaissance Development Corporation re: Cityworks Neighborhood Matching Grant Program for Security Yard Lights. Received.

##### File No. 2068-2000.

Agreement No. 56665 with Umoja & Kuumba Youth Association re: Cityworks Neighborhood Matching Grant Program for a Boy Scout Program. Received.

**STATEMENT OF WORK  
ACCEPTED**

**File No. 2069-2000.**

From the Department of Parks, Recreation and Properties re: Contract No. 56523, (#04-00) Halloran Skating Rink Improvements. Received.

**File No. 2070-2000.**

From the Department of Parks, Recreation and Properties re: Contract No. 56217A, Artha Woods Park Site Improvements. Received.

**File No. 2071-2000.**

From the Department of Parks, Recreation and Properties re: Contract No. 56217C, Thames Park Site Improvements. Received.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 2072-2000**—James E. Swoope, Jr.

**Res. No. 2073-2000**—Rev. Dr. Roger Fennell.

**Res. No. 2074-2000**—Lizzie Ward.

**Res. No. 2075-2000**—Diana Glaze.

**CONGRATULATION RESOLUTION**

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

**Res. No. 2076-2000**—Odelia V. Robinson.

**Res. No. 2077-2000**—Local 93, Int'l Association of Fire Fighters.

**Res. No. 2078-2000**—Dennis Bydash.

**Res. No. 2079-2000**—Ron Grams.

**Res. No. 2080-2000**—Peter L. Galvin.  
**Res. No. 2081-2000**—William E. MacDonald III.

**Res. No. 2082-2000**—Second Metropolitan Missionary Baptist Church.

**RECOGNITION RESOLUTIONS**

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

**Res. No. 2083-2000**—Westown Community Development Corporation.

**Res. No. 2084-2000**—Pernel Jones, Sr.

**Res. No. 2085-2000**—Dorothy Hambrick.

**Res. No. 2086-2000**—J.T. Bailey & Co. Beauty & Barber Supply.

**Res. No. 2087-2000**—James Hargrove.

**Res. No. 2088-2000**—Bessie Wilson.

**FIRST READING EMERGENCY  
ORDINANCES REFERRED**

**Ord. No. 2089-2000.**

**By Mayor White.**

**An emergency ordinance authorizing the Director of Port Control to execute an easement granting to The Northeast Ohio Regional Sewer District certain easement rights in property located at Brookpark Road and declaring said easement rights no longer needed for public use; proffering certain representations for purposes of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee and authorizing the Director of Port Control to apply to the bond trustee for land release.**

Whereas, The Northeast Ohio Regional Sewer District has requested

the Director of Port Control to convey easement rights in property located at Brookpark Road; and

Whereas, the easement rights to be granted are no longer needed for public use; and

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

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

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

PPNs: 029-23-002, 029-24-002  
029-25-038 and 043

Situated in the State of Ohio, County of Cuyahoga, City of Cleveland, and being part of Original Rockport Township, Section 4, and being part of Sublot Numbers 88, 90, 92, 93 and 95 in the Orchard Glen Land Company's Subdivision as recorded in Maps Volume 62, Page 12 of Cuyahoga County Record, and being part of Permanent Parcel Numbers 029-23-051 thru 059, 029-23-073 thru 087, 029-23-105 thru 113, 029-24-110 thru 117, 029-24-131 thru 151, and being more particularly described as follows:

Commencing at the intersection of the centerline of Brookpark Road (100 feet wide) with the centerline of Grayton Road;

Thence North 89° 54' 00" East a distance of 670.02 feet along said centerline of Brookpark Road to a point;

Thence North 00° 06' 00" West a distance of 50.00 feet to a point in the Northerly line of Brookpark Road;

Thence North 89° 54' 00" East a distance of 30.00 feet along said Northerly line of Brookpark Road to a point;

Thence North 00° 06' 00" West a distance of 570.86 feet to a point being 127.44 feet left of Station 126+41.77 of Relocated Brookpark Road centerline and the principal place of beginning;

Thence South 73° 40' 37" East a distance of 194.38 feet to a point;

Thence South 10° 04' 27" East a distance of 61.52 feet to a point;

Thence South 17° 58' 38" West a distance of 28.76 feet to a point;

Thence North 72° 01' 22" West a distance of 30.00 feet to a point;

Thence North 10° 04' 27" West a distance of 47.99 feet to a point;

Thence North 73° 40' 37" West a distance of 157.79 feet to a point;

Thence North 00° 06' 00" West a distance of 41.70 feet to the Point of Beginning and Containing 9,665 square feet or 0.2219 acres more or less.

The description is based on a survey for City of Cleveland, Department of Port Control prepared by Mark A. Yeager, P.S., Registered Surveyor No. 7289.

**Section 2.** That the easement shall be non-exclusive and the purpose of the easement shall be to permit use of an access drive.

**Section 3.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described, non-exclusive, easement interests to The Northeast Ohio Regional Sewer District at a

price not less than fair market value as determined by the Board of Control.

**Section 4.** That the duration of the easement shall be determined by the Board of Control; that the easement shall include reasonable right of entry rights to the City; that the easement shall be assignable only upon the prior approval of the Board of Control; that the easement shall require the grantee to indemnify the City, provide reasonable insurance, maintain any grantee improvements located within the easement, and pay any applicable taxes and assessments.

**Section 5.** That the conveyance shall be made by Official Deed of Easement prepared by the Director of Law and executed by the Director of Port Control on behalf of the City of Cleveland. The Deed of Easement shall contain such additional terms and conditions as are required to protect the interests of the parties. The Directors of Port Control and Law are authorized to execute such other documents, including without limitation, contracts for right of entry, as may be necessary to permit use of an access drive.

**Section 6.** That the City acknowledges, states and affirms, pursuant to Article IX of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee, dated November 1, 1976, as amended (the "Indenture"), that the City desires and requests that certain portions of its land heretofore subject to the Indenture be released and removed from all obligations under said Indenture. Further, the City acknowledges, states and affirms that it is not in default under said Indenture; that release of such land is necessary in order to serve the public purpose of providing public utilities; and that certain public improvements will be constructed on the land to be released, including public utilities.

**Section 7.** That the Director of Port Control is authorized to apply to the Chase Manhattan Trust Company, National Association, as successor trustee, for release of the land described in Section 1, pursuant to the Indenture.

**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.

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

**Ord. No. 2090-2000.**

**By Mayor White.**

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with C.K. Newcomb and Associates, Inc., an Ohio corporation, for rental of City-owned property at Burke Lakefront Airport for use as general office and storage space.**

Whereas, this ordinance constitutes an emergency measure providing for 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 Port Control is hereby authorized to enter into a Lease By Way of Concession with C.K. Newcomb and Associates, Inc., an Ohio corporation, for the use and occupancy of 1,048 square feet of office space and 767 square feet of storage space. Any change in square footage shall be approved by the Board of Control. The rent for the office space shall be twelve dollars (\$12.00) per square

foot and the rent for the storage space shall be eight dollars (\$8.00) per square feet, payable at mutually agreed intervals.

The term shall commence upon execution of the Agreement and, unless sooner terminated, shall expire two years thereafter, provided that either party may terminate the Agreement by giving thirty (30) days written notice of such intent to the other party.

**Section 2.** That the Lease By Way of Concession authorized herein shall be prepared by the Director of Law, and shall contain such additional provisions as he deems nec-

essary to protect and benefit the public interest.

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

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

**Ord. No. 2091-2000.**

**By Mayor White.**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 571.88 thereof, relating to fees for use of the airport by various vehicle operators.**

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

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

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 571.88 thereof, to read as follows:

**Section 571.88 Fees for Use of Airport by Various Vehicle Operators**

(a) The Director of Port Control is hereby authorized to charge and collect the following fees for use of the Airport by limousine service providers, hotel shuttle bus service providers, off-airport parking shuttle service providers, Charter buses, delivery and courier service providers and all other courtesy vehicle operators using the Airport, and couriers using the Airport:

<u>Type</u>	<u>Fee</u>
(1) Limousines	
(Corporate)	\$1,000.00 per year per permit
(For Hire)	\$1,500.00 per year per permit
(Special Event)	Based on the following passenger capacity:
	0-14 passengers - \$10.00 per day
	15-30 passengers - \$15.00 per day
	more than 30 passengers - \$25.00 per day
(2) Hotel shuttle buses	\$1,000.00 per year per permit
(3) Courtesy and/or for-hire Off-Airport parking shuttle buses	\$5,000.00 per year per permit
(4) Courtesy and/or for-hire Charter buses	Based on the following passenger capacity:
	0-14 passengers - \$10.00 per day
	15-30 passengers - \$15.00 per day
	more than 30 passengers - \$25.00 per day
(5) Courtesy and/or for-hire multi-passenger shuttle buses/vans (excluding hotel shuttle buses and off-airport parking shuttle buses	\$2,000.00 per year per permit
(6) Delivery and courier vehicles	\$50.00 per year per permit

(b) The Director may establish different fees for each distinct class of vehicle. Such fees shall be reviewed and set annually by the Board of Control.

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

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

**Ord. No. 2092-2000.****By Mayor White.**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 571.851 thereof, relating to collection of landing fees by fixed base operators at Burke Lakefront Airport.**

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

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

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 571.851 thereof, to read as follows:

**Section 571.851 Collection of Landing Fees by Fixed Base Operators at Burke Lakefront Airport**

The Director of Port Control is hereby authorized to allow Fixed Base Operators at Burke Lakefront Airport to collect landing fees on behalf of the City of Cleveland. The fees authorized herein shall be fixed by the Director of Port Control in such amounts as deemed appropriate by said Director, and as approved by the Board of Control. The Fixed Base Operators shall retain seven percent (7%) of collected landing fees as a collection fee. Such fees shall be reviewed and set annually by the Board of Control.

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

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

**Ord. No. 2093-2000.****By Councilman Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal**

**Court, to lease property at 1449 West 117th Street from Montlack Realty, or their designees, for a term not to exceed three years, with one additional three-year option to renew, for the public purpose of providing office space for the Adult Probation Program of the Cleveland Municipal Court; and to enter into contract for the purchase of furnishings and equipment to refurbish the property authorized to be leased for the Adult Probation Program Office Space.**

Whereas, the City of Cleveland requires certain property located at 1449 West 117th Street for the public purpose of providing office space for the Adult Probation Program of the Cleveland Municipal Court to furnish probationary services to the neighborhood; and

Whereas, Montlack Realty, or their designees, has proposed to lease said property to the City of Cleveland; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to lease from Montlack Realty, or their designees, certain property more fully described as follows: Building 1, Space A, at 1449 West 117th Street, consisting of approximately 4,251 square feet, for office space for the Adult Probation Program of the Cleveland Municipal Court.

**Section 2.** That the term of the lease authorized by Section 1 shall not exceed three (3) years, with one option to renew for an additional three-year period, subject to termination by written notice from either party within not less than sixty (60) days after such notice.

**Section 3.** That the rent for the lease authorized by Section 1 shall be Four Thousand Four Hundred Thirty-Eight and 75/100 Dollars (\$4,438.75) per month during the in-

tial three (3) year term.

**Section 4.** That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the public purpose of providing office space for the Adult Probation Program of the Cleveland Municipal Court to furnish probationary services to the neighborhood.

**Section 5.** That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

**Section 6.** That the lease shall be prepared by the Director of Law, and shall contain such authorized terms and conditions as are required to protect the interests of the City.

**Section 7.** That the Director of Finance, on behalf of the City of Cleveland, and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

**Section 8.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furnishings and equipment necessary for the property authorized to be leased pursuant to Section 1, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Cleveland Municipal Court.

**Section 9.** That the costs of the lease and purchases hereby authorized shall be paid from Fund No. 10 SF 085, Request No. 19274.

**Section 10.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 2094-2000.****By Councilman Patmon (by departmental request).**

**An emergency ordinance to make additional appropriations of Eight Million Six Hundred Forty One Thousand Dollars (\$8,641,000) of the General Fund, Three Million Three Hundred Thirty Four Thousand Six Hundred Seventy Five Dollars (\$3,334,675) of the Special Revenue Fund, Two Million One Hundred Forty Six Thousand Three Hundred Fifty One Dollars (\$2,146,351) of the Internal Service Funds, Six Hundred Sixty Thousand (\$660,000) of the Enterprise Fund and Three Hundred Thousand (\$300,000) of the Debt Service Fund.**

Whereas, there remains an unappropriated balance in the various funds, the sum of Fifteen Million Eighty Two Thousand Twenty Six Dollars (\$15,082,026) which is available for additional appropriation; 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 there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources received from the Budget Commission of Cuyahoga County for the year 2000, dated May 19, 2000, previously unappropriated as follows:

GENERAL FUND	\$8,641,000
SPECIAL REVENUE FUNDS	\$3,334,675
INTERNAL SERVICE FUNDS	\$2,146,351
ENTERPRISE FUNDS	\$ 660,000
DEBT SERVICE FUND	\$ 300,000

## GENERAL FUND

## DEPARTMENT OF PUBLIC SAFETY

Division of Police		\$ 1,271,000
I Personnel and Related Expenses	\$ 731,000	—
II Other Expenses	540,000	—
Division of Fire		\$ 1,920,000
I Personnel and Related Expenses	\$ 1,575,000	—
II Other Expenses	345,000	—
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$ 3,191,000	\$ 3,191,000

## DEPARTMENT OF PUBLIC SERVICE

Division of Waste Collection and Disposal		\$ 1,000,000
I Personnel and Related Expenses	—	—
II Other Expenses	1,000,000	—
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$ 1,000,000	\$ 1,000,000

## DEPARTMENT OF PUBLIC HEALTH

Division of Correction		\$ 350,000
II Other Expenses	\$ 350,000	—
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$ 350,000	\$ 350,000

## DEPARTMENT OF LAW

Law		\$ 4,100,000
I Personnel and Related Expenses	—	—
II Other Expenses	\$ 4,100,000	—
TOTAL LEGAL ADMINISTRATION	\$ 4,100,000	\$ 4,100,000
TOTAL GENERAL FUND	\$ 8,641,000	\$ 8,641,000

## SPECIAL REVENUE FUND

Restricted Income Tax		\$ 734,675
I Capital	\$ 734,675	—
Schools Recreation & Cultural Activities		\$ 2,000,000
II Other Expenses	\$ 2,000,000	—
Street Construction, Maintenance and Repair		\$ 600,000
I Personnel and Related Expenses	\$ —	—
II Other Expenses	600,000	—
TOTAL SPECIAL REVENUE FUND	\$ 3,334,675	\$ 3,334,675

## INTERNAL SERVICE FUND

Motor Vehicle Maintenance		\$ 946,351
I Personnel and Related Expenses	\$ —	—
II Other Expenses	946,351	—
Telecommunications		\$ 1,200,000
I Personnel and Related Expenses	\$ —	—
II Other Expenses	1,200,000	—
TOTAL INTERNAL SERVICE FUNDS	\$ 2,146,351	\$ 2,146,351

## ENTERPRISE FUNDS

## DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$ 390,000
I Personnel and Related Expenses	\$ 175,000	—
II Other Expenses	215,000	—
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$ 390,000	\$ 390,000

## DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$ 80,000
II Other Expenses	80,000	—
Division of West Side Market		\$ 190,000
II Other Expenses	190,000	—
TOTAL PARKS, RECREATION, & PROPERTIES	\$ 270,000	\$ 270,000
TOTAL ENTERPRISE FUNDS	\$ 660,000	\$ 660,000

## DEBT SERVICE FUND

Sinking Fund Commission		\$	300,000	\$	300,000
III Debt Service	\$	300,000			
TOTAL DEBT SERVICE FUND	\$	300,000		\$	300,000
TOTAL GENERAL AND OTHER FUNDS	\$	15,082,026		\$	15,082,026

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

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

**Ord. No. 2095-2000.**

**By Councilman Patmon (by departmental request).**

**An emergency ordinance to provide the transfer of the sum of Five Million Nine Hundred Fifty-Six Thousand Dollars (\$5,956,000) within various divisions of the General Fund, Five Million Three Hundred Thousand Dollars (\$5,300,000) within the Special Revenue Fund, Sixty-six Thousand (\$66,000) within the Internal Service Fund, One Million (\$1,000,000) within the Enterprise Fund.**

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; and

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

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

**Section 1.** That the sum of Twelve Million Three Hundred Twenty-Two Thousand (\$12,322,000) be same and hereby transferred as follows:

## GENERAL FUND

MUNICIPAL COURT	FROM	TO
Judicial Division		
I Personnel and Related Expenses	\$ 10,000	\$ —
II Other Expenses	—	10,000
Clerks Division		
I Personnel and Related Expenses	\$ 250,000	\$ —
II Other Expenses	—	250,000
Housing Division		
I Personnel and Related Expenses	\$ 35,000	\$ —
II Other Expenses	—	35,000
TOTAL MUNICIPAL COURT	\$ 295,000	\$ 295,000
DEPARTMENT OF PUBLIC SAFETY		
Public Safety Administration		
I Personnel and Related Expenses	\$ 345,000	\$ —
II Other Expenses	—	72,000
Division of Emergency Medical Services		
II Other Expenses	\$ —	\$ 200,000
Division of Traffic Engineering		
I Personnel and Related Expenses	\$ 150,000	\$ —
II Other Expenses	—	150,000
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$ 495,000	\$ 422,000
COMMUNITY RELATIONS BOARD		
Division of Community Relation Board		
I Personnel and Related Expenses	\$ 42,000	\$ —
II Other Expenses	—	42,000
TOTAL COMMUNITY RELATIONS BOARD	\$ 42,000	\$ 42,000
DEPARTMENT OF PUBLIC SERVICE		
Division of Waste Collection and Disposal		
I Personnel and Related Expenses	\$ 250,000	\$ —
II Other Expenses	—	250,000
Division of Engineering and Construction		
I Personnel and Related Expenses	\$ 200,000	\$ —
II Other Expenses	—	—
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$ 450,000	\$ 250,000



## DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Property Management		
I Personnel and Related Expenses	\$ 300,000	\$ —
II Other Expenses	—	300,000
Division of Park Maintenance and Properties		
I Personnel and Related Expenses	\$ 500,000	\$ —
II Other Expenses	—	500,000
TOTAL PARKS, RECREATION, AND PROPERTIES	\$ 800,000	\$ 800,000

## URBAN PLANNING AND DEVELOPMENT

## DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Building and Housing		
I Personnel and Related Expenses	\$ 1,592,000	\$ —
II Other Expenses	—	1,592,000
TOTAL COMMUNITY DEVELOPMENT	\$ 1,592,000	\$ 1,592,000

## DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		
I Personnel and Related Expenses	\$ 150,000	\$ —
TOTAL URBAN PLANNING AND DEVELOPMENT	\$ 1,742,000	\$ 1,592,000

## DEPARTMENT OF PUBLIC HEALTH

Health Administration		
II Other Expenses	\$ —	\$ 50,000
Division of Correction		
I Personnel and Related Expenses	\$ 125,000	\$ —
Division of Health		
I Personnel and Related Expenses	\$ 280,000	\$ —
Division of Environment		
I Personnel and Related Expenses	\$ 115,000	\$ —
II Other Expenses	—	115,000
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$ 520,000	\$ 165,000

## FINANCIAL AND LEGAL ADMINISTRATION

Division of Accounts		
I Personnel and Related Expenses	\$ —	\$ 60,000
II Other Expenses	—	205,000
Bureau of Internal Audit		
I Personnel and Related Expenses	\$ —	\$ 130,000
II Other Expenses	62,000	—
TOTAL DEPARTMENT OF FINANCE	\$ 62,000	\$ 395,000
Office of Budget and Mgmt.—Budget Admin.		
I Personnel and Related Expenses	\$ —	\$ —
II Other Expenses	—	—
Law		
I Personnel and Related Expenses	\$ 1,500,000	\$ —
II Other Expenses	—	1,500,000
TOTAL FINANCE AND LEGAL ADMINISTRATION	\$ 1,562,000	\$ 1,895,000

## PERSONNEL ADMINISTRATION

Office of Personnel		
II Other Expenses	\$ —	\$ 119,000
<b>TOTAL PERSONNEL ADMINISTRATION</b>	<b>\$ —</b>	<b>\$ 119,000</b>

City Planning Commission		
I Personnel and Related Expenses	\$ —	\$ 10,000
II Other Expenses	—	35,000

Office of Equal Opportunity		
I Personnel and Related Expenses	\$ 50,000	\$ —
II Other Expenses	—	3,000
Board of Building Standards		
II Other Expenses	\$ —	\$ 12,000

Board of Zoning Appeals		
II Other Expenses	\$ —	\$ 16,000

## NONDEPARTMENTAL

Transfers to Other Funds		
II Other Expenses	\$ —	\$ 300,000

<b>TOTAL NONDEPARTMENTAL</b>	<b>\$ —</b>	<b>\$ 300,000</b>
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<b>TOTAL SUPPORT FUNCTIONS</b>	<b>\$ 1,612,000</b>	<b>\$ 2,390,000</b>
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<b>TOTAL GENERAL FUND</b>	<b>\$ 5,956,000</b>	<b>\$ 5,956,000</b>
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## SPECIAL REVENUE FUND

Restricted Income Tax		
I Capital	\$ —	\$ 4,500,000
II Debt Service	4,500,000	

Street Construction, Maintenance and Repair		
I Personnel and Related Expenses	\$ 800,000	\$ —
II Other Expenses	—	800,000

<b>TOTAL SPECIAL REVENUE FUND</b>	<b>\$ 5,300,000</b>	<b>\$ 5,300,000</b>
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## INTERNAL SERVICE FUND

Division of Printing and Reproduction		
I Personnel and Related Expenses	\$ 66,000	\$ —
II Other Expenses	—	66,000

<b>TOTAL INTERNAL SERVICE FUNDS</b>	<b>\$ 66,000</b>	<b>\$ 66,000</b>
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## ENTERPRISE FUNDS

## DEPARTMENT OF PORT CONTROL

Port Control Administration		
I Personnel and Related Expenses	\$ 1,000,000	\$ —
II Other Expenses	—	1,000,000

<b>TOTAL DEPARTMENT OF PORT CONTROL</b>	<b>\$ 1,000,000</b>	<b>\$ 1,000,000</b>
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<b>TOTAL ENTERPRISE FUNDS</b>	<b>\$ 1,000,000</b>	<b>\$ 1,000,000</b>
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<b>TOTAL GENERAL AND OTHER FUNDS</b>	<b>\$ 12,322,000</b>	<b>\$ 12,322,000</b>
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**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 2096-2000.**  
**By Councilmen O'Malley, Cimperman and Patmon (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of painting the Kirtland Intake Crib, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of painting the Kirtland Intake Crib, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

**Section 2.** That the Director of Public Utilities is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement provided however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

**Section 3.** That the cost of said improvement hereby authorized shall be paid from Fund No. 52 SF 001, 52 SF 223, 52 SF 225, and from the fund or funds to which are credited the proceeds of the sale of waterworks revenue bonds issued for the purpose which includes the above improvement, Request No. 33337.

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

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

**Ord. No. 2097-2000.**  
**By Councilmen O'Malley, Cimperman and Patmon (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the Lee Road area sewer system and sewer and manhole relining on various tributary streets, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City

of Cleveland, it is hereby determined to make the public improvement of rehabilitating and replacing the Lee Road area sewer system and sewer and manhole relining on various tributary streets, for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

**Section 3.** That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 22659.

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

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

**Ord. No. 2098-2000.**  
**By Councilmen O'Malley and Patmon (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain elevators, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.**

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

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

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

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

initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 33684)

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

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

**Ord. No. 2099-2000.**  
**By Councilmen O'Malley and Patmon (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain and repair lighting fixtures and lighting systems, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.**

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

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

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

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 33682)

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

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

**Ord. No. 2100-2000.**  
**By Councilmen O'Malley and Pat-**  
**mon (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair or replace fire hydrants, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.**

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

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

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

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 33696)

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

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

**Ord. No. 2101-2000.**  
**By Councilmen O'Malley and Pat-**  
**mon (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair or replace plumbing equipment and for water, sewer and gas line repair, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to repair or replace plumbing equipment and for water, sewer and gas line repair, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 31572)

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

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

**Ord. No. 2102-2000.**  
**By Councilmen O'Malley and Pat-**  
**mon (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain and repair various materials and supplies handling equipment, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to maintain and repair various materials and supplies handling equipment in the estimated sum of \$100,000 to be purchased by the Commissioner of Purchases and Supplies upon a

unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 33697)

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

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

**Ord. No. 2103-2000.**  
**By Councilmen O'Malley and Pat-**  
**mon (by departmental request).**

**An emergency ordinance authorizing the purchase by contract of labor and materials necessary to repair or replace Unit #3 First High Service motor at Crown Water Plant, for the Division of Water, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to repair or replace Unit #3 First High Service motor at Crown Water Plant, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Water, Department of Public Utilities.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 33366.

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

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

**Ord. No. 2104-2000.**  
**By Councilmen O'Malley and Pat-**  
**mon (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair treelawns and landscape maintenance for the various divisions of the Department of Public Utilities, for a period not to exceed two years.**

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

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

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

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 33698)

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

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

**Ord. No. 2105-2000.**  
**By Councilmen O'Malley and Pat-**  
**mon (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to service and maintain gas detection equipment and calibration, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.**

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

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

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

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 33681)

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

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

**Ord. No. 2106-2000.**  
**By Councilmen O'Malley and Pat-**  
**mon (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to service and maintain mower and landscape equipment, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to service and maintain mower and landscape equipment, in the estimated sum of \$40,000 to be purchased by the Commissioner of Purchases and Supplies upon a unit

basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 33683)

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

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

**Ord. No. 2107-2000.**  
**By Councilmen O'Malley and Pat-**  
**mon (by departmental request).**

**An emergency ordinance authorizing the purchase by contract of labor and materials necessary to upgrade ideal motor Unit 29E at the Morgan Water Plant, for the Division of Water, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to upgrade ideal motor Unit 29E at the Morgan Water Plant, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Water, Department of Public Utilities.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 33365.

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

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

**Ord. No. 2108-2000.**  
**By Councilmen Cintron, Cimperman and Patmon (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of laying and re-laying and repairing sidewalks, handicap ramps, curbing, driveway aprons, median strips, intersections, bridge approaches, utility box adjustments, and/or castings, and miscellaneous appurtenances on the eastern, western, northern, southern and downtown districts of the City and authorizing the Director of Public Service to enter into one or more requirement contracts for the making of said improvements through December 31, 2002.**

Whereas, from time to time this Council declares by resolution of necessity that certain specified sidewalks, driveway aprons, curbs, gutters and/or castings be laid, re-layed or repaired by the owner of such parcel of land abutting upon said sidewalks, curbing or intersections; and

Whereas, said resolutions of necessity further provide that if the sidewalks, driveway aprons, curbs, gutters and/or casting are not laid, re-layed or repaired by the abutting owner as provided by notice, the City shall proceed to lay, re-lay or repair such sidewalks, driveway aprons, curbs, gutters and/or castings at the cost and expense of the abutting owner; and

Whereas, certain City sidewalks, curbs, driveway aprons, gutters, and/or castings, require laying, re-laying or repair, in conjunction with the sidewalks and curbing repairs in certain districts of the City; and

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

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

**Section 1.** That pursuant to Sections 165 and 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of laying, re-laying and repairing specified sidewalks, driveway aprons, curbs, gutters and/or castings in the eastern, western, northern, southern and downtown districts of the City as identified in resolutions of necessity passed by this Council, by one or more public improvement requirement contracts duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 2.** That the Director of Public Service is hereby authorized to enter into a written requirement contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for all such work estimated to be performed during the period ending December 31, 2002, on a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specific districts or streets within the City.

**Section 3.** That the written requirement contract for the making of the above public improvement may also include laying, re-laying and repairing median strips, intersections, bridge approaches, and handicap ramps, which cost shall be borne by the City and not assessed to the adjoining landowners.

**Section 4.** That, pursuant to Section 167 of the Charter of the City

of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, laying, re-laying and repairing median strips, intersections, bridge approaches and handicap ramps in the eastern, western, northern, southern and downtown districts of the City, in conjunction with the making of the sidewalk improvements authorized in Section 1, by one or more public improvement requirement contracts duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 5.** That the Director of Public Service is hereby authorized to enter into a written requirement contract for the making of the public improvement described in Section 4 with the lowest responsible bidder after competitive bidding for all such work estimated to be performed during the period ending on December 31, 2002, on a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specific districts within the City.

**Section 6.** That the cost of the contract or contracts authorized by the ordinance 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.

**Section 7.** That the cost of the improvements hereby authorized shall be paid from Fund Nos. 20 SF 373, 10 SF 034, and from such fund or funds which may be appropriated for this purpose in the future, Request No. 34420. It is the intent of this Council that the districts be assessed for the improvements authorized in Section 1 hereof pursuant to the assessment process as set forth in the resolution of necessity and the ordinance of assessment, which assessment shall be submitted by the Director of Finance upon conclusion of the work, and that all or a portion of the monies collected as a result of said assessments be used to reimburse the appropriate account.

**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.

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

**Ord. No. 2109-2000.**

**By Councilmen Dolan, Cimperman and Rybka.**

**An emergency ordinance establishing and adopting a Collective Bargaining Policy that requires the Directors of Finance, Law, Personnel and Safety to use external, like work force employment factors when determining the base compensation and increases in salary and/or other benefits paid to City employees in the Divisions of Police, Fire and Emergency Medical Service.**

Whereas, the members of the safety forces serving the residents and businesses of the City of Cleveland are regularly required to place themselves in harms' way in the performance of their official duties; and

Whereas, the risks and dangers routinely encountered by Cleveland safety force personnel frequently take a high toll on safety force members and their families; and

Whereas, this Council finds that members of the safety forces of the City face hazards greater than those faced by safety forces in other cities in the State of Ohio; and

Whereas, this Council finds that the safety forces of the City are highly skilled, face the most physical dangers, including threats of assault and murder, and have the most stringent regulations concerning behavior at work or otherwise; and

Whereas, this Council finds that Cleveland's safety forces are not competitively paid in comparison to other large cities in the State of Ohio, as well as most of Cleveland's suburban cities; and

Whereas, this Council further finds that the City's safety forces bargaining units deserve external comparative bargaining standards, instead of historical pattern bargaining as done for union employees of the City; and

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

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

**Section 1.** That there is hereby established a Collective Bargaining Policy in which members of the City's administration, including but not limited to the Directors of Finance, Law, Personnel and Safety, and any appropriate representatives of the administration, in all collective bargaining practices and procedures concerning the Divisions of Police, Fire and Emergency Medical Service, pursuant to any existing contract or contracts and/or Chapter 4117 of the Revised Code, shall limit the use of evidence of comparables to like work forces comprised of similar or identical safety force employees of municipalities outside of the City of Cleveland, within the State of Ohio, when determining the base compensation and increases in salary and/or other benefits paid to employees of the aforementioned divisions in the City of Cleveland.

**Section 2.** For the purposes of this ordinance, "like work force" shall be defined as analogous municipal police, fire and emergency medical service employees of municipal political subdivisions in Ohio.

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

Referred to Directors of Public Safety, Personnel and Human Resources, Finance, Law; Committees on Public Safety, Employment, Affirmative Action and Training, Finance.

**Ord. No. 2110-2000.**

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

**An emergency ordinance to amend Sections 633.01 and 633.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1310-96, passed December 2, 1996, relating to obstruction marking and lighting.**

Whereas, this ordinance constitutes an emergency measure providing for 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 633.01 and 633.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1310-96, passed December 2, 1996, are hereby amended to read, respectively, as follows:

**Section 633.01 Definitions**

As used in this Chapter:

(a) "Crane" shall mean a construction crane, derrick, rig or other construction equipment with parts that extend or may be elevated to a height of **fifty (50)** or greater.

(b) "Lighting" means use of lighting systems that meet specified intensities, beam patterns, color, and flash rates as specified in the Federal Aviation Administration Advisory Circular **currently applicable**.

(c) "Marking" means painting or coloring of an obstruction, as specified in the Federal Aviation Administration Advisory Circular **currently applicable**.

(d) "Obstruction" shall mean a tower, antenna, or any temporary or permanent object, including all appurtenances and roof structures, that reaches an overall height of between **one hundred and fifty (150)** and **two hundred (200)** feet above ground level or that exceeds any obstruction standard for objects under **two hundred (200)** feet contained in 14 C.F.R. pt. 77, subpt. C.

(e) "Operator" means contractor or construction company directly in control of the crane or construction equipment.

**Section 633.02 Installation Required; Notification required; Federal Regulation**

(a) No person shall own or construct a new or existing obstruction that exceeds an overall height of between **one hundred and fifty (150)** and **two hundred (200)** feet without aviation safety marking and obstruction lighting, as prescribed by the federal Aviation Administration Advisory Circular **currently applicable** for structures between **one hundred and fifty (150)** and **two hundred (200)** feet above ground level.

(b) No owner or operator of a crane shall leave a crane extended into the air overnight to a height of **fifty (50)** feet or greater, unless the crane contains aviation safety marking and obstruction lighting as prescribed in the Federal Aviation Administration Advisory Circular **currently applicable**, and without first notifying the Aviation Unit of the Cleveland Police Department of the location of the crane.

(c) This chapter does not apply to towers, antennas, roof structures, or other obstructions that exceed **two hundred (200)** feet which are otherwise regulated by 14 C.F.R. pt. 77.

**Section 2.** That existing Sections 633.01 and 633.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1310-96, passed December 2, 1996, are hereby repealed.

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

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

**Ord. No. 2111-2000.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for the expansion of the Woodland Recreation Center located at 9206 Woodland Avenue, for the Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of expanding the Woodland Recreation Center located at 9206 Woodland Avenue:

Permanent Parcel No. 126-14-070  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 126 in the Hamilton & Wyman Allotment of part of the Original One Hundred Acre Lot 416, as shown by the recorded Plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records, and being 43 feet front on the Southerly side of Kennedy Avenue, S.E., formerly Penn Street, and extending back 140.17 feet deep on the Westerly and Easterly lines, and being 42 feet 5-3/4 inches wide in the rear, as appears by said Plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Permanent Parcel No. 126-14-072  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 25 feet of Sublot No. 124 and the Westerly 8 feet of Sublot No. 125 in Hamilton & Wyman's Subdivision of part of Original 100 Acre Lot No.

416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records, and being 33 feet front on the Southerly side of Kennedy Avenue, S.E., and extending back of equal width 140.17 feet, as appears by said plat, be the same more or less but subject to all legal highways.

Permanent Parcel No. 126-14-073

Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 16 feet of Sublot No. 123 and the Westerly 16 feet of Sublot No. 124 in Hamilton and Wyman's Subdivision of part of Original 100 Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and together forming a parcel of land having a frontage of 32 feet on the Southerly side of Kennedy Avenue, S.E. and extending back between parallel lines 140-2/12 feet, as appears by said plat, be the same more or less but subject to all legal highways.

Permanent Parcel No. 126-14-074

Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 122 and the Westerly 25 feet of Sublot No. 123 in Wyman and Hamilton's Allotment of part Original One Hundred Acre Lot No. 416 as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records together forming a parcel of land 66 feet front on the Southerly side of Kennedy Avenue, S.E., (formerly Penn Street) and extending back of equal width 140 feet 2 inches as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 126-14-079

Situating in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Sublot No. 117 in Hamilton and Wyman's Allotment of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Kennedy Avenue, S.E. (formerly Kennedy Street) at the Northwest corner of said Sublot No. 117;

Thence Southerly along the Westerly line of Sublot No. 117, which line is also the Easterly line of an alley (12 feet wide), 140 feet 2 inches to the Southwest corner of said Sublot No. 117;

Thence Easterly along the Southerly line of said Sublot No. 117, about 34-80/100 feet to a point 10-16/100 feet Westerly, measured along said Southerly line of said Sublot No. 117, from the Southeast corner thereof;

Thence Northerly about 140 feet 2 inches to a point on said Southerly line of Kennedy Avenue S.E., 10-16/100 feet Westerly, measured along said Southerly line of Kennedy Avenue S.E. from the Northeast corner of said Sublot No. 117;

Thence Westerly along said Southerly line of Kennedy Avenue

S.E. about 33-30/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 126-14-094

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 35 feet of Sublot No. 135 in Hamilton and Wyman's Subdivision, of part of Original 100 Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and being 35 feet front on the Northerly side of Cumberland Avenue, S.E., and extending back of equal width 140 feet, 2/12 inches, as appears by said plat, be the same more or less.

Permanent Parcel No. 126-14-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 133 in Hamilton and Wyman's Allotment of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and being 41 feet 11-1/2 inches front on the Northerly side of Cumberland Avenue S.E., 140 feet 2 inch deep on the Easterly line, 140 feet 2 inches deep on the Westerly line and 42 feet 5-3/4 inches wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 2.** That the Director of Parks, Recreation and Properties is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

**Section 3.** That the consideration to be paid for such property shall not exceed its fair market value.

**Section 4.** That all costs of acquisition of land shall be paid from Fund No. 10 SF 166, Request No. 5077.

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

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

**Ord. No. 2112-2000.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6719 Dunham Avenue to Minnie Worley.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722

of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No.(s) 118-05-084, as more fully described in Section 2 below, to Minnie Worley.

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

P. P. No. 118-05-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 48 in the Stevens and Case Re-Subdivision of part of Original One Hundred Acre Lot No. 338, as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuyahoga County Records and being 35 feet front on the Northerly side of Dunham Avenue, N.E., (formerly Dunham Place) and extending back of equal width 90 feet along the Westerly line of East 68th Street, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

**Ord. No. 2113-2000.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1464 East 71st Street, to Enoree Baptist Church.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No.(s) 106-09-128, as more fully described in Section 2 below, to Enoree Baptist Church.

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

P. P. No. 106-09-128

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 341, and part of Sublot No. 33, in Zoeter and Decker's Subdivision, of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 5 of Maps, Page 30 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 71st Street (formerly Giddings Avenue) at the Southeast corner of Sublot No. 33; thence Westerly, along the Southerly line of Sublot No. 33, 141 feet to the principal place of beginning; thence Westerly, along said Southerly line of Sublot No. 33, 23 feet to the Southwesterly corner thereof, thence Northerly along the Westerly line of



Sublot No. 33, 40 feet to the Northwesterly corner thereof and the Southerly line of the first parcel of land conveyed to Elizabeth C. Edwards by deed dated January 13, 1894 and recorded in Volume 556, Page 442 of Cuyahoga County Records; thence Westerly, along said Southerly line of said first parcel of land so conveyed as aforesaid, 36 feet to the Southwesterly corner thereof; thence Northerly along the Westerly line of said first parcel of land conveyed as aforesaid, 26.5 feet to a point 23.5 feet Southerly, measured along the Westerly line of the first parcel of land so conveyed, from the Northwesterly corner thereof; thence Easterly, and parallel with the Northerly line of said first parcel of land so conveyed to Elizabeth C. Edwards, 80 feet to a point; thence Southerly and parallel with the Westerly line of East 71st Street, 16.5 feet to a point, thence Southwesterly, in a straight line with its intersection with a line drawn parallel with the Westerly line of East 71st Street and distant 25 feet Northerly, measured along said parallel line, from the principal place of beginning; thence Southerly, and parallel with said Westerly line of East 71st Street, 25 feet to the principal place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

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

Referred to Directors of Community Development, City Planning Commission, Finance, Law; Commit-

tees on Community and Economic Development, City Planning, Finance.

**Ord. No. 2114-2000.**

**By Councilmen Melena and Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into a First Amendment to Contract No. 56379 with Burten Bell Carr Development, Inc. to provide additional neighborhood revitalization activities.**

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

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

**Section 1.** That the Director of Community Development is hereby authorized to enter into a First Amendment to Contract No. 56379 with Burten Bell Carr Development, Inc. to provide additional comprehensive neighborhood revitalization activities and to increase the amount of the contract by \$25,000, for a total of \$165,000. Said increase shall be paid from Fund No. 14 SF 026, Request No. 20696.

**Section 2.** That this First Amendment shall be prepared and approved by the Director of Law and shall contain such provisions as he deems necessary to protect the public interest.

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

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

**Ord. No. 2115-2000.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1212 and 1246 Parkwood Drive and 10922 and 10928 Olivet Avenue to The New Fellowship Baptist Church.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No.(s). 109-19-023, 109-19-025, 109-19-103 and 109-19-105, as more fully described in Section 2 below, to The New Fellowship Baptist Church.

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

P. P. No. 109-19-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 13, 14 and 15m in Morrison and Glenn's Re-Subdivision of part of Original One Hundred Acre Lot No. 378, as shown by the recorded plat of said Re-Subdivision in Volume 29 of Maps, Page 1 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning at the intersection of the Southerly line of Hampden Avenue (formerly Mansion Street) with the Westerly line of Parkwood Drive, (formerly Parkwood Avenue); thence Westerly along said Southerly line of Hampden Avenue, 103.28 feet to the Northwesterly corner of said Sublot No. 13; thence Southerly along the Westerly line of Sublot No. 13, 53.21 feet to a point distant 38 feet Northerly (measured along said Westerly line) from the Southwesterly corner of said Sublot No. 13; thence Easterly about 98 feet to a point in said Westerly line of Parkwood Drive, distant 38 feet Northerly (measured along said Westerly line from the Southeastern corner of said Sublot No. 15; thence Northerly along said Westerly line of Parkwood Drive, 53.01 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 109-19-025

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 378, and being further known as part of the "Dummy Strip" lying between the Southerly line of Morrison and Glenn's Boulevard Park Allotment of part of Original 100 Acre Lot No. 378, as shown by the recorded plat of said Allotment in Volume 19 of Maps, Page 26 of Cuyahoga County Records, and the Northerly line of Curtiss Ambler and Johnson's Subdivision of part of Original 100 Acre Lots Nos. 378 and 386, as shown by the recorded plat in said Subdivision in Volume 16 of Maps, Page 10 of Cuyahoga County Records.

Said part of said "Dummy Strip" is bounded and described as follows:

Beginning at the Southwesterly corner of Sublot No. 178 in said Morrison and Glenn's Boulevard Park Allotment; thence Easterly along the Southerly line of said Morrison and Glenn's Allotment 163.98 feet to the intersection of

said Southerly line with the Westerly line of Parkwood Drive, N.E.; thence Southerly along the Westerly line of Parkwood Drive, N.E. about 21.71 feet to its intersection with the Northerly line of Olivet Court, N.E.; thence Westerly along the Northerly line of Olivet Court, N.E., to the intersection of said Northerly line with the continuation Southerly of the Westerly line of Sublot No. 178 of Morrison and Glenn's Boulevard Park Allotment; thence Northerly along said Southerly continuation of the Westerly line of Sublot No. 178 to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances.

P. P. No. 109-19-103

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 177 in Morison and Glenn's Boulevard Park Allotment of part of Original One Hundred Acre Lot No. 378, as shown by the recorded plat in Volume 19 of Maps, Page 26 of Cuyahoga County Records and also a part of Original One Hundred Acre Lot No. 378 and together forming a parcel of land bounded and described as follows:

Beginning on the Southerly line of Olivet Avenue, N.E., at the North-easterly corner of said Sublot No. 177; thence Westerly along the Southerly line of Olivet Avenue, N.E., 35 feet to the Northwesterly corner of said Sublot; thence Southerly along the Westerly line of said Sublot and along the Southerly prolongation thereof about 117.07 feet to the Northerly line of Olivet Court N.E.; thence Easterly along the Northerly line of Olivet Court N.E., 35 feet to its intersection with the Southerly prolongation of the Easterly line of said Sublot No. 177; thence Northerly along the said Southerly prolongation and along the Easterly line of said Sublot No. 177 about 116.32 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Subject to restrictions and easements contained in deeds recorded in Volume 698, Page 4 and Volume 950, Page 305, Cuyahoga County Records.

P. P. No. 109-19-105

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 in the Morison and Glenn's Boulevard Park Allotment Re-Subdivision of part of Original One Hundred Acre Lot No. 378, as shown by the recorded plat in Volume 29 of Maps, Page 1 of Cuyahoga County Records and being 35 feet front on the Southerly line of Olivet Avenue, N.E., and being 93.82 feet deep on the Easterly line, 94.57 feet on the Westerly line and having a rear line of 35.01 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

**Ord. No. 2116-2000.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10003-07 St. Clair Avenue to Ricky Aikens.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No.(s) 108-09-027, as more fully described in Section 2 below, to Ricky Aikens.

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

P. P. No. 108-09-027

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 4 in the United States Land Company's Re-subdivision of Sublots Nos. 11 to 17 inclusive, in W.H. Van Tine's Subdivision of part of Original One Hundred Acre Lots Nos. 361 and 369, as shown by the recorded plat in Volume 43 of Maps, Page 24 of Cuyahoga County Records.

Said Sublot No. 4 has a frontage of 42 feet on the Northerly side of St. Clair Avenue, N.E., and extends back 116.06 feet on the Westerly line, 143.93 feet on the Easterly line and is 50.41 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

**Ord. No. 2117-2000.  
By Councilmen White, Melena,  
Cimperman and Polensek (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at scattered sites on East 93rd Street to Union Miles Development Corporation.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 136-13-008, 136-13-010, 136-13-013 and 136-13-014, as more fully described in Section 2 below, to Union Miles Development Corporation.

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

P. P. No. 136-13-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 19 in Lucy M. Gaylords Subdivision of part of Original One Hundred Acre Lot No. 465 as shown by the recorded plat in Volume 3 of Maps, Page 48 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southerly line of Gaylord Avenue, S.E., (formerly Spring Street) at the Northeasterly corner of said Sublot No. 19; thence Westerly 65.5 feet along the said Southerly line of Gaylord Avenue, S.E., to a point and the principal place of beginning; thence Southerly 45.5 feet parallel with the Easterly line of said Sublot No. 19 to a point; thence Westerly about 71.4 feet parallel with the said Southerly line of Gaylord Avenue, S.E., to a point in the Easterly line of East 93rd Street (formerly Gaylord Street) as now established; thence Northerly 45.5 feet along said Easterly line of East 93rd Street to its intersection with the said Southerly line of Gaylord Avenue, S.E.; thence Easterly about 71.2 feet along the said Southerly line of Gaylord Avenue, S.E., to the principal place of beginning, together with all right and title in and to that part of East 93rd Street abutting above premises and lying between the present street line and the street line, as appears

by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

P. P. No. 136-13-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 21 in Lucy M. Gaylords Subdivision of part of Original One Hundred Acre Lot No. 465, as shown by the recorded plat in Volume 3 of Maps, Page 48 of Cuyahoga County Records, and forming a parcel of land 59 feet front on the Easterly side of East 93rd Street and extending back between parallel lines 141 feet as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 136-13-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 105 feet of Sublot No. 33 in Lucy M. Gaylord and others' Subdivision of part of Original One Hundred Acre Lot No. 465, as shown by the recorded plat in Volume 14 of Maps, Page 56 of Cuyahoga County Records, and being 45 feet front on the Easterly side of East 93rd Street and extending back of equal width 105 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

P. P. No. 136-13-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 34 in the Lucy M. Gaylord, et al. Subdivision of part of Original One Hundred Acre Lot No. 465, as shown by the recorded plat in Volume 14 of Maps, Page 56 of Cuyahoga County Records and bounded and described as follows:

Beginning at the Easterly line of East 93rd Street (formerly Woodland Hills Avenue) at the Northwesterly corner of said Sublot No. 34; thence Southerly along said Easterly line 52.55 feet to the Northerly line of Pratt Avenue, S.E., (formerly Pratt Street), thence Easterly along said Northerly line about 94 feet to the Southwesterly corner of land conveyed to Emeline Parker and husband to Turney R. Braund by deed dated December 16, 1897 and recorded in Volume 676, Page 304 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed to Braund 52-55/100 feet to the Northerly line of said Sublot No. 34; thence Westerly along said Northerly line about 94 feet to the place of beginning.

Subject to zoning ordinances, if any.

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

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

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

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

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

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

**Ord. No. 2118-2000.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a First Amendment to Contract No. 56087 with Shaker Square of Ohio LLC to provide a grant to finance construction costs relating to the Shaker Square planned retail center.**

Whereas, Ordinance No. 2176-99, passed by the Council of the City of Cleveland on January 10, 2000, authorized the Director of Economic Development to enter into various agreements relating to the provision of economic development financial assistance for the rehabilitation and development of the Shaker Square Commercial District ("Project") and authorized the Director of Economic Development to enter into one or more contracts for financial assistance for the Project; and

Whereas, pursuant to the authority of Ordinance No. 2176-99, the Director of Economic Development entered into City Contract No. 56087 with Shaker Square of Ohio LLC to provide financial assistance for the Project, which includes the Shaker Square planned retail center; and

Whereas, it is necessary to enter into a First Amendment to Contract No. 56087 with Shaker Square of Ohio LLC to provide additional services under that contract; and

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a First Amendment to Contract No. 56087 with Shaker Square of Ohio LLC to provide a grant in the amount of \$300,000 to finance construction costs relating to the Shaker Square planned retail center. Said grant shall be paid from Fund Nos. 10 SF 166 and 17 SF 008, Request No. 26640.

**Section 2.** That this First Amendment shall be prepared and approved by the Director of Law and shall contain such provisions as he deems necessary to protect the public interest.

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

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

**Ord. No. 2119-2000.**

**By Councilmen Rybka, Melena, Cimperman and Patmon (by department request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with C & K Meats, Inc. to provide economic development assistance to partially finance the acquisition of real and personal property including construction and renovation of real property improvements located at 7700 Harvard Avenue, Cleveland, Ohio, 44105.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with C & K Meats, Inc. to provide economic development assistance to partially finance the acquisition of real and personal property including construction and renovation of real property improvements located at 7700 Harvard Avenue, Cleveland, Ohio, 44105.

**Section 2.** That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 2119-2000-A.

**Section 3.** That the costs of said contract shall not exceed One Hundred Forty-Four Thousand Dollars (\$144,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 26638.

**Section 4.** That the Director of Economic Development is hereby authorized to accept the collateral as set forth in the Executive Summary contained in the file referenced above in order to secure repayment of said loan. Any security instrument shall be prepared

and approved by the Director of Law.

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such Ordinance No. fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 7.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

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

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

**Ord. No. 2120-2000.**

**By Councilmen Rybka, Melena, Cimperman and Patmon (by department request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with The Feckanin Group LLC to provide economic development assistance to partially finance the acquisition of real property located at 5618 Hamlet Avenue, Cleveland, Ohio, 44127.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with The Feckanin Group LLC to provide economic development assistance to partially finance the acquisition of real property, located at 5618 Hamlet Avenue, Cleveland, Ohio 44127.

**Section 2.** That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 2120-2000-A.

**Section 3.** That the costs of said contract shall not exceed Thirty Thousand Dollars (\$30,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 26633.

**Section 4.** That the Director of Economic Development is hereby authorized to accept the collateral as set forth in the Executive Summary contained in the file referenced above in order to secure repayment of said loan. Any security instrument shall be prepared

and approved by the Director of Law.

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 7.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

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

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

**FIRST READING  
ORDINANCE REFERRED**

**Ord. No. 2121-2000.**

**By Councilman O'Malley.**

**An ordinance authorizing the transfer of Cleveland Thermal Energy Corporation and IPALCO Enterprises, Inc. and Mid-America Resources, Inc., the wholly-owned subsidiary of IPALCO Enterprises, Inc. to Dominion Cleveland Thermal, Inc. and to amend Sections 1, 5, and 6 of the franchise agreement with Cleveland Thermal Energy Corporation, authorized by Ordinance No. 2909-87, passed December 21, 1987, as amended by Ordinance No. 1490-91, passed July 24, 1991, and to recognize the transfer of franchise and to allow Dominion Cleveland Thermal, Inc. to construct, install, maintain and operate a system for the transmission and supplying of steam and hot water for district heating, cooling and power purposes in, under, over, along, across and upon certain streets, public rights of way and public grounds of the City of Cleveland.**

Whereas, Cleveland Thermal Energy Corporation, an Ohio corporation (the "Grantee"), which is a wholly-owned subsidiary of Catalyst Thermal Energy Corporation, now known as United Thermal Corporation, was granted a non-exclusive franchise to construct, install, maintain and operate a system for the transmission and supplying of steam and hot water in, under, over, along, across and upon certain of the streets, public rights of way, and public grounds of the City of Cleveland by Ordinance No. 2909-87, passed December 21, 1987, and effective January 30, 1988; and

Whereas, the Charter of the City of Cleveland and the terms of the franchise agreement allow this Council to authorize an amendment to said franchise agreement by ordinance; and

Whereas, the Charter of the City of Cleveland and the terms of the franchise agreement allow this Council to authorize an amendment to said franchise agreement by ordinance; and

Whereas, Cleveland Thermal Energy Corporation sought and obtained by Ordinance No. 1490-91, passed July 24, 1991, amendments to its franchise agreement to permit it to construct, install, maintain, and operate a system for the transmission and supplying of chilled water for district cooling purposes in the same manner and pursuant to the same terms and conditions as contained in its existing franchise agreement for steam and hot water supply and transmission; and Cleveland Thermal Energy Corporation sought and obtained approval of the transfer of Grantee from Catalyst Thermal Energy Corporation (now known as United Thermal Corporation) to Mid-America Energy Resources, Inc.; and

Whereas, Cleveland Thermal Energy Corporation and IPALCO Enterprises, Inc. and Mid-America Energy Resources, Inc. the wholly-owned subsidiary of IPALCO Enterprises, Inc. are seeking to transfer the franchise and the Steam System to Dominion Cleveland Thermal, Inc.,

Now, therefore, be it ordained by the Council of the City of Cleveland:

**Section 1.** Pursuant to the requirements of Section 6 of the Cleveland Thermal Energy Corporation ("Grantee") franchise, which was granted by Ordinance No. 2909-87, passed December 21, 1987, effective January 30, 1988, as amended by Ordinance No. 1490-91, passed July 24, 1991, Council hereby approves the transfer of the franchise of the Grantee and the Steam System from Mid-America Energy Resources, Inc., which is a wholly-owned subsidiary of IPALCO Enterprises, Inc. to Dominion Cleveland Thermal, Inc., an Ohio corporation, which is a wholly-owned subsidiary of Dominion Energy, Inc.

**Section 2.** That Sections 1, 5, and 6 of the franchise granted to Cleveland Thermal Energy Corporation, an Ohio corporation (the "Grantee"), a wholly-owned subsidiary of Catalyst Thermal Energy Corporation (now known as United Thermal Corporation), by Ordinance No. 2909-87, passed December 21, 1987, as amended by Ordinance No. 1490-91, passed July 24, 1991, are hereby amended, to read, respectively, as follows:

**Section 1. Grant of Franchise.**

Pursuant to the Charter of the City of Cleveland (hereinafter referred to as the "City"), and subject to the terms and conditions set forth herein, **Dominion Cleveland Thermal, Inc., an Ohio corporation, (the "Grantee") which is a wholly-owned subsidiary of Dominion Energy, Inc.,** is hereby granted a non-exclusive franchise, for the fully period of twenty-five years after

January 30, 1988 being the effective date of Ordinance No. 2909-87, passed December 21, 1987, unless sooner terminated as provided herein, to construct, install, maintain and operate a system for the transmission and supplying of steam and water for heating, cooling and power purposes (the "Steam System") in the area of the City identified in the map contained in File No. 2909-87-A and incorporated herein by reference and as expanded or extended within the boundaries of the City (such area is hereafter referred to as the "Service Area") in, under, over, along, across and upon the streets and public grounds (which term includes but is not limited to the streets, lanes, alleys, avenues, easements and other public thoroughfares and public rights of way of the City in the Service Area) in that Service Area, with the fully and necessary privileges for the use of the streets and public grounds in the Service Area for the purpose of digging a trench or trenches, and constructing, installing, maintaining and operating pipes and conduits therein for steam and water lines, together with the right to maintain said pipes and conduits therein, for the purpose of transmitting therein steam and water for heating, cooling and power purposes (such purposes are hereinafter referred to as "Steam Service"), and to construct, install and maintain all necessary insulators, valves, safety appliances, connections, manholes and other appurtenances necessary to appropriate to the operation of the Steam System. The Steam System of Grantee extends from and includes the existing and future steam generation and heating or cooling water plants of Grantee and the existing and future transmission and distribution system extending to the property line of each customer, except where otherwise defined by agreement between Grantee and a particular customer. The grant of this franchise does not establish priority or lack of priority for use of the streets and public grounds to Grantee over other present or future permit holders or franchises, or over the City's own use. Any extension or expansion of the Steam System shall be subject to all of the obligations and reserved rights in favor of the City set forth herein, and shall be subject to all of the conditions of this franchise.

**Section 1A. Transfer Fee.**

Grantee shall pay to the City fifty thousand dollars (\$50,000.00) no later than thirty (30) days after the effective date of this Ordinance. Failure to pay this amount in full by the date specified shall cause Grantee to be deemed to have rejected this franchise, and the rights and privileges herein granted shall cease and terminate, unless said period is extended by Council by ordinance duly passed for that purpose and before the expiration of said period of thirty (30) days. The payment required herein shall be deposited into an appropriate fund as determined by the **Council of the City of Cleveland.**

**Section 1B. Contributions.**

Grantee shall pay to the City on or before December 31st of each year the following amounts: fifty thousand dollars (\$50,000.00) in each of the years 1992 and 1993, and seventy-five thousand dollars (\$75,000.00) in each of the years 1994 through 2012. Failure to pay such amounts by said dates shall cause grantee to be in default of the franchise. The payments required herein shall be deposited in an appropriate fund as determined by the **Council of the City of Cleveland.**

**Section 5. Operation, Service and Rates of the Steam System**

**A. Service Connections and Delivery of Steam Service.** Grantee shall, so far as the capacity of its plant will allow, deliver steam or water to any person or entity requesting Steam Service who complies with its reasonable regulations and whose property abuts upon its service lines ("Customer") At the point of delivery, the steam will be dry and saturated in accordance with the steam table established by American Society of Mechanical Engineers ("ASME"). The Grantee shall be responsible to maintain, at its expense, all mains and lines up to the property line of the customer's facility, except where otherwise set forth in an agreement between Grantee and a particular customer, and shall keep such lines in sound operating condition and free of undue leakage.

**B. Abandonment of Service.** In the event Grantee makes an application to the PUCO to abandon service to any part or all of its Service Area, Grantee shall send a copy of any such application to each of its then existing customers.

**C. Existing Rates.** All valid contracts or agreements establishing rates, charges or billing arrangements between customers and Grantee (including but not limited to agreements combining billings for one or more premises owned or operated by a customer) in effect as of \_\_\_\_\_, shall remain in effect until the expiration of the contract or agreement as set forth in such contract or agreement (or as may have been extended by PUCO order), except as may be allowed or required by any Court or arbitration panel, or as agreed by Customer and Grantee. All tariff and contract rates for Steam Service in effect as of \_\_\_\_\_, 2000 shall, except for fuel adjustment clause increases and authorized by the PUCO or in accordance with Ohio law, remain in effect through \_\_\_\_\_.

**D. Rates and Charges.** If the Grantee and any Customer cannot agree on a contract which sets rates for Steam Service to that Customer, the rates and charges for Steam Service rendered by Grantee for such customer or customers shall be set by the Public Utilities Commission of Ohio, by Council, or as otherwise may be provided by law. During the term of this franchise, Grantee shall, upon the request of the City or Council, provide such data and information as the City reasonably requires to review the rates,

charges, terms and conditions of Steam Service provided by Grantee. Nothing contained in the subparagraph shall be deemed a waiver of the Grantee to appeal to or seek review of PUCO in connection with any rates.

E. Contract Rates. Grantee may enter into contracts for the provision of Steam Service to one or more of its customers provided that said contracts are entered into pursuant to the requirements of the Revised Code or filed with the PUCO pursuant to the terms of Section 4905.31 of the Revised Code and provided that copies of all contracts for Steam Service are provided to the Clerk of Council of the City to be maintained in the above-mentioned file, with copies provided to the Director of Law of the City.

F. Study of Service During Off-Peak Hours. In order to study ways to promote the use of convention, hotel and entertainment facilities in downtown Cleveland in the evening and weekend hours, and in order to consider whether the lower cost of Steam Service during said hours can be economically justified in connection with separate rate provisions during such period, Council herein directs Grantee to provide, **no later than July 1, 2001**, a full report to Council analyzing the feasibility of instituting reduced rates for off-peak Steam Service usage and the costs of providing Steam Service during off-peak hours.

G. Quality of Service. The Grantee shall at all times provide safe, adequate and reliable service to its customers and shall, except as may otherwise be permitted by law, provide same without discrimination. In so doing, Grantee shall maintain the Steam System in a manner to ensure such service and to ensure the efficient and safe operation of the Steam System. Grantee shall maintain the Steam System so as to avoid substantial leakage, and shall promptly repair material leaks in the Steam System. Grantee shall also promptly repair any pavement, tree law, curb or other portion of the street or public ground which is damaged by Grantee or due to defects in or leaks in or emanating from the Steam System. If there is any dispute between Grantee and a Customer as to whether the Grantee or Customer is responsible to repair damage in the streets or public grounds caused by Grantee or due to defects or leaks in the Steam System, Grantee shall promptly make any necessary repairs pending resolution of such dispute. The cost of such repairs may be part of any such resolution, and may be charged to the customer if it is determined that the repairs were the responsibility of the customer. The Grantee acknowledges its obligation to operate and maintain the Steam System so that it is not in such condition as to be a hazard to the health, safety or welfare of the public, and acknowledges the right of the City to reasonably require the Grantee to make necessary repairs or improvements to abate said condition. Grantee shall promptly comply with an order of the Director of the appropriate department of the City having custody and control of the

particular property or the responsibility to ensure the health, safety or welfare of the public in the particular situation to make any such repairs or improvements.

H. Minority Business Enterprise and Female Business Enterprise Participation and Affirmative Action business

Grantee shall use its best efforts to meet the goals of the City in effect on the effective date of this ordinance with respect to minority enterprise participation and female business enterprise participation, i.e., thirty percent (30%) and ten percent (10%), respectively, in Grantee's proposed construction for the improvement and expansion of the Steam System; provided, that in evaluating Grantee's efforts to meet such goals, the City shall give consideration to the availability of certain specialty items of equipment for the aforesaid system that are not readily available from minority and female vendors.

Grantee shall adhere to the standards set forth in division (a) of Section 187.04 of the Codified Ordinances of the City, as presently in effect with respect to nondiscrimination in employment, and shall use its best efforts to improve the percentage of minority and female employment in the various occupations involved in the performance of the Grantee's business.

Section 6. Transfers and Assignments.

The franchise granted to the Grantee herein shall not be transferable either directly or indirectly except with the consent of Council. Grantee shall not, without consent of Council, either directly or indirectly consolidate, merge or in any other way give or permit control of the management of its business to or by any other heating, cooling or power company now operating or that may hereafter operate in the City, including any company which would by such action by Grantee first enter into the business of providing heating, cooling or power, nor shall Grantee assign or transfer so much of the assets of the Steam System so as to render Grantee unable to continue providing adequate service as required herein. The provisions of this section do not apply to the Grantee's parent **corporation, Dominion Energy, Inc.**, except that such parent shall not directly or indirectly sell or transfer control of the Grantee or the Steam System in any manner which would be prohibited if done by Grantee itself as set forth above without approval of Council, which approval shall not be unreasonably withheld. Grantee may, without the consent of Council, be transferred to any corporation which is wholly owned, directly or indirectly, by **Dominion Energy, Inc.**, or be consolidated or merged with, or have control of Grantee's Management given or transferred to, any corporation which is wholly owned, either directly or indirectly by **Dominion Energy, Inc.**

Section 3. After the effective date of this Ordinance and within thirty days thereof, this Ordinance shall be accepted by the Grantee by, (a) both its filing with the Clerk of

Council an unconditional written acceptance hereof, and (b) an affidavit of an officer of Grantee with supporting documentation evidencing that Cleveland Thermal Energy Corporation has transferred to Dominion Cleveland Thermal, Inc, the franchise and the Steam System and all material rights, title, and interests necessary for the operation of the system to Dominion Cleveland Thermal, Inc. and that Grantee has obtained PUCO approval for said transfer, which shall be included in File No. 2121-2000-A. A failure of the Grantee to accept this Ordinance in the manner described above within said period of time shall be deemed a rejection hereof by the Grantee, and the rights and privileges herein granted shall, after the expiration of said period of thirty days, if not so accepted, absolutely cease and terminate, unless said period of time is extended by Council by ordinance duly passed for that purpose and before the expiration of said period of thirty days.

Section 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

#### FIRST READING EMERGENCY RESOLUTIONS REFERRED

##### Res. No. 2122-2000.

By Councilman Patmon (by departmental request).

An emergency resolution requesting the County Auditor to make tax advances during the year 2001 pursuant to Section 321.34, Ohio Revised Code.

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

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

Section 1. That the County Auditor be and he hereby is requested to draw, and the County Treasurer to pay on such draft to the Treasury of the City of Cleveland such money as may be in the County Treasury from time to time during the year 2001 to the account of the City of Cleveland and lawfully applicable to the purpose of the current fiscal year in which such request is made, such payments to be made from time to time as the Director of Finance or the Mayor of the City of Cleveland may request.

Section 2. That the Clerk of Council be and she hereby is directed to transmit a certified copy of this resolution to the Auditor of 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.

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

**Res. No. 2123-2000.**

**By Councilman Patmon (by departmental request).**

**An emergency resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies certifying them to the County Auditor.**

Whereas, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget, for the fiscal year commencing January 1, 2001; and

Whereas, the Budget Commission of Cuyahoga County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part thereof is without and what part within the 10-Mill limitation; 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 the amounts and rates as determined by the Budget Commission in its certification be and the same are hereby accepted.

**Section 2.** That there be and is hereby levied on the tax duplicate of the City of Cleveland the rate of each tax necessary to be levied within and without the 10-Mill limitation, as follows:

**SCHEDULE A**

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

	Amount to be Derived From Levies Outside 10-Mill Limitation	Amount Approved By Budget Commission Inside 10-Mill Limitation	County Auditor's Estimate of Tax Rate To Be Levied	
	Column II	Column IV	Inside 10-Mill Limit	Outside 10-Mill Limit
GENERAL FUND				7.75
BOND RETIREMENT FUND			4.35	
POLICE PENSION FUND				0.30
FIRE PENSION FUND			0.05	0.25
TOTAL			4.40	8.30

**Section 3.** That the Clerk of Council be and she hereby is directed to certify a copy of this resolution to the County Auditor of said County.

**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.

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

**Res. No. 2124-2000.**

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

**An emergency resolution declaring it necessary to improve 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.**

Whereas, this resolution constitutes an emergency measure for the immediate preservation of the public property, health, or safety in that the improvements to West 117th Street are urgently needed to further the West 117th Streetscape Project between and among the City of Cleveland, the City of Lakewood, and Cuyahoga County and the emergency adoption of this resolution is necessary so that work can commence on the improvements as soon as possible and 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 and conducive to the public health and welfare that West 117th Street from Madison Avenue to approxi-

mately 100 feet north of Clifton Boulevard be improved by constructing an amenity strip in the sidewalk and emplacing tree pockets along the public right-of-way for the purpose of implanting shade trees in accordance with plans, specifications and profiles, at the estimated cost of \$135,525.99, heretofore prepared and placed in File No. 2124-2000-A in the Office of the Clerk of Council, which plans, specifications and profiles are hereby approved.

**Section 2.** That so much of the cost and expense of said improvement less in any event one-fiftieth of the whole cost, and less the entire cost of intersections, as shall be found to be a proper charge, shall be assessed by the front footage of all lots and lands abutting upon, and other specially benefited property adjacent to West 117th Street from Madison Avenue to approximately 100 feet north of Clifton Boulevard, and it is hereby determined that said lots and lands are specially benefited by said improvements. The cost of said improvement shall include the cost of plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions

and ordinances, the amount of damages resulting from the work assessed in favor of any owner of land affected by the work and the interest thereon, the costs incurred in connection with the preparation, levy and collection of special assessments, the cost of purchasing, appropriating and otherwise acquiring therefor any required real estate or interests therein, the cost of all labor and materials, and all other necessary expenditures. The Director of Public Service has fixed 5 years as the estimated life of said improvements.

**Section 3.** That the entire amounts to be levied shall be paid in five (5) annual installments, with interest on deferred payments at the rate of 5.3% per annum provided, however, that the owner of any property assessed may, at his option, pay the principal amount of such assessment in cash within 40 days from and after the passage of the assessing ordinance.

**Section 4.** That the remainder of the entire cost of said improvement not specially assessed, as herein provided, shall be paid by the City of Cleveland, or out of funds made available to it by other sources, or governmental agencies.

**Section 5.** That the Director of Finance is hereby directed to cause written notice to be served upon the owner of each lot or parcel of land to be assessed, or upon any other persons or corporations entitled by any provision of law to notice of the adoption of this resolution.

**Section 6.** That the Commissioner of Assessments and Licenses is hereby authorized and directed to prepare and file in the Office of the Clerk of Council an estimated assessment in accordance with the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessments shall be based upon the estimated cost of the improvement in accordance with the plans, specifications and profiles now on file in the Office of the Clerk of Council. The estimated assessment shall be filed in the Office of the Clerk and kept available for public inspection.

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

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

**Res. No. 2125-2000.**

**By Councilman Willis.**

**An emergency resolution urging the General Assembly of the State of Ohio to abolish the "five minute rule" set forth in state election law, R.C. Section 3505.23, and further urging the Cuyahoga County Board of Elections and the General Assembly of the State of Ohio to prohibit the use of "butterfly" ballots in Cuyahoga County.**

Whereas, the most recent national election has caused voter confusion and public criticism of certain election laws in states across the country; and

Whereas, Ohio's election laws mandate that no voter shall be allowed to occupy a voting compartment or voting machine more than five (5) minutes when all the voting compartments or machines are in use and voters are waiting to occupy them; and

Whereas, the use of "butterfly" ballots in Cuyahoga County in this past election, as in other parts of the state and the country, caused confusion and questions about voting procedures; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, in that it is imperative to make the voting process as precise as possible and allow voters ample time to read and mark their ballots now, therefore,

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

**Section 1.** That this Council hereby urges the General Assembly of the State of Ohio to abolish the "five minute rule" set forth in state election law, R.C. Section 3505.23, and further urges the Cuyahoga County Board of Elections and the General Assembly of the State of Ohio to prohibit the use of "butterfly" ballots in Cuyahoga County.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Cuyahoga County delegation of the Ohio Senate, the Cuyahoga County delegation of the Ohio House of Representatives, Secretary of State Kenneth Blackwell, and Cuyahoga County Board of Elections Chairman Thomas Jelepis.

**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.

Referred to Director of Law; Committee on Legislation.

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

**Ord. No. 2126-2000.**

**By Councilmen Britt and Jackson.**  
**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Second Metropolitan Baptist Church to stretch three (3) banners on East 79th St. at Quincy and Sherman Avenues on C.P.P. utility poles (by separate permission) for the period of November 1, 2000 to December 31, 2000 inclusive, celebrating their Church's Anniversary.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Second Metropolitan Baptist Church, 2424 East 79th Street, Cleveland, Ohio 44104, to install, maintain and remove three (3) banners to be stretched on Cleveland Public Power utility poles, (by separate permission) celebrating their Church's Anniversary, for the period of November 1, 2000 to December 31, 2000, inclusive, and which banners are to be hung at the following pole locations and on the following pole numbers: at East 79th Street; 1st Pole S. of Quincy Avenue (W), Pole # 75463 (No Tag); and the 2nd Pole N. of Sherman Avenue (W), Pole No Tag; and the 1st Pole S. of Sherman Avenue (W), Pole # 75426 (No Tag); and which poles location and banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner, and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 2127-2000.**

**By Councilmen Cimperman and Jackson.**

**An emergency ordinance to amend the Title and Sections 1 and 2 of Ordinance No. 442-2000, passed March 20, 2000, relating to a grant agreement with the Maingate Business Development Corporation for the installation of entryway signage to the Maingate industrial area, to carry out the public purpose of creating or retaining jobs and employment opportunities to preserve the economic welfare of the State, through the use of Wards 5 and 13 and Neighborhood Equity Funds.**

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

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

**Section 1.** That the Title and Sections 1 and 2 of Ordinance No. 442-2000, passed March 20, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of **Economic Development** to enter into a grant agreement with the Maingate Business Development Corporation for the installation of **entryway signage** to the Maingate industrial area, **to carry out the public purpose of creating or retaining jobs and employment opportunities to preserve the economic welfare of the State, through the use of Wards 5 and 13 Neighborhood Equity Funds.**

**Section 1.** That Director of **Economic Development** is authorized to enter into a grant agreement with the Maingate Business Development Corporation for the installation of **entryway signage** to the Maingate industrial area, **to carry out the public purpose of creating or retaining jobs and employment opportunities to preserve the economic welfare of the State, through the use of Wards 5 and 13 Neighborhood Equity Funds.**

**Section 2.** That the cost of said contract shall be in an amount not to exceed **Seven Thousand Dollars (\$7,000)**, and shall be paid from Fund No. 10 SF 166.

**Section 2.** That the existing Title and Sections 1 and 2 of Ordinance No. 442-2000, passed March 20, 2000 are hereby repealed.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.



**Ord. No. 2128-2000.****By Councilman Dolan.**

**An emergency ordinance amending Sections 1 and 11 of Ordinance No. 552-2000, passed June 19, 2000, relating to the construction of a new runway at Cleveland Hopkins International Airport.**

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

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

**Section 1.** That Sections 1 and 11 of Ordinance No. 552-2000 passed June 19, 2000 are hereby amended to read as follows:

**Section 1.** That the Director of Port Control is hereby authorized to employ by contract or contracts one or more 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 related to the construction of a new runway known as 5L-23R (Phase I) and its necessary appurtenances and the following project components necessary to effectuate the construction and use of the Phase I runway improvements ("Improvements");

(1) Design of FAA TRACON Renovation, in an amount not to exceed \$345,771.00;

(2) Design of NASA Facilities and Relocation, in an amount not to exceed \$20,335,402.00; and

(3) Design of **Mill Creek and/or Big Creek**, in an amount not to exceed \$600,000.00.

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

**Section 11.** That, as a condition precedent to entering into any contracts or agreements contemplated to make the improvements authorized in **Sections 1 and 2** hereof, 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 2.** That existing Sections 1 and 11 of Ordinance No. 552-2000 passed June 19, 2000 are hereby repealed.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 2129-2000.****By Councilman Lewis.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cleveland Public Schools-East High School in order to carry out the public purpose of providing recreational programming and tutoring services through the use of Ward 7 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Cleveland Public Schools-East High School in order to carry out the public purpose of providing recreational programming and tutoring services through the use of Ward 7 Neighborhood Equity Funds.

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

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 2130-2000.****By Councilman Melena.**

**An emergency ordinance authorizing the Director of Community Development to amend the agreement with Detroit Shoreway Community Development Corporation, City Contract No. 55951, amending contract #55951 to increase the contribution towards basement renovations of Gordon Square Arcade in order to carry out the public purpose of providing office space for the operation of a non-profit community development corporation and social service programs through the use of Ward 17 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 amend the agreement with Detroit Shoreway Community Development Corporation, City Contract No 55951, to increase the contribution towards basement renovations of Gordon Square Arcade in order to carry out the public purpose of providing office space for the operation of a non-profit community development corporation

and social service programs through the use of Ward 17 Neighborhood Equity Funds.

**Section 2.** That the cost of said amendment shall be in an amount not to exceed \$30,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 2131-2000.****By Councilman Patmon.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cleveland Restoration Society in order to carry out the public purpose of rehabilitation of housing and furthering the community plan for East 105th and East Blvd. neighborhood by the conversion of six cooperative housing units to condominiums through the use of Ward 8 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Cleveland Restoration Society in order to carry out the public purpose of rehabilitation of housing and furthering the community plan for East 105th and East Blvd. neighborhood by the conversion of six cooperative housing units to condominiums through the use of Ward 8 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$9,000 and shall be paid from Fund No. 10 SF 166 for services rendered by grantee on or after October 18, 2000.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 2132-2000.****By Councilman Patmon.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Glenville Development Corporation for initiating a curfew enforcement policy in order to carry out the public purpose of promoting safety and crime prevention through the use of Ward 8 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Glenville Development Corporation for initiating a curfew enforcement policy in order to carry out the public purpose of promoting safety and crime prevention through the use of Ward 8 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$3,300 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 2133-2000.****By Councilman Polensek.**

**An emergency ordinance amending Section 3 of Ordinance No. 555-2000, passed April 10, 2000, relating to the improvement, renovation or modification of the offices of Cleveland City Council.**

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

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

**Section 1.** That Section 3 of Ordinance No. 555-2000 passed April 10, 2000 is hereby amended to read as follows:

**Section 3.** That the cost of any expenditures authorized by this ordinance shall be paid from Fund No. 01 SF 001 and other such funds, including proceeds from the issuance of general obligation bonds, as may be designated for such purposes.

**Section 2.** That existing Section 3 of Ordinance No. 555-2000 passed April 10, 2000 is hereby repealed.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 2134-2000.****By Councilman Polensek.**

**An emergency ordinance authorizing the Clerk of Council to extend the term of contract with Brothers Printing Company, City Contract No. 52446 for a period not to exceed two years.**

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

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

**Section 1.** That, notwithstanding and as an exception to any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Clerk of Council is authorized to extend the term of contract with Brothers Printing, City Contract No. 52446, for a period not to exceed two years. All other provisions of City Contract No. 52446, except for the term, shall remain the same.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 2135-2000.****By Councilman Polensek.**

**An emergency ordinance authorizing the Clerk of Council to extend the term of contract with Cleveland Letter Service, City Contract No. 52509 for a period not to exceed two years.**

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

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

**Section 1.** That, notwithstanding and as an exception to any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Clerk of Council is authorized to extend the term of contract with Cleveland Letter Service, City Contract No. 52509, for a period not

to exceed two years. All other provisions of City Contract No. 52509, except for the term, shall remain the same.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 2136-2000.****By Councilman Polensek.**

**An emergency ordinance authorizing the Clerk of Council to further extend the term of the current contract with Legal News Publishing Company, City Contract No. 52706, 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.** Notwithstanding and as an exception to Ordinance No. 1313-2000, passed by the Council of the City on August 2, 2000, the Clerk of Council is hereby authorized to further extend the term of the contract with Legal News Publishing Company, City Contract No. 52706, for a period not to exceed one year beginning October 1, 2000 provided, however, that all other terms of said contract shall remain the same.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 2137-2000.****By Councilman Robinson.**

**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with the Buckeye Area Development Corporation for the acquisition and demolition of properties at 3511 and 3517 East 93rd Street, in order to carry out the public purpose of providing low income housing 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 a grant agreement with the Buckeye Area Development Corporation for the acquisition and demolition of properties at 3511 and 3517 East 93rd Street, in order to carry out the public purpose of providing low income housing 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 \$30,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED**

**Res. No. 2138-2000.**

**By Councilman Cintron.**

**An emergency resolution welcoming German Cardona, Mayor of Manizales, Colombia and declaring Manizales, Colombia a sister city to the City of Cleveland.**

Whereas, German Cardona, Mayor of Manizales, Colombia, is visiting the City of Cleveland to explore different aspects of local government, the local political process and large and small city administrative structures;

Whereas, Manizales, Colombia, with a population of 400,000 people, is the most populated City in Colombia; and

Whereas, Manizales, Colombia is located in the middle of Colombia in the Andean region; and

Whereas, Manizales, Colombia boasts a university and is the coffee capital of Colombia; and

Whereas, the City of Cleveland supports being a sister city to Manizales, Colombia in order to exchange political, cultural and economic ideas; 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 welcomes German Cardona, Mayor of

Manizales, Colombia to the City of Cleveland and declares Manizales, Colombia a sister city to the City of Cleveland.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 2139-2000.**

**By Councilman Polensek.**

**An emergency resolution strongly urging Tops Friendly Markets to continue its plans to expand its supermarket located at East 185th Street and Neff Road despite plans to build a new supermarket in downtown Euclid, and urging the administration to work closely with Tops to ensure that such expansion takes place.**

Whereas, for over one year now, Tops Friendly Markets has planned a comprehensive expansion of its supermarket located at East 185th Street and Neff Road; and

Whereas, the current Tops is the only supermarket located in the East 185th Street and Neff Road area available to those area residents, many of whom are elderly and in need of an easily accessible supermarket; and

Whereas, Tops' expansion is an important economic benefit and necessity for the residents in that area of the City and for the City as a whole; and

Whereas, Council has learned that Tops Friendly Markets plans to build a new supermarket on Lakeshore Boulevard in the Euclid downtown area, thus calling into question its plans to expand its supermarket at East 185th Street and Neff Road; and

Whereas, it would create a great economic and personal hardship on Cleveland residents should Tops build a new supermarket in downtown Euclid, but abandon its plans to expand its store at East 185th Street and Neff Road; and

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

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

**Section 1.** That this Council strongly urges Tops Friendly Markets to continue its plans to expand its supermarket located at East 185th Street and Neff Road despite plans to build a new supermarket in downtown Euclid and further urges the administration to work closely with Tops to ensure that the expansion of the East 185th Street and Neff Road supermarket takes place.

**Section 2.** That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to Jeff B. Olsen, Director of Real Estate, Tops Friendly Markets.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 2140-2000.**

**By Councilman Willis.**

**An emergency resolution declaring this Council's desire, interest and commitment to work toward establishing a permanent sister city relationship with Ibadan, Nigeria, Africa.**

Whereas, the cities of Cleveland and Ibadan, Nigeria, Africa, have expressed interest in an active exchange of culture, medical knowledge, and business, educational and governmental opportunities; and

Whereas, such exchange would serve to support the development and growth of both cities, as well as to expand and enhance knowledge and understanding between people of diverse cultures; and

Whereas, the leaders of Cleveland and Ibadan, Nigeria have expressed an interest of in working toward establishing a permanent sister city relationship between the cities; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety in that peace and understanding in the world can only be assured through a strengthening of relationships among the world's peoples, now, therefore,

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

**Section 1.** That this Council of the City of Cleveland declares its desire, intent and commitment to work toward the establishment of a permanent sister city relationship with Ibadan, Nigeria, Africa.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**SECOND READING  
EMERGENCY ORDINANCES**

**Ord. No. 849-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2363 East 83rd Street to Diocese of Cleveland, Bishop Anthony Pilla (St. Adalbert Church).

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

**Ord. No. 850-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11210 Woodland Avenue to The Pentecostal Faith Holiness Church of God.

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

**Ord. No. 1103-2000.**

By Mayor White.

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Air Services of Cleveland, Inc. for use and occupancy of certain space in the Secondary Hangar at Cleveland Hopkins International Airport and for ramp and parking areas adjacent to the premises.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance, when amended as follows:

1. In Section 1, line 17, after "respectively)," insert the following: **"In the event that Lessee chooses to exercise its option to extend the term of the Lease, Lessee shall, at least one hundred twenty (120) days prior to expiration of the term of the Lease, notify the President of City Council, the Chairman of the Aviation & Transportation Committee, and the Clerk of City Council of its decision to extend the term of the Lease."**

2. Insert new Section 2 to read as follows:

**"Section 2. That the Lease authorized herein shall contain the following provision:**

**The City reserves the right to recapture the Premises, wholly or partially, any time during the Initial Term, First Extended Term, or Second Extended Term, upon six (6) months written notice, in the event that City Council, by ordinance, determines that such recapture of the leased Premises or any portion thereof is required by the City in order to comply with federal, state or local laws or regulations governing airports, or for general airport purposes. In the event of such recapture as described in this paragraph, the Lessee shall not be entitled to a credit, reimbursement, payment, or any other type of compensation for termination of the Lease and recapture of the Premises. Notwithstanding the foregoing provision, if the City shall recapture the leased Premises within the first five (5)**

**years of the Initial Term, Lessee shall be entitled to compensation equal to: (a) any unamortized facility investment cost; and/or (b) any amortized rent credits approved by the Director and not received by Lessee. In the event of recapture, the City shall work cooperatively with Lessee to find a suitable location at which Lessee may operate, under such terms and conditions as may be mutually agreed to by the City and Lessee."**

3. Renumber existing "Section 2" to new **"Section 3"** and existing "Section 3" to new **"Section 4"**.

Amendments agreed to.

**Ord. No. 1107-2000.**

By Councilman Cimperman.

An emergency ordinance to vacate a portion of Branch Avenue S.W. hereinafter described.

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

**Ord. No. 1401-2000.**

By Councilmen Jackson and Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Maingate Business Development Corporation to encroach into the public right-of-way of various streets in Wards 5 and 13 with six (6) Entryway Identification Signs

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

**Ord. No. 1409-2000.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Bredt-Zanick LLC to provide economic development assistance to partially finance site improvements, machinery and equipment acquisition and the construction and renovation of real property located at 2850 West 3rd Street, Cleveland, Ohio 44113.

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

1. Strike Section 2 in its entirety and insert in lieu thereof the following:

**"Section 2. That the terms of said agreement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1409-2000-A."**

Amendment agreed to.

**Ord. No. 1410-2000.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Bredt-Zanick LLC to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to make site improvements, acquire machinery and equipment and construct on and renovate the real property located at 2850

West 3rd Street, Cleveland, Ohio 44113.

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

**Ord. No. 1584-2000.**

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

An emergency ordinance giving consent of the City of Cleveland for the resurfacing of East 13th Street/Chester Avenue between Superior Avenue and East 22nd Street to the State of Ohio; and authorizing the Director of Public Service to enter into any agreements relative thereto.

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

**Ord. No. 1587-2000.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating East 40th Street, Phase 3, and authorizing the Director of Public Service to enter into contract for the making of such improvement.

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

**Ord. No. 1588-2000.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating East 55th Street, Phase 3, and authorizing the Director of Public Service to enter into contract for the making of such improvement.

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

1. Insert new Section 3 to read as follows:

**"Section 3. That the Director of Public Service and Cleveland City Council shall work cooperatively with the Ohio Department of Transportation and the railroads to design and expand the East 55th Street bridge and coordinate such expansion with the rehabilitation of East 55th Street."**

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

Amendments agreed to.

**Ord. No. 1589-2000.**

By Councilman Westbrook.

An emergency ordinance to vacate a portion of Tuscan Avenue N.W. hereinafter described.

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

**Ord. No. 1590-2000.**

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

An emergency ordinance to amend the title, Section 1 and Section 3 of

Ordinance No. 1000-2000, passed June 19, 2000, relating to the public improvement of rehabilitating sewers on Westpark and Lydian Roads and authorizing the Director of Public Utilities to enter into contract therefor; to supplement said ordinance by adding new Section 4 relating to an agreement with the Northeast Ohio Regional Sewer District to allow the City to accept additional allocations to partially finance the improvement; and to renumber existing Section 4 to Section 5.

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

**Ord. No. 1594-2000.**

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

An emergency ordinance to amend the title and Section 2 of Ordinance No. 930-2000, passed June 19, 2000, relating to a grant from the Ohio Department of Natural Resources for Phase II of the Woodland Recreation Center site improvements.

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

1. In the title, line 2; in Section 1, line 1 and in Section 2, line 1 after "Section 2" insert the following: "and Section 8"; and in Section 1 at the end, insert the following new amended Section 8:

**"Section 8. That the cost of said improvement hereby authorized shall be paid from the fund or funds to which are credited the proceeds of the grant accepted pursuant to this ordinance and the cash match and the amount of \$300,000 or less from Fund No. 10 SF 166."**

2. In Section 1, at amended Section 2, strike lines 4, 5 and 6 in their entirety and insert in lieu thereof the following: "Cleveland to provide twenty-five percent (25%) of the total project cost to be".

Amendments agreed to.

**Ord. No. 1595-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Hough Avenue to Mansfield S. Frazier and Brenda W. Frazier.

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

**Ord. No. 1600-2000.**

By Councilmen Willis, 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 11307 Parklawn Avenue to Northeastern Development Corporation or designee.

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

**Ord. No. 1636-2000.**

By Mayor White and Councilman Polensek.

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2001 Federal AIDS Prevention Program and to enter into contract with various agencies to implement the program.

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

1. In Section 3, following line 6, strike the list of agencies and amounts and insert in lieu thereof the following:

<b>"Agency</b>	<b>Amount</b>
<b>AIDS Taskforce of Greater Cleveland</b>	<b>\$91,997</b>
<b>AIDS Taskforce of Greater Cleveland</b>	<b>\$32,167</b>
<b>AIDS Taskforce of Greater Cleveland</b>	<b>\$68,002</b>
<b>AIDS Taskforce of Greater Cleveland</b>	<b>\$32,167</b>
<b>AIDS Taskforce of Greater Cleveland</b>	<b>\$75,000</b>
<b>AIDS Taskforce of Greater Cleveland</b>	<b>\$31,667</b>
<b>BlackOut Unlimited</b>	<b>\$20,000</b>
<b>Cleveland Treatment Center</b>	<b>\$64,000</b>
<b>Cleveland Treatment Center</b>	<b>\$40,000</b>
<b>Cleveland Treatment Center</b>	<b>\$100,000</b>
<b>Free Clinic</b>	<b>\$40,000</b>
<b>Free Clinic</b>	<b>\$54,500</b>
<b>HUMADAOP</b>	<b>\$20,000</b>
<b>HUMADAOP</b>	<b>\$18,175</b>
<b>HUMADAOP</b>	<b>\$40,000</b>
<b>NEON</b>	<b>\$32,325</b>
<b>Recovery Resources</b>	<b>\$20,000</b>
<b>Xchange Point</b>	<b>\$20,000"</b>

Amendment agreed to.

**Ord. No. 1638-2000.**

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

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding of various infrastructure capital improvement projects and state funding to obtain credit enhancements and loan assistance in support of the City's 2000 general obligation issued for road and bridge improvements; and authorizing the Mayor to accept grants from the Ohio Public Works Commission for improvements to Central Avenue, Western Avenue East 79th Street, Kinsman Road, Bellaire Road and St. Clair Avenue.

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

**Ord. No. 1639-2000.**

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

An emergency ordinance giving consent of the City of Cleveland for the cleaning of the structure and drainage system and the removal of a portion of the catwalk of the Main Avenue Bridge No. 193 over the Cuyahoga River to the County of Cuyahoga; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

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

**Ord. No. 1640-2000.**

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

An emergency ordinance giving consent of the City of Cleveland for the sealing of the concrete decks of various bridges to the County of Cuyahoga; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

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

**Ord. No. 1641-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Florida Avenue to Amistad Development Corporation or designee.

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

**Ord. No. 1677-2000.**

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

An emergency ordinance authorizing the purchase by contract of one folding/insert system, for the Division of Cleveland Public Power, Department of Public Utilities.

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

**Ord. No. 1678-2000.**

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

An emergency ordinance authorizing the purchase by requirement contract of meter reading computers, for the Division of Cleveland Public Power, Department of Public Utilities.

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

1. Strike the title, Section 1 and Section 2 in their entirety and insert in lieu thereof the new title, Sections 1, 2 and 3 to read, respectively, as follows:

**"An emergency ordinance authorizing the purchase by contract of not to exceed fifteen meter reading computers, for the Division of Cleveland Public Power, Department of Public Utilities.**

**Section 1. That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed fifteen (15) meter reading computers, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis, for the Division of Cleveland Public Power, Department of Public Utilities.**

**Section 2. That the cost of said contract hereby authorized shall not exceed Seventy-Five Thousand Dollars (\$75,000) and shall be paid from Fund No. 58 SF 001, Request No. 31511.**

**Section 3. That within one year of the passage of this ordinance, the Director of Public Utilities shall make a report to this Council concerning the benefits and shortcomings of the meter reading computers. The report shall include an analysis of whether the computers help to reduce reliance on estimated meter readings."**

2. Renumber existing Section 3 to new "Section 4".  
Amendments agreed to.

**Ord. No. 1681-2000.**

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

An emergency ordinance determining the method of making the public improvement of grinding pavement and authorizing the Director of Public Service to enter into a public improvement requirement contract for the making of such improvement.

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

**Ord. No. 1688-2000.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Neighborhood Development Investment Fund contract and a grant agreement with the Eliza Jennings Group to provide economic development assistance to partially finance the renovation of real property and the acquisition of personal property located at 10603 Detroit Avenue, Cleveland, Ohio.

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

**Ord. No. 1723-2000.**

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

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and replace various water, sewer and gas lines and labor and materials necessary to make plumbing repairs to various buildings, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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

1. In the title, line 8, strike "buildings" and insert in lieu thereof: "items damaged by pole replacements".

2. In Section 1, line 7, strike "buildings" and insert in lieu thereof: "items damaged by pole replacements performed by the Division of Cleveland Public Power".  
Amendments agreed to.

**Ord. No. 1803-2000.**

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement

contract of inmate clothing, bedding and shoes, for the Division of Corrections, Department of Public Health.

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

**Ord. No. 1804-2000.**

By Councilmen Gordon and Patmon (by departmental request).

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

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

**Ord. No. 1807-2000.**

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

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

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

**Ord. No. 1870-2000.**

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2001 Cardiovascular Disease Grant.

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

1. Insert new Section 3 to read as follows:

**"Section 3. That the Director of Public Health shall submit quarterly reports to the Committee on Public Health beginning March 1, 2001, detailing the progress and findings on the study."**

2. Renumber existing Section 3 to new "Section 4".  
Amendments agreed to.

**Ord. No. 1871-2000.**

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Solid Waste District for the 2001 Solid Waste Program.

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

**Ord. No. 1969-2000.**

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to lease space at the Mural Building, located at 1925 St. Clair Avenue, and associated parking lots, from Mural Properties Company, or its designee, for a term not to exceed two years, for the purpose of providing office and administrative space for the Department of Public Health.

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

1. In Section 2, beginning in line 3, strike "with an option to renew for one additional one-year term, terminating December 31, 2003; or for one additional two-year term terminating December 31, 2004, all".

2. In Section 3, strike line 9 to the end of the section is its entirety and insert in lieu thereof the following: "**(\$17,853.33) per month. Said payments shall be due and payable on the first day of each month.**".

3. In Section 6, line 3, strike "580" and insert in lieu thereof "560".  
Amendments agreed to.

**SECOND READING  
EMERGENCY RESOLUTIONS**

**Res. No. 1605-2000.**

By Councilman Rybka (by request).

An emergency resolution declaring the intention to vacate a portion of East 73rd Place.

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

**Res. No. 1813-2000.**

By Councilman Cimperman (by request).

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

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

**SECOND READING EMERGENCY  
ORDINANCES PASSED**

**Ord. No. 1960-2000.**

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

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

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

1. Insert new Section 2 to read as follows:

**"Section 2. That, no later than fourteen (14) days prior to the commencement of aggregation service to customers of CEI in the City (the "Aggregation Group"), the Director of Public Utilities shall provide the Clerk of Council with rules and regulations for aggregation service for approval by the President of City Council and publication in the City Record. Such rules and regulations shall provide the terms and conditions of service for the participants in the City's aggregation program, and shall be consistent with the terms of the Plan of Operation and Governance and Power Supply Agreement. This procedure shall be followed for any proposed change in the rules and regulations."**

2. Renumber existing Section 2 as new "Section 3".  
Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

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

**THIRD READING EMERGENCY ORDINANCES PASSED****Ord. No. 1676-2000.**

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

An emergency ordinance authorizing the purchase by contract of not to exceed three hundred sixty winter jacket liners, for the Division of Cleveland Public Power, Department of Public Utilities.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 1809-2000.**

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

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

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 1862-2000.**

By Councilman Patmon (by departmental request).

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

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 1863-2000.**

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of computer hardware, for the various divisions of City government.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 1864-2000.**

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and material necessary to maintain typewriters, for the various divisions of City government, for a period not to exceed two years.

Read third time. Passed. Yeas 17. Nays 0.

**MOTION**

By Councilman Dolan and seconded by Councilman Gordon, and unanimously carried that the absence of Council President Michael D. Polensek, and Councilman Timothy J. Melena, Councilman Jay Westbrook and Councilman Craig E. Willis be and is hereby authorized.

**MOTION**

The Council adjourned at 8:45 p.m. to meet on Monday, November 27, 2000, at 7:00 p.m. in the Council Chambers.



Clerk of Council

**THE CALENDAR**

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

**ORDINANCES****Ord. No. 849-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2363 East 83rd Street to Diocese of Cleveland, Bishop Anthony Pilla (St. Adalbert Church).

**Ord. No. 850-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11210 Woodland Avenue to The Pentecostal Faith Holiness Church of God.

**Ord. No. 1103-2000.**

By Mayor White.

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Air Services of Cleveland, Inc. for use and occupancy of certain space in the Secondary Hangar at Cleveland Hopkins International Airport and for ramp and parking areas adjacent to the premises.

Whereas, this ordinance constitutes an emergency measure providing for 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 ("Director") is authorized to enter into a Lease By Way of Concession ("Lease") with Air Services of Cleveland, Inc. ("Lessee") for use and occupancy of approximately 36,400 square feet of space known as Bays D and E, and 46,800 square feet of adjacent preferential use ramp area, and 12,480 square feet of space known as Bay F and 18,720 square feet of adjacent preferential use ramp area in the Secondary Hangar, and preferential use of the parking lot immediately adjacent to the Secondary Hangar (together, the "Premises") at Cleveland Hopkins International Airport for operation of an aircraft hangar and for jet maintenance services. The term of the Lease shall be for a period of ten (10) years beginning upon execution of the Lease (the "Initial Term") with an option by Lessee to extend the term of the Lease for two (2) additional five-year periods (the "First Extended Term" and "Second Extended Term", respectively). **In the event that Lessee chooses to exercise its option to extend the term of the Lease, Lessee shall, at least one hundred twenty (120) days prior to expiration of the term of the Lease, notify the President of City Council, the Chairman of the Aviation & Transportation Committee, and the Clerk of City Council of its decision to extend the term of the Lease.**

Lessee shall pay rent for use of the Premises as follows: Bays D and E, including associated ramp and parking areas - \$8.50 per square foot per year; Bay F, including associated ramp and parking areas -

\$8.65 per square foot per year. The annual rent shall be increased by 5% for the First Extended Term and increased an additional 5% for the Second Extended Term.

Lessee shall make a minimum of \$189,060 in capital improvements to the Premises and purchase \$173,530 in new equipment during the first year of the Initial Term. The City shall issue credits against rent for the capital improvements made to the Premises by Lessee, provided such improvements are first approved by the Director, in writing. The credits against rent shall be amortized over the first five years of the Initial Term of the Lease. Notwithstanding rent credits issued by the City, Lessee shall pay to the City a minimum annual guaranteed rent of \$7,500 during the Initial Term. Any rent credits not applied during the Initial Term shall be forfeited by Lessee.

**Section 2. That the Lease authorized herein shall contain the following provision:**

The City reserves the right to recapture the Premises, wholly or partially, any time during the Initial Term, First Extended Term, or Second Extended Term, upon six (6) months written notice, in the event that City Council, by ordinance, determines that such recapture of the leased Premises or any portion thereof is required by the City in order to comply with federal, state or local laws or regulations governing airports, or for general airport purposes. In the event of such recapture as described in this paragraph, the Lessee shall not be entitled to a credit, reimbursement, payment, or any other type of compensation for termination of the Lease and recapture of the Premises. Notwithstanding the foregoing provision, if the City shall recapture the leased Premises within the first five (5) years of the Initial Term, Lessee shall be entitled to compensation equal to: (a) any unamortized facility investment cost; and/or (b) any amortized rent credits approved by the Director and not received by Lessee. In the event of recapture, the City shall work cooperatively with Lessee to find a suitable location at which Lessee may operate, under such terms and conditions as may be mutually agreed to by the City and Lessee.

**Section 3.** That the Lease authorized herein shall be prepared by the Director of Law and shall contain such other terms and conditions as said Director deems necessary to protect and benefit the public interest.

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

**Ord. No. 1107-2000.**

By Councilman Cimperman.

An emergency ordinance to vacate a portion of Branch Avenue S.W. hereinafter described.

**Ord. No. 1401-2000.**

By Councilmen Jackson and Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to

issue a permit to Maingate Business Development Corporation to encroach into the public right-of-way of various streets in Wards 5 and 13 with six (6) Entryway Identification Signs

**Ord. No. 1409-2000.**

By Councilmen Cimperman, Mele-  
na and Patmon (by departmental  
request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Bredt-Zanick LLC to provide economic development assistance to partially finance site improvements, machinery and equipment acquisition and the construction and renovation of real property located at 2850 West 3rd Street, Cleveland, Ohio 44113.

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Bredt-Zanick LLC to provide economic development assistance to partially finance site improvements, machinery and equipment acquisition and the construction and renovation of real property located at 2850 West 3rd Street, Cleveland, Ohio 44113.

**Section 2.** That the terms of said agreement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1409-2000-A.

**Section 3.** That the costs of said contract shall not exceed Four Hundred Thousand Dollars (\$400,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 26624.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

**Section 6.** That the Director of Economic Development is hereby authorized to accept charges and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 7.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

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

**Ord. No. 1410-2000.**

By Councilmen Cimperman, Mele-  
na and Patmon (by departmental  
request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Bredt-Zanick LLC to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to make site improvements, acquire machinery and equipment and construct on and renovate the real property located at 2850 West 3rd Street, Cleveland, Ohio 44113.

**Ord. No. 1584-2000.**

By Councilmen Cimperman, Cin-  
tron and Patmon (by departmental  
request).

An emergency ordinance giving consent of the City of Cleveland for the resurfacing of East 13th Street/Chester Avenue between Superior Avenue and East 22nd Street to the State of Ohio; and authorizing the Director of Public Service to enter into any agreements relative thereto.

**Ord. No. 1587-2000.**

By Councilmen Jackson, Cimper-  
man, Cintron and Patmon (by  
departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating East 40th Street, Phase 3, and authorizing the Director of Public Service to enter into contract for the making of such improvement.

**Ord. No. 1588-2000.**

By Councilmen Jackson, Lewis,  
Rybka, Cimperman, Cintron and Pat-  
mon (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating East 55th Street, Phase 3, and authorizing the Director of Public Service to enter into contract for the making of such improvement.

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating East 55th Street, Phase 3, for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

**Section 3.** That the Director of Public Service and Cleveland City Council shall work cooperatively with the Ohio Department of Transportation and the railroads to design and expand the East 55th Street

**bridge and coordinate such expansion with the rehabilitation of East 55th Street.**

**Section 4.** That the cost of said improvement hereby authorized shall be paid from Fund Nos. 20 SF 401, 20 SF 364, 58 SF 001, 52 SF 001 and 54 SF 001, Request No. 26563.

**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. 1589-2000.**

By Councilman Westbrook.  
An emergency ordinance to vacate a portion of Tuscan Avenue N.W. hereinafter described.

**Ord. No. 1590-2000.**

By Councilmen Dolan, O'Malley,  
Cimperman and Patmon (by depart-  
mental request).

An emergency ordinance to amend the title, Section 1 and Section 3 of Ordinance No. 1000-2000, passed June 19, 2000, relating to the public improvement of rehabilitating sewers on Westpark and Lydian Roads and authorizing the Director of Public Utilities to enter into contract therefor; to supplement said ordinance by adding new Section 4 relating to an agreement with the Northeast Ohio Regional Sewer District to allow the City to accept additional allocations to partially finance the improvement; and to renumber existing Section 4 to Section 5.

**Ord. No. 1594-2000.**

By Councilmen Johnson, Rybka  
and Patmon (by departmental re-  
quest).

An emergency ordinance to amend the title and Section 2 and Section 8 of Ordinance No. 930-2000, passed June 19, 2000, relating to a grant from the Ohio Department of Natural Resources for Phase II of the Woodland Recreation Center site improvements.

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

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

**Section 1.** That the title and Section 2 and Section 8 of Ordinance No. 930-2000, passed June 19, 2000, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Natural Resources for Phase II of the Woodland Recreation Center site improvement; determining the method of making the public improvement of constructing the improvement; and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.

**Section 2.** That the program description for said grant, File No. 930-2000-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide twenty-five percent (25%) of the total project cost to be paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued for the purpose which



includes the above improvement, is hereby approved in all respects.

**Section 8.** That the cost of said improvement hereby authorized shall be paid from the fund or funds to which are credited the proceeds of the grant accepted pursuant to this ordinance and the cash match and the amount of \$300,000 or less from Fund No. 10 SF 166.

**Section 2.** That the title and Section 2 and Section 8 of Ordinance No. 930-2000, passed June 19, 2000, are hereby repealed.

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

**Ord. No. 1595-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Hough Avenue to Mansfield S. Frazier and Brenda W. Frazier.

**Ord. No. 1600-2000.**

By Councilmen Willis, 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 11307 Parklawn Avenue to Northeastern Development Corporation or designee.

**Ord. No. 1636-2000.**

By Mayor White and Councilman Polensek.

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2001 Federal AIDS Prevention Program and to enter into contract with various agencies 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 \$878,532.00, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2001 Federal AIDS Prevention Program, for the purposes set forth in the executive summary and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the executive summary for said grant.

**Section 2.** That the executive summary for said grant, File No. 1636-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**Section 3.** That the Director of Public Health is hereby authorized to enter into one or more contracts for the implementation of the pro-

gram as described in the executive summary contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance with the following agencies, in the following amounts:

Agency	Amount
AIDS Taskforce of Greater Cleveland	\$91,997
AIDS Taskforce of Greater Cleveland	\$32,167
AIDS Taskforce of Greater Cleveland	\$68,002
AIDS Taskforce of Greater Cleveland	\$32,167
AIDS Taskforce of Greater Cleveland	\$75,000
AIDS Taskforce of Greater Cleveland	\$31,667
BlackOut Unlimited	\$20,000
Cleveland Treatment Center	\$64,000
Cleveland Treatment Center	\$40,000
Cleveland Treatment Center	\$100,000
Free Clinic	\$40,000
Free Clinic	\$54,500
HUMADAOP	\$20,000
HUMADAOP	\$18,175
HUMADAOP	\$40,000
NEON	\$32,325
Recovery Resources	\$20,000
Xchange Point	\$20,000

**Section 4.** That in addition to the contracts authorized above, the Director of Public Health is hereby authorized to enter into contract in an amount not to exceed \$20,000, with one additional entity for implementation of the program as described in the executive summary contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to 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.

**Ord. No. 1638-2000.**

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

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding of various infrastructure capital improvement projects and state funding to obtain credit enhancements and loan assistance in support of the City's 2000 general obligation issued for road and bridge improvements; and authorizing the Mayor to accept grants from the Ohio Public Works Commission for improvements to Central Avenue, Western Avenue East 79th Street, Kinsman Road, Bellaire Road and St. Clair Avenue.

**Ord. No. 1639-2000.**

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

An emergency ordinance giving consent of the City of Cleveland for the cleaning of the structure and drainage system and the removal of a portion of the catwalk of the Main Avenue Bridge No. 193 over the Cuyahoga River to the County

of Cuyahoga; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

**Ord. No. 1640-2000.**

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

An emergency ordinance giving consent of the City of Cleveland for the sealing of the concrete decks of various bridges to the County of Cuyahoga; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

**Ord. No. 1641-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Florida Avenue to Amistad Development Corporation or designee.

**Ord. No. 1677-2000.**

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

An emergency ordinance authorizing the purchase by contract of one folding/insert system, for the Division of Cleveland Public Power, Department of Public Utilities.

**Ord. No. 1678-2000.**

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

An emergency ordinance authorizing the purchase by contract of not to exceed fifteen meter reading computers, for the Division of Cleveland Public Power, Department of Public Utilities.

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed fifteen (15) meter reading computers, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis, for the Division of Cleveland Public Power, Department of Public Utilities.

**Section 2.** That the cost of said contract hereby authorized shall not exceed Seventy-Five Thousand Dollars (\$75,000) and shall be paid from Fund No. 58 SF 001, Request No. 31511.

**Section 3.** That within one year of the passage of this ordinance, the Director of Public Utilities shall make a report to this Council concerning the benefits and shortcomings of the meter reading computers. The report shall include an analysis of whether the computers help to reduce reliance on estimated meter readings.

**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. 1681-2000.**

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

An emergency ordinance determining the method of making the public improvement of grinding pavement and authorizing the Director of Public Service to enter into a public improvement requirement contract for the making of such improvement.

**Ord. No. 1688-2000.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Neighborhood Development Investment Fund contract and a grant agreement with the Eliza Jennings Group to provide economic development assistance to partially finance the renovation of real property and the acquisition of personal property located at 10603 Detroit Avenue, Cleveland, Ohio.

**Ord. No. 1723-2000.**

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

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and replace various water, sewer and gas lines and labor and materials necessary to make plumbing repairs to various **items damaged by pole replacements**, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to repair and replace various water, sewer and gas lines and labor and materials necessary to make plumbing repairs to various **items damaged by pole replacements performed by the Division of Cleveland Public Power**, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

requisition against such contract duly certified by the Director of Finance. (RL 31514)

**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. 1803-2000.**

By Councilmen Gordon and Patmon (by departmental request).

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

**Ord. No. 1804-2000.**

By Councilmen Gordon and Patmon (by departmental request).

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

**Ord. No. 1807-2000.**

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

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

**Ord. No. 1870-2000.**

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2001 Cardiovascular Disease Grant.

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$60,000, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2001 Cardiovascular Disease Grant, for the purposes set forth in the proposal and budget narrative 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 proposal and budget narrative for said grant.

**Section 2.** That the proposal and budget narrative for said grant, File No. 1870-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**Section 3.** That the Director of Public Health shall submit quarterly reports to the Committee on Public Health beginning March 1, 2001, detailing the progress and findings on the study.

**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. 1871-2000.**

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Solid Waste District for the 2001 Solid Waste Program.

**Ord. No. 1969-2000.**

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to lease space at the Mural Building, located at 1925 St. Clair Avenue, and associated parking lots, for Mural Properties Company, or its designee, for a term not to exceed two years, for the purpose of providing office and administrative space for the Department of Public Health.

Whereas, the City of Cleveland requires certain space located in the Mural Building, 1925 St. Clair Avenue, and associated parking lots, for the public purpose of providing office and administrative space for the Department of Public Health; and

Whereas, Mural Properties Company, or its designee, has proposed to lease said space to the City of Cleveland; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is authorized to lease from Mural Properties Company, or its designee, approximately 26,000 square feet of space located on two stories and in the basement of the Mural Building, 1925 St. Clair, and two (2) surrounding parking lots.

**Section 2.** That the term of the lease authorized herein shall not exceed two years, commencing January 1, 2001 and ending December 31, 2002, cancellable upon thirty days written notice by the Director of Public Health.

**Section 3.** That, subject to annual appropriation, in consideration for the leasing of the premises described above by Lessor, Lessee covenants and agrees to pay to Lessor as rent for said premises during the period of this lease extending from January 1, 2001 to December 31, 2002, the sum of two hundred fourteen thousand two hundred forty dollars (\$214,240.00) per year, payable in equal monthly installments of seventeen thousand, eight hundred and fifty-three dollars and 33/100 (\$17,853.33) per month. **Said payments shall be due and payable on the first day of each month.**

**Section 4.** That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the public pur-

pose of providing office and administrative space to the Department of Public Health.

**Section 5.** That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

**Section 6.** That the costs of the lease shall be paid from Fund Nos. 01-500500-636000, 01-500600-636000, 13 SF 570, 13 SF 560 and from the fund or funds appropriated for such purpose and subject to annual appropriation, Request No. 18483.

**Section 7.** That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

**Section 8.** That the Director of Public Health and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

**Section 9.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

#### RESOLUTIONS

**Res. No. 1605-2000.**

By Councilman Rybka (by request).

An emergency resolution declaring the intention to vacate a portion of East 73rd Place.

**Res. No. 1813-2000.**

By Councilman Cimperman (by request).

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

#### BOARD OF CONTROL

November 25, 2000

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 15, 2000, at 11:00 a.m. with Mayor White presiding.

Present: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Absent: None.

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

On motion, the following resolutions were adopted.

**Resolution No. 772-00.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Energy Mechanical for an estimated quantity of maintenance, repair and/or replacement of HVAC systems, Group A (all items) and Group C (all items), for the Various Divisions, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract received on September 28, 2000, pursuant to the authority of Ordinance No. 825-2000,

passed June 12, 2000 on the basis of the estimated quantity would amount to Six Hundred Fifty Thousand and no/100 Dollars, (\$650,000.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 31546

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

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

Yeas: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

**Resolution No. 773-00.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Varian, Inc. for the following: purchase of laboratory equipment, testing and analytical services: upgrade of existing Varian gas chromatograph mass spectrometer and accessories (all items) for the Division of Water, Department of Public Utilities, received on the 18th day of October, 2000, pursuant to the authority of Section 129.28 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of order quantities would amount to Ninety One Thousand Seven Hundred Nine Dollars (\$91,709.00), (Net 30 Days) is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Yeas: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

**Resolution No. 774-00.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of American International Corp. for an estimated quantity of fabrication of ring and pinion gears (items 7 and 8), 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 6th day of September, 2000, pursuant to the authority of Ordinance No. 2164-98, passed by the Council of the City of Cleveland on February 1, 1999 on the basis of the estimated quantity would amount to One Hundred Fourteen Thousand Dollars (\$14,000.00), (Net) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase

as the initial amount of such contract of the following:

Requisition No. 33695

which shall be certified against such contract in the sum of Five Thousand Seven Hundred Dollars (\$5,700.00).

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: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

**Resolution No. 775-00.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of The Stahl Gear and Machine Co. for an estimated quantity of fabrication of ring and pinion gears (items 1-6), 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 6th day of September, 2000, pursuant to the authority of Ordinance No. 2164-98, passed by City Council of the City of Cleveland on February 1, 1999 on the basis of the estimated quantity would amount to One Hundred Forty Thousand Four Hundred Dollars (\$140,400.00) (Net) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 33694

which shall be certified against such contract in the sum of Seven Thousand Twenty Dollars (\$7,020.00).

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

Yeas: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

**Resolution No. 776-00.**

By Director Sheffield-McClain.

Whereas, Cleveland Bridge Builders wishes to utilize the banquet room at Burke Lakefront Airport (the "Airport") for a seminar by the Cleveland Bridge Builders (the "Event") on November 30, 2000; and Whereas, the City is willing to grant Cleveland Bridge Builders the privilege, permit and license to conduct the Event at the Airport; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.04 of the Codified Ordinances of Cleveland,

Ohio 1976, the Director of the Department of Port Control is hereby authorized to enter into a concession agreement (the "Agreement") granting Cleveland Bridge Builders the privilege, permit and license to conduct the Event at the Burke Lakefront Airport from 8:00 a.m. to 5:00 p.m. on November 30, 2000, and to use and occupy the room for such period of time before the Event as necessary for preparation. Cleveland Bridge Builders shall pay the City a \$200.00 concession fee, shall reimburse the City for the cost of two (2) City employees to perform custodial and building maintenance work related to the conduct of the Event, shall arrange for the operation of the Event and such other concessions as may be appropriate and incidental to the Event, and shall be responsible for providing traffic control, security and clean up.

Be it further resolved that the Agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director deems necessary to benefit and protect the public interest.

Yeas: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.  
Absent: None.

**Resolution No. 777-00.**

By Director Sheffield-McClain.  
Whereas, Jaeger Inc. wishes to utilize the banquet room at Burke Lakefront Airport (the "Airport") for a holiday party (the "Event") on December 2, 2000; and

Whereas, the City is willing to grant Jaeger Inc. the privilege, permit and license to conduct the Event at the Airport; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Port Control is hereby authorized to enter into a concession agreement (the "Agreement") granting Jaeger Inc. the privilege, permit and license to conduct the Event at the Burke Lakefront Airport from 6:00 p.m. to 10:00 p.m. on December 2, 2000, and to use and occupy the room for such period of time before the Event as necessary for preparation. Jaeger Inc. shall pay the City a \$200.00 concession fee, shall reimburse the City for the cost of two (2) City employees to perform custodial and building maintenance work related to the conduct of the Event, shall arrange for the operation of the Event and such other concessions as may be appropriate and incidental to the Event, and shall be responsible for providing traffic control, security and clean up.

Be it further resolved that the Agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director deems necessary to benefit and protect the public interest.

Yeas: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.  
Absent: None.

**Resolution No. 778-00.**

By Director Ricchiuto.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Pierce Manufacturing Inc. for an estimated quantity of fire apparatus cab replacement, 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 October 6, 2000, pursuant to the authority of Ordinance No. 1685-2000, passed October 30, 2000, which on the basis of the estimated quantity would amount to approximately Sixty-Three Thousand Two Hundred Twenty-Two and 00/100 Dollars, (\$63,222.00), (Net), 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. 17971 which shall be certified against such contract in the sum of Sixty-Three Thousand Two Hundred Twenty-Two and 00/100 Dollars (\$63,222.00).

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

Yeas: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.  
Absent: None.

**Resolution No. 779-00.**

By Director Guzman.  
Resolved by the Board of Control of the City of Cleveland that the bid of Burke Lakefront Services Co., d.b.a. Million Air-Cleveland, for an estimated quantity of Aviation Fuel and Hangar Space, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on September 13, 2000, pursuant to the authority of Ordinance No. 738-2000, passed on June 12, 2000, which on the basis of the estimated quantity would amount to One Hundred Thirty Five Thousand, Eight Hundred and 00/100 Dollars, (\$135,800.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 23289 Item No. 1, as specified which shall be certified against such contract in the sum of One Hundred Thirty Five Thousand, Eight Hundred and 00/100 Dollars (\$135,800.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or

less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.  
Absent: None.

**Resolution No. 780-00.**

By Director Miller.  
Whereas, Resolution No. 747-00, adopted by this Board on November 1, 2000, pursuant to authority of Ordinance No. 1056-99 and Ordinance No. 134-2000 passed by the Council of the City of Cleveland June 14, 1999 and June 21, 2000, respectively authorized the Director of Parks, Recreation and Properties to enter into an agreement with Morrison Knudsen Corporation ("Construction Manager") to provide professional services necessary for the renovation of the West and East Side Markets, and for the Streetscape improvement to the West Side Market District; and

Whereas, said Resolution No. 747-00 incorrectly states the amount of fees and reimbursable expenses allowable for the components of the project; now, therefore

Be it resolved by the Board of Control of the City of Cleveland, that the third paragraph of Board of Control Resolution No. 747-00 adopted November 1, 2000, is hereby amended by substituting the words "Three Hundred Twenty Thousand Three Hundred Eleven and No/100 Dollars (\$320,311.00)," for the words "Three Hundred Fifty Two Thousand Seven Hundred Forty Five Dollars and No/100 Dollars (\$352,745.00)" where appearing, and substituting the words "Reimbursable expenses shall not exceed Fifty One Thousand and No/100 Dollars (\$51,000.00)" for the words "Reimbursable expenses shall not exceed Eighteen Thousand Five Hundred Sixty Six and No/100 Dollars (\$18,566.00)," where appearing.

Be it further resolved, that all other provisions of said Resolution No. 747-00 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.  
Absent: None.

**Resolution No. 781-00.**

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 016-21-100 located at 3502 West 47th Street in Ward 16; 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, Joan M. Dolfi, 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 16 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 Joan M. Dolfi for the sale and development of Permanent Parcel No. 016-21-100 located at 3502 West 47th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

**Resolution No. 782-00.**

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 123-21-052 located at 4927 Mead Avenue in Ward 13; 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, Harrison Doyle Tackett, 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 13 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 Harrison Doyle Tackett for the sale and development of Permanent Parcel No. 123-21-052 located at 4927 Mead 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: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

**Resolution No. 783-00.**

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 135-16-001 located at 3737 East 93rd Street in Ward 2; 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, Williams Chapel Church of God, 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 2 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 Williams Chapel Church of God for the sale and development of Permanent Parcel No. 135-16-001 located at 3737 East 93rd Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

**Resolution No. 784-00.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 108-20-041 under said Land Reutilization Program; and

Whereas, Ordinance No. 1064-2000 passed October 9, 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, Evening Star Missionary Baptist Church 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. 1064-2000 passed October 9, 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 Evening Star Missionary Baptist Church for the sale and development of Permanent Parcel No. 108-20-041, 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, 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: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Ricchiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

**Resolution No. 785-00.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 119-14-048, 119-14-049, 119-14-050, 119-14-051, 119-14-053, 119-14-059, and 119-14-061 under said Land Reutilization Program; and

Whereas, Ordinance No. 1112-2000 passed October 9, 2000, 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, Fairfax Renaissance Development Corporation or designee has 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. 1112-2000 passed October 9, 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 Nos. 119-14-048, 119-14-049, 119-14-050, 119-14-051, 119-14-053, 119-14-059, and 119-14-061, 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 \$100.00 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: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Richiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

**Resolution No. 786-00.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 103-31-016 and 103-31-017 under said Land Reutilization Program; and

Whereas, Ordinance No. 1207-2000 passed October 9, 2000, 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, Pilgrim Missionary Baptist Church has 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. 1207-2000 passed October 9, 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 Pilgrim Missionary Baptist Church for the sale and development of Permanent Parcel Nos. 103-31-016 and 103-31-017, 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 \$100.00 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: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Richiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

**Resolution No. 787-00.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 108-26-174 under said Land Reutilization Program; and

Whereas, Ordinance No. 856-2000 passed October 9, 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, Lee Memorial AME Church 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. 856-2000 passed October 9, 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 Lee Memorial AME Church for the sale and development of Permanent Parcel No. 108-26-174, 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, 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: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Richiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

**Resolution No. 788-00.**

By Director Patterson.

Whereas, the Director of the Department of Personnel and Human Resources, pursuant to the authority of Ordinance No. 1601-2000, passed by the Council of the City of Cleveland on October 9, 2000, was authorized to enter into a lease not to exceed one year with the Northeast Ohio Neighborhood Health Services, Inc. (NEON) for the purpose of operating the One Stop Job Center located at 1468 East 55th Street, Cleveland, Ohio; and

Whereas, Ordinance No. 1601-2000 provides that the rent for the lease shall be established by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1601-2000, passed by the Council of the City of Cleveland on October 9, 2000, the rental for said lease by the Director of Personnel and Human Resources is hereby fixed at \$7,911.67 per month, which amount is hereby determined to be the fair market rental value of said premises.

Yeas: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Richiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

**Resolution No. 789-00.**

By Director Sheperd.

Resolved by the Board of Control of the City of Cleveland, that all bids received on November 2, 2000, for labor and materials necessary to clean and maintain oil/water separators, sewers, electrical vaults and associated appurtenances, including test and disposal of waste materials, for the Division of Cleveland Hopkins International Airport, Department of Port Control, pursuant to the authority of Ordinance No. 328-2000 passed by the Council of the City of Cleveland on June 12, 2000, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Richiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

**Resolution No. 790-00.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the conditional bid of Pinpoint Technologies, Inc. for Pen-based Computer Patient Care Report System, item nos. 1a, 3-10b, for the Division of Emergency Medical Services, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on July 7, 2000, pursuant to the authority of Ordinance No. 1954-98, passed on December 14, 1998 and Ordinance No. 2051-99, which passed on March 6, 2000, on the basis of the estimated quantity would amount to Four Hundred Thirty Seven Thousand, One Hundred Eighty Six and 00/100 Dollars, (\$437,186.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, except for such terms and conditions as are not acceptable to the Directors of Law and of Public Safety, and the Directors of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 24345

Items as specified

which shall be certified against such contract in the sum of Three Hundred Fifty Seven Thousand, Four Hundred Eighty and 00/100 Dollars (\$357,480.00).

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

Yeas: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Richiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

**Resolution No. 791-00.**

By Director Brooks.

Resolved by the Board of Control of the City of Cleveland that the bid of Pioneer-Standard Electronics, Inc. for the following: Servers and Workstations for the Probation Department Automation Project, Table 3.01A Symmetric Multi Processor ("SMP") Application Server, Table 3.01C Network Servers, Table 3.03A Network Computers, Table 3.07A Laser Printers, Table 3.08A Eastside Probation Office Cabling and Electrical, Table 3.10A Critical Success Factors for the Department of Finance, on behalf of the Cleveland Municipal Court, received on the 12th day of April, 2000, pursuant to the authority of Ordinances Nos. 1249-95 and 275-97 passed September 25, 1995 and March 24, 1997, respectively, which on the basis of the order quantities would amount to \$808,059.49 is hereby approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into contract for such items.

Yeas: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Richiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

**Resolution No. 792-00.**

By Director Brooks.

Resolved by the Board of Control of the City of Cleveland that the bids for the following: Servers and Workstations for the Probation Department Automation Project, Table 3.01B Symmetric Multi Processor ("SMP") Optional Items, Table 3.01D Print and File Servers, Table 3.02A Switches, Table 3.04A Desktop Computers, Table 3.05A Laptop Computers, Table 3.06A Color Video Camera, Table 3.06B Digital Camera, Table 3.09A Telecommunications for the Department of Finance, on behalf of the Cleveland Municipal Court, received on the 12th day of April 2000, pursuant to the authority of Ordinances Nos. 1249-95 and 275-97, passed September 25, 1995 and March 24, 1997, respectively, be the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Brooks, Acting Director Sundheimer, Directors Sheperd, Richiuto, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: None.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES****General Information**

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

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

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

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

ANNE BLOOMBERG,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS****MONDAY, DECEMBER 4, 2000****9:30 A.M.**

**Calendar No. 00-312:** 2189 Professor Avenue (Ward 13)

Primo Acquisitions, owner, c/o Adam Waldbaum, president, appeals to change the use of an existing approximate 40'-9" x 198' two-story building into a store and office on the first floor and an office on the second floor all situated on a 43' x 198' parcel located in a General Retail Business District and the rear of the

lot in a Multi-Family District on the east side of Professor Avenue at 2189 Professor Avenue; said change of use being contrary to the Enforcement and Penalty Requirements of Section 327.02 where the width of the property is 40'-9" and 42.75' is required and contrary to the Residential District Requirements of Section 337.23(a)(6) with the proposed 6' high fence being located less than 6' away from an adjoining residence and it is required to be located 6' away from an adjoining residence and contrary to the Off-Street Parking and Loading Requirements of Section 349.05(a) where no such parking space shall be located within 10' of any wall of a residential building or structure if such wall contains ground floor openings and Section 349.13(c) where parking spaces in a residential district require the Board of Zoning Appeals approval and contrary to the Landscaping and Screening Requirements of Section 352.11 where an 8' wide landscaped strip is required and a table containing landscape contents is required as stated in Section 352.12 of the Codified Ordinances.

**Calendar No. 00-314:** 3702 East 149th Street (Ward 3)

Beatrice Jordan, owner, appeals to enclose an existing 8' x 20' front porch of an existing one and one-half dwelling house situated on a 40' x 145' parcel and located in a B-1 Two-Family District on the west side of East 149th Street at 3702 East 149th Street; said enclosure being contrary to the Yards and Courts Requirements where enclosed front porches shall not project more than 4' and no aggregate a vertical area in any story more than 20% of the facade in that story as stated in Section 357.13(b)(4) of the Codified Ordinances.

**Calendar No. 00-316:** 6900 Harvard Avenue (Ward 12)

National Church Residences, owner, c/o John Holway, appeals to change the use of (2) three-story school buildings and (2) two-story school buildings (all attached) into an elderly apartment complex situated on an approximate 233' x 368' parcel located in a Multi-Family District on the south side of Harvard Avenue at 6900 Harvard Avenue; said change of use being contrary to the Residential District Requirements of Section 337.08(e)(7) where homes for the aged or similar homes are required to be 15' from an adjoining residence district and 5' is proposed from an adjoining residence district and contrary to the Area Requirements of Section 355.04 where the gross floor area of building shall not exceed one-half of the total lot area and one-half of the total lot area is 43,012 sq. ft. and 82,091 sq. ft. is proposed and contrary to the Yards and Courts Requirements where an 8' setback is proposed and a 10' setback is required as stated in Section 357.07(a) of the Codified Ordinances.

**Calendar No. 00-317:** 10602-10708 Shaker Boulevard (Ward 6)

SB92 Ltd. Partnership, owners, and Borchert Fencing Company c/o Nancy Borchert, agent, appeals to install approximately 676 linear feet of 6' high tubular ornamental fencing to the north, west and southeast of an acreage parcel located in a Multi-Family District at the southwest corner of East 108th Street and Shaker Boulevard at 10602-10708

Shaker Boulevard between Buckeye Road and Shaker Boulevard, said installation being contrary to the Yards and Courts Requirements of Section 357.07(a) where there is a required 10' setback and a 6' high fence is proposed within the setback area and the maximum height of fencing allowed within the setback area is 4'-6" as stated in Section 357.13(b)(3) of the Codified Ordinances.

**Calendar No. 00-318:** 10800-10950 Shaker Boulevard (Ward 6)

SB92 Ltd. Partnership, owners, and Borchert Fencing Company c/o Nancy Borchert, agent, appeal to install approximately 600 linear feet of 6' high tubular ornamental fencing to the north, west and east of an acreage parcel located in a Multi-Family District at the southwest corner of East Boulevard and Shaker Boulevard at 10800-10950 Shaker Boulevard between East 108th Street and East Boulevard; said installation being contrary to the Yards and Courts Requirements of Section 357.07(a) where there is a required 21' building line setback and 0' is proposed and a 6' high tubular ornamental fence is proposed and the maximum height of fencing allowed within the setback area is 4'-6" as stated in Section 357.13(b)(3) of the Codified Ordinances.

**Calendar No. 00-320:** 3919 Lorain Avenue (Ward 14)

Rach-Land, Inc., owners, c/o Mark Pestak and Chuch Fiala, appeal to change the use of an existing 45' x 30' one-story masonry store building into a day care facility situated on an acreage parcel located in a Local Retail Business District and Two-Family District on the south side of Lorain Avenue at 3919 Lorain Avenue; said change of use being contrary to the Residential District Requirements of Section 337.03(b) where by reference as regulated in a One-Family District (Section 337.02(f)(3)) is required to be 30' from an adjoining residence premises and subject to the Board of Zoning Appeals approval, and contrary to the Business District Regulations where by reference as regulated in a One-Family District and a Two-Family District as stated in Section 343.01(b)(1) of the Codified Ordinances.

**Calendar No. 00-321:** 6703 Fleet Avenue (Ward 12)

Mary Miller, owner, and Psychic c/o Barbara Miller, tenant, appeal to change the use of an existing 20' x 35' two-story one family dwelling house into a psychic office situated on an 82' x 135' corner parcel located in a Multi-Family District on the northeast corner of East 67th Street and Fleet Avenue at 6703 Fleet Avenue; said change of use being contrary to the Enforcement and Penalty Requirements of Section 327.02 where an adequate site plan and floor plan is required to identify use areas and parking calculations and a permit is required before any signage is installed as stated in Section 327.02(b) of the Codified Ordinances.

**Calendar No. 00-322:** 4548 State Road (Ward 16)

Mercedes Ballado, owner, appeals to extend the use of an existing irregular shaped one-story masonry barber shop and beauty salon situated on an approximate

42' x 136' corner parcel in a Local Retail Business District located on the northwesterly corner of Schiller Street and State Road at 4548 State Road; said extension being contrary to the Business District Regulations of Section 343.18(c) where driveway shall be located not less than 15' from the property line and contrary to Off-Street Parking and Loading Requirements of Section 349.07(a)(b)(c)(3) where all access and maintenance driveways and maneuvering areas shall be properly graded for drainage and wheel and bumper guards are required and driveway shall be arranged to minimize traffic congestion and contrary to the Landscaping and Screening Requirements of Section 352.11 where an 8' wide transition strip is required and contrary to the Yards and Courts Requirements where no parking spaces are allowed within the 30' setback area as stated in Section 357.05 of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

### REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 20, 2000

At the meeting of the Board of Zoning Appeals on Monday, November 20, 2000, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 00-299:** 4216 Pearl Road St. Luke UCC c/o Mel Grosser, appealed to expand an existing two-story school from 90 students and 7 staff members to 142 students and 11 staffer in a General Retail Business District; approval subject to submission of written agreement to provide for parking.

**Calendar No. 00-302:** 9333 Miles Avenue  
Jesus Christ Church c/o Reverend President Wilson, appealed to change the use of an existing one-story office building into a church and day care facility in split zoning between General Retail Business and Two-Family Districts; approval upon submission of modified plan showing one way traffic pattern for egress driveway.

**Calendar No. 00-304:** 2197 East 78th Street  
Adam A Licht, owner, and Beth Gangidine, tenant, appealed to install 135 linear feet of 6' high wooden fencing to the rear of a corner parcel in a One-Family District.

**Calendar No. 00-281:** 3315 East 55th Street  
Hershel and Dora Pauley, owners, appealed to change the use of a one-story commercial building with an attached three story commercial building into a day care facility and church assembly building in a General Retail Business District; upon submission and approval of a modified plan.

The following appeal was **Denied**:

**Calendar No. 00-295:** Appeal of Tony Minko-Hack License Suspension.  
Tony Minko, appealed from a 2-day suspension for transporting passengers with open containers of alcohol and a 1-day suspension for failure to prepare trip sheets as required.

The following appeal was **Withdrawn**:

**Calendar No. 00-301:** 1853-1855 Manering Road  
Emma Caldwell, owner, appealed to change the use of an existing two dwelling unit into three dwelling units in a Two-Family District.

The following appeals were **Postponed**:

**Calendar No. 00-297:** 3311 Perkins Avenue postponed to January 8, 2001.

**Calendar No. 00-300:** 13919-13921 St. Clair Avenue postponed to December 18, 2000.

**Calendar No. 00-313:** 2197 East 78th Street postponed to December 11, 2000.

**Calendar No. 00-276:** 3525 Henritze Avenue postponed to December 18, 2000.

**On Monday, November 20, 2000, in Executive Session:**

The following appeals were heard on Monday, November 13, 2000 and said decisions were approved and adopted by the Board on November 20, 2000.

The following appeals were **Approved**:

**Calendar No. 00-283:** 2128 West 5th Street  
Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appealed to erect a three-story one family dwelling house and a detached garage on a 104' x 134' lot in a B-Multi-Family District.

**Calendar No. 00-284:** 2142 West 5th Street  
Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appealed to erect a three-story one family dwelling house and a detached garage on a 25' x 100' lot in a B-Multi-Family District.

**Calendar No. 00-285:** 2158 West 5th Street  
Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appealed to erect a three-story one family dwelling house on a 25' x 100' lot in a B-Multi-Family District.

**Calendar No. 00-286:** 2162 West 5th Street  
Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appealed to erect a three-story one family dwelling house and a detached private garage on a 25' x 100' parcel in a B-Multi-Family District.

**Calendar No. 00-287:** 2192 West 6th Street  
Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appealed to erect a three-story

two family dwelling house and a detached private garage on a 25' x 100' corner lot in a B-Multi-Family District.

**Calendar No. 00-288:** 2203 West 6th Street  
Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appealed to erect a three-story two family dwelling house and a detached private garage on a 25' x 100' corner lot in a B-Multi-Family District.

**Calendar No. 00-289:** 519 Literary Road  
Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appealed to erect a three-story two family dwelling house and a detached private garage on a 25' x 116' lot in a B-Multi-Family District.

**Calendar No. 00-305:** 3757-3771 West 143rd Street  
PPG Industries Inc., owners, and Borchert Fencing Company, agent, appealed to install 292 linear feet of 6' high tubular ornamental fencing to the west and 361 linear feet of 6' high chain link fencing to the north of a parking lot in split zoning between General and Semi-Industry Districts.

**Calendar No. 00-306:** 3800 West 143rd Street  
PPG Industries Inc., owners, and Borchert Fencing Company, agent, appealed to install 210 linear feet of 6' high tubular ornamental fencing to the west of a parking lot in a Semi-Industry District.

**Calendar No. 00-307:** 3779-3791 West 143rd Street  
PPG Industries Inc., owners, and Borchert Fencing Company, agent, appealed to install 239 linear feet of 6' high tubular ornamental fencing to the west and 165 linear feet of 6' high chain link fencing to the south and east of a parking lot in split zoning between General and Semi-Industry Districts.

The following appeal was **Denied**:

**Calendar No. 00-275:** 3304 Henninger Road  
B & L Development, owner, and Rockport Construction and Materials, Inc., tenant c/o Janet Leslie, appealed to use existing acreage located in One-Family, Semi-Industry and General Industry Districts for storage of soil, stone, construction material and vehicles.

The following appeal was heard on Monday, October 23, 2000 and said decision was adopted and approved by the Board on Monday, November 20, 2000.

The following appeal was **Approved**:

**Calendar No. 00-277:** 16146 St. Clair Avenue, a.k.a. 16144 St. Clair Avenue  
Tyrone Hampton, owner, appealed to change the use of an existing 58' x 58' one-story masonry store and tavern building into a day care facility in a Local 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**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

**WEDNESDAY, DECEMBER 6, 2000**

**Chevrolet Medium Duty Truck Parts**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 270-2000, passed by the Council of the City of Cleveland, May 1, 2000.

**Various Automotive and Truck Parts**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1264-99, passed by the Council of the City of Cleveland, August 11, 1999.

**Purchase of AutoCAD Software, Installation, Support and Training**, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1833-96, passed by the Council of the City of Cleveland, December 2, 1996.

November 15, 2000 and November 22, 2000

**WEDNESDAY, DECEMBER 13, 2000**

**Nottingham Filter Rehabilitation Project**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 818-2000, passed by the Council of the City of Cleveland, October 9, 2000.

A NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK, BANK CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER FOR BID DOCUMENTS. OUT OF AREA BIDDERS — PLEASE PROVIDE FEDERAL EXPRESS, UPS OR OTHER ACCOUNT INFORMATION FOR SHIPMENT. PACKAGE/FEE INCLUDES PLANS, TECHNICAL SPECIFICATIONS AND CONTRACTUAL REQUIREMENTS AND ANY ADDENDA.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, NOVEMBER 29, 2000, 10:00 A.M., AT THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, AUDITORIUM. THOUGH NOT MANDATORY, ATTENDANCE IS STRONGLY RECOMMENDED. ALL QUESTIONS PRIOR TO AND/OR SUBSEQUENT TO THE PRE-BID MEETING MUST BE SUBMITTED IN WRITING VIA FACSIMILE TO MITCHELL BROOKS IN THE DIVISION OF PURCHASES AND SUPPLIES (FAX 216-664-2611). A COPY MUST ALSO BE FORWARDED TO DAVE ROSSETTI, PROGRAM MANAGEMENT CONSULTANT (FAX 216-623-2683). QUESTIONS WILL BE RECEIVED UNTIL **5:00 P.M., WEDNESDAY, DECEMBER 6, 2000.**

PROJECT SCOPE INCLUDES, BUT IS NOT LIMITED TO: SIX (6) OF TWENTY-FOUR (24) RAPID SAND FILTERS WILL BE REMOVED FROM SERVICE AND RELATED EQUIPMENT DEMOLISHED. THE CAPACITY OF THE EIGHTEEN (18) REMAINING FILTERS WILL BE INCREASED BY PROCESS AND MECHANICAL REHABILITATION TO COMPENSATE FOR THE FILTERS THAT ARE TO BE REMOVED FROM SERVICE. ALSO AS PART OF THIS PROJECT, ARCHITECTURAL/STRUCTURAL RENOVATION AND MODIFICATION OF THE FILTER BUILDING, LOW VOLTAGE ELECTRICAL, PIPING, VALVES AND HVAC RENOVATION, AND UPGRADING FILTER INSTRUMENTATION AND CONTROL IS PLANNED.

November 15, 2000, November 22, 2000 and November 29, 2000

**FRIDAY, DECEMBER 15, 2000**

**Nottingham Blower Building Project**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 818-2000, passed by the Council of the City of Cleveland, October 9, 2000.

A NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK, BANK CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER FOR BID DOCUMENTS. OUT OF AREA BIDDERS — PLEASE PROVIDE FEDERAL EXPRESS, UPS OR OTHER ACCOUNT INFORMATION FOR SHIPMENT. PACKAGE/FEE INCLUDES PLANS, TECHNICAL SPECIFICATIONS AND CONTRACTUAL REQUIREMENTS AND ANY ADDENDA.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, NOVEMBER 29, 2000, 10:00 A.M., AT THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, AUDITORIUM. THOUGH NOT MANDATORY, ATTENDANCE IS STRONGLY RECOMMENDED. ALL QUESTIONS PRIOR TO AND/OR SUBSEQUENT TO THE PRE-BID MEETING MUST BE SUBMITTED IN WRITING VIA FACSIMILE TO MITCHELL BROOKS IN THE DIVISION OF PURCHASES AND SUPPLIES (FAX 216-664-2611). A COPY MUST ALSO BE FORWARDED TO DAVE ROSSETTI, PROGRAM MANAGEMENT CONSULTANT (FAX 216-623-2683). QUESTIONS WILL BE RECEIVED UNTIL **5:00 P.M., WEDNESDAY, DECEMBER 6, 2000.**

PROJECT SCOPE INCLUDES, BUT IS NOT LIMITED TO: CONSTRUCTION OF A NEW AIR SCOUR BUILDING, BLOWER MECHANICAL EQUIPMENT, VALVES AND ASSOCIATED PIPING, CIVIL/ARCHITECTURAL WORK AS WELL AS HVAC, ELECTRICAL, AND PLUMBING/FIRE PROTECTION WILL BE INCLUDED. ALSO AS PART OF THIS PROJECT, A NEW GUARDHOUSE AND SITE FENCING WILL BE CONSTRUCTED TO ENHANCE PLANT SECURITY CONTROL.

November 15, 2000, November 22, 2000 and November 29, 2000

**Request for Proposal (RFP)**

The City of Cleveland is requesting proposals from qualified historic preservation consultants interested in providing professional services for the implementation of the Residential Sound Insulation Program. The program involves modification of structures surrounding Cleveland Hopkins International Airport. The primary role of the selected consultant will be to ensure compliance with Section 106 of the National Historic Preservation Act and the programmatic agreement for the City of Cleveland's Residential Sound Insulation Program (RSIP).

Sealed responses to Request for Proposals will be received by the Department of Port Control, Cleve-

land Hopkins International Airport, Cleveland, Ohio 44135-3192 until 4:00 p.m. local time December 11, 2000.

Request for Proposal documents may be obtained on or after November 17, 2000 at the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3193.

The City of Cleveland reserves the right to accept or reject any or all submissions and waive any informality or irregularities in any qualifications should the City consider this to be in its best interest.

Request for Qualifications may not be withdrawn for a period of 90 days after submittal.

November 15, 2000 and November 22, 2000

**FRIDAY, DECEMBER 8, 2000**

**Labor and Materials to Maintain and Repair Fuel and Oil Water Separators**, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 328-2000, passed by the Council of the City of Cleveland.

**Maintenance and Repair of Overhead Doors**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 472-2000, passed by the Council of the City of Cleveland, April 17, 2000.

**First Aid Supplies**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 315-2000, passed by the Council of the City of Cleveland, April 17, 2000.

November 22, 2000 and November 29, 2000

**WEDNESDAY, DECEMBER 13, 2000**

**Labor and Materials to Install Tubes and Valves in Burnham #1 Boiler and for Hydrostatic Testing**, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 1585-2000, passed by the Council of the City of Cleveland, October 23, 2000.

November 22, 2000 and November 29, 2000

**THURSDAY, DECEMBER 14, 2000**

**Tree Planting — Spring 2001**, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 934-2000, passed by the Council of the City of Cleveland.

November 22, 2000 and November 29, 2000

**FRIDAY, DECEMBER 15, 2000**

**One (1) Aerial Bucket with Chip Dump Body**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1685-2000, passed by the Council of the City of Cleveland, October 30, 2000.

**One (1) Passenger Bus**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1685-2000, passed by the Council of the City of Cleveland, October 30, 2000.

**One (1) Step Van**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1685-2000, passed by the Council of the City of Cleveland, October 30, 2000.

**Various Automotive and Truck Parts**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1264-99, passed by the Council of the City of Cleveland, August 11, 1999.

November 22, 2000 and November 29, 2000

**WEDNESDAY, JANUARY 10, 2001**

**Baldwin Filter Rehabilitation Project**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 818-2000, passed by the Council of the City of Cleveland, October 9, 2000.

A NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK, BANK CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER FOR BID DOCUMENTS. OUT OF AREA BIDDERS — PLEASE PROVIDE FEDERAL EXPRESS, UPS OR OTHER ACCOUNT INFORMATION FOR SHIPMENT. PACKAGE/FEE INCLUDES PLANS, TECHNICAL SPECIFICATIONS AND CONTRACTUAL REQUIREMENTS AND ANY ADDENDA.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, DECEMBER 6, 2000, 10:00 A.M., AT THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKE-SIDE AVENUE, AUDITORIUM. THOUGH NOT MANDATORY, ATTENDANCE IS STRONGLY RECOMMENDED. ALL QUESTIONS PRIOR TO AND/OR SUBSEQUENT TO THE PRE-BID MEETING MUST BE SUBMITTED IN WRITING VIA FACSIMILE TO MITCHELL BROOKS IN THE DIVISION OF PURCHASES AND SUPPLIES (FAX 216-664-2611). A COPY MUST ALSO BE FORWARDED TO DAVE ROSSETTI, PROGRAM MANAGEMENT CONSULTANT (FAX 216-623-2683). QUESTIONS WILL BE RECEIVED UNTIL 5:00 P.M.

**WEDNESDAY, JANUARY 3, 2001.** PROJECT SCOPE INCLUDES, BUT IS NOT LIMITED TO: TWENTY (20) OF FORTY (40) RAPID SANDS FILTERS WILL BE REMOVED FROM SERVICE AND RELATED EQUIPMENT DEMOLISHED. THE CAPACITY OF THE TWENTY REMAINING FILTERS WILL BE INCREASED BY PROCESS AND MECHANICAL REHABILITATION TO COMPENSATE FOR THE FILTERS THAT ARE TO BE REMOVED FROM SERVICE. ALSO PLANNED LOW VOLTAGE ELECTRICAL, PIPING, VALVES AND HVAC RENOVATION, AND UPGRADING FILTER INSTRUMENTATION AND CONTROL. WATER CONDUIT MODIFICATIONS AND CONSTRUCTION OF NEW BUILDING STAIRS IS PLANNED.

November 22, 2000, November 29, 2000 and December 3, 2000

**Request for Proposal**

Bid Package 52 — Master Plan Phase II— Part 3: HUP OPS, Flight OPS, Terminal OPS, FAC MX, and ATO Customer Service — Continental Airlines, Inc. — Cleveland 2000, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

PLANS AND SPECIFICATIONS ARE AVAILABLE AT:

Morse Diesel International, Inc.  
5900 South Cargo Road  
Cleveland, Ohio 44135  
(216) 501-4224 (Telephone)  
(216) 501-4238 (Facsimile)

A PRE-BID MEETING WILL BE HELD ON

WEDNESDAY, NOVEMBER 29, 2000  
10:00 A.M. AT THE

CTC Building,  
5900 South Cargo Road  
Cleveland, OH44135

Proposal Fee: \$100.00

PROPOSAL DUE DATE:

THURSDAY, DECEMBER 7, 2000  
3:00 P.M.

PROPOSALS WILL BE RECEIVED AT:

Continental Airlines, Inc.  
CTC Building  
5900 South Cargo Road  
Cleveland, Ohio 44135

Attn: Jon Hefner

November 22, 2000 and November 29, 2000

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 1417-2000.**

**By Councilman Johnson (by request).**

**An emergency resolution declaring the intention to vacate a portion of Cormere Avenue S.E.**

Whereas, this Council; is satisfied that there is good cause to vacate a portion of Cormere Avenue S.E., as hereinafter described; and

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

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

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

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

CORMERE AVENUE S.E. (60.00 feet wide), extending Westerly 65.00 feet from the Westerly line of that portion Cormere Avenue S.E. vacated by the Council of the City of Cleveland by Ordinance Number 75-70, passed on February 9th 1970.

**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 November 13, 2000.  
Effective November 21, 2000.

**Res. No. 2043-2000.**  
**By Councilman Brady.**  
**An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 13429 Lakewood Hgts. Blvd., 1st Fl. & Bsmt. Excl. 2nd Fl.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 1410123, Cheer-Up Inc., 13429 Lakewood Hgts. Blvd., 1st Fl. & Bsmt. Excl. 2nd Fl., Cleveland, Ohio 44107; 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 D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 1410123, Cheer-Up Inc., 13429 Lakewood Hgts. Blvd., 1st Fl. & Bsmt. Excl. 2nd Fl., Cleveland, Ohio 44107 to Permit No. 8850749, Terrapin Station Ltd., 13429 Lakewood Hgts. Blvd., 1st Fl. & Bsmt. Excl. 2nd Fl., Cleveland, Ohio 44107 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 November 13, 2000.  
Effective November 21, 2000.

**Res. No. 2044-2000.**  
**By Councilman Brady.**  
**An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 11730 Lorain Avenue, 1st Fl./Front.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 7220737, Ray Bons Inc., 11730 Lorain Avenue, 1st Fl./Front, Cleveland, Ohio 44111 to Permit No. 2095642, Desolve Inc., DBA Neighborhood Bar & Grill, 11730 Lorain Avenue, 1st Fl./Front, Cleveland, Ohio 44111; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, 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 D1, D2, D3, D3A and D6 Liquor Permit from Per-

mit No. 7220737, Ray Bons Inc., 11730 Lorain Avenue, 1st Fl./Front, Cleveland, Ohio 44111 to Permit No. 2095642, Desolve Inc., DBA Neighborhood Bar & Grill, 11730 Lorain Avenue, 1st Fl./Front, Cleveland, Ohio 44111 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 13, 2000.  
Effective November 21, 2000.

**Res. No. 2045-2000.**  
**By Councilman Britt.**  
**An emergency resolution withdrawing objection to the renewal of a C2, C2X and D6 Liquor Permit to 7905 Cedar Avenue, and repealing Res. No. 1258-2000 objecting to said renewal.**

Whereas, this Council objected to the renewal of a C2, C2X and D6 Liquor Permit to 7905 Cedar Avenue, by Res. No. 1258-2000 adopted by Council on July 17, 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 C2, C2X and D6 Liquor Permit to 7905 Cedar Avenue, be and the same is hereby withdrawn and Res. No. 1258-2000, 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 November 13, 2000.  
Effective November 21, 2000.

**Res. No. 2046-2000.**  
**By Councilman Cimperman.**  
**An emergency resolution objecting to the issuance of a C1 Liquor Permit to 4409 Payne Avenue.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 1162873, Joann M. Byrge,

DBA Beverage Store, 4409 Payne Avenue, 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 C1 Liquor Permit to Permit No. 1162873, Joann M. Byrge, DBA Beverage Store, 4409 Payne Avenue, 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 November 13, 2000.  
Effective November 21, 2000.

**Res. No. 2047-2000.**  
**By Councilman Johnson.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 9621 Mt. Auburn Road, 1st Fl. & Bsmt., and repealing Res. No. 785-2000 objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 9621 Mt. Auburn Road, 1st Fl. & Bsmt., by Res. No. 785-2000 adopted by Council on May 8, 2000; 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 C2 and C2X Liquor Permit to 9621 Mt. Auburn Road, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 785-2000, 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 November 13, 2000.  
Effective November 21, 2000.

**Res. No. 2048-2000.**  
**By Councilman Lewis.**  
**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 7102 Hough Avenue, and repealing Res. No. 663-99 objecting to said renewal.**

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 7102 Hough Avenue by Res. No. 663-99 adopted by Council on April 19, 1999; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement signed November 13, 2000, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to the renewal of a C1 and C2 Liquor Permit to 7102 Hough Avenue, be and the same is hereby withdrawn and Res. No. 663-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted November 13, 2000.  
Effective November 21, 2000.

**Res. No. 2049-2000.**

**By Councilman Lewis.**  
**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 7017-19 Superior Avenue, 1st & 2nd Fls., and repealing Res. No. 1321-99 objecting to said renewal.**

Whereas, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 7017-19 Superior Avenue, 1st & 2nd Fls. by Res. No. 1321-99 adopted by Council on July 14, 1999; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement signed November 13, 2000, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 7017-19 Superior Avenue, 1st & 2nd Fls., be and the same is hereby withdrawn and Res. No. 1321-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted November 13, 2000.  
Effective November 21, 2000.

**Res. No. 2050-2000.**

**By Councilman Lewis.**  
**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 9108 Superior Avenue, 1st Fl. & Bsmt., and repealing Res. No. 1346-2000 objecting to said renewal.**

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 9108 Superior Avenue, 1st Fl. & Bsmt., by Res. No. 1346-2000 adopted by Council on July 28, 2000; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement signed November 13, 2000, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to the renewal of a C1 and C2 Liquor Permit to 9108 Superior Avenue, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1346-2000, 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 November 13, 2000.  
Effective November 21, 2000.

**Res. No. 2051-2000.**  
**By Councilman Polensek.**  
**An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 18506 St. Clair Avenue, and repealing Res. No. 1452-2000 objecting to said issuance.**

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 18506 St. Clair Avenue by Res. No. 1452-2000 adopted by Council on August 7, 2000; and

Whereas, this Council wishes to withdraw its objection to the above issuance and consents to said issuance based upon and pursuant to a cooperation agreement signed November 1, 2000, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That Council does hereby record its objection to the issuance of a C1 Liquor Permit to 18506 St. Clair Avenue, be and the same is hereby withdrawn and Res. No. 1452-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

Adopted November 13, 2000.  
Effective November 21, 2000.

**Res. No. 2052-2000.**  
**By Councilman Polensek.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit to 16921 St. Clair Avenue, 1st Fl. and repealing Res. No. 1273-2000 objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 16921 St. Clair Avenue by Res. No. 1273-2000 adopted by Council on July 17, 2000; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership based upon and pursuant to a cooperation agreement signed November 1, 2000, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to the transfer of ownership of a D5 Liquor Permit to 16921 St. Clair Avenue, be and the same is hereby withdrawn and Res. No. 1273-2000, 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 November 13, 2000.  
Effective November 21, 2000.

**Res. No. 2053-2000.**  
**By Councilman Robinson.**  
**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit to 3695-97 East 131st Street, 1st Fl. & Bsmt., and repealing Res. No. 1360-2000 objecting to said renewal.**

Whereas, this Council objected to the renewal of a D1, D2, D3 and D3A Liquor Permit to 3695-97 East 131st Street, 1st Fl. & Bsmt. by Res. No. 1360-2000 adopted by Council on July 28, 2000; and

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

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

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

**Section 1.** That objection to the renewal of a D1, D2, D3 and D3A Liquor Permit to 3695-97 East 131st Street, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1360-2000, 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 November 13, 2000.  
Effective November 21, 2000.

**Res. No. 2054-2000.**  
**By Councilman Sweeney.**  
**An emergency resolution objecting to the stock transfer of a C1, C2 and D6 Liquor Permit to 14302 Puritas Avenue.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a C1, C2 and D6 Liquor

Permit, to Permit No. 1709357, Convenient Food Mart Inc. 357, DBA Convenient Food Mart, 14302 Puritas Avenue, Cleveland, Ohio 44135; 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 stock transfer of a C1, C2 and D6 Liquor Permit to Permit No. 1709357, Convenient Food Mart Inc. 357, DBA Convenient Food Mart, 14302 Puritas Avenue, Cleveland, Ohio 44135 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 November 13, 2000.  
Effective November 21, 2000.

**Res. No. 2055-2000.**  
**By Councilman Sweeney.**  
**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 4611 West 130th Street.**

Whereas, Council has been notified by the Director of Liquor Con-

trol of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 84189840500, Speedway Superamerica LLC, DBA Speedway #3371, 4611 West 130th Street, Cleveland, Ohio 44135 to Permit No. 91610350015, United Petroleum Marketing LLC, DBA UPM 201, 4611 West 130th Street, Cleveland, Ohio 44135; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 84189840500, Speedway Superamerica LLC, DBA Speedway #3371, 4611 West 130th Street, Cleveland, Ohio 44135 to Permit No. 91610350015, United Petroleum Marketing LLC, DBA UPM 201, 4611 West 130th Street, Cleveland, Ohio 44135 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 November 13, 2000.  
Effective November 21, 2000.

**Res. No. 2056-2000.**

**By Councilman Westbrook.**

**An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit to 9501 Denison Avenue, 1st Fl., and repealing Res. No. 1480-99 objecting to said renewal.**

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to 9501 Denison Avenue, 1st Fl., by Res. No. 1480-99 adopted by Council on August 11, 1999; and

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

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

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

**Section 1.** That objection to the renewal of a D5 and D6 Liquor Permit to 9501 Denison Avenue, 1st Fl., be and the same is hereby withdrawn and Res. No. 1480-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted November 13, 2000.  
Effective November 21, 2000.

**Ord. No. 468-2000.**

**By Mayor White.**

**An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide services necessary for the design and installation of a data network, including materials, maintenance and software necessary for its operation.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide the professional services necessary for the design and installation of a data network, including materials, maintenance and software necessary for its operation.

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

ized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 2.** That the costs for such services herein contemplated shall not exceed \$150,000.00 and shall be paid from Fund No. 60 SF 001, Request No. 8269.

**Section 3.** That all professional services authorized herein shall be completed within ten (10) months from the passage date of this Ordinance.

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

Passed November 13, 2000.  
Effective November 21, 2000.

**Ord. No. 909-2000.**

**By Councilmen Dolan and Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to enter into contract with Colliers Intl. for professional services necessary to manage and maintain the building and grounds of the consolidated rental car facility at Cleveland Hopkins International Airport, Department of Port Control, for a period of one year.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to enter into contract with Colliers Intl., provided that Colliers Intl. submits the lowest or most competitive price proposal, for professional services, including, but not limited to, janitorial, snow removal and HVAC services, necessary to manage and maintain the building and grounds of the consolidated rental car facility at Cleveland Hopkins International Airport, for a period of one year.

The contract authorized herein shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance. The contract shall require Colliers Intl. to use its best efforts to meet or exceed the MBE, FBE, and City resident employment requirements set forth in the original agreement between the City and Colliers Intl. The contract shall also contain a provision requiring Colliers Intl. to grant a preference to City of Cleveland businesses when selecting companies to perform the services necessary to maintain the consolidated car rental facility at Cleveland Hopkins International Airport.

**Section 2.** In the event that Colliers Intl. does not submit the lowest or most competitive price proposal, the Department of Port Control is authorized to employ by contract one or more consultants or one or more firms for the purpose of supplementing the regularly employed staff of the several departments of

the City of Cleveland in order to provide professional services, including, but not limited to, janitorial, snow removal and HVAC services, necessary to manage and maintain the building and grounds of the consolidated rental car facility at Cleveland Hopkins International Airport, for a period of one year.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Port Control from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control and shall not exceed \$350,000.00. The contract authorized herein shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 3.** That the costs for such services herein contemplated shall not exceed \$350,000.00 and shall be paid from Fund No. 60 SF 001, Request No. 8275.

**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 November 13, 2000.

Effective November 21, 2000.

**Ord. No. 941-2000.**  
By Councilmen Jackson, Melena, Cimperman and Patmon (by departmental request).

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3335 East 93rd Street to Mazhar A. Khan.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 127-16-017 and 127-16-021, as more fully described in Section 2 below, to Mazhar A. Khan.

**Section 2.** That the real property to be sold pursuant to Section 1 of

this ordinance is more fully described as follows:

P. P. No. 127-16-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 123 feet of Sublot No. 92 in Jay E. Latimer's Subdivision of part of Original One Hundred Acre Lot No. 441, as shown by the recorded plat of said Subdivision in Volume 16 of Maps, Page 23 of Cuyahoga County Records. Said part of said Sublot No. 92 has a frontage of 40 feet on the Easterly side of East 93rd Street, (formerly Woodland Hills Avenue), and extends back between parallel lines 123 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 127-16-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 79 in J. H. Hardy and L. Breckenridge's Subdivision of part of Original One Hundred Acre Lot No. 441, as shown by the recorded plat in Volume 7 of Maps, Page 23 of Cuyahoga County Records and being 40 feet 2 inches front on the Northerly side of Marah Avenue and extending back 110.00 feet on the Easterly line 110.00 feet on the Westerly line and having a rear line of 39 feet, 6 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

**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 November 13, 2000.

Effective November 21, 2000.

**Ord. No. 1009-2000.**  
By Councilmen Jackson, Melena, Cimperman and Patmon (by departmental request).

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 73rd Street to Cleveland Housing Network, Incorporated or designee.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-24-094 as more fully described in Section 2 below, to Cleveland Housing Network, Incorporated or designee.

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

P. P. No. 118-24-094

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 16 in Harriet C. Sterling's Allotment of part of Original One Hundred Acre Lot No. 336 as shown by the recorded plat in Volume 5 of Maps, Page 60 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 73rd Street (formerly Brenton Street) and extending back 143 feet 6-1/8 inches on the Northerly line, 143 feet 5-3/4 inches on the Southerly line and having a rear line of 40 feet as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 3.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-24-095 as more fully described in Section 4 below, to Cleveland Housing Network, Incorporated or designee.

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

P. P. No. 118-24-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 17 in H.C. Sterling's Allotment of part of Original One Hundred Acre Lot No. 336, as shown by the recorded plat in Volume 5 of Maps, Page 60 of Cuyahoga County Records, and being 40 feet front on the Easterly line of East 73rd Street and being

143 feet 5-3/8 inches on the Southerly line, 143'-5-3/4" on the Northerly line and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 5.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-24-115 as more fully described in Section 6 below, to Cleveland Housing Network, Incorporated or designee.

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

P. P. No. 118-24-115

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 104 in H.C. Sterling's Allotment of part of Original One Hundred Acre Lot No. 336 as shown by the recorded plat in Volume 5 of Maps, Page 60 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 73rd Street and extending back of equal width, 132 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 7.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-24-116 as more fully described in Section 8 below, to Cleveland Housing Network, Incorporated or designee.

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

P. P. No. 118-24-116

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 103 in H.C. Sterling's Allotment of part of Original One Hundred Acre Lot No. 336, as shown by the recorded plat in Volume 5 of Maps, Page 60 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 73rd Street and extending back of equal width, 132 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 9.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-24-118 as more fully described in Section 10 below, to Cleveland Housing Network, Incorporated or designee.

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

P. P. No. 118-24-118

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 101 in H.C. Sterling's Allotment of part of Original One Hundred Acre Lot No. 336 as shown by the record-

ed plat in Volume 5 of Maps, Page 60, and being 40 feet front on the Westerly side of East 73rd Street and extending back of equal width, 132 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 11.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-24-119 as more fully described in Section 12 below, to Cleveland Housing Network, Incorporated or designee.

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

P. P. No. 118-24-119

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 100 in Harrietta C. Sterling's Allotment of part of Original One Hundred Acre Lot No. 336 as shown by the recorded plat in Volume 5 of a, Page 60 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 73rd Street (formerly Branton Street) and extending back between parallel lines, 132 feet to an alley as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 13.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 14.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 15.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest 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 16.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 13, 2000.  
Effective November 21, 2000.

**Ord. No. 1056-2000.**

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

**An emergency ordinance authorizing the Director of Port Control to execute two easements granting to SprintCom, Inc. certain easement rights in property located at Cleveland Hopkins International Airport and declaring said easement rights no longer needed for public use; preferring certain representations for purposes of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee and authorizing the Director of Port Control to apply to the bond trustee for land release; and authorizing the Director to enter into a Lease By Way of Concession with SprintCom for the purpose of installing, removing, replacing, modifying, maintaining and operating a personal communications service system facility.**

Whereas, SprintCom has requested the Director of Port Control to convey two (2) easement rights in property located at Cleveland Hopkins International Airport; and

Whereas, the easement rights to be granted are no longer needed for public use; and

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

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

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

Proposed Utility Easement

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Middleburg Township Lot No. 6 Section No. 12 more definitely described as follows:

Commencing at a monument found at the Northwesterly corner of said Lot No. 6 and on the centerline of vacated Five Points Road;

Thence South 88°-14'-27" East in the centerline of said vacated road, 438.72 feet to a monument found;

Thence leaving said centerline, South 01°-45'-33" West, 29.01 feet to a point;

Thence South 88°-16'-06" East, 29.69 feet to the point of beginning for the easement herein described;

Thence North 01°-43'-54" East, 8.00 feet to a point;

Thence South 88°-16'-06" East, 30.00 feet to a point;

Thence South 01°-43'-54" West, 8.00 feet to a point;

Thence North 88°-16'-06" West, 30.00 feet to the point of beginning.

Containing within said bounds 0.0055 acres of land.

Proposed Access Easement

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Middleburg Township Lot No. 6 Section No. 12 more definitely described as follows:

Commencing at a monument found at the Northwesterly corner of said



Lot No. 6 and on the centerline of vacated Five Points Road;

Thence South 88°-14'-27" East in the centerline of said vacated road, 438.72 feet to a monument found at the point of beginning for the easement herein described;

Thence leaving said centerline, South 01°-45'-33" West, 29.01 feet to a point;

Thence South 88°-16'-06" East, 29.69 feet to a point;

Thence South 01°-43'-54" West, 12.00 feet to a point;

Thence North 88°-16'-06" West, 41.69 feet to a point;

Thence North 01°-45'-33" East, 41.01 feet to a point on the centerline of vacated Five Points Road;

Thence South 88°-14'-27" East in the centerline of said road, 12.00 feet to the point of beginning;

Containing within said bounds 0.0195 acres of land.

**Section 2.** That the easements shall be non-exclusive and the purpose of the easements shall be to establish and maintain right-of-ways over, across, in and upon certain City-owned property at Cleveland Hopkins International Airport for underground utilities.

**Section 3.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described, non-exclusive, easement interests to SprintCom at a price not less than fair market value as determined by the Board of Control.

**Section 4.** That the duration of the easements shall run coterminous with the Lease by Way of Concession authorized by this ordinance, including any options exercised; that the easements shall include reasonable rights of entry to the City; that the easements shall not be assignable; that the easements shall require the grantee to indemnify the City, provide reasonable insurance, maintain any grantee improvements located within the easements, and pay any applicable taxes and assessments.

**Section 5.** That the conveyances referred to above shall be made by Official Deed of Easement prepared by the Director of Law and executed by the Director of Port Control on behalf of the City of Cleveland. The Deeds of Easement shall contain such additional terms and conditions as are required to protect the interests of the parties. The Directors of Port Control and Law are authorized to execute such other documents, including without limitation, contracts for right of entry, as may be necessary to effect the construction of the rights-of-way within the property described above.

**Section 6.** That the City acknowledges, states and affirms, pursuant to Article IX of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee, dated November 1, 1976, as amended (the "Indenture"), that the City desires and requests that certain portions of its land heretofore subject to the Indenture be released and removed from all obligations under said Indenture. Further, the City acknowledges, states and affirms that it is not in default under said Indenture; that release of such land is necessary in order to serve the public purpose of providing public utilities; and that certain

public improvements will be constructed on the land to be released, including public utilities.

**Section 7.** That the Director of Port Control is authorized to apply to the Chase Manhattan Trust Company, National Association, as successor trustee, for release of the land described in Section 1, pursuant to the Indenture.

**Section 8.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is hereby authorized to enter into a Lease By Way of Concession with SprintCom for the use and occupancy of approximately 0.0207 acres of land located at Cleveland Hopkins International Airport for the purpose of installing, removing, replacing, modifying, maintaining and operating a personal communications service system facility. The premises are more fully described as follows:

#### Proposed Lease Area

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Middleburg Township Lot No. 6 Section No. 12 more definitely described as follows:

Commencing at a monument found at the Northwesterly corner of said Lot No. 6 and on the centerline of vacated Five Point Road;

Thence South 88°-14'-27" East in the centerline of said vacated road, 438.72 feet to a monument found;

Thence leaving said centerline, South 01°-45'-33" West, 29.01 feet to a point;

Thence South 88°-16'-06" East, 29.69 feet to the point of beginning for the parcel herein described;

Thence leaving said centerline, South 01°-45'-33" West, 29.01 feet to a point;

Thence South 88°-16'-06" East, 29.69 feet to the point of beginning for the parcel herein described;

Thence South 88°-16'-06" East, 30.00 feet to a point;

Thence South 01°-43'-54" West, 30.00 feet to a point;

Thence North 88°-16'-06" West, 30.00 feet to a point;

Thence North 01°-43'-54" East, 30.00 feet to the point of beginning;

Containing within said bounds 0.0207 acres of land.

**Section 9.** The term of the Lease By Way of Concession shall be for five (5) years ("Initial Term"), with four (4) options, exercisable by the Director of Port Control, to renew for additional five-year terms ("Extended Terms"). The annual rent shall be \$1,500 per month for the first year, with an annual increase of four percent (4%) each year thereafter during the Initial Term and any Extended Terms.

**Section 10.** That the Official Deeds of Easement, Lease By Way of Concession, and other documents authorized herein shall contain the following provision:

The City reserves the right to recapture the premises, wholly or partially, any time during the Initial Term or Extended Terms, upon six (6) months written notice, in the event that City Council, by ordinance, determines that such recapture of the Premises or any portion thereof is required by the City in order to comply with the federal, state or local laws or regulations governing airports, or for general

airport purposes. In the event of such recapture as described in this paragraph, SprintCom shall not be entitled to a credit, reimbursement, payment, or any other type of compensation for termination of this Agreement and recapture of the Premises. However, the City shall work cooperatively with SprintCom to find a suitable location at which SprintCom may operate, under such terms and conditions as may be mutually agreed to by the City and SprintCom.

**Section 11.** That the Lease By Way of Concession authorized herein shall be prepared by the Director of Law, and shall contain such additional provisions as said Director deems necessary to protect and benefit the public interest.

**Section 12.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 November 13, 2000.  
Effective November 21, 2000.

#### **Ord. No. 1201-2000, By Councilman Polensek (by request)**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to Rick Case Enterprises on behalf of Rick Case Motors, Inc., to encroach into the right-of-way of their Honda dealership at I-90 and East 200th St. with fencing, lighting and a (new car) parking area.**

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

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

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Rick Case Enterprises, on behalf of Rick Case Motors, Inc. for their Honda Dealership located at 19991 Villaview Road, Cleveland, Ohio 44119, its successors and assigns, for the construction, use and maintenance of fencing, lighting, and a (new car) parking area, which will encroach into the public right-of-way of Villaview Road and East 200th Street at Interstate 90 (the Lakeland Freeway), at the locations more fully described herein.

#### **LEGAL DESCRIPTION/RICK CASE HONDA ENCROACHMENT AREA:**

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Original Euclid Township Lot Numbers 3, Tract No. 17, and part of Original Euclid Township Tract No. 14, and bounded and described as follows:

Beginning in the Northwesterly line of Lakeland Freeway, described as parcel 1310A in appropriation proceedings filed December 6, 1960 and being Case No. 746456, at the South-

westerly corner of land conveyed to Richard Case by deed dated December 30, 1981 and recorded in Volume 15609, Page 401 of Cuyahoga County Deed Records;

1. Thence North 56°-26'-10" East, 191.42 feet along said Northwesterly line of Lakeland Freeway to an angle point therein;

2. Thence North 61°-49'-20" East, 210.16 feet along said Northwesterly line of the Lakeland Freeway to another angle point therein;

3. Thence North 52°-21'-00" East, 191.58 feet along said Northwesterly line of the Lakeland Freeway to another angle point therein;

4. Thence North 20°-39'-10" East, 61.12 feet along said Northwesterly line of the Lakeland Freeway to another angle point therein, said point being also the Southeasterly corner of land conveyed to Richard J. and R. L. Case, by deed dated December 22, 1986 and recorded in Volume 86-8329, Page 53 of Cuyahoga County Deed Records;

5. Thence North 0°-28'-26" East, 84.72 feet along said Northwesterly line of Lakeland Freeway to another angle point therein;

6. Thence North 29°-05'-59" West, 28.97 feet along said Northwesterly line of the Lakeland Freeway to its intersection with the Southerly line of Mohican Avenue N.E. (50.00 feet wide);

7. Thence South 89°-51'-30" East, 25.87 feet along and the Easterly prolongation of the Southerly line of Mohican Avenue N.E. to a point distant 40.00 feet, by rectangular measurement from the Southerly prolongation of the center line of East 200th Street (of varying width);

8. Thence South 0°-22'-30" West, 174.05 feet along a line distant 40.00 feet and parallel to said Southerly prolongation of the center line of East 200th Street;

9. Thence South 56°-26'-10" West, 616.88 feet along a line distant 30.00 feet Southeasterly from a Northeasterly line of the Lakeland Freeway to a point;

10. Thence North 30°-38'-30" West, 30.04 feet to the place of beginning, containing 0.3761 acres of land, as compiled from records by Julianna League, Ohio Surveyor No. 7709, be the same more or less, but subject to all legal highways.

**Section 2.** That said fencing, lighting and (new car) parking will be located within the public right-of-way in the portion of the street(s) as aforesaid, and said fencing, lighting, and (new car) parking will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

Passed November 13, 2000.  
Effective November 21, 2000.

**Ord. No. 1202-2000.**  
**By Councilman Rybka.**  
**An emergency ordinance to vacate a portion of Winfield Avenue S.E. hereinafter described.**

Whereas, on the 15th day of December 1999, the Council of the City of Cleveland adopted Resolution No. 1856-99 declaring its intention to vacate a portion of Winfield Avenue S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1856-99 has been served upon the owners of all the property abutting Winfield Avenue S.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 14th day of June, 2000, the Board of Revision of Assessments approved the vacation of Winfield Avenue S.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Winfield Avenue S.E., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of Winfield Avenue S.E. (25.00 feet wide), extending from the Westerly line of East 73rd Place (40.00 feet wide) Westerly to the Easterly line of Foreman Avenue (40.00 feet wide) as vacated by the Council of the City of Cleveland on June 15, 1998, by Ordinance Number 862-98, is hereby vacated.

**Section 2.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Winfield Avenue S.E., herein provided by sending him a copy of this Ordinance.

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

Passed November 13, 2000.  
Effective November 21, 2000.

**Ord. No. 1208-2000.**  
**By Councilmen Cintron, Melena, Cimperman and Patmon (by departmental request).**  
**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for redevelopment at 1936 West 25th Street, for the Department of Community Development.**

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property at 1936 West 25th Street for the purpose of redevelopment in accordance with the West 25th Lorain Community Development Plan:

1936 West 25th Street  
Permanent Parcel Nos. 003-38-019,  
020, 027 and 056

Parcel No. 1:  
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 431 and 432 in Barber and Lord's Subdivision of part of Original Brooklyn Township Lot Nos. 51, 52, 69 and 70, as shown by the recorded plat in Volume 11 of Maps, Page 26 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning in the Southwesterly line of West 25th Street (formerly Pearl Street) at the most Easterly corner of said Sublot No. 431;

Thence North 30° 56' 00" West along said Southwesterly line of West 25th Street, 66.37 feet to the most Easterly corner of said Sublot No. 432;

Thence South 58° 51' 25" West along the Southeasterly line of said Sublot No. 432, 197 feet to the most Southerly corner of a parcel of land conveyed to James Kane by deed dated March 15, 1851 and recorded in Volume 50, Page 362 of Cuyahoga County Records;

Thence North 30° 56' 00" West along the Southwesterly line of said land conveyed to James Kane, 57 feet to the Southeasterly line of Carroll Avenue, N.W.;

Thence South 58° 51' 00" West along said Southeasterly line of Carroll Avenue, N.W., 42.66 feet to its intersection with the Northeasterly line of West 26th Street (formerly McLean Street);

Thence South 30° 54' 05" East along said Northeasterly line of West 26th Street, 122.62 feet to a point distant North 30° 54' 05" West 0.71 of a foot from the most Southerly corner of said Sublot No. 431;

Thence North 59° 02' 50" East along the Northwesterly face of a five story brick building, 40.61 feet;

Thence North 58° 43' 20" East along the Northwesterly face of said five story brick building, 48.72 feet;

Thence North 59° 00' 50" East along the Northwesterly face of said five story brick building, 76.14 feet;

Thence North 59° 35' 50" East along the Northwesterly face of said five story brick building, 21.07 feet;

Thence North 59° 13' 50" East along the Northwesterly face of said five story brick building, 36.19 feet to the Southeasterly line of said Sublot No. 431;

Thence North 58° 51' 50" along said Southeasterly line of Sublot No. 431, 17 feet to the place of beginning, according to a survey dated August 26, 1949, by the National Survey Service, Inc., Civil Engineers and Surveyors, be the same more or less, but subject to all legal highways.

**Parcel No. 2:**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 432 in Barber and Lord's Subdivision of part of Original Brooklyn Township Lots Nos. 51, 52, 69 and 70, as shown by the recorded plat in Volume 11 of Maps, Page 26 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Southwesterly line of West 25th Street, (formerly Pearl Street), at a point distant Northwestwardly (measured along said Southwesterly line of West 25th Street), 1.25 feet from the most Easterly corner of said Sublot No. 432;

Thence Southeasterly along said Southwesterly line of West 25th Street 1.25 feet to said most Easterly corner of Sublot No. 432;

Thence Southwesterly along the Southeasterly line of said Sublot No. 432, 197 feet to the most Southerly corner of a parcel of land conveyed to James Kane by deed dated March 15, 1851, and recorded in Volume 50, Page 362 of Cuyahoga County Records;

Thence Northwestwardly along the Southwesterly line of said land conveyed to James Kane, 1.57 feet to the Southeasterly face of a concrete block partition wall;

Thence Northeasterly in a direct line and along the Southeasterly face of said concrete block partition wall, 197 feet to the principal place of beginning, according to a survey dated August 26, 1949, by the National Survey Service, Inc., Civil Engineers and Surveyors, be the same more or less, but subject to all legal highways.

**Section 2.** That the Director of Community Development is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

**Section 3.** That the consideration to be paid for such property shall not exceed its fair market value.

**Section 4.** That all costs of acquisition of land shall be paid from the Housing Trust Fund, Fund No. 14 SF 026.

**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 November 13, 2000.

Effective November 21, 2000.

**Ord. No. 1213-2000.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Maurice Belford Corporation to provide economic development assistance to partially finance the renovation of real property located at 5900 Maurice Avenue, Cleveland, Ohio 44127.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Maurice Belford Corporation to provide economic development assistance to partially finance the renovation of real property located at 5900 Maurice Avenue, Cleveland, Ohio 44127.

**Section 2.** That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1213-2000-A.

**Section 3.** That the costs of said contract shall not exceed One Hundred Thousand Dollars (\$100,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 26620.

**Section 4.** That the Director of Economic Development is hereby authorized to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 7.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

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

Passed November 13, 2000.

Effective November 21, 2000.

**Ord. No. 1387-2000.**

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

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to remove and replace defective poles, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed one year.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of labor and materials necessary to remove and replace defective poles to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 \$7,500,000 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 16680)

**Section 3.** That the contract authorized herein shall contain a provision requiring the successful bidder to provide the City with a warranty of twenty-five (25) years or greater on all poles purchased.

**Section 4.** That pole replacement shall occur in accordance with the prioritization list submitted to the Finance Committee by the Director of Public Utilities and contained in File No. 1387-2000-A made a part hereof as if fully rewritten herein.

**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 November 13, 2000.

Effective November 21, 2000.

**Ord. No. 1398-2000.**

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

**An emergency ordinance appropriating funds obtained from Norfolk Southern and CSX; determining the method of making the public improvement of constructing noise barriers and installing landscaping on railroad property; and authorizing the Director of Public Service to enter into contract for the making of such improvement.**

Whereas, pursuant to Ordinance No. 978-98, passed June 8, 1998, this Council approved and ratified an agreement entered into by the Mayor with Norfolk Southern Corporation ("Norfolk Southern") which, among other things, required specified financial contributions from the railroad to the City for various purposes delineated in the agreement; and

Whereas, pursuant to Ordinance No. 1041-98, passed June 8, 1998, this Council approved and ratified an agreement entered into by the Mayor with CSX Corporation ("CSX") which, among other things, required specified financial contributions from the railroad to the City for various purposes delineated in the agreement; and

Whereas, this Council wishes to appropriate funds received in accordance with the agreements with Norfolk Southern and CSX for various purposes consistent with the agreements with the railroads; and

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

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

**Section 1.** That this Council hereby appropriates funds received from Norfolk Southern and CSX pursuant to their agreements in the amount of Seven Million, Four Hundred Thirty-Seven Thousand, Five Hundred Eighty-Five Dollars (\$7,437,585.00) from Fund No. 10 SF 526, for the purpose of entering into a contract for the making of the public improvement for the construction of noise barriers and the installation of landscaping on railroad property, pursuant to the following schedule:

Personnel	-0-
Other Expenses	\$7,437,585.00

**Section 2.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing noise barriers and installing landscaping on railroad property as described in File No. 1398-2000-A, for the Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 3.** That the Director of Public Service is hereby authorized to enter into a contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

**Section 3.** That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 526.

**Section 4.** That, the Department of Public Service shall prioritize the construction of noise barriers authorized herein, in a manner that services those areas with the highest impact of railroad traffic first.

**Section 5.** That the noise barriers constructed adjacent to the Ideal Mobile Home Park on Brookpark Road shall consist of concrete materials.

**Section 6.** That, as part of the public improvement authorized herein, landscaping shall be installed at the Rockport Yard on West 157th Street.

**Section 7.** That, to the extent permitted by law, the City shall grant a five percent (5%) preference to bidders who agree to purchase discarded tires from the City of Cleve-

land and use such tires in the construction of the non-concrete noise barriers to be purchased by the City.

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

Passed November 13, 2000.

Effective November 21, 2000.

**Ord. No. 1399-2000.**  
By Councilmen Cintron, Cimperman and Patmon (by departmental request).

**An emergency ordinance appropriating funds obtained from Norfolk Southern and CSX; and authorizing the Director of Public Service to enter into contract for the labor and materials necessary to install fencing at various locations throughout the City which is adjacent to railroad property.**

Whereas, pursuant to Ordinance No. 978-98, passed June 8, 1998, this Council approved and ratified an agreement entered into by the Mayor with Norfolk Southern Corporation ("Norfolk Southern") which, among other things, required specified financial contributions from the railroad to the City for various purposes delineated in the agreement; and

Whereas, pursuant to Ordinance No. 1041-98, passed June 8, 1998, this Council approved and ratified an agreement entered into by the Mayor with CSX Corporation ("CSX") which, among other things, required specified financial contributions from the railroad to the City for various purposes delineated in the agreement; and

Whereas, this Council wishes to appropriate funds received in accordance with the agreements with Norfolk Southern and CSX for various purposes consistent with the agreements with the railroads; and

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

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

**Section 1.** That this Council hereby appropriates funds received from Norfolk Southern and CSX pursuant to their agreements in the amount of One Hundred Eighty-Two Thousand Four Hundred Sixty-Five Dollars (\$182,465.00) from Fund No. 10 SF 526, for the purpose of entering into a contract for labor and materials necessary to install fencing at various locations throughout the City which is adjacent to railroad property, pursuant to the following schedule:

Personnel	-0-
Other Expenses	\$182,465.00

**Section 2.** That the Director of Public Service is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the follow-

ing items: labor and materials necessary to install fencing at various locations throughout the City which is adjacent to railroad property as described in File No. 1399-2000-A, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Public Service.

**Section 3.** That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 526.

**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 November 13, 2000.

Effective November 21, 2000.

**Ord. No. 1402-2000.**  
By Councilmen Gordon, O'Malley, Cintron, Cimperman and Patmon (by departmental request).

**An emergency ordinance to amend Section 12 of Ordinance No. 2368-92, passed December 14, 1992, as amended by Ordinance No. 1454-97, passed November 24, 1997, relating to the rehabilitation of Memphis Avenue from Ridge road to Pearl Road.**

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

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

**Section 1.** That Section 12 of Ordinance No. 2368-92, passed December 14, 1992, as amended by Ordinance No. 1454-97, passed November 24, 1997, is hereby amended to read as follows:

Section 12. That the payment authorized in the above section shall be payable from Fund Nos. 20 SF 190, 20 SF 181, 20 SF 146, 20 SF 170, 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 344 and 20 SF 353, Request Nos. 14325 and 22511.

**Section 2.** That Section 12 of Ordinance No. 2368-92, passed December 14, 1992, as amended by Ordinance No. 1454-97, passed November 24, 1997, is hereby repealed.

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

Passed November 13, 2000.

Effective November 21, 2000.

**Ord. No. 1414-2000.**  
By Councilmen White, Melena, Cimperman and Patmon (by departmental request).

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with MPCL, LLC to provide economic development assistance to partially finance the renovation of real property located at 9250 Miles Park Avenue, Cleveland, Ohio 44105.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with MPCL, LLC to provide economic development assistance to partially finance the renovation of real property located at 9250 Miles Park Avenue, Cleveland, Ohio 44105.

**Section 2.** That the terms of said agreement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1414-2000-A.

**Section 3.** That the costs of said contract shall not exceed One Hundred and Seventy-Five Thousand Dollars (\$175,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 26626.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

**Section 6.** That the Director of Economic Development is hereby authorized to accept charges and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 7.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

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

Passed November 13, 2000.

Effective November 21, 2000.

**Ord. No. 1415-2000.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with MPCL, LLC to provide for a ten year abatement for certain real estate taxes as an incentive to renovate the real property located at 9250 Miles Park Avenue, Cleveland, Ohio 44105.**

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone

(the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

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

Whereas, MPCL, LLC (the "Enterprise") has proposed to renovate the real property located at 9250 Miles Park Avenue, Cleveland, Ohio 44105; and

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

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

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

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

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

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten (10) year, abatement for real estate taxes as an incentive to renovate the real property located at 9250 Miles Park Avenue, Cleveland, Ohio 44105; said abatement shall be subject to annual review of the Tax Incentive Review Council.

**Section 3.** That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1415-2000-A. That terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferred to any entity, without the prior legislative authorization by Cleveland City Council.

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

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

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

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

Passed November 13, 2000.

Effective November 21, 2000.

**Ord. No. 1599-2000.**

**By Councilmen White, 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 3959 and 3983 East 120th Street to Union Miles Development Corporation.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 138-02-147 and 138-02-152 as more fully described in Section 2 below, to Union Miles Development Corporation.

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

P. P. No. 138-02-147

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 302 in The Bolivar Building Company's College Hill Subdivision of part of Original One Hundred Acre Lot No. 460 as shown by the recorded plat in Volume 63 of Maps, Page 34 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 120th Street and extending back 120 feet deep, of equal width, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 138-02-152

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 308 in The Bolivar Building Company's College Hill Subdivision of part

of Original One Hundred Acre Lot No. 460 and being 40 feet front on the Easterly side of East 120th Street and extending back of equal width 120 feet deep, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed November 13, 2000.  
Effective November 21, 2000.

**Ord. No. 1637-2000.**  
**By Mayor White.**  
**An emergency ordinance authorizing the purchase by contract of labor and materials necessary to install a maximum of six work stations, for 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 contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install a maximum of six (6) work stations, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Department of Port Control.

**Section 2.** That the cost of said contract hereby authorized shall not exceed \$12,000.00 and shall be paid from Fund No. 60 SF 001, Request No. 30902.

**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 November 13, 2000.  
Effective November 21, 2000.

**Ord. No. 1642-2000.**  
**By Councilmen White, Melena, Cimperman and Patmon (by departmental request).**

**An emergency ordinance to amend the title, the third whereas clause, Section 1 and Section 2 of Ordinance No. 1571-99, passed November 29, 1999, relating to an Enterprise Zone Agreement with the Garland Company for property located at 3800 East 91st Street.**

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

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

**Section 1.** That the title, the third whereas clause, Section 1 and Section 2 of Ordinance No. 1571-99, passed November 29, 1999, is hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Garland Industries, Inc. and The Garland Company to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to assist with the construction and renovation of their existing facility and to allow the expansion of their roofing and material manufacturing line located at 3800 East 91st Street located in the Cleveland Area Enterprise Zone.

Whereas, Garland Industries, Inc. and The Garland Company (the "Enterprise") has proposed to expand its facilities at its operation in the City of Cleveland; and

**Section 1.** That this Council hereby approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland. That the Enterprise and the Director of Economic Development have placed in File No. 1642-2000-A documents pertaining to the Enterprise's name change and the impact of this change on the assistance given to the Enterprise by the City of Cleveland under this ordinance.

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to assist with the construction and renovation of their existing facility and to allow the expansion of their roofing and material manufacturing line located at 3800 East 91st Street in Cleveland Ohio; said abatement shall be sub-

ject to annual review of the Tax Incentive Review Council.

**Section 2.** That the existing title, the third whereas clause, Section 1 and Section 2 of Ordinance No. 1571-99, passed November 29, 1999, is hereby repealed.

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

Passed November 13, 2000.  
Effective November 21, 2000.

**Ord. No. 1679-2000.**  
**By Councilmen Cintron and Patmon (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of reclaimed or virgin asphalt concrete, for the Division of Streets, Department of Public Service.**

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

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

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

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 16379)

**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 November 13, 2000.  
Effective November 21, 2000.

**Ord. No. 1680-2000.**  
**By Councilmen Cintron and Pat-**  
**man (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of rock salt, for the Division of Streets, Department of Public Service.**

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

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

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

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 16375)

**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 November 13, 2000.  
 Effective November 21, 2000.

**Ord. No. 1682-2000.**  
**By Councilmen Sweeney, Cintron**  
**and Patmon (by departmental request).**

**An emergency ordinance to amend Section 1 of Ordinance No. 2159-99, passed March 27, 2000, relating to authorizing the Director of Public Service to cause payment of the City of Cleveland's share to the County of Cuyahoga for the cost of the rehabilitation of West 140th Street.**

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

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

**Section 1.** That Section 1 of Ordinance No. 2159-99, passed March 27, 2000, is hereby amended to read as follows:

Section 1. That this Council hereby authorizes payment to the County of Cuyahoga of the City's share of the cost of the improvement of rehabilitating West 140th Street from Puritas Road to Lakewood Heights Boulevard, payable from Fund No. 20 SF 364 and from the fund and subfunds to which are credited the proceeds of the sale of the general obligation bonds of the City of Cleveland authorized by Ordinance No. 899-2000, passed June 19, 2000.

**Section 2.** That existing Section 1 of Ordinance No. 2159-99, passed March 27, 2000, is hereby repealed.

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

Passed November 13, 2000.  
 Effective November 21, 2000.

**Ord. No. 1686-2000.**  
**By Councilmen Melena, Cintron,**  
**Cimperman and Patmon (by departmental request).**

**An emergency ordinance authorizing the Directors of Economic Development and Public Service to apply for and accept grants from the Economic Development Administration and the Ohio Department of Development for the West 67th Place Reconstruction Project; authorizing said Directors to employ one or more consultants or one or more firms of consultants necessary to design the project; determining the method of making the public improvement of constructing the Project; authorizing said Directors to enter into contract for the making of such improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the improvement.**

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

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

**Section 1.** That the Directors of Economic Development and Public Service are hereby authorized to apply for and accept grants as set forth below totaling \$1,450,000 from the following agencies: \$975,000 from Economic Development Administration and \$475,000 from the Ohio Department of Development, for the West 67th Place Reconstruction Project (the "Improvement"), for the purposes set forth in the grant description and according thereto; that the Directors of Economic Development and Public Service are hereby authorized to file all papers and execute all documents necessary to receive the funds under said grants; and that said funds be and they hereby are appropriated for the purposes set forth in the grant description for said grants.

**Section 2.** That the grant description for said grants, File No. 1686-2000-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 up to \$250,000 from Fund No. 17 SF 006 and any other fund or subfunds appropriated for such use and the sum of up to \$250,000 from Fund No. 10 SF 166 and any other fund or subfunds appropriated for such use, is hereby approved in all respects.

**Section 3.** That the Directors of Economic Development or Public Service, as appropriate, are hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of said consultant or consultants for such services shall be made by the Board of Control upon the nomination of the Directors of Economic Development or Public Service, as appropriate, from a list of qualified consultants available for such employment as may be determined after a full or Public Service, as appropriate, 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 Directors of Economic Development or Public Service, as appropriate, and certified by the Director of Finance.

**Section 4.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing the Improvement, for the Departments of Economic Development and Public Service, by contract duly let to the lowest responsible bidder after competitive bidding on a unit basis for the Improvement.

**Section 5.** That the Directors of Economic Development or Public Service, as appropriate, are hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the Improvement provided however, that each separate trade and each distinct component part of said Improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract on a unit basis.

**Section 6.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for such property shall be determined by the Board of Control.

**Section 7.** That the cost of said Improvement, professional services and property acquisition herein contemplated shall be paid from the fund or funds to which are credited the proceeds of the grant accepted pursuant to this ordinance and the cash matches authorized herein.

**Section 8.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

Passed November 13, 2000.  
Effective November 21, 2000.

**Ord. No. 1795-2000.**

**By Mayor White.**

**An emergency ordinance authorizing the Director of Finance to enter into contract with PeopleSoft USA, Inc. for software maintenance and support services for PeopleSoft modules, for the Division of Financial Reporting and Control, Department of Finance, for a period of one year with two one-year options to renew.**

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

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

**Section 1.** That the Director of Finance is hereby authorized to enter into contract with PeopleSoft USA, Inc. for professional services necessary to provide software maintenance and support services for PeopleSoft modules, for a period of one (1) year commencing June 29, 2000, in the total sum of \$243,302.40, payable from Fund No. 01-151001-661600, Request No. 7782, for the Division of Financial Reporting and Control, Department of Finance.

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

Passed November 13, 2000.  
Effective November 21, 2000.

**Ord. No. 1957-2000.**

**By Councilmen Polensek and Patmon.**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 154 relating to creation of the City Audit Committee.**

Whereas, the Council of the City of Cleveland concurs with the following statement of the Governmental Accounting Standards Board (GASB) concerning the objective of financial reporting: "Accountability requires government to answer to the citizenry, to justify the raising of public resources and the purposes for which they are used. Governmental accountability is based on the belief that the citizenry has a 'right to know', a right to receive openly disclosed facts that may lead to public debate by the citizens and their elected representatives. Financial reporting plays a major role in fulfilling government's duty to be publicly accountable in a democratic society;" and

Whereas, the Government Finance Officers Association encourages the government's use of audit committees to ensure the integrity of the audit process and to increase the

level of confidence in the financial reporting process; and

Whereas, the Auditor of the State of Ohio recommends audit committees for all government subdivisions in the State; and

Whereas, by letter dated September 27, 2000 to Mayor Michael R. White and Council President Michael D. Polensek, the State Auditor recommended the formation of an audit committee in the City of Cleveland comprised of members of Cleveland City Council and the Administration with the purpose of such committee to become the focal point between the City and its auditors; and

Whereas, in adhering to the recommendation of the State Auditor and in order to monitor the effectiveness and efficiency of operations; to monitor the reliability of financial reporting; and to ensure compliance with applicable laws and regulations, the Council of the City of Cleveland seeks to form the City Audit Committee; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department to ensure the fiscal responsibility of the City of Cleveland; now, therefore,

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

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Chapter 154, to read as follows:

**Chapter 154**

**CITY AUDIT COMMITTEE**

Section 154.01 Establishment and Members

Section 154.02 Declaration of Purpose

Section 154.03 Duties of Committee

Section 154.04 Meetings and Attendance

**Section 154.01 Establishment and Members**

There is hereby established a City Audit Committee composed of seven members consisting of the Mayor, or his designee; the President of Council, or the Chairman of the Finance Committee as his designee; the Director of Law; one member appointed by the Mayor; and two members appointed by the President of Council. The final member, who shall serve as Chair of the City Audit Committee, shall be chosen jointly by the Mayor and Council President, shall have at least ten years experience in auditing or financial accounting, including some experience in governmental finance or auditing, and shall have no financial or contractual interest with the City of Cleveland in accordance with the ethics provisions of the Ohio Revised Code. In addition, the Chair shall not have had any duties pertaining to the audit of the City of Cleveland for at least five years prior to his appointment. In the event that the President of Council and Mayor fail to jointly select a Chair within thirty days of the vacancy of the seat, then the President of Council shall appoint a Chair. The appointed members' terms shall be two years and the term of the Chair shall be three years. The Clerk of Council shall publish the name of each member

and the Chair in the City Record. The Director of Law shall designate one of his assistants to serve as Secretary of the City Audit Committee. Members of the City Audit Committee shall serve without compensation.

**Section 154.02 Declaration of Purpose**

The City Audit Committee is to serve as the focal point for communication between the legislative and executive branches of the City of Cleveland, the independent auditor retained by the City, the Department of Finance, and the Division of Internal Auditing as their duties relate to financial accounting, reporting, internal controls, and compliance with applicable laws and regulations. The City Audit Committee is to assist the staff and employees of the City in fulfilling its responsibilities as to accounting policies and reporting practices of the City of Cleveland and sufficiency of auditing relative thereto. The City Audit Committee shall be the principal agent in ensuring the independence of independent auditors, the integrity of management and the adequacy of disclosures to the public. The City Audit Committee shall make recommendations to the Director of Finance relative to his selection of an independent auditor for the City pursuant to Section 127.41 of the Codified Ordinances of Cleveland, Ohio, 1976.

**Section 154.03 Duties of Committee**

(a) The City Audit Committee shall:

(1) Review with the Director of the Department of Finance, the independent auditor, and the Commissioner of Internal Audit, the City's policies and procedures to reasonably assure the adequacy of internal control's over accounting, administration, compliance with laws and regulations and financial reporting.

(2) Have familiarity, through the individual efforts of its members, with the accounting and reporting principles and practices applied by the City in preparing its financial statements. Further, the City Audit Committee is to make, or cause to be made, all necessary inquiries of the City and the independent auditor concerning established standards of conduct and performance and deviations therefrom.

(3) Review, prior to the start of the annual audit, the scope and general extent of the independent auditor's planned examination, including its engagement letter. The auditor's fees shall be summarized by the Director of Finance for review by the City Audit Committee. The Committee's review should entail an understanding from the independent auditor of the factors considered by the auditor in determining the audit scope, including:

(a) risk characteristics of the City of Cleveland; and

(b) external reporting requirements; and

(c) quality of internal accounting, administrative and compliance controls; and

(d) extent of internal auditor's involvement with the audit examination; and

(e) other areas to be covered during the audit engagement.

(4) Review the extent of non-audit services planned to be provided by



the independent auditor in relation to the objectivity and independence needed in the audit.

(5) Review with the City staff and the independent auditor, upon completion of its audit, financial results and findings prior to their finalization and dissemination to the public.

(b) The City Audit Committee is to review the City's comprehensive annual financial report, including the financial statements and footnote disclosures and supplemental disclosures required by generally accepted accounting principles, with respect to the following:

(1) Significant transactions not a normal part of the City's operations; and

(2) Selection of and changes, if any, during the year in the City's accounting principles or their application; and

(3) Significant adjustments proposed by the independent auditor; and

(4) The process used in formulating accounting estimates and the independent auditor's conclusions regarding the reasonableness of those estimates; and

(5) Any disagreements between the independent auditor and management about matters that could be significant to the City's financial statements or the auditor's report; and

(6) Difficulties encountered in the performance of the audit.

(c) The City Audit Committee shall also:

(1) Evaluate the cooperation received by the independent auditor during its audit, including its access to all requested records, data, and information and inquire of the independent auditor whether there have been any disagreements with City management that, if not satisfactorily resolved, would have caused the independent auditor to issue a non-standard report on the City's financial statements.

(2) Discuss with the independent auditor the quality of the City's financial and accounting process and any recommendations that the independent auditor may have, including improvements to internal financial controls, controls over compliance with laws and regulations, the selection of accounting principles and management reporting systems.

(3) Review written responses to "letter of comments and recommendations" from the independent auditor and discuss with the City the status of implementation of prior period recommendations and corrective action plans.

(4) Recommend any extensions or changes in the duties of the City Audit Committee.

(5) Issue an annual report on the discharge of the duties of the City Audit Committee.

#### **Section 154.04 Meetings and Attendance**

The City Audit Committee shall meet at least quarterly in each calendar year and as many additional times as the majority of members deems necessary in the offices of the Department of Finance at such time as it shall decide. All meetings of the City Audit Committee shall be public and the dates and attendance of the meetings shall be published by the Clerk of Council in the City Record. The Chair, however, may

hold executive sessions in accordance with the provisions of the Ohio Revised Code. A simple majority of the members shall constitute a quorum for the transaction of business. Any member who is absent from three consecutive duly-called meetings shall be removed by the Chair from the City Audit Committee. In the event that a vacancy occurs during the term of any member, the appropriate appointing authority shall name a successor to serve the unexpired term. The members of the City Audit Committee may request that members of the other departments of the City be present at the meetings, as well as representatives of the independent auditor. The City Audit Committee shall keep minutes of its meetings, a copy of which shall be kept on file and available for public inspection in the Mayor's office and with the Clerk of Council.

**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 November 13, 2000.

Effective November 22, 2000, without the signature of the Mayor.

#### **Ord. No. 2035-2000.**

**By Councilmen Britt, Patmon, Willis, Coats and Polensek.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Northeastern Neighborhood Development Corporation for partial support of the Sim's Raiders football team and booster club participation in the championship tournament to carry out the public purpose of providing recreation programs for residents of the city through the use of Ward 6, 8, 9, 10 and 11 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with the Northeastern Neighborhood Development Corporation for partial support of the Sim's Raiders football team and booster club participation in the championship tournament to carry out the public purpose of providing recreation programs for residents of the city through the use of Ward 6, 8, 9, 10 and 11 Neighborhood Equity Funds.

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

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

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

Passed November 13, 2000.

Effective November 21, 2000.

#### **Ord. No. 2036-2000.**

**By Councilmen Cimperman, Brady, Britt, Coats, Gordon, Robinson, Sweeney and Willis.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cleveland State University Black Studies Program for partial support of the Kuumba Arts Festival to carry out the public purpose of supporting community cultural festivals, through the use of Ward 3, 6, 9, 10, 13, 15, 19 and 20 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with Cleveland State University Black Studies Program for partial support of the Kuumba Arts Festival to carry out the public purpose of supporting community cultural festivals.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$10,500 and shall be for services rendered by the grantee on or after September 1, 2000 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 November 13, 2000.

Effective November 21, 2000.

#### **Ord. No. 2037-2000.**

**By Councilmen Cimperman and Cintron.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Tremont West Development Corporation to hang forty-eight (48) Christmas Wreaths on both C.E.I. and C.P.P. utility poles (by separate permission) on streets in the Tremont Area for the period of November 22, 2000 to January 8, 2001, inclusive, to celebrate the Holiday Season.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to The Tremont West Development Corporation 2190 Professor Street, Cleveland, Ohio 44113; to install, maintain and remove forty-eight (48) Christmas Wreaths on Cleveland Public Power and Cleveland Electric Illuminating Company utility poles (by separate permissions) on streets in the Tremont Area for the period from November 22, 2000 to January 8, 2001, inclusive, at the following locations and utility pole numbers: Sacket & Scranton S.E. Corner, #406124; Clover & Scranton NE Corner, #40678; Corning & Scranton N.E., #40675; Meyer & Scranton N.E., #NE40608; Holmden & Scranton, CEI; Buhner & Scranton, #NW42826 & 42816; Prame & Scranton, CEI; Starkweather & Scranton, #NE68 AOM1251; Literary & Professor, CEI; College & Professor, #47955 & 47956; Jefferson & Professor, CEI; Starkweather & Professor, #48116; Literary & W. 7th St., #SE 47931; College & W. 7th St., CEI; Jefferson & W. 7th St., CEI; Marquardt & W. 7th St., #NE 48036; Starkweather & W. 7th, CEI; W. 10th & Starkweather, CEI; Clark Ave. & W. 14th, #44645; W. 10th & Jefferson, #46259; W. 10th & Kenilworth, #s 46115 & 46184; W. 10th & Literary, #47915; W. 10th & Fairfield, #47911; W. 14th & Kenilworth, #46147; W. 11th & Starkweather, #HOM-1A-11; W. 11th & Kenilworth, #s 46120 & 46121; W. 11th & Literary, #46192; W. 11th & Fairfield, #46136; W. 11th & Starkweather, #46214; Professor & Literary, #47921; W. 14th & Fairfield, #HOM-1-18; W. 14th & Kenilworth, #46147; W. 14th & Clark, #44642; W. 14th & Branch Ct., #44539; W. 14th & Auburn, #44536; W. 14th & Mentor, #44668; W. 14th & Rowley, #44780; W. 14th & Holmden, #44710; W. 14th & Starkweather, #s HOM-1A, HOM-1-32, Hom-1-7; W. 14th & Kenilworth, #HOM-1-29; Scranton & Starkweather, #44421; Scranton & Auburn, #44413; Scranton & Mentor, #44519; Scranton & Clark, #428134; Scranton & Valentine, #40681; Scranton & Brainard, #40609; Scranton & Holmden, #42814; Scranton & Castle, #42760. Said Wreaths shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a wreath will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said wreaths and said wreaths shall be removed promptly upon the expiration of said permit.

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

Passed November 13, 2000.  
Effective November 21, 2000.

**Ord. No. 2038-2000.**

**By Councilman Cintron.**

**An emergency ordinance to amend the Title and Section 1 of Ordinance No. 661-2000, passed May 1, 2000, relating to a grant agreement with the Clark Metro Development Corporation for their revitalization of the FL Thompson Building, 3401 West 25th Street to carry out the public purpose of creating or preserving jobs and employment opportunities to preserve the economic welfare of the State, through the use of Wards 14 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Title and Section 1 of Ordinance No. 661-2000, passed May 1, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Clark Metro Development Corporation for their revitalization of the FL Thompson Building, 3401 West 25th Street to carry out the public purpose of creating or preserving jobs and employment opportunities to preserve the economic welfare of the State, through the use of Wards 14 Neighborhood Equity Funds.

**Section 1.** That the Director of Economic Development is authorized to enter into a grant agreement with the Clark Metro Development Corporation for their revitalization of the FL Thompson Building, 3401 West 25th Street to carry out the public purpose of creating or preserving jobs and employment opportunities to preserve the economic welfare of the State, through the use of Wards 14 Neighborhood Equity Funds.

**Section 2.** That the existing Title and Section 1 of Ordinance No. 661-2000, passed May 1, 2000 are hereby repealed.

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

Passed November 13, 2000.  
Effective November 21, 2000.

**Ord. No. 2039-2000.**

**By Councilman Jackson.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Second Metropolitan Church to stretch banners on the corner of East 79th and Quincy Avenue, corner of Sherman and East 79th Street and in front of 2424 East 79th Street for the period from December 1, 2000 to January 5, 2001, inclusive, publicizing the Church's 75th Anniversary.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Second Metropolitan Church to install, maintain and remove banners on the corner of East 79th and Quincy Avenue (pole no. CPP 75463), corner of Sherman and East 79th Street (pole no. CPP 75426) and in front of 2424 East 79th Street (pole no. CPP NT), for the period from December 1, 2000 to January 5, 2001, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed November 13, 2000.  
Effective November 21, 2000.

**Ord. No. 2040-2000.**

**By Councilman Polensek.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Northeast Shores Development Corporation to hang thirty-two (32) Holiday Decorations on CPP utility poles (by separate permission) on various sites on E. 185th St., Waterloo Rd., & E. 156th St. for the period of November 22, 2000 to January 5, 2001, inclusive, to celebrate the Holiday Season.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Northeast Shores Development Corporation 15721 Waterloo Road, Suite 200, Cleveland, Ohio 44110; to install, maintain and remove thirty-

two (32) Holiday Decorations on Cleveland Public Power utility poles (by separate permission) on portions of the following streets and utility pole numbers: East 185th Street - West Side: 18482 Lake Shore, York Video, No Tag; 542 E. 185th, Jackshaw Lot, No Tag; 632 E. 185th, Beachland Hardware, No Tag; 694 E. 185th, Hoffman TV, #A8668; 726 E. 185th, Mr. Cars, #DOM31-22; 782 E. 185th, Harland Bldg., No Tag; 832 E. 185th, Julia Psychic, #A8775; 910 E. 185th, Sunoco, #DOM 31-7; 1010 E. 185th, House, #A7927; Waterloo Road - South Side: 15300 Waterloo, #A2773; 15322 Waterloo, #A2774; 15414 Waterloo, #A2775; 15430 Waterloo, #A2776; 15504 Waterloo, #A2777; 15504 Waterloo, #2778; 15602 Waterloo, #A2779; 15610 Waterloo, #A2780; SW Corner E. 157th, #A2781; 15704 Waterloo, #A2782; 15712 Waterloo, #A2783; 15800 Waterloo, #A2784; 15812 Waterloo, #A2785; 16006 Waterloo, #A4078; 2nd pole E. of E.160th, #A4077; 4th pole E. of E.160th, #A4075; E. 156th Street: 362 E. 156th St. (W), #A2672; 376 E. 156th St. (W), #A2673; 382 E. 156th St. (W), #A2715; 15812 Waterloo (S), #A2720; from the period of November 22, 2000 to January 5, 1998, inclusive. Said Holiday Decorations shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a Holiday Decoration will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said wreaths and said wreaths shall be removed promptly upon the expiration of said permit.

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

Passed November 13, 2000.  
Effective November 21, 2000.

#### **Ord. No. 2041-2000.**

**By Councilman Westbrook.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Councilman Jay Westbrook to hang twenty-four (24) Christmas Trees with lights on Detroit Avenue from the addresses of 10427 to 11650, using CPP utility poles (by separate permission) for the period of November 13, 2000 to January 31, 2001, inclusive, to celebrate the Holiday Season.

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Councilman Jay Westbrook, Ward #18, Room 220 Cleveland City Council, 601 Lakeside Avenue, Cleveland, Ohio 44114; to install, maintain and remove twenty-four (24) Christmas Trees with lights to be hung on Cleveland Public Power utility poles (by separate permission) from the period of November 13, 2000 to January 31, 2001, inclusive, at the following addresses and pole numbers: 10427 Detroit (N), #E7-5; 10603 Detroit (N), #E7-5; 10603 Detroit (S), #E8-18; W. 107th & Detroit (S) #E8-17; 10717 Detroit (S), #E8-16; W. 110th & Detroit (S), E8-15; 11000 Detroit (N) #E7-11; 11029 Detroit (S), #E8-14; 11100 Detroit (N), #E8-13; 11119 Detroit (S), #E8-12; 11200 Detroit (N), #E7-14; 11200 Detroit (S), #E7-27; 11210 Detroit (N), #E7-15; 11225 Detroit (S), E8-10; 11310 Detroit (N), E7-16; 11409 Detroit (S), E8-8; 11510 Detroit (N), #E7-18; 11600 Detroit (S), #E8-6; 11600 Detroit (N), #E7-20; 11603 Detroit (S), #E8-5; 11611 Detroit (S), #E8-4; 11616 Detroit (N), E7-22; 11645 Detroit (S), #E8-2; 11650 Detroit (N), #E7-24; and which Christmas Trees with lights in Ward #18 shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a wreath will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said Christmas Trees with lights, and 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 November 13, 2000.  
Effective November 21, 2000.

#### **Ord. No. 2042-2000.**

**By Councilman Westbrook.**

An emergency ordinance to amend the Title and Section 1 of Ordinance No. 1247-2000, passed July 17, 2000, relating to a grant agreement with Cudell Improvement, Inc. for their residential crime watch program, to carry out the public purpose of providing crime prevention training and crime watch programs in Ward 18, through the use of Ward 18 Neighborhood Equity Funds.

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

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

**Section 1.** the Title and Section 1 of Ordinance No. 1247-2000, passed July 17, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Cudell Improvement, Inc. for their residential crime watch program, to carry out the public purpose of providing crime prevention training and crime watch programs in Ward 18, through the use of Ward 18 Neighborhood Equity Funds.

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with Cudell Improvement, Inc. for their residential crime watch program, to carry out the public purpose of providing crime prevention training and crime watch programs in Ward 18, through the use of Ward 18 Neighborhood Equity Funds.

**Section 2.** That the existing Title and Section 1 of Ordinance No. 1247-2000, passed July 17, 2000 are hereby repealed.

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

Passed November 13, 2000.  
Effective November 21, 2000.

### **COUNCIL COMMITTEE MEETINGS**

**Monday, November 20, 2000**

**Public Parks, Property and Recreation Committee: 9:30 a.m.**—Present: Rybka, Chairman; Dolan, Vice Chairman; Brady, Britt, Johnson, Sweeney. Excused: White.

**Aviation and Transportation Committee: 11:00 a.m.**—Present: Dolan, Chairman; O'Malley, Vice Chairman; Jones, Robinson, Rybka, Sweeney. Excused: Patmon.

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

**Tuesday, November 21, 2000**

**Community & Economic Development Committee: 9:30 a.m.**—Present: Melena, Chairman; Lewis, Vice Chairman; Brady, Cimperman, Jackson, Jones. Excused: Cintron, Robinson, Willis.

**Legislation Committee: 1:30 p.m.**—Present: Lewis, Chairman; Jones, Vice Chairman; Brady, Coats, Gordon. Excused: Johnson, Westbrook.

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O—Ordinance; R—Resolution; F—File

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