

# The City Record

Official Publication of the City of Cleveland

November the Eighth, 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 – Dianta 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—Bailliff; Kenneth Thomas—Chief Probation Officer, Michelle L. Paris—Chief Magistrate

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 87

WEDNESDAY, NOVEMBER 8, 2000

No. 4535

## CITY COUNCIL

MONDAY, NOVEMBER 6, 2000

### The City Record

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**RUBY F. MOSS**

Clerk of Council  
216 City Hall

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

#### MONDAY

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

### THE CALENDAR

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

#### ORDINANCES

##### 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 nec-

essary 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 authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 2.** That the costs for such services herein contemplated shall 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.

##### 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 facil-

ity 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.

**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.

**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.

**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.

**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.

**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 Northwesterly (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 Northwesterly 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.

**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 Bellford Corporation to provide economic development assistance to partially finance the renovation of real property located at 5900 Maurice Avenue, Cleveland, Ohio 44127.

**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.

**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,

Whereas, this ordinance constitutes an emergency measure providing for 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 be bidders who agree to purchase discarded tires from the City of Cleveland 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.

**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 following 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.

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

**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.

**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.

**Ord. No. 1415-2000.**

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

An emergency ordinance authorizing the Director of Economic Development

opment 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.

**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.

**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.

**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 subject 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.

**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.

**Ord. No. 1680-2000.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of rock salt, for the Division of Streets, Department of Public Service.

**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.

**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.

**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.

**RESOLUTION**

**Res. No. 1417-2000.**

By Councilman Johnson (by request).

An emergency resolution declaring the intention to vacate a portion of Cormere Avenue S.E.

**BOARD OF CONTROL**

November 1, 2000

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 1, 2000, at 11:00 a.m. with Mayor White presiding.

Present: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Director Hudecek, Acting Director McCafferty, Directors 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. 742-00.**

By Director Sheffield-McClain.  
Whereas, Hermes Sports and Events wishes to promote and conduct the Turkey Trot race (the "Event") at Burke Lakefront Airport (the "Airport") on November 23, 2000; and

Whereas, the City is willing to grant Hermes Sports and Events 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 Hermes Sports and Events the privilege, permit and license to conduct the Event at Burke Lakefront Airport from 6:00 a.m. to 11:30 a.m. on November 23, 2000, and to use and occupy the lobby area for such period of time before the Event as necessary for preparation. Hermes Sports and Events shall pay the City a \$200.00 concession fee and shall reimburse the City for the cost of three (3) City employees to perform custodial and building maintenance work related to the conduct of the Event, and shall arrange for the operation of the Event and such other concessions as may be appropriate and incidental to the Event, and shall be responsible for providing traffic control, security and clean up.

Be it further resolved that the Agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director deems necessary to benefit and protect the public interest.

Yeas: Mayor White, Directors Brooks, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Director Hudecek, Acting Director McCafferty, Directors Warren, Alexander.

Nays: None.

Absent: Director Carter.

**Resolution No. 743-00.**

By Director Sheffield-McClain.

Whereas on October 25, 2000 this Board of Control adopted Resolution No. 736-00 approving the bid of North Bay Construction Inc. as lowest responsible for the public improvement of the Centralized Deicing Facility Phase IA for the Division of Cleveland Hopkins International Airport, Department Port Control; and

Whereas said Resolution No. 736-00 omitted identification of the alternate selected for award; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 736-00 adopted by this Board of Control on October 25, 2000 hereby is amended by inserting after the words "Phase 1A": "base bid and Alternate No. 3".

Be it further resolved that all other provisions of said Resolution No. 736-00 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Brooks, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Director Hudecek, Acting Director McCafferty, Directors Warren, Alexander.

Nays: None.

Absent: Director Carter.

**Resolution No. 744-00.**

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cyngier Systems Management, Inc. for an estimated quantity of three (3) natural gas overhead heaters and their installation, 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 20, 2000, pursuant to the authority of Ordinance No. 1198-2000, passed August 7, 2000, which on the basis of the estimated quantity would amount to Sixteen Thousand Seven Hundred Eleven and no/100 Dollars (\$16,711.00), (1% Net 1 Day), 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. 17974 which shall be certified against such contract in the sum of Sixteen Thousand Seven Hundred Eleven and no/100 Dollars (\$16,711.00).

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 Brooks, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Director Hudecek, Acting Director McCafferty, Directors Warren, Alexander.

Nays: None.

Absent: Director Carter.

**Resolution No. 745-00.**

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland, that all bids received on October 6, 2000, for an estimated quantity of cab/chassis with 30' aerial tower platform/utility line construction body for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 904-2000, passed by the Council of the City of Cleveland on August 7, 2000, be and the same are hereby rejected.

Yeas: Mayor White, Directors Brooks, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Director Hudecek, Acting Director McCafferty, Directors Warren, Alexander.

Nays: None.

Absent: Director Carter.

**Resolution No. 746-00.**

By Director Jackson.

Whereas, on August 23, 2000, this Board of Control adopted Resolution No. 582-00, authorizing the Director of Parks, Recreation and Properties to enter into a standard purchase contract with Gorman-Lavelle Corporation for tube bundles for heat exchangers; and

Whereas, in said resolution, the description of the item(s) to be purchased was incorrectly stated; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 582-00, adopted August 23, 2000, hereby is amended to substitute "labor and material to remove and replace tube bundles for two heat exchangers" for "tube bundles for heat exchangers", where appearing.

Be it further resolved that all other provisions of said Resolution No. 582-00 not hereby amended shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Brooks, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Director Hudecek, Acting Director McCafferty, Directors Warren, Alexander.

Nays: None.

Absent: Director Carter.

**Resolution No. 747-00.**

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to Ordinance No. 1056-99 passed by the Council of the City of Cleveland on June 14, 1999 and Ordinance No. 134-2000 passed by the Council of the City of Cleveland on June 21, 2000, the firm of Morrison Knudsen Corporation, is hereby selected upon the nomination of the Director of Parks, Recreation and Properties from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Parks, Recreation and Properties as the firm of construction managers to be employed by contract for the purpose of supplementing the regularly

employed staff of several departments of the City in order to provide the construction management services necessary for the renovation of the West and East Side Markets, and for the Streetscape improvement to the West Side Market District.

Be it further resolved, that the Director of Parks, Recreation and Properties is hereby authorized to enter into a written contract with Morrison Knudsen Corporation, based upon its proposal dated July 7, 2000 and amended July 21, 2000, which contract shall be prepared by the Director of Law and shall include such additional provisions as he deems necessary to benefit and protect the public interest.

The fees for services to be performed under the contract authorized hereby shall not exceed Three Hundred Twenty Thousand Three Hundred Eleven Dollars and No/Dollars (\$320,311.00). Reimbursable expenses shall not exceed Fifty One Thousand and No/100 Dollars (\$51,000.00). The total compensation to the Construction Manager shall not exceed Three Hundred Seventy One Thousand Three Hundred Eleven Dollars and No/100 Dollars (\$371,311.00).

Be it further resolved, that the employment of the following sub-consultants by Morrison Knudsen Corporation is hereby approved:

Future Unlimited  
FBE — 5% — \$18,565

Yeas: Mayor White, Directors Brooks, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Director Hudecek, Acting Director McCafferty, Directors Warren, Alexander.

Nays: None.

Absent: Director Carter.

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, NOVEMBER 20, 2000**

**9:30 A.M.**

**Calendar No. 00-297:** 3311 Perkins Avenue (Ward 13)

Applewood Centers, Inc., owner c/o Glen Murray, agent, appeals to change the use of an existing 86' x 66' three-story office building with an existing 25' x 52' one-story building attached to the rear into a private school for 150 students, ages ranging from 14 to 18 years, and 12 staff members all situated on an approximate 128' x 100' corner parcel located in a Semi-Industry District on the northwest corner of East 34th Street and Perkins Avenue at 3311 Perkins Avenue; said change of use being contrary to the Residential District Requirements of Section 337.08(e)(2) and the Industrial District Requirements of Section 345.03 where public or private schools permitted only if located 15' away from any adjoining premises in a residence district and the proposed school use is abutting residential district premises and contrary to the Off-Street Parking and Loading Requirements of Section 349.05(a) where no parking shall be within 10' of a wall of residential building or structure and 1 parking space is within 3' of the neighboring residence and Section 349.07(c) where the driveway used to provide accessory off-street parking spaces shall be located and arranged to minimize traffic congestion and the proposed parking configuration requires backing into Perkins Avenue to exit and Section 349.08 where parking spaces must be screened from adjoining lots in a residence district, or lots that contain dwelling units, by an opaque wall or fence or densely planted 4' wide landscaped strip, and contrary to the Landscaping and Screening Requirements where an 8' wide landscaped transition strip providing 75% year round opacity is required along the rear of the property line abutting the residential district as stated in Section 352.08, 352.09 and 352.10 of the Codified Ordinances.

**Calendar No. 00-299:** 4216 Pearl Road (Ward 15)

St. Luke UCC c/o Mel Grosser appeals to expand an existing 89' x 89' two-story school from 90 students and 7 staff members to 142 students and 11 staff members situated on an approximate 142' x 146' corner parcel located in a General Retail District on the west side of Pearl Road at 4216 Pearl Road; said expansion being contrary to the Off-Street Parking and Loading Requirements where 0 parking spaces are proposed and 2 parking spaces are required for staff and 5 are required for student patrons for a total of 7 parking spaces as stated in Section 349.04(c) of the Codified Ordinances.

**Calendar No. 00-300:** 13919-13921 St. Clair Avenue (Ward 10)

Lawrence Hunt, owner, appeals to construct a 36' x 120' one-story self-serve auto laundry situated on an approximate 120' x 135' irregular shaped corner parcel located in a Local Retail Business District on

the west side of St. Clair Avenue at 13919-13921 St. Clair Avenue; said construction being contrary to the Business District Requirements of Section 343.01 where an auto laundry is not permitted in a Local Retail Business District but first permitted in a General Retail Business District if located 100' away from a residential district and contrary to the Business District Requirements of Section 343.01 where an auto laundry is not permitted in a Local Retail Business District but first permitted in a General Retail Business District if located 100' away from a residential district and contrary to the Off-Street Parking and Loading Requirements of Section 349.04 where 3 parking spaces are required and 0 are proposed and Section 349.07(a)(b) and (c) where access maintenance shall be paved and drained, parking spaces shall have wheel bumper guards and the maximum width of driveway shall be 30' and 110' is proposed and contrary to the Yards and Courts Requirements where the building setback line is established at 30' and no building is allowed in the setback area as stated in Section 357.05(b)(2) of the Codified Ordinances.

**Calendar No. 00-301:** 1853-1855 Man-  
nering Road (Ward 10)

Emma Caldwell, owner, appeals to change the use of an existing two dwelling unit into three dwelling units situated on a 40' x 140' parcel located in a Two-Family District on the north side of Man-  
nering Road at 1853-1855 Man-  
nering Road; said change of use being contrary to the Residential District Requirements of Section 337.03(a) where a three dwelling unit use is not permitted in a Two-Family District and contrary to the Area Requirements of Section 355.04 where the gross floor area of a building shall not exceed one-half of the total lot area and the gross floor area is 7,200 sq. ft. and one-half of the total lot area is 2,800 sq. ft. and contrary to the Yards and Courts Requirements where a 3' interior side yard setback is provided at the southeasterly property line and 8' is required as stated in Section 357.09(b)(2)C of the Codified Ordinances.

**Calendar No. 00-302:** 9333 Miles  
Avenue (Ward 2)

Jesus Christ Church c/o Reverend President Wilson, owner, appeals to change the use of an existing 216' x 82' one-story office building into a church and day care facility situated on an irregular shaped acreage parcel and located in a Two-Family District on the north side of Miles Avenue at 9333 Miles Avenue; said change of use being contrary to the Residential District Requirements where, by reference, as regulated in a One-Family District, Section 337.02(e)(1) and (3)(c), the Board of Zoning Appeals approval is required and a Church is required to be 15' away from a residential district and a day care is required to be 30' away from a residential district as stated in Section 337.03 of the Codified Ordinances.

**Calendar No. 00-304:** 4269 West 137th  
Street (Ward 20)

Adam A. Licht, owner, and Beth Gangidine, tenant, appeal to install

approximately 135 linear feet of 6' high wooden fencing to the rear of an irregular shaped corner parcel located in a One-Family District on the southeast corner of Harold Avenue and West 137th Street at 4269 West 137th Street; said installation being contrary to the Yards and Courts Requirements where the maximum height of fence allowed in the setback area is 4'-6" and 6' is proposed and finish side of fencing shall face adjoining properties or street as stated in Section 357.13(b)(3) of the Codified Ordinances.

**Calendar No. 00-313:** 2197 East 78th  
Street (Ward 5)

Chariclea Springer, owner, and Irv Epstein, agent, appeal to construct a 30' x 20' three car garage to the north of an existing two dwelling unit house situated on a 99' x 100' parcel located in a Two-Family District on the east side of East 78th Street at 2197 East 78th Street; said construction being contrary to the Residential District Requirements where the proposed garage is located within the required 35' setback in the front half of the parcel and an accessory building must be located in the rear half of the parcel or 50' back as stated in Section 337.23(a) of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

### REPORT OF THE BOARD OF ZONING APPEALS

#### MONDAY, NOVEMBER 6, 2000

At the meeting of the Board of Zoning Appeals on Monday, November 6, 2000, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 00-268:** 2189 West 6th  
Street  
Bridge Avenue Development Ltd., owner, appealed to construct a 19' x 40' three-story one family dwelling unit and a 20' x 20' detached garage on a 25' x 100' parcel in a B-1-Multi-Family District.

**Calendar No. 00-269:** 2193 West 6th  
Street  
Bridge Avenue Development Ltd., owner, appealed to construct a 19' x 40' three-story one family dwelling unit and a 20' x 20' detached garage on a 25' x 100' parcel in a B-1-Multi-Family District.

**Calendar No. 00-270:** 2199 West 6th  
Street  
Bridge Avenue Development Ltd., owner, appealed to construct a 19' x 40' three-story one family dwelling unit and a 20' x 20' detached garage on a 25' x 100' parcel in a B-1-Multi-Family District.

**Calendar No. 00-271:** 613 Literary  
Avenue  
Bridge Avenue Development Ltd., owner, appealed to construct a 19' x 40' three-story one family dwelling unit and a 20' x 20' detached garage on a 25' x 100' parcel in a B-1-Multi-Family District.

The following appeals were **Denied**:

**Calendar No. 00-291:** Appeal of John E. Tsambouneries  
John E. Tsambouneries appealed from the refusal to issue a Peddlers Temporary Sidewalk Permit for the location at East 89th and Euclid Avenue.

**Calendar No. 00-292:** Appeal of John E. Tsambouneries  
John E. Tsambouneries appealed from the refusal to issue a Peddlers Temporary Sidewalk Permit for the location at East 100th between Euclid and Carnegie Avenues.

**Calendar No. 00-296:** 4033 West 157th  
Street  
John Kimble, owner, and Craig L. Madsen, agent, appealed to remove an existing 4' x 5' front porch of a one family dwelling and to replace it with a 15' x 10' open front porch in a Two-Family District.

**Calendar No. 00-319:** Appeal of John L. Dimarhos, d.b.a. Johnny's Hot Dogs  
John L. Dimarhos, d.b.a. Johnny's Hot Dogs appealed from the refusal of a Peddlers Temporary Sidewalk Permit for the area at Wade Oval near Jephtha Drive.

The following appeal was **Withdrawn**:

**Calendar No. 00-315:** Dean Bates, d.b.a. Adelpia Foods 5901 Franklin Boulevard  
Dean Bates, d.b.a. Adelpia Foods appealed from the suspension of a Food Handlers License.

The following appeals were **Postponed**:

**Calendar No. 00-295:** Appeal of Tony Minko-Hack License Suspension postponed to November 20, 2000.

**Calendar No. 00-253:** 3981 Rocky River Drive postponed to December 11, 2000.

**Calendar No. 00-256:** 5007-5009 Fleet Avenue postponed to December 18, 2000.

**On Monday, November 6, 2000, in Executive Session:**

The following appeals were heard on Monday, October 30, 2000 and said decisions were approved and adopted by the Board on November 6, 2000.

The following appeals were **Approved**:

**Calendar No. 00-293:** 1000-1002 East 66th Place  
General Metal Heat Treating Company, owner, and Nancy Borchert, agent, appealed to install 46 linear feet of 8' high chain link fencing to the east and south of a 36' x 117' parcel in a Local Retail District.

**Calendar No. 00-251:** 1925-1933 Columbus Road  
Irishtown Bend Development Joint Venture c/o Progressive Urban Real Estate c/o Keith Brown and Douglas Moltz, appealed to construct a 50' x 80' four-story townhouse on an 87' x 147' parcel in a General Industry District.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD  
OF BUILDING STANDARDS  
AND BUILDING APPEALS**

Re: Report of the Meeting of  
October 25, 2000

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

\* \* \*

**Docket L-19-00.**

RE: Appeal of Alonza P. Yoney, from a LETTER OF DENIAL FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated October 2, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit Mr. Yoney to renew his ELECTRICAL CONTRACTOR LICENSE without retaking the test and without payment of the late filing fees. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders. Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

\* \* \*

**Docket L-20-00.**

RE: Appeal of James Armstrong, from a LETTER OF DENIAL FOR RENEWAL OF JOURNEYMAN PLUMBER LICENSE of the Commissioner of the Division of Assessments & Licenses dated September 25, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit Mr. Armstrong to renew his JOURNEYMAN PLUMBER LICENSE without retaking the test and without payment of the late filing fees. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

\* \* \*

**Docket A-40-00.**

RE: Appeal of GMS Management Co., Inc. & Stuart J. Graines, Owner of the Property located on the premises known as 2720 Van Aken Boulevard from a NOTICE OF VIOLATION/ELECTRICAL of the Commissioner of the Division of Building and Housing dated March 1, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date; the docket will be rescheduled for November 8, 2000.

\* \* \*

**Docket A-133-00.**

RE: Appeal of Cleveland Metallic Stearate Co., Owner of the Property located on the premises known as

7710 Harvard Avenue from a NOTICE OF VIOLATION/FIRE CODE of the Chief of the Division of Fire dated July 13, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-133-00 has been WITHDRAWN at the request of the appellant.

\* \* \*

**Docket A-134-00.**

RE: Appeal of Mary F. Coyne, Owner of the Semi-Industry, Vacant Parking Lot, located on the premises known as 1643 Hamilton Avenue from a NOTICE OF VIOLATION/VACATE UNAUTHORIZED USE-NO CERTIFICATE OF OCCUPANCY of the Commissioner of the Division of Building and Housing dated July 12, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-134-00 has been WITHDRAWN at the request of the appellant.

\* \* \*

**Docket A-135-00.**

RE: Appeal of Richard J. Brincka, Owner of the Two Family/Two & One-half Story Frame Residential Property, located on the premises known as 3147 West 94th Street from a VACATE ORDER/PLUMBING/HVAC/30 DAY CONDEMNATION ORDER/MS/30 DAY CONDEMNATION GARAGE of the Commissioner of the Division of Building and Housing dated July 19, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 3147 West 94th Street to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

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

\* \* \*

**Docket A-142-00.**

RE: Appeal of Michael S. Weiss, Owner of the Semi-Industry Auto Wrecking Yard located on the premises known as 3789 Ridge Road from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated July 25, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-142-00 has been POSTPONED; to be rescheduled for November 22, 2000.

\* \* \*

**Docket A-143-00.**

RE: Appeal of Michael S. Weiss, Owner of the One Story Masonry, Semi-Industry Manufacturing Factory located on the premises known as 3819 Ridge Road from a NOTICE OF VIOLATION/COMMERCIAL MAIN-

TENANCE of the Commissioner of the Division of Building and Housing dated July 25, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-143-00 has been POSTPONED; to be rescheduled for November 22, 2000.

\* \* \*

**Docket A-144-00.**

RE: Appeal of Michael S. Weiss, Owner of the Semi-Industry Auto Wrecking Yard located on the premises known as 3805 Ridge Road from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated July 25, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-144-00 has been POSTPONED; to be rescheduled for November 22, 2000.

\* \* \*

**Docket A-147-00.**

RE: Appeal of Ohio By Products Inc., Owner of the Property located on the premises known as 1002 Belt Line Avenue from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated August 10, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-147-00 has been WITHDRAWN at the request of the appellant.

\* \* \*

**Docket A-149-00.**

RE: Appeal of National City Mortgage Co., Owner of the Two Family Dwelling Residential Property located on the premises known as 3875 West 18th Street from a CONDEMNATION ORDER/GARAGE of the Commissioner of the Division of Building and Housing dated May 22, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER/GARAGE and to grant the Appellant three (3) months in which to obtain permits and abate the violations; the property must remain boarded and secured and the grounds debris free during that period of time Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-153-00.**

RE: Appeal of Bridge Avenue Development, Ltd., Owner of the Three Story Multi-Family Property located on the premises known as 613 Literary Road from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated August 25,

2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the residential unit to be constructed as designed without a second means of egress from the third level. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

\* \* \*

**Docket A-154-00.**

RE: Appeal of Bridge Avenue Development, Ltd., Owner of the Three Story Multi-Family Property located on the premises known as 2199 West 6th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated August 25, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the residential unit to be constructed as designed without a second means of egress from the third level. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

\* \* \*

**Docket A-155-00.**

RE: Appeal of Bridge Avenue Development, Ltd., Owner of the Three Story Multi-Family Property located on the premises known as 2189 West 6th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated August 25, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the residential unit to be constructed as designed without a second means of egress from the third level. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

\* \* \*

**Docket A-156-00.**

RE: Appeal of Bridge Avenue Development, Ltd., Owner of the Three Story Multi-Family Property located on the premises known as 2193 West 6th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated August 25, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the residential unit to be constructed as

designed without a second means of egress from the third level. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

\* \* \*

**Docket A-168-00.**

RE: Appeal of Alamar Industries, Inc., Owner of the Property located on the premises known as 1971 West 85th Street from an ORDER TO CEASE OPERATIONS/FIRE CODE of the Commissioner of the Division of Building and Housing dated October 10, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-168-00 has been POSTPONED; to be rescheduled for December 6, 2000.

\* \* \*

**Docket A-171-00.**

RE: Appeal of Cleveland Municipal School District/Cleveland School of the Arts, Owner of the Property located on the premises known as 2064 Stearns Road from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated October 11, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the requirement for enclosing the central stair with the provision that the second stair be constructed and that a code compliant fire alarm system be installed throughout the building and that the second stair be opened to all floors. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Saunders, Sullivan. Nays: Mr. Williams. Absent: Mr. Bowes.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Sullivan and seconded by Mr. Williams, for Approval and Adoption of the Resolution as presented by the Secretary for the following Docket, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

A-115-00—Iglesia Del Salvador.

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

\* \* \*

Separate motions were entered by Mr. Saunders and seconded by Mr. Sullivan, for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

A-119-00—Maliga Properties Limited Partnership.

A-141-00—Mortgage Electronic Registration Systems, Inc.

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

\* \* \*

Separate motions were entered by Mr. Saunders and seconded by Mr. Williams, for Approval and Adoption of the Resolution as presented by the Secretary for the following Docket, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

A-131-00—Dale Edwards.

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

\* \* \*

**APPROVAL OF AMENDED RESOLUTION:**

**Docket A-160-00 — The Salvation Army — 2100 Lakeside Avenue:**

**FROM:** . . . to grant the variance to increase the occupancy to 375 occupants with proper signage posted, and to grant the variance for twenty-five (25) showers, two (2) lavatories, and one (1) drinking fountain, noting the staggered occupancy usage . . .

**TO:** . . . to grant the variance to increase the occupancy to 375 occupants with proper signage posted, and to grant the variance for a non-complying deficit of twenty-five (25) showers, two (2) lavatories, and one (1) drinking fountain, noting the staggered occupancy usage.

Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

\* \* \*

**APPROVAL OF MINUTES:**

Separate motions were entered by Mr. Bowes and seconded by Mr. Sullivan, for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

October 25, 2000

Yeas: Denk, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

JOSEPH F. DENK,  
CHAIRMAN

**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."

**THURSDAY, NOVEMBER 16, 2000**

**Work Stations**, for the Division of Environment, Department of Public Health, as authorized by Ordinance No. 476-2000, passed by the Council of the City of Cleveland, May 1, 2000.

November 1, 2000 and November 8, 2000

**WEDNESDAY, NOVEMBER 22, 2000**

**Thermal Imaging Cameras**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1005-2000, passed by the Council of the City of Cleveland, July 17, 2000.

**Office Furniture**, for the Department of Port Control, as authorized by Ordinance No. 412-2000, passed by the Council of the City of Cleveland, June 12, 2000.

**Repair of Water Mains and Appurtenances (Areas A and B)**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1415-99, passed by

the Council of the City of Cleveland, October 4, 1999.

**A PRE-BID MEETING WILL BE HELD ON FRIDAY, NOVEMBER 13, 2000, 10:00 A.M. AT THE CARL B. STOKES BUILDING, 1201 LAKESIDE AVENUE, ENGINEERING CONFERENCE ROOM, 5TH FLOOR, CLEVELAND, OHIO 44114.**

November 1, 2000 and November 8, 2000

**WEDNESDAY, NOVEMBER 22, 2000**

**Installation of New Emission Exhaust Systems at Various City Fire Stations**, for the Department of Public Safety, as authorized by Ordinance No. 927-2000.

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

**Office Supplies**, for the various Divisions of City Government, Department of Finance.

**A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, NOVEMBER 15, 2000, 10:00 A.M. IN ROOM 517 OF CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. ATTENDANCE IS MANDATORY.**

**Pneumococcal Vaccine**, for the Division of Health, Department of Public Health, as authorized by Ordinance No. 646-2000, passed by the Council of the City of Cleveland, June 12, 2000.

**Two (2) X-Ray Fluorescent Lead Analyzers**, for the Department of Community Development, as authorized by Ordinance No. 1210-2000, passed by the Council of the City of Cleveland, August 7, 2000.

November 8, 2000 and November 15, 2000

**WEDNESDAY, NOVEMBER 29, 2000**

**Flooring for the Halloran Park Skating Facility**, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1748-99, passed by the Council of the City of Cleveland, April 17, 2000.

**Gerber Edge Computer System with Upgrades**, for the Division of Traffic Engineering, Department of Public Safety, as authorized by Ordinance No. 1005-2000, passed by the Council of the City of Cleveland, July 17, 2000.

**Service and Maintenance of Elevators**, for the Department of Public Safety, as authorized by Ordinance No. 834-2000, passed by the Council of the City of Cleveland, June 12, 2000.

**Electronic Risk Analysis Management System**, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1656-99, passed by the Council of the City of Cleveland, December 14, 2000.

November 8, 2000 and November 15, 2000

**THURSDAY, NOVEMBER 30, 2000**

**Snyder Avenue Area Sewer Replacement**, for the Division of Water Pollution Control, as authorized by Ordinance No. 2157-99.

**A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON MONDAY, NOVEMBER 20, 2000, AT THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.**

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

November 8, 2000 and November 15, 2000

**FRIDAY, DECEMBER 1, 2000**

**Biological and Chemical Testing Supplies, Apparatus and Appurtenances — Item 1 (Secondary Turbidity Standards)**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.28 of the Codified Ordinances of the City of Cleveland, 1976.

**One Hammer Truck Flatbed Body**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 904-2000, passed by the Council of the City of Cleveland, August 7, 2000.

**Five (5) Dump Bodies**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1058-99, passed by the Council of the City of Cleveland, June 14, 1999.

**One (1) Cab and Chassis with 30' Aerial Tower Platform/Utility Line Construction Body**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 904-2000, passed by the Council of the City of Cleveland, August 7, 2000.

November 8, 2000 and November 15, 2000

**Request for Qualifications (RFQ):  
WBS No. M246 — Electrical Vaults  
5 and 7 Project**

Interested firms may obtain Qualification Packages beginning November 10, 2000 by going to:

[www.clevelandairport.com](http://www.clevelandairport.com)

Submit Questions (prior to the Pre-Qualification meeting) via the website or e-mail at:

[proposal@clevelandairport.com](mailto:proposal@clevelandairport.com)

SUBMITTAL DUE DATE:

THURSDAY, DECEMBER 7, 2000  
AT 12:00 O'CLOCK NOON

PRE-QUALIFICATION MEETING:

THURSDAY, NOVEMBER 16, 2000  
10:00 a.m.  
Program Management  
Team Office  
19501 Five Points Road  
Cleveland, Ohio 44135

For Further Information Contact:

Denise Hale, M-F 8 A.M. to 5 P.M.  
(216) 676-9699 x 103  
(216) 676-9778 (fax)

November 8, 2000 and November 15, 2000

**Request for Qualifications (RFQ)**

The City of Cleveland is requesting qualifications from noise monitoring firms 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 measure interior sound levels in the project residences prior to construction and post construction.

Sealed responses to Request for Qualifications will be received by the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3193 until 4:00 p.m. local time **November 27, 2000**.

Request for Qualifications documents may be obtained on or after November 3, 2000 at the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3193.

Pre-Qualification Meeting:  
Wednesday, November 15, 2000  
at 8:30 a.m.  
Department of Port Control  
Main Conference Room, 2nd Floor  
5300 Riverside Drive  
Cleveland, Ohio 44135  
Interviews: Optional

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 8, 2000 and November 15, 2000

**Request for Qualifications (RFQ)**

The City of Cleveland is requesting qualifications from Architectural/Engineering firms 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 provide treatment recommendations, design and construction phase services for the specific purpose of reduction of noise levels inside these structures.

Sealed responses to Request for Qualifications will be received by the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3193 until 4:00 p.m. local time **November 21, 2000**.

Request for Qualifications documents may be obtained on or after November 3, 2000 at the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3193.

Pre-Qualification Meeting:  
Wednesday, November 15, 2000  
at 2:00 p.m.  
Location: TBA  
Interviews: December 1, 2000

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 8, 2000 and November 15, 2000

**Request for Qualifications (RFQ)**

The City of Cleveland is requesting qualifications from Architectural/Engineering firms 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 provide treatment recommendations, design and construction phase services for the specific purpose of reduction of noise levels inside these structures.

Sealed responses to Request for Qualifications will be received by the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3193 until 4:00 p.m. local time **November 21, 2000**.

Request for Qualifications documents may be obtained on or after November 3, 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 8, 2000 and November 15, 2000

**ADOPTED RESOLUTIONS  
AND ORDINANCES**

**Res. No. 1730-2000.**

**By Councilman Lewis.**

**An emergency resolution urging the Cleveland Municipal School District, its Chief Executive Officer and Mayor White to reopen Aviation High School and to work with the Tuskegee Airmen to utilize the school solely for aviation training and support services.**

Whereas, Benjamin Davis High School, also known as Aviation High School, has not been utilized by the Cleveland Municipal School District since 1995 due to the school system's continuing financial crises; and

Whereas, the 99th Fighter Squadron, today known as the Tuskegee Airmen, fought with distinction during World War II through the Mediterranean and European theaters; and

Whereas, the successors of these distinguished pilots can provide the support and resources necessary to restore Aviation High School as a source of aviation training for Cleveland school children; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that a restored Aviation High School can be a source of valuable training and future jobs for Cleveland's youth; now, therefore,

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

**Section 1.** That this Council urges the Cleveland Municipal School District, its Chief Executive Officer and Mayor White to reopen Aviation High School and to work with the Tuskegee Airmen to utilize the school solely for aviation training and support services.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to the Cleveland Municipal School District, its Chief Executive Officer and to the members of the Board of Education of the Cleveland public schools.

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

Adopted October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Res. No. 1890-2000.**

**By Councilman Cimperman.**

**An emergency resolution withdrawing objection to the renewal of a D2, D3, D3A and D6 Liquor Permit to 1204 Old River Road Bar 3, and repealing Res. No. 1524-2000 objecting to said renewal.**

Whereas, this Council objected to the renewal of a D2, D3, D3A and D6 Liquor Permit to 1204 Old River Road Bar 3 by Res. No. 1524-2000 adopted by Council on August 28, 2000; and

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

Whereas, this resolution constitutes an emergency measure 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 objection to the renewal of a D2, D3, D3A and D6 Liquor Permit to 1204 Old River Road Bar 3, be and the same is hereby withdrawn and Res. No. 1524-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 23, 2000.

Effective November 1, 2000.

**Res. No. 1891-2000.**

**By Councilman Cimperman**

**An emergency resolution withdrawing objection to the transfer of ownership of a D5 and D6 Liquor Permit to 1946 St. Clair Avenue & Patio, and repealing Res. No. 486-2000 objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to 1946 St. Clair Avenue & Patio by Res. No. 486-2000 adopted by Council on March 27, 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 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 objection to the transfer of ownership of a D5 and D6 Liquor Permit to 1946 St. Clair Avenue & Patio, be and the same is hereby withdrawn and Res. No. 486-2000, 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 October 23, 2000.

Effective November 1, 2000.

**Res. No. 1892-2000.**

**By Councilman Cintron.**

**An emergency resolution supporting a new legalization program to allow undocumented immigrants to attain legal residency in the United States and urging the Congressional delegation for Cleveland to support such changes in immigration policy.**

Whereas, the City of Cleveland, along with many of the great cities in the United States, were founded and built through the hard work and efforts of immigrants who brought many traditions, skills and abilities to this country; and

Whereas, a new generation of immigrants continue to contribute to the enrichment of America; and

Whereas, there are an estimated six million immigrants in the United States that are not yet citizens, a majority of whom have been here for many years and are hard working and devoted to raising their families; and

Whereas, studies have indicated that immigrants contribute about \$10 billion each year to the United States economy; and

Whereas, the current immigration system has exposed a whole class of citizens to discrimination in employment because existing laws force them to remain undocumented workers; and

Whereas, the U.S. Conference and National Conference of Catholic Bishops, along with the National AFL-CIO, released a statement endorsing a coalition to encourage a new policy program for undocumented workers; and

Whereas, this Council of the Cleveland joins with organized labor and members of the religious community in recognizing the value of these immigrant workers and the need to bring an end to their exploitation; and

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

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

**Section 1.** That this Council of the City of Cleveland supports a new legalization program to allow undocumented immigrants to attain legal residency in the United States and urges the Congressional delegation for Cleveland to support such changes in immigration policy.

**Section 2.** That the Clerk of Council is hereby requested to transmit a copy of this resolution to members of the Congressional delegation for Cleveland.

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

Adopted October 23, 2000.

Effective November 1, 2000.

**Res. No. 1893-2000.**

**By Councilman Johnson**

**An emergency resolution withdrawing objection to the transfer of ownership and location of a C1 and C2 Liquor Permit to 3249 East 143rd Street, and repealing Res. No. 439-2000 objecting to said transfer of ownership and location.**

Whereas, this Council objected to the transfer of ownership and location of a C1 and C2 Liquor Permit to 3249 East 143rd Street by Res. No. 439-2000 objecting to said transfer of ownership and location adopted by Council on March 20, 2000; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and location and consents to said transfer of ownership and location; 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 objection to the transfer of ownership and location of a C1 and C2 Liquor Permit to 3249 East 143rd Street, be and the same is hereby withdrawn and Res. No. 439-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership and location.

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

Adopted October 23, 2000.

Effective November 1, 2000, without the signature of the Mayor.

**Res. No. 1894-2000.**

**By Councilman Patmon.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit to 7901 St. Clair Avenue, 1st Fl. & Bsm't., and repealing Res. No. 787-2000 objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit to 7901 St. Clair Avenue, 1st Fl. & Bsm't. by Res. No. 787-2000 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 D2, D2X, D3 and D3A Liquor Permit to 7901 St. Clair Avenue, 1st Fl. & Bsm't., be and the same is hereby withdrawn and Res. No. 787-2000, con-



taining 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 October 23, 2000.  
Effective November 1, 2000.

**Res. No. 1895-2000.**  
**By Councilman Polensek.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 17318 Lakeshore Blvd., and repealing Res. No. 1272-2000 objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 17318 Lakeshore Blvd. by Res. No. 1272-2000 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; and

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

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

**Section 1.** That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 17318 Lakeshore Blvd., be and the same is hereby withdrawn and Res. No. 1272-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership.

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

Adopted October 23, 2000.  
Effective November 1, 2000.

**Res. No. 1896-2000.**  
**By Councilman Polensek.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 15428 Lakeshore Blvd., and repealing Res. No. 672-2000 objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 15428 Lakeshore Blvd. by Res. No. 672-2000 adopted by Council on May 1, 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 October 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 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 objection to the transfer of ownership of a C1, C2, D6 Liquor Permit to 15428 Lakeshore Blvd. be and the same is hereby withdrawn and Res. No. 672-2000, 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 October 23, 2000.  
Effective November 1, 2000.

**Res. No. 1897-2000.**  
**By Councilman Westbrook.**  
**An emergency resolution objecting to the stock transfer of a D1, D2, D3, D3A and D6 Liquor Permit to 10510-12 Madison Avenue, 1st Fl. & Bsmt.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a D1, D2, D3, D3A and D6 Liquor Permit to Permit No. 82026070005, 16800 Lorain Avenue Inc., 10510-12 Madison Avenue, 1st Fl. & Bsmt.; 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 D1, D2, D3, D3A and D6 Liquor Permit to Permit No. 82026070005, 16800 Lorain Avenue Inc., 10510-12 Madison Avenue, 1st Fl. & Bsmt. 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 October 23, 2000.  
Effective November 1, 2000.

**Res. No. 1979-2000.**  
**By Councilman Brady.**  
**An emergency resolution withdrawing objection to the renewal of a C1, C2 and D6 Liquor Permit to 11026 Lorain Avenue, and repealing Res. No. 1324-2000 objecting to said renewal.**

Whereas, this Council objected to the renewal of a C1, C2 and D6 Liquor Permit to 11026 Lorain Avenue by Res. No. 1324-2000 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 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 objection to the renewal of a C1, C2 and D6 Liquor Permit to 11026 Lorain Avenue, be and the same is hereby withdrawn and Res. No. 1324-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal therefore.

**Section 3.** That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and

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

Adopted October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Res. No. 1980-2000.**

**By Councilman Cimperman.**

**An emergency resolution withdrawing objection to the stock transfer of a D5 and D6 Liquor Permit to 7114 St. Clair Avenue, 1st Fl., and repealing Res. No. 75-2000 objecting to said stock transfer.**

Whereas, this Council objected to the stock transfer of a D5 and D6 Liquor Permit to 7114 St. Clair Avenue, 1st Fl., by Res. No. 75-2000 adopted by Council on January 10, 2000; and

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

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

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

**Section 1.** That objection to the stock transfer of a D5 and D6 Liquor Permit to 7114 St. Clair Avenue, 1st Fl., be and the same is hereby withdrawn and Res. No. 75-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate stock transfer thereof.

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

Adopted October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Res. No. 1981-2000.**

**By Councilman Dolan.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit to 14910 Lorain Avenue, and repealing Res. No. 1533-2000 objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 14910 Lorain Avenue by Res. No. 1533-2000 adopted by Council on August 28, 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 C1 Liquor Permit to 14910 Lorain Avenue, be and the same is hereby withdrawn and Res. No. 1533-2000, 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 October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Res. No. 1982-2000.**

**By Councilman Johnson.**

**An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 13130 Shaker Blvd., and repealing Res. No. 1537-2000 objecting to said issuance.**

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 13130 Shaker Blvd. by Res. No. 1537-2000 adopted by Council on August 28, 2000; and

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

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

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

**Section 1.** That objection to the issuance of a C1 Liquor Permit to 13130 Shaker Blvd., be and the same is hereby withdrawn and Res. No. 1537-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

Adopted October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Res. No. 1983-2000.**

**By Councilman Rybka.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit to 3876 East 65th Street, 1st Fl. & Bsmt., and repealing Res. No. 1703-2000 objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 3876 East 65th Street, 1st Fl. & Bsmt. by Res. No. 1703-2000 adopted by Council on September 25, 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 D5 Liquor Permit to 3876 East 65th Street, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1703-2000, 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 October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Res. No. 1984-2000.**

**By Councilman Sweeney.**

**An emergency resolution objecting to the issuance a C1 Liquor Permit to 14930 Puritas 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. 3274905; Jerome J. Gorczyca, DBA Puritas Shell, 14930 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 issuance of a C1 Liquor Permit to Permit No. 3274905 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 October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Ord. No. 2040-99.  
By Mayor White.**

**An emergency ordinance to amend Sections 173.15, 173.16, 173.17, 173.18, 173.19 and 173.65 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances; and to enact said codified ordinances by enacting new Section 173.13 and 173.14 thereof relating to compensation for members of various City boards and commissions.**

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

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

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

Section 173.15, as amended by Ordinance No. 1298-84, passed June 11, 1984,

Sections 173.16, 173.17, 173.18 and 173.19 as amended by Ordinance No. 1759-A-76, passed January 31, 1977,

Section 173.65, as amended by Ordinance No. 846-77, passed May 2, 1977

are hereby amended to read, respectively, as follows:

**Section 173.15 Civil Service Commission**

The salaries of the members of the Civil Service Commission shall be seven thousand eight hundred twenty dollars (\$7,820.00) per annum, except that the member designated by the Commission as President shall receive additional compensation of five hundred seventy-five dollars (\$575.00) per annum. The member designated by the Mayor as the Secretary of the Commission shall receive additional compensation in an amount to be determined by the Mayor within the schedule of compensation established by the Council for that position.

**Section 173.16 Board of Zoning Appeals**

The salaries of the members of the Board of Zoning Appeals shall be seven thousand eight hundred twenty dollars (\$7,820.00) per annum, except that the member appointed by the Mayor as Chairman shall receive additional compensation of five hundred seventy-five dollars (\$575.00) per annum.

**Section 173.17 Board of Building Standards and Building Appeals**

(a) Each member of the Board of Building Standards and Building Appeals shall be compensated one hundred forty-five dollars (\$145.00) per diem for each official Board meeting attended. The Chairman shall be compensated one hundred seventy-five dollars (\$175.00) per diem for each official Board meeting attended. The alternate members shall be compensated forty-one dollars (\$41.00) per diem for each official Board meeting attended as an alternate, except that an alternate who is not a City resident at the time of attending a meeting shall not be entitled to any compensation.

(b) In no instance shall the aggregate amount paid to any member exceed seven thousand eight hundred twenty dollars (\$7,820.00) per year, that of the Chairman nine thousand five hundred forty-five dollars (\$9,545.00) per year and that of any alternate member exceed two thousand four hundred fifteen dollars (\$2,415.00) per year exclusive of the compensation received when serving in the place of a Board member.

**Section 173.18 Board of Examiners of Electricians**

Each member of the Board of Examiners of Electricians provided for in Section 3107.24, other than the Chief Electrical Inspector, shall receive compensation of two hundred five dollars (\$205.00) for each official Board meeting attended, payable monthly. In no instance shall the aggregate amount paid exceed four thousand eight hundred thirty dollars (\$4,830.00) per year. The Board shall hold at least two meetings per month.

**Section 173.19 Board of Examiners of Plumbers**

Each member of the Board of Examiners of Plumbers provided for in Section 3107.30, other than the Chief Plumbing Inspector, shall receive compensation of two hundred dollars (\$200.00) for each official Board meeting attended, payable monthly. In no instance shall the aggregate amount paid exceed four thousand eight hundred thirty dollars (\$4,830.00) per year. The Board shall hold at least two meetings per month.

**Section 173.65 City Planning Commission**

Each member of the City Planning Commission, except the member of Council serving thereon, shall receive compensation of seven thousand eight hundred twenty dollars (\$7,820.00) per annum, payable monthly.

**Section 2.** That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 173.15, as amended by Ordinance No. 1298-84, passed June 11, 1984,

Sections 173.16, 173.17, 173.18 and 173.19 as amended by Ordinance No. 1759-A-76, passed January 31, 1977,

Section 173.65, as amended by Ordinance No. 846-77, passed May 2, 1977

are hereby repealed.

**Section 3.** That, pursuant to Charter Section 191, the salaries of any current officer or member of a board or commission shall not be increased during the term for which he or she was elected or appointed and those current officers or members shall continue to be paid at the rate established when they were elected or appointed.

**Section 4.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 173.13 and 173.14 thereof to read, respectively, as follows:

**Section 173.13 Landmarks Commission**

The salaries of the members of the Landmarks Commission shall be six thousand five hundred dollars (\$6,500.00) per annum, except that the member designated by the Mayor as Chairman shall receive additional compensation of five hundred and seventy-five dollars (\$575.00) per annum.

**Section 173.14 Community Relations Board**

The salaries of the members of the Community Relations Board shall be four thousand five hundred dollars (\$4,500.00) per annum, except that the member designated by the Mayor as Chairman shall receive additional compensation of five hundred and seventy-five dollars (\$575.00) per annum.

**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 October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

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

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

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

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

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

**Section 1.** That Sections 125.01 and 173.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended,

respectively, by Ordinance No. 2372-93, passed March 14, 1994, and Ordinance No. 1660-64, passed September 28, 1964, are hereby amended to read as follows:

**Section 125.01 Director's Powers and Duties**

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

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

(c) The Director is hereby authorized to employ such number of clerks, stenographers and persons in other classifications as he may deem necessary.

**Section 173.23 Prosecuting Attorney and Staff from Cuyahoga County**

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

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

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

Passed October 23, 2000.

Effective November 1, 2000, without the signature of the Mayor.

**Ord. No. 744-2000.**

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

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 571.021 thereof relating to service providers at Cleveland Hopkins International Airport.**

Whereas, this ordinance constitutes an emergency measure provid-

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

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

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 571.021 thereof, to read as follows:

**Section 571.021 Service Providers at Cleveland Hopkins International Airport**

All entities, including Scheduled Airlines that provide services to other Scheduled Airlines, other than those airlines that are signatories, or majority-owned subsidiaries of signatories, to the Agreement and Lease authorized by Ordinance No. 1585-A-76, passed August 16, 1976, or signatories of a lease, lease by way of concession or other agreement that exempts them from such fees, that provide services at Cleveland Hopkins International Airport, including, but not limited to services related to ground handling, cargo handling, fueling aircraft, fueling ground equipment, aircraft maintenance, ground vehicle maintenance, interior and exterior aircraft cleaning, catering, deicing, and laboratory services for aircraft, shall pay Cleveland Hopkins International Airport a fee of seven percent (7%) of gross revenues derived from providing those services for the privilege of providing such services at Cleveland Hopkins International Airport.

The Director may, at any time, increase or decrease the percentage fee authorized herein, subject to prior authorization of Cleveland City Council.

**Section 2.** That the provisions of Section 571.021 shall be in force and effect sixty days after passage 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 approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Ord. No. 864-2000.**

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

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

Whereas, the Council of the City of Cleveland, by Resolution No. 879-2000, adopted May 15, 2000, declared the necessity and intention of appropriating the fee simple property interests herein described for construction of a public right-of-way; and

Whereas, notice of the adoption of such Resolution has been served upon the persons in possession or having an interest in such property; 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 for the public purpose of construction of a public right-of-way, the following described fee simple interest be and the same hereby is appropriated:

Permanent Parcel No. 029-17-011

Vacant Lot on Springdale

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 94 in the Conger-Helper Realty Company's Home Gardens Allotment No. 2 of Part of Original Rockport Township Sections Nos. 3 and 4, as shown by the recorded Plat in Volume 67 of Maps, Page 35 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Springdale Avenue, S.W., and extending back of equal width 145 feet, as appears by said Plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 029-18-008

18801 Midvale Avenue

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and described as follows to wit and known as being Sublot No. 40 in the Conger-Helper Realty Co.'s Gardens Allotment of part of Original Rockport Township Section Nos. 3 and 4 as shown by the recorded plat in Volume 63 of Maps, Page 10 of Cuyahoga County Records and being 80 feet front on the Southerly side of Midvale Avenue and extending back 145 feet on the Westerly line 145 feet on the Easterly line which is also the Westerly line of Ellwood Avenue (nka West 188th Street) and having a rear line of 80 feet as appears by said plat be the same more or less, but subject to all legal highways.

Permanent Parcel No. 029-18-007

18809 Midvale Avenue

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly one-half of Sublot No. 39 in Conger Helper Realty Company's Home Gardens Allotment of part of Original Rockport Township Sections Nos. 3 and 4, as shown by the recorded Plat in Volume 63 of Maps, Page 10 of Cuyahoga County Records and being 40 feet front on the Southerly side of Midvale Avenue, and extending back of equal width 145 feet, as appears by said Plat, be the same more or less, but subject to all legal highways.

**Section 2.** That the Director of Law is hereby directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interest hereinbefore described.

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

Passed October 23, 2000.

Effective November 1, 2000.

**Ord. No. 1007-2000.**

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

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

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

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

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

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

Permanent Parcel No. 132-02-017  
6564-6566 Broadway Avenue

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

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

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

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

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

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

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

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

**Section 4.** That the conveyance shall be made by official deed to be prepared by the Director of Law and

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

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

Passed October 23, 2000.

Effective November 1, 2000, without the signature of the Mayor.

**Ord. No. 1060-2000.**

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

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

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

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

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

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

## Split Parcel

North Park Boulevard  
Situating in the City of Shaker Heights, County of Cuyahoga and State of Ohio and known as being part of The City of Cleveland Parkway in the Van Sweringen Company's Subdivision No. 27 of part of Original Warrensville Township Lot Nos. 23, 24, 25, 34 and 35 as shown by the recorded plat in Volume 88, Page 28 of Cuyahoga County Map Records and being more fully described as follows:

Beginning at the Northwesterly corner of Sublot No. 117 in said Van Sweringen Company's Subdivision No. 27 and being the Principal Place of Beginning of the parcel of land herein described;

Course No. 1:

Thence North 03°-33'-19" East along the Northerly prolongation of the Westerly line of said Sublot No.

117, a distance of 89.00 feet to a point;

Course No. 2:

Thence North 89°-41'-59" East, a distance of 272.01 feet to a point on the Westerly line of Courtland Boulevard, 100 feet wide;

Course No. 3:

Thence South 03°-40'-15" West along the Westerly line of said Courtland Boulevard, a distance of 117.00 feet to a point at the North-easterly corner of said Sublot No. 117;

Course No. 4:

Thence Southwesterly along the Northerly line of said Sublot No. 117 and the arc of a curve deflecting to the right, a distance of 113.99 feet, said curve having a radius of 250.00 feet and a chord distance of 113.01 feet bearing South 79°-40'-44" West, to a point of curvature;

Course No. 5:

Thence Northwesterly continuing along the Northerly line of said Sublot No. 117 and the arc of a curve deflecting to the right, a distance of 167.17 feet, said curve having a radius of 350.00 feet and a chord of 165.59 feet bearing North 73°-35'-58" West, to the place of beginning and containing 0.7745 acres (33,736 sq. ft.) of land, according to a survey prepared by McSteen & Associates, Inc., dated May 5, 2000 and being the same more or less but subject to all legal highways and easements.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Barry J. Minoff at a price not less than fair market value as determined by the Board of Control. The proceeds from the sale of the land authorized herein shall be appropriated for the maintenance and/or expansion of the Cleveland Cultural Gardens.

**Section 3.** That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs. The deed shall also contain a provision requiring Mr. Minoff, upon transfer of a portion of Permanent Parcel No. 733-10-14, to consolidate the transferred portion of Permanent Parcel No. 733-10-14 with Permanent Parcel No. 733-10-008, consisting of his residency, located at 19400 North Park Boulevard, Shaker Heights, Ohio, a provision requiring Mr. Minoff to file a consolidation plat with the County and a provision prohibiting the erection of any independent structure on the portion of Permanent Parcel No. 733-10-14 transferred to Mr. Minoff.

**Section 4.** That the Mayor is authorized to enter into an amendment to Lease Agreement No. 42114 with the City of Shaker Heights to

delete the property described in Section 1 of this ordinance from said Lease.

**Section 5.** That the Mayor, the Directors of Law and Parks, Recreation and Properties are hereby authorized to execute such certifications and documents and to take such other actions as may be necessary or appropriate to carry out the terms of the transactions authorized in this ordinance.

**Section 6.** That the amendment to Contract No. 42114 shall be prepared and approved by the Director of Law and shall contain such provisions as he deems necessary to protect the public interest.

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

Passed October 23, 2000.

Effective November 1, 2000.

**Ord. No. 1199-2000.**

**By Councilman Dolan.**

**An emergency ordinance to enact Section 551.082 of the Codified Ordinances of Cleveland, Ohio, 1976; and amend Section 551.99 thereof, relating to scavenging of solid waste and the penalty therefor.**

Whereas, this ordinance constitutes an emergency measure providing for 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 551.082 thereof to read as follows:

**Section 551.082 Scavenging of Solid Waste**

(a) No person shall remove or cause the removal of, pick-up, collect, sort or handle solid waste set out on a public street or alley for collection by the City or its contractor between the hours of 8:00 p.m. or sunset, whichever is later, sunset and 7:00 a.m.

(b) The provisions of this section shall not apply to an employee, contractor, or agent of the City who is engaged in the City's waste collection and disposal services or to the owner of, or the person who originally discarded, the solid waste material.

**Section 2.** That Section 551.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 221-92, passed February 8, 1993, is hereby amended to read as follows:

**Section 551.99 Penalty**

(a) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be fined twenty-five dollars (\$25.00) for the first offense and fifty dollars (\$50.00) for each subsequent offense.

(b) Whoever violates any provision of Sections 551.04, 551.081 or 551.082 shall be fined not more than

one hundred dollars (\$100.00). The above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(c) Whoever violates any provision of Sections 551.18, 551.24 or 551.25 shall be fined fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each subsequent offense.

(d) Whoever violates any provision of Section 551.19 shall be fined one thousand dollars (\$1,000.00).

(e) Whoever violates any provision of division (c) of Section 551.16, Sections 551.22 or 551.31 shall be fined two hundred fifty dollars (\$250.00) or imprisoned for up to thirty days, or both, for the first offense, and five hundred dollars (\$500.00) or imprisoned for up to sixty days, or both, for each subsequent offense.

(f) Whoever violates any provision of Sections 551.12 or 551.27 shall be fined one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$250.00) or imprisoned for up to thirty days, or both, for each subsequent offense.

(g) Whoever violates any provision of division (b) of Section 551.26 shall be fined one thousand dollars (\$1,000.00) and shall be imprisoned for not less than sixty days and not more than six months.

(h) Whoever violates any provision of division (c) of Section 551.26 shall be fined not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months, or both.

(i) Notwithstanding any other provision of these Codified Ordinances, no part of a penalty imposed under this section shall in any case be suspended or otherwise reduced.

**Section 3.** That existing 551.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 221-92, passed February 8, 1993, is hereby repealed.

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

Passed October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Ord. No. 1200-2000.**

**By Councilman Jackson.**

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

Whereas, on the 11th day of August 1999, the Council of the City of Cleveland adopted Resolution No. 1207-99 declaring its intention to vacate a portion of East 82nd St. and Betts Ct. S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1207-99 has been served upon the owners of all the property abutting East 82nd St. and Betts Ct. S.E., affected by said Resolution, notifying the said property owners of the time and place

at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 14th day of June, 2000, the Board of Revision of Assessments approved the vacation of East 82nd St. and Betts Ct. S.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 82nd St. and Betts Ct. S.E., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of the following real property:

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

EAST 82nd STREET (50.00 feet wide), extending Southerly from the Southerly line of Holton Avenue S.E. (40.00 feet wide), to its Southerly terminus.

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

BETTS COURT S.E. (11.00 feet wide), extending Easterly from the Easterly line of East 82nd Street (50.00 feet wide), to the Westerly line of East 83rd Street (50.00 feet wide), is hereby vacated.

**Section 2.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 82nd St. and Betts Ct. S.E., herein provided by sending him a copy of this Ordinance.

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

Passed October 23, 2000.

Effective November 1, 2000.

**Ord. No. 1307-2000.**

**By Councilman O'Malley.**

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

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

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

Beginning at the intersection of a line located approximately one hundred seventy (170) feet north of the northerly line of Melber Avenue, S.W. and the southerly extension of the westerly line of Permanent Parcel No. 13-9-9; thence easterly along said line which is parallel to and approximately one

hundred seventy (170) feet north of said northerly line of Melber Avenue, S.W. to its intersection with the northerly extension of the easterly line of Sublot No. 1 in the West 73 Street Bridge Allotment as recorded in Volume 87, Page 34 of the Cuyahoga County Map Records; thence southerly along said northerly extension to its intersection with the northerly line of said Sublot No. 1; thence westerly along said northerly line of said Sublot No. 1 to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 1 to its intersection with the center line of Melber Avenue, S.W.; thence westerly along said center line of Melber Avenue, S.W. to its intersection with the southerly extension of said westerly line of said Permanent Parcel 13-9-9; thence northerly along said southerly extension and along said westerly line of said Permanent Parcel No. 13-9-9 to the place of beginning, and as outlined in red on the map hereto attached be and the same are hereby changed to a Two-Family Use District and a 'I' Height District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 2016, Sheet No. 2 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

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

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

**Section 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed October 23, 2000.  
Effective December 2, 2000.

**Ord. No. 1578-2000.**  
**By Councilman Patmon (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary for window washing services, for the various divisions of City government, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary for window washing services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 3063)

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

Passed October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Ord. No. 1580-2000.**

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

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

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to maintain, repair, and replace substation equipment, including but not limited to batteries, switchgear, transformers and circuit breakers, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall not exceed \$800,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 16939)

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

Passed October 23, 2000.

Effective November 1, 2000.

**Ord. No. 1581-2000.**

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

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

Whereas, this ordinance constitutes an emergency measure providing for 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 apply for membership and participate in the Automated Power Exchange, Inc. ("APX") computer/Internet power exchange, and to pay associated dues and charges, for the purposes of identifying buyers and sellers of electric power and identifying current market prices. Such membership agreement shall be sub-

stantially in the form of the proposed APX Agreement dated March 20, 2000, and shall include such terms and conditions as the Director of Law deems appropriate to benefit and protect the public interest.

**Section 2.** That the cost of this contract shall be paid from Fund No. 58 SF 001, Request No. 16911.

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

Passed October 23, 2000.  
Effective November 1, 2000.

**Ord. No. 1585-2000.**

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

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

Whereas, this ordinance constitutes an emergency measure providing for 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 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 tubes and valves in the Burnham #1 boiler at East 65th Yard and for hydrostatic testing, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Streets, Department of Public Service.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 11 SF 401, Request No. 16374.

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

Passed October 23, 2000.  
Effective November 1, 2000.

**Ord. No. 1586-2000.**

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

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

Whereas, this ordinance constitutes an emergency measure providing for 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 apply for and accept a grant in the amount of \$20,000, from the Ohio Department of Natural Resources, to conduct the Community Pride and Partnership Program, for the purposes set forth in the program description and according thereto; that the Director of Public Service is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the program description for said grant.

**Section 2.** That the program description for said grant, File No. 1586-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**Section 3.** 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 the grant term for the necessary items of equipment and supplies needed to implement the program, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the 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 the grant term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 4.** 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 21163)

**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 October 23, 2000.  
Effective November 1, 2000.

**Ord. No. 1596-2000.**

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

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

Whereas, this ordinance constitutes an emergency measure providing for 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. 861-2000, passed June 19, 2000, is hereby amended to read as follows:

Section 1. That the Director of Community Development is hereby authorized to expend Community Development Block Grant funds from Fund No. 14 SC 026, and Federal Home Program funds from Fund No. 13 SC 895, Request No. 20689, in the amount of \$7,881,000, for the operation of the Low Interest Loan and Grant Programs, including all related services, and to enter into contracts under those programs. The Low Interest Loan and Grant Programs include Repair-A-Home (RAH), Corrective Action Grant, Afford-A-Home (AAH), Senior Home Owners Assistance Program (SHAP), Paint Refund Program, Housewarming, Furnace Repair, and Home Maintenance Assistance Program (HMAP).

**Section 2.** That existing Section 1 of Ordinance No. 861-2000, passed June 19, 2000, is hereby repealed.

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

Passed October 23, 2000.  
Effective November 1, 2000.

**Ord. No. 1598-2000.**

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

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

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). 012-15-017, as more fully described in Section 2 below, to George Jicha.

**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. 012-15-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 10 feet of Sublot No. 9 and the Westerly 30 feet of Sublot No. 8 in the Lowrie Brothers Forestdale Subdivision of part of Original Brooklyn Township Lots Nos. 42 and 59, as shown by the recorded plat in Volume 41, Page 8 of Cuyahoga County Records, and together forming a parcel of land 40 feet front on the Southerly side of Biddulph Avenue, and Avenue, and extending back of equal width 155.48 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.

Passed October 23, 2000.

Effective November 1, 2000.

**Ord. No. 1683-2000.**

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

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

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

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

**Section 1.** That the Director of Public Health is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to repair and maintain elevators located at various health centers, 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 Health, Department of Public Health. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 31303)

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

Passed October 23, 2000.

Effective November 1, 2000.

**Ord. No. 1685-2000.**

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

**An emergency ordinance authorizing the purchase by requirement contract of various on-road vehicles and off-road equipment, including labor and materials necessary for vehicle rehabilitation for the various divisions of City government, excluding various divisions of the Department of Public Safety.**

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

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

**Section 1.** That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of var-

ious on-road vehicles and off-road equipment, including labor and materials necessary for vehicle rehabilitation, excluding the Divisions of Police, Fire, Emergency Medical Service, and Traffic Engineering, Department of Public Safety, as such vehicles and equipment are described in File No. 1685-2000-A, in the estimated sum of \$11,791,220.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government, excluding the Divisions of Police, Fire, Emergency Medical Service, and Traffic Engineering, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 1465)

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

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

Passed October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Ord. No. 1724-2000.**

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

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

Whereas, this ordinance constitutes an emergency measure providing for 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 \$132,451.00, and from other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2001 Immunization Action Plan 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. 1724-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed October 23, 2000.

Effective November 1, 2000.

**Ord. No. 1725-2000.**

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

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

Whereas, this ordinance constitutes an emergency measure providing for 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 \$91,516.00, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2001 STD Control 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. 1725-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed October 23, 2000.

Effective November 1, 2000.

**Ord. No. 1808-2000.**

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

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

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

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

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

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

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

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

P. P. No. 121-33-102

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

Also subject to all zoning ordinances, if any

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

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

P. P. No. 121-33-103

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 45 in Ingersoll Heights Subdivision of Original One Hundred Acre Lots Nos. 418 and 419, as shown by the recorded plat in Volume 32 of Maps, Page 11 of Cuyahoga County Records, and being 35 feet on the Northeasterly side of Mt. Carmel Road, and extending back of equal

width 105 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 126-16-033

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

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 126-16-035

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

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

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

P. P. No. 126-16-053

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

Beginning on the Northerly line of Kennedy Avenue, S.E., (50 feet wide) distant 183.16 feet Westerly from the Westerly line of Woodhill Road (80 feet wide); thence Westerly along the Westerly line of Kennedy Avenue, S.E., 40 feet;

thence Northerly at right angles with said Kennedy Avenue, S.E., 125 feet; thence Easterly parallel with the Northerly line of Kennedy Avenue, S.E., 40 feet; thence Southerly 125 feet to the place of beginning and being further known as Sublot No. 25 in Richard Morrow's Proposed Subdivision of part of Original One Hundred Acre Lot No. 417, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 126-16-055

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

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

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 126-16-067

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

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 126-16-080

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

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 126-17-056

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

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 126-17-057

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

less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

P. P. No. 126-17-063

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

Subject to Zoning Ordinances, if any.

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

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

P. P. No. 128-01-047

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

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

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 128-02-060

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

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

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

P. P. No. 128-02-154

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

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

Subject to zoning ordinances, if any.

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

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

P. P. No. 128-06-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 38 in Bigelow's Allotment of a part of Original One Hundred Acre Lots

Nos. 425 and 426 as shown by the recorded plat in Volume 9 of Maps, Page 15 of Cuyahoga County Records, and being 50 feet front on the Southerly side of Shale Avenue, S.E., and extending back of equal width, 126 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

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

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

P. P. No. 128-13-050

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

Subject to Zoning Ordinances, if any.

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

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

P. P. No. 128-17-004

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

Subject to zoning ordinances, if any.

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

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

P. P. No. 128-17-070

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

139 in the Cleveland Realty and Investment Company's Woodland Heights Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat in Volume 56 of Maps, Page 4 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Manor Avenue, and extending back of equal width 138 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 128-17-075

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

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

Also subject to all zoning ordinances, if any

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

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

P. P. No. 128-17-083

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

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

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

P. P. No. 128-18-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 245 in Cleveland Realty Investment Company's Woodland Heights Subdivision of part of Original One

Hundred Acre Lots Nos. 433 and 434 as shown by the recorded plat in Volume 56 of Maps, Page 4 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Mt. Auburn Avenue, and extending back 138.22 feet on the Westerly line, 138.21 feet on the Easterly line, and having a rear line of 35 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

All subject to all zoning ordinances, if any.

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

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

P. P. No. 128-18-028

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 243 and 244 in Woodland Heights Subdivision of a part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat or said Subdivision in Volume 56 of Maps, Page 4 of Cuyahoga County Records, and bounded and described as follows:

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

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 128-18-086

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

of equal width 139 feet, as appears by said plat.

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 128-18-097

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

Also subject to all zoning ordinances, if any.

**Section 49.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-19-038 as more fully described in Section 50 below, to Cleveland New Homes L.P.

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

P. P. No. 128-19-038

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

Also subject to all zoning ordinances, if any.

**Section 51.** Reserved.

**Section 52.** Reserved.

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

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

P. P. No. 129-14-050

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

Beginning on the Westerly line of East 119th Street (formerly Jefferson Street, 50 feet wide), at a point 796 59/100 feet Northerly, measured along said Westerly line of East

119th Street, from its point of intersection with the Northerly line of Buckeye Road, S.E., (formerly South Woodland Road); thence Westerly parallel with the Northerly line of land conveyed to Joseph Halle and Joshua E. Hall, by Deed dated April 6, 1872 and recorded in Volume 201, Page 178 of Cuyahoga County Records, 116 feet; thence Northerly on a line parallel with the Westerly line of East 119th Street, 40 feet; thence Easterly parallel with the Northerly line of land so conveyed to Halle and Hall, 116 feet to said Westerly line of East 119th Street; thence Southerly along said Westerly line of East 119th Street, 40 feet to the place of beginning, and being further known as Sublot No. 129 in the South Woodland Rice Avenue Proposed Allotment of part of Original One Hundred Acre Lots Nos. 428 and 429, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 129-19-113

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

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 129-23-087

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

Beginning in the Northerly line of Griffing Avenue, S.W., (50 feet wide) at a point of intersection with the Westerly line of East 123rd Street (50 feet wide); thence Northerly along the Westerly line of East 123rd Street 80 feet to a point; thence Westerly parallel with the Northerly line of Sublot No. Sublot Nos. 153, 154 and 155 in said Allotment 70.24 feet to a point; thence

Southerly parallel with the Westerly line of said Sublot No. 153 in said Allotment 80 feet to a point in the Northerly line of Griffing Avenue, S.E.; thence Easterly along said Northerly line of Griffing Avenue, S.E., 70.80 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 59.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 129-30-069 as more fully described in Section 60 below, to Cleveland New Homes L.P.

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

P. P. No. 129-30-069

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

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 129-23-083

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

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

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

P. P. No. 130-07-084

Situated in the City of Cleveland, County of Cuyahoga and State of

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

**Section 65.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 130-08-127 as more fully described in Section 66 below, to Cleveland New Homes L.P.

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

P. P. No. 130-08-127

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

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 128-20-073

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

Also subject to all zoning ordinances, if any.

**Section 69.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to

sell Permanent Parcel No. 128-03-114 as more fully described in Section 70 below, to Cleveland New Homes L.P.

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

P. P. No. 128-03-114

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

Subject to zoning ordinances, if any.

**Section 71.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-17-055 as more fully described in Section 72 below, to Cleveland New Homes L.P.

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

P. P. No. 126-17-055

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

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

Subject to zoning ordinances, if any.

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

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

P. P. No. 128-03-073

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

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 126-16-032

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

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

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

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

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

Passed October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Ord. No. 1831-2000.**

**By Mayor White.**

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

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

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

**Section 1.** That, pursuant to Section 129.331 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is hereby authorized to enter into contract with WPS Energy Services, Inc. ("WPS"), for retail electric aggregation services and power supply, on the basis of its proposal dated October 5, 2000, and the Memorandum of Understanding dated October 23, 2000, on file with the Clerk of Council in File No. 1831-2000-A. The Power Supply Agreement authorized by this ordinance shall, at a minimum, include the following terms and conditions, notwithstanding any provision of the Memorandum of Understanding to the contrary:

(a) Within sixty (60) days of the execution of the Power Supply Agreement and on the same date each year thereafter for four (4) additional years, WPS shall donate \$100,000 to the fund held by the Cleveland Foundation for the sole purpose of promoting the use of various type of modern telecommunications and computer equipment and services, by and for the residents of the City of Cleveland and such amounts shall not be included in rates charged to customers;

(b) The City and/or WPS shall provide the Plan of Operation established pursuant to R.C. Section 4928.01 et. seq. to Council for legislative approval prior to its submission to the Public Utilities Commission of Ohio;

(c) The terms of the Power Supply Agreement shall not be amended without the express legislative authorization of City Council;

(d) The term of the Power Supply Agreement shall be for a period not to exceed five (5) years, unless sooner terminated;

(e) No surcharge associated with bad debt risk, as referenced in Section 2.8 of the Memorandum of Understanding, shall be added to rates charged by WPS without prior legislative approval of City Council;

(f) The President of City Council shall be informed of any vendors used for soliciting customers or promotion of services by WPS;

(g) The Power Supply Agreement shall be submitted to the President of City Council for review and signature before it shall be effective;

(h) That the term "within reasonable time" in line 8, Article 2, Section 2.17(b) of the Memorandum of Understanding, shall mean "not to exceed three (3) months"; and

(i) That the Power Supply Agreement authorized herein shall contain a provision requiring WPS to operate a regional office in the City of Cleveland and a provision requiring WPS to grant a preference to City of Cleveland residents when staffing

WPS positions available within the Greater Cleveland area; and

(j) The Agreement shall not be transferred or assigned by either party without prior legislative authorization.

**Section 2.** That the Director of Public Utilities shall provide a written report on the payment by FirstEnergy of \$650,000 to the City of Cleveland pursuant to the Settlement Agreement between the City of Cleveland and FirstEnergy and a proposed plan of expenditure of such funds. In the event that expenditures of these funds have occurred, a detailed listing of such expenditures shall be provided immediately to Council. A copy of the joint customer education plan concerning electric deregulation that was to be prepared by FirstEnergy and the City of Cleveland and to be filed with the PUCO pursuant to the Settlement Agreement shall be provided to Council for legislative approval prior to its submission to the PUCO.

**Section 3.** That all ads, brochures, public relation and consumer education materials produced by or for the City in relation to the Memorandum of Understanding and the Power Supply Agreement authorized herein shall be submitted to the President of Council for review and approval prior to dissemination.

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

Passed October 23, 2000.

Effective November 1, 2000.

**Ord. No. 1884-2000.**

**By Councilmen Britt and Willis.**

**An emergency ordinance consenting and approving the issuance of a permit for a Footrace on November 5, 2000, sponsored by Hermes Race Systems.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of a Footrace sponsored by Hermes Race Systems on November 5, 2000, starting at Adelbert to Euclid, Euclid to Mayfield, Mayfield to Random, Random to Cornell, Cornell to Circle Drive, Circle Drive to Adelbert and repeat the course twice, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the

extent and in form satisfactory to the Director of Law.

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

Passed October 23, 2000.

Effective November 1, 2000.

**Ord. No. 1885-2000.**

**By Councilman Cimperman.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 13. (Marika Fourtounis)**

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 13; and

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

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

**Section 1.** That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 13: Marika Fourtounis at West 14th Street and Starkweather Avenue.

**Section 2.** That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

**Section 3.** That the privilege granted herein may be revoked at any time by this Council.

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

Passed October 23, 2000.

Effective November 1, 2000, without the signature of the Mayor.

**Ord. No. 1886-2000.**

**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 October 30, 2000 to November 30, 2000, 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 October 30, 2000 to November 30, 2000, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed October 23, 2000.

Effective November 1, 2000.

**Ord. No. 1887-2000.**

**By Councilman Jackson.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Johnny Acoff)**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

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

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

**Section 1.** That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 5: Johnny Acoff.

**Section 2.** That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

**Section 3.** That the privilege granted herein may be revoked at any time by this Council.

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

Passed October 23, 2000.

Effective November 1, 2000, without the signature of the Mayor.

**Ord. No. 1888-2000.**

**By Councilman Jackson.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Burten Bell Carr Development Inc. for a senior home-delivered meals program in order to carry out the public purpose of the provision of prepared food to elderly and shut-in residents through the use of Ward 5 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 Burten Bell Carr Development Inc. for a senior home-delivered meals program in order to carry out the public purpose of the provision of prepared food to elderly and shut-in residents through the use of Ward 5 Neighborhood Equity Funds.

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

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

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

Passed October 23, 2000.

Effective November 1, 2000, without the signature of the Mayor.

**Ord. No. 1889-2000.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the 97th Street Bulldogs municipal league youth football team for partial sponsorship of team participation in the 5th Annual Football Festival Thanksgiving Classic 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 the 97th Street Bulldogs municipal league youth football team for partial sponsorship of team participation in the 5th Annual Football Festival Thanksgiving Classic.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$6,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed October 23, 2000.

Effective November 1, 2000.

**Ord. No. 1973-2000.**  
**By Councilman Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Turkey Trot Race on November 23, 2000, sponsored by Hermes Race Systems.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Turkey Trot Race sponsored by Hermes Race Systems on November 23, 2000, beginning with a 1 mile fun walk starting inside Burke Lakefront Airport Driveway, exits the entrance driveway and proceeds eastbound on the North Marginal to just before the curve and turns around to go westbound on the North Marginal where it re-enters where it came out. The 5K run steps off from airport driveway and leaves through the entrance drive proceeding westbound on the North Marginal down Erieside around the stadium, southbound on W. 3rd Rd. to Lakeside, westbound on Lakeside down under the bridge to W. 9th where it turns onto Front Street and goes to W. 10th, turning southbound to St. Clair, runners turn up the St. Clair hill and proceed east-

bound on St. Clair to W. 3rd where they turn northbound onto W. 3rd and go to Lakeside where they turn eastbound and go down Lakeside to E. 9th, runners turn northbound onto E. 9th, staying in the west curb lane and go to the exit ramp (curb lane-coned off) and wrap around the Amtrak Station and then proceed eastbound on to the South Marginal. At E. 26th, they cross over the freeway and then proceed westbound onto the North Marginal where they finish inside the Airport, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Ord. No. 1974-2000.**  
**By Councilman Dolan.**  
**An emergency ordinance authorizing the Director of Port Control to enter into a Second Amendment to the Agreement with Colliers Intl. for the management and maintenance of the Consolidated Rental Car Facility.**

Whereas, pursuant to Ordinance No. 412-99, passed May 24, 1999, the Director of Port Control entered into an agreement with Colliers Intl. to manage and maintain the Consolidated Rental Car Facility near Cleveland Hopkins International Airport; and

Whereas, pursuant to Ordinance No. 1306-2000, passed August 7, 2000, the Director of Port Control entered into a First Amendment with Colliers Intl. to manage and maintain the Consolidated Rental Car Facility near Cleveland Hopkins International Airport; and

Whereas, such First Amendment expires October 30, 2000; and

Whereas, Council and Port Control desire to extend the agreement until November 30, 2000; and

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a Second Amendment to the Agreement with Colliers Intl. for the management and maintenance of the Consolidated Rental Car Facility to extend the term thereof to November 30, 2000. All other terms and conditions of the agreement shall remain unchanged.

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

Passed October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Ord. No. 1975-2000.**  
**By Councilman Dolan.**  
**An emergency ordinance to amend the title and Section 1 of Ordinance No. 1819-2000 passed October 16, 2000, relating to permits for utility poles for the period of November 30, 2000 to January 3, 2001, inclusive.**

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

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

**Section 1.** That the title and Section 1 of Ordinance No. 1819-2000 passed October 16, 2000 are hereby amended to read, respectively, as follows:

Authorizing and directing the Director of Public Service to issue a permit to Kamm's Corners Development Corporation to hang 19 Holiday Wreath Decorations on C.P.P. utility poles (by separate permission), and 24 Holiday Wreath Decorations on First Energy utility poles (by separate permission) on Lorain Avenue between Rocky River Drive and West 165th Street, for the period of November 30, 2000 to January 3, 2001, inclusive, celebrating the holiday season.

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Kamm's Corners Development Corporation, 17407 Lorain Avenue, Suite 207, Cleveland, Ohio 44111-4022, to install, use and maintain nineteen (19) Holiday Wreath Decorations to be hung on Cleveland Public Power utility poles, (by separate permission), and twenty-four (24) Holiday Wreath Decorations to be hung on First Energy utility poles (by separate permission), celebrating the holiday season for the period of November 30, 2000 to January 3, 2001, inclusive, and which Holiday Wreath Decorations are to be hung at the following pole locations and on the fol-

lowing pole numbers: C.P.P. poles: at LORAIN AVENUE - NORTH SIDE: 1st pole E. of Rocky River Drive, Pole #ET-14-2; 3rd Pole E. of Rocky River Drive, Pole #ET-14-4; @ Goodwill Store, Pole #ET 14-6; @ Kathleen's, Pole #ET-14-8; Opposite U-Haul entrance drive, Pole #ET 14-10; @ Nationwide, Pole #ET-14-12; LORAIN AVENUE - NORTH SIDE: 1st Pole W. of West Park Road, Pole #ET-14-33; 3rd Pole E. of Triskett Road, Pole #ET-14-37; NW Corner of Warren Road, Pole #ET-14-47; 2nd Pole W. of W. 140th Street, Pole #ET-13-27; LORAIN AVENUE - SOUTH SIDE: SW Corner of Rocky River Drive, Pole #ET-31-1; 2nd Pole E. of Rocky River Drive, Pole #ET-31-2; @ Hastings Home, Pole #ET-31-4; @ Walgreen's, Pole #ET-31-6; SW Corner of West 168th Street, Pole #ET-31-8; 1st Pole W. of U-Haul entrance drive, Pole #ET-31-10; @ U-Haul sign, Pole #ET-31-11; SW Corner of West 165th Street, Pole #ET-31-13; SW Corner of West 150th Street, Pole #ET-31-44; and First Energy poles: at LORAIN AVENUE: Pole #530186; Pole #528911; Pole #NPN at W. 179th Street, west; Pole #NPN at W. 179th Street, east; Pole #625904; Pole #625905; Pole #625906; Pole # NPN at W. 176th Street, SW; Pole # 314860; Pole # 642897; Pole #542898; Pole #542899; Pole #301777; Pole # NPN at Shell northeast entry; Pole #NPN at west of YMCA drive; Pole #NPN at east of YMCA drive; Pole #NPN at Lorain and W. 150th Street, NE Corner; Pole #NPN at Lorain and W. 150th Street, traffic signal pole; Pole #397785; Pole #203462; Pole #NPN at Lorain and W. 140th, SW Corner; ROCKY RIVER DRIVE: Pole #518400; Pole #518401; Pole #NPN across from Pole #518401; Pole #537656, and which Holiday Wreaths locations shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a 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 the existing title and Section 1 of Ordinance No. 1819-2000 passed October 16, 2000 are hereby repealed.

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

Passed October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Ord. No. 1976-2000.**

**By Councilman Lewis.**

**An emergency ordinance to amend Section 2 of Ordinance No. 1771-2000, passed October 9, 2000, relating to a grant agreement with the Hough Area Partners In Progress (HAPP) in order to carry out the public purpose of supporting the operations of a neighborhood based community development organization through the use of Ward 7 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Section 2 of Ordinance No. 1771-2000, passed October 9, 2000, is hereby amended to read as follows:

**Section 2.** That the cost of said agreement shall be for services rendered by the grantee from January 1, 2000 to December 31, 2000, and shall be in an amount not to exceed Eight Thousand (\$8,000) and shall be paid from Fund No. 10 SF 166.

**Section 2.** That the existing Section 2 of Ordinance No. 1771-2000, passed October 9, 2000 is hereby repealed.

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

Passed October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Ord. No. 1977-2000.**

**By Councilman Polensek.**

**An emergency ordinance authorizing the President of Council to enter into an agreement with the Musical Arts Association to pay for certain costs associated with the 2001 Martin Luther King, Jr. Celebration.**

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

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

**Section 1.** That the President of Council is authorized to enter into an agreement with the Musical Arts Association whereby Cleveland City Council authorizes the expenditure of twenty thousand dollars (\$20,000.00) to the Musical Arts Association to help underwrite expenses associated with the 2001 Martin Luther King, Jr. Celebration to be held at Severance Hall on January 14, 2001.

**Section 2.** That Cleveland City Council shall receive one-half (1/2) of all tickets allotted to the City of Cleveland for distribution to mem-

bers of the community, including the combination of dress circle and box seats and further, including tickets and/or invitations to any and all receptions held prior to the concert.

**Section 2.** That the cost shall be paid from Fund 01 001 Org. 010101 Account 632000.

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

Passed October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**Ord. No. 1978-2000.**

**By Councilman Sweeney.**

**An emergency ordinance authorizing the Director of Community Development to amend the Competitive Grant Agreement with Bellaire Puritas Development Corporation, City Contract No. 56455 to provide for additional services and additional cost relative thereto, 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 the Director of Community Development is hereby authorized to amend the Competitive Grant Agreement with Bellaire Puritas Development Corporation, City Contract No. 56455, to provide for additional services including, but not limited to, personnel, benefits, travel and equipment, for the Department of Community Development.

**Section 2.** That the amount of the amendment authorized herein shall not exceed \$43,159.40 and shall be paid for from Fund No. 14 sub class 026.

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

Passed October 30, 2000.

Awaiting the approval and disapproval of the Mayor.

**COUNCIL COMMITTEE  
MEETINGS**

NO MEETINGS

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