

The City Record

Official Publication of the City of Cleveland

July the Fifth, Two Thousand

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL—LEGISLATIVE

President of Council—Michael D. Polensek

Ward	Name	Residence	
1	Joseph T. Jones	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, JULY 5, 2000

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CITY COUNCIL

MONDAY, JULY 3, 2000

The City Record

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Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

The following Committee is subject to the Call of the Chairman:

Mayor's Appointment Committee: O'Malley, Chairman; Britt, Cimperman, Patmon, Sweeney.

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

June 28, 2000

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, June 28, 2000, at 11:00 a.m. with Mayor White presiding.

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

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies. Barry Withers, Acting Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 425-00.

By Director Brooks.

Resolved by the Board of Control of the City of Cleveland, that all bids received on June 16, 2000 for microfiche services (all items) for the various Divisions of City

Government, Department of Finance, pursuant to the authority of Ordinance No. 319-00, passed by the Council of the City of Cleveland on April 17, 2000, be and the same are hereby rejected.

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

Nays: None.

Absent: None.

Resolution No. 426-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that Resolution Nos. 249-96, adopted on April 16, 1996 and Resolution No. 305-96 adopted on May 15, 1996, relating to the operation of the Division of Water, Department of Public Utilities, for water service, hereby are rescinded.

Be it further resolved that in accordance with Section 112 of the Charter of the City of Cleveland, subject to the approval of City Council, charges of the Division of Water, Department of Public Utilities, for water service are hereby fixed as follows:

Direct Service Water Rates with-in Cleveland; Regular and Special Homestead

(a) Regular beginning 1/1/01 through 12/31/01

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Seven Dollars and Fifty-Nine Cents (\$7.59).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Sixteen Dollars and Twenty-Three Cents (\$16.23) per 1,000 cubic feet.

(b) Regular beginning 1/1/02 through 12/31/02

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Seven Dollars and Eighty-Five Cents (\$7.85).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Sixteen Dollars and Eighty Cents (\$16.80) per 1,000 cubic feet.

(c) Regular beginning 1/1/03 through 12/31/03

(1) A minimum service, and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for

the first 1,000 cubic feet or less of water used during each three month billing period shall be Eight Dollars and Thirteen Cents (\$8.13).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Seventeen Dollars and Thirty-Eight Cents (\$17.38) per 1,000 cubic feet.

(d) Regular beginning 1/1/04 through 12/31/04

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eight Dollars and Forty-One Cents (\$8.41).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Seventeen Dollars and Ninety-Nine Cents (\$17.99) per 1,000 cubic feet.

(e) Regular beginning 1/1/05

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eight Dollars and Seventy-One Cents (\$8.71).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Eighteen Dollars and Sixty-Two Cents (\$18.62) per 1,000 cubic feet.

(f) Special Homestead beginning 1/1/01 through 12/31/01

A minimum service and consumption charge shall be made to homesteads within the territorial limits of the City of Cleveland owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Three Dollars and Sixty-One Cents (\$3.61). There shall be a minimum charge of Three Dollars and Sixty-One Cents (\$3.61) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(g) Special Homestead beginning 1/1/02 through 12/31/02

A minimum service and consumption charge shall be made to homesteads within the territorial limits of the City of Cleveland owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Three Dollars and Sixty-Eight Cents (\$3.68). There shall be a minimum charge of Three Dollars and Sixty-Eight Cents (\$3.68) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(h) Special Homestead beginning 1/1/03 through 12/31/03

A minimum service and consumption charge shall be made to homesteads within the territorial limits of the City of Cleveland owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead

Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Three Dollars and Seventy-Four Cents (\$3.74). There shall be a minimum charge of Three Dollars and Seventy-Four Cents (\$3.74) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(i) Special Homestead beginning 1/1/04 through 12/31/04

A minimum service and consumption charge shall be made to homesteads within the territorial limits of the City of Cleveland owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Three Dollars and Eighty-One Cents (\$3.81). There shall be a minimum charge of Three Dollars and Eighty-One Cents (\$3.81) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(j) Special Homestead beginning 1/1/05

A minimum service and consumption charge shall be made to homesteads within the territorial limits of the City of Cleveland owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Three Dollars and Eighty-Seven Cents (\$3.87). There shall be a minimum charge of Three Dollars and Eighty-Seven Cents (\$3.87) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(k) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval on all applications.

Direct Service Water Rates in Cuyahoga County Except Cleveland; Regular and Special Homestead

(a) Regular beginning 1/1/01 through 12/31/01

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Thirteen Dollars and Fifty-Four Cents (\$13.54). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Eight Dollars and Eighty-Nine Cents (\$28.89) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fifteen Dollars and Sixty-Four Cents (\$15.64). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Four Dollars and Seventeen Cents (\$34.17) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eighteen Dollars and Thirty-Six Cents (\$18.36). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Nine Dollars and Twenty-Two Cents (\$39.22) per 1,000 cubic feet.

(b) Regular beginning 1/1/02 through 12/31/02

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fourteen Dollars (\$14.00). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Nine Dollars and Eighty-Eight Cents (\$29.88) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Sixteen Dollars and Seventeen Cents (\$16.17). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Five Dollars and Thirty Cents (\$35.30) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eighteen Dollars and Ninety-Seven Cents (\$18.97). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Forty Dollars and Fifty-Three Cents (\$40.53) per 1,000 cubic feet.

(c) Regular beginning 1/1/03 through 12/31/03

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fourteen Dollars and Forty-Eight Cents (\$14.48). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty Dollars and Ninety-One Cents (\$30.91) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Sixteen Dollars and Seventy-Two Cents (\$16.72). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Six Dollars and Forty-Eight Cents (\$36.48) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Nineteen Dollars and Sixty Cents (\$19.60). All water used in

excess of 1,000 cubic feet during each three month billing period shall cost Forty-One Dollars and Eighty-Eight Cents (\$41.88) per 1,000 cubic feet.

(d) Regular beginning 1/1/04 through 12/31/04

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fourteen Dollars and Ninety-Eight Cents (\$14.98). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-One Dollars and Ninety-Eight Cents (\$31.98) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Seventeen Dollars and Twenty-Nine Cents (\$17.29). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Seven Dollars and Seventy Cents (\$37.70) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Twenty Dollars and Twenty-Six Cents (\$20.26). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Forty-Three Dollars and Twenty-Eight Cents (\$43.28) per 1,000 cubic feet.

(e) Regular beginning 1/1/05

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fifteen Dollars and Fifty Cents (\$15.50). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Three Dollars and Eight Cents (\$33.08) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Seventeen Dollars and Eighty-Eight Cents (\$17.88). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Eight Dollars and Ninety-Six Cents (\$38.96) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Twenty Dollars and Ninety-Three Cents (\$20.93). All water used in excess of 1,000 cubic feet during each three month billing period shall be Forty-Four Dollars and Seventy-Three Cents (\$44.73) per 1,000 cubic feet.

(f) Special Homestead beginning 1/1/01 through 12/31/01

(1) A minimum service and consumption charge shall be made to homesteads in the low and first

high service districts owned by a person sixty-five years of age or older or by a permanently and totally disabled persons; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Six Dollars and Thirty-Two Cents (\$6.32). There shall be a minimum charge of Six Dollars and Thirty-Two Cents (\$6.32) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) A minimum service and consumption charge shall be made to homestead in the second high service district owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eight Dollars and Twenty-Four Cents (\$8.24). There shall be a minimum charge of Eight Dollars and Twenty-Four Cents (\$8.24) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(3) A minimum service and consumption charge shall be made to homesteads in the third high service district owned by a person sixty-five years of age or older or by a person permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Section 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Forty-Nine Cents (\$10.49). There shall be a minimum charge of Ten Dollars and Forty-Nine Cents (\$10.49) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(g) Special Homestead beginning 1/1/02 through 12/31/02

(1) A minimum service and consumption charge shall be made to homesteads in the low and first high service districts owned by a person sixty-five years of age or older or by a permanently and totally disabled persons; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Six Dollars and Forty-Three Cents (\$6.43). There shall be a minimum charge of Six Dollars and Forty-Three Cents (\$6.43) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) A minimum service and consumption charge shall be made to homestead in the second high service district owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eight Dollars and Thirty-Seven Cents (\$8.37). There shall be a minimum charge of

Eight Dollars and Thirty-Seven Cents (\$8.37) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(3) A minimum service and consumption charge shall be made to homesteads in the third high service district owned by a person sixty-five years of age or older or by a person permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Section 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Sixty-Four Cents (\$10.64). There shall be a minimum charge of Ten Dollars and Sixty-Four Cents (\$10.64) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(h) Special Homestead beginning 1/1/03 through 12/31/03

(1) A minimum service and consumption charge shall be made to homesteads in the low and first high service districts owned by a person sixty-five years of age or older or by a permanently and totally disabled persons; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Six Dollars and Fifty-Four Cents (\$6.54). There shall be a minimum charge of Six Dollars and Fifty-Four Cents (\$6.54) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) A minimum service and consumption charge shall be made to homestead in the second high service district owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eight Dollars and Fifty Cents (\$8.50). There shall be a minimum charge of Eight Dollars and Fifty Cents (\$8.50) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(3) A minimum service and consumption charge shall be made to homesteads in the third high service district owned by a person sixty-five years of age or older or by a person permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Section 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Seventy-Nine Cents (\$10.79). There shall be a minimum charge of Ten Dollars and Seventy-Nine Cents (\$10.79) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(i) Special Homestead beginning 1/1/04 through 12/31/04

(1) A minimum service and consumption charge shall be made to homesteads in the low and first high service districts owned by a person sixty-five years of age or older or by a permanently and total-

ly disabled persons; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Six Dollars and Sixty-Six Cents (\$6.66). There shall be a minimum charge of Six Dollars and Sixty-Six Cents (\$6.66) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) A minimum service and consumption charge shall be made to homestead in the second high service district owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eight Dollars and Sixty-Three Cents (\$8.63). There shall be a minimum charge of Eight Dollars and Sixty-Three Cents (\$8.63) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(3) A minimum service and consumption charge shall be made to homesteads in the third high service district owned by a person sixty-five years of age or older or by a person permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Section 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Ninety-Four Cents (\$10.94). There shall be a minimum charge of Ten Dollars and Ninety-Four Cents (\$10.94) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(j) Special Homestead beginning 1/1/05

(1) A minimum service and consumption charge shall be made to homesteads in the low and first high service districts owned by a person sixty-five years of age or older or by a permanently and totally disabled persons; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Six Dollars and Seventy-Seven Cents (\$6.77). There shall be a minimum charge of Six Dollars and Seventy-Seven Cents (\$6.77) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) A minimum service and consumption charge shall be made to homestead in the second high service district owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eight Dollars and Seventy-Six Cents (\$8.76). There shall be a minimum charge of Eight Dollars and Seventy-Six Cents (\$8.76) for the first 1,000 cubic feet

or less used by each homestead during each three month billing period.

(3) A minimum service and consumption charge shall be made to homesteads in the third high service district owned by a person sixty-five years of age or older or by a person permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Section 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eleven Dollars and Nine Cents (\$11.09). There shall be a minimum charge of Eleven Dollars and Nine Cents (\$11.09) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(k) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval on all applications.

Additional Eligibility for Special Homestead Rates

(a) In addition to those homesteads eligible for the special homestead rates prescribed by divisions (f) through (j) of Section 535.04 and divisions (f) through (j) of Section 535.05, homesteads owned by a person sixty-five years of age or older or permanently and totally disabled whose total annual income does not exceed Twenty-Three Thousand Dollars (\$23,000.00) may be eligible for the special homestead rate established for the service district in which the homestead is located pursuant to Sections 535.04 and 535.05 of these codified ordinances.

(b) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval of all applications.

Direct Water Service Rates in Summit and Medina Counties; Regular and Special Homestead

(a) Regular beginning 1/1/01 through 12/31/01

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eighteen Dollars and Thirty-Six Cents (\$18.36).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Nine Dollars and Twenty-Two Cents (\$39.22) per 1,000 cubic feet.

(b) Regular beginning 1/1/02 through 12/31/02

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eighteen Dollars and Ninety-Six Cents (\$18.97).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Forty Dollars and Fifty-Three Cents (\$40.53) per 1,000 cubic feet.

(c) Regular beginning 1/1/03 through 12/31/03

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each

three month billing period shall be Nineteen Dollars and Sixty Cents (\$19.60).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Forty-One Dollars and Eighty-Eight Cents (\$41.88) per 1,000 cubic feet.

(d) Regular beginning 1/1/04 through 12/31/04

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Twenty Dollars and Twenty-Six Cents (\$20.26).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Forty-Three Dollars and Twenty-Eight Cents (\$43.28) per 1,000 cubic feet.

(e) Regular beginning 1/1/05

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Twenty Dollars and Ninety-Three Cents (\$20.93).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Forty-Four Dollars and Seventy-Three Cents (\$44.73) per 1,000 cubic feet.

(f) Special Homestead beginning 1/1/01 through 12/31/01

A minimum service and consumption charge shall be made to homesteads in Summit and Medina Counties owned by a person sixty-five years of age or older or a permanently disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Forty-Nine Cents (\$10.49). There shall be a minimum charge of Ten Dollars and Forty-Nine Cents (\$10.49) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(g) Special Homestead beginning 1/1/02 through 12/31/02

A minimum service and consumption charge shall be made to homesteads in Summit and Medina Counties owned by a person sixty-five years of age or older or a permanently disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Sixty-Four Cents (\$10.64). There shall be a minimum charge of Ten Dollars and Sixty-Four Cents (\$10.64) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(h) Special Homestead beginning 1/1/03 through 12/31/03

A minimum service and consumption charge shall be made to homesteads in Summit and Medina Counties owned by a person sixty-five years of age or older or a permanently disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provi-

sions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Seventy-Nine Cents (\$10.79). There shall be a minimum charge of Ten Dollars and Seventy-Nine Cents (\$10.79) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(i) Special Homestead beginning 1/1/04 through 12/31/04

A minimum service and consumption charge shall be made to homesteads in Summit and Medina Counties owned by a person sixty-five years of age or older or a permanently disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Ninety-Four Cents (\$10.94). There shall be a minimum charge of Ten Dollars and Ninety-Four Cents (\$10.94) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(j) Special Homestead beginning 1/1/05

A minimum service and consumption charge shall be made to homesteads in Summit and Medina Counties owned by a person sixty-five years of age or older or a permanently disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eleven Dollars and Nine Cents (\$11.09). There shall be a minimum charge of Eleven Dollars and Nine Cents (\$11.09) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(k) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval on all applications.

Rates for Water Sold Through Master Meters

(a) The rates to be charged for the sale of water measured through Master Meters shall be as follows:

(1) To the City of Cleveland Heights: beginning 1/1/01 through 12/31/01, \$22.01 per mcf; beginning 1/1/02 through 12/31/02, \$22.76 per mcf; beginning 1/1/03 through 12/31/03, \$23.54 per mcf; beginning 1/1/04 through 12/31/04, \$24.34 per mcf; beginning 1/1/05, \$25.18 per mcf.

(2) To the City of East Cleveland: beginning 1/1/01 through 12/31/01, \$18.98 per mcf; beginning 1/1/02 through 12/31/02, \$19.63 per mcf; beginning 1/1/03 through 12/31/03, \$20.32 per mcf; beginning 1/1/04 through 12/31/04, \$21.02 per mcf; beginning 1/1/05, \$21.75 per mcf.

(3) To the City of Lakewood: beginning 1/1/01 through 12/31/01, \$18.98 per mcf; beginning 1/1/02 through 12/31/02, \$19.63 per mcf; beginning 1/1/03 through 12/31/03, \$20.32 per mcf; beginning 1/1/04 through 12/31/04, \$21.02 per mcf; beginning 1/1/05, \$21.75 per mcf.

(4) To the City of Bedford: beginning 1/1/01 through 12/31/01, \$22.41 per mcf; beginning 1/1/02 through 12/31/02, \$23.16 per mcf; beginning 1/1/03 through 12/31/03, \$23.94 per mcf; beginning 1/1/04 through 12/31/04, \$24.74 per mcf; beginning 1/1/05, \$25.58 per mcf.

(5) To the Village of Chagrin Falls: beginning 1/1/01 through

12/31/01, \$25.41 per mcf; beginning 1/1/02 through 12/31/02, \$26.27 per mcf; beginning 1/1/03 through 12/31/03, \$27.17 per mcf; beginning 1/1/04 through 12/31/04, \$28.09 per mcf; beginning 1/1/05, \$29.05 per mcf.

(6) To the City of Berea: beginning 1/1/01 through 12/31/01, \$24.54 per mcf; beginning 1/1/02 through 12/31/02, \$25.19 per mcf; beginning 1/1/03 through 12/31/03, \$25.88 per mcf; beginning 1/1/04 through 12/31/04, \$26.58 per mcf; beginning 1/1/05, \$27.31 per mcf.

(7) To Lake County: beginning 1/1/01 through 12/31/01, \$23.79 per mcf; beginning 1/1/02 through 12/31/02, \$24.44 per mcf; beginning 1/1/03 through 12/31/03, \$25.13 per mcf; beginning 1/1/04 through 12/31/04, \$25.83 per mcf; beginning 1/1/05, \$26.56 per mcf.

(8) To Lorain County: beginning 1/1/01 through 12/31/01, \$24.54 per mcf; beginning 1/1/02 through 12/31/02, \$25.19 per mcf; beginning 1/1/03 through 12/31/03, \$25.88 per mcf; beginning 1/1/04 through 12/31/04, \$26.58 per mcf; beginning 1/1/05, \$27.31 per mcf.

(9) To the City of North Ridgeville: beginning 1/1/01 through 12/31/01, \$18.98 per mcf; beginning 1/1/02 through 12/31/02, \$19.63 per mcf; beginning 1/1/03 through 12/31/03, \$20.32 per mcf; beginning 1/1/04 through 12/31/04, \$21.02 per mcf; beginning 1/1/05, \$21.75 per mcf.

(10) To Gauga County: beginning 1/1/01 through 12/31/01, \$28.01 per mcf; beginning 1/1/02 through 12/31/02, \$28.87 per mcf; beginning 1/1/03 through 12/31/03, \$29.77 per mcf; beginning 1/1/04 through 12/31/04, \$30.69 per mcf; beginning 1/1/05, \$31.65 per mcf.

(11) To Medina County: beginning 1/1/01 through 12/31/01, \$28.01 per mcf; beginning 1/1/02 through 12/31/02, \$28.87 per mcf; beginning 1/1/03 through 12/31/03, \$29.77 per mcf; beginning 1/1/04 through 12/31/04, \$30.69 per mcf; beginning 1/1/05, \$31.65 per mcf.

(12) To the City of Hudson Village: beginning 1/1/01 through 12/31/01, \$28.01 per mcf; beginning 1/1/02 through 12/31/02, \$28.87 per mcf; beginning 1/1/03 through 12/31/03, \$29.77 per mcf; beginning 1/1/04 through 12/31/04, \$30.69 per mcf; beginning 1/1/05, \$31.65 per mcf.

(13) To Summit County: beginning 1/1/01 through 12/31/01, \$28.01 per mcf; beginning 1/1/02 through 12/31/02, \$28.87 per mcf; beginning 1/1/03 through 12/31/03, \$29.77 per mcf; beginning 1/1/04 through 12/31/04, \$30.69 per mcf; beginning 1/1/05, \$31.65 per mcf.

(14) To Portage County: beginning 1/1/01 through 12/31/01, \$28.01 per mcf; beginning 1/1/02 through 12/31/02, \$28.87 per mcf; beginning 1/1/03 through 12/31/03, \$29.77 per mcf; beginning 1/1/04 through 12/31/04, \$30.69 per mcf; beginning 1/1/05, \$31.65 per mcf.

(b) All bills for water so furnished shall be rendered monthly to the municipality or district to which water is so furnished, and if not paid within fifteen (15) days after the date of billing by the City of Cleveland, such bills shall be subject to a penalty of five percent added thereto. In the event that any monthly bill is not paid within four (4) months after written notice is given by the City of Cleveland, the City of Cleveland may, at its option, cease to furnish water to such municipality or district pending payment of any overdue amount.

(c) Rates for Standby Emergency Water Service. The rates to be charged for standby emergency water service shall consist of an

annual standby fee of \$3600.00 per year in addition to the charge for consumption provided in division (a) of this section. Standby fees for standby emergency water service shall be payable in advance. All bills for water furnished under this section shall be rendered upon the termination of customer's emergency period or, if the duration of the emergency is longer than thirty days, in thirty day intervals. In the event that any standby fee is not paid in advance or any consumption bill is not paid within four months after written notice is given by the City of Cleveland, the City of Cleveland may at its option, cease to furnish standby emergency water service to such customer pending payment of any overdue amount.

Charges for Unmetered Fire Protection Service within the City and Direct Service Metropolitan Area

A charge shall be made for each unmetered fire supply connection within the limits of the City and direct service suburbs. The charge shall be determined in accordance with the size of the fire supply connection through which water passes for use on the premises so supplied in accordance with the following schedule, for each three months or any part thereof:

Beginning January 1, 2001, through December 31, 2001

Connection Size (Inches)	Fee
1-1/2	\$ 32.19
2	32.19
3	32.19
4	87.55
6	126.18
8	225.31
10	352.78
12	481.53

Beginning January 1, 2002, through December 31, 2002

Connection Size (Inches)	Fee
1-1/2	\$ 33.15
2	33.15
3	33.15
4	90.18
6	129.96
8	232.07
10	363.36
12	495.97

Beginning January 1, 2003, through December 31, 2003

Connection Size (Inches)	Fee
1-1/2	\$ 34.15
2	34.15
3	34.15
4	92.88
6	133.86
8	239.03
10	374.26
12	510.85

Beginning January 1, 2004, through December 31, 2004

Connection Size (Inches)	Fee
1-1/2	\$ 35.17
2	35.17
3	35.17
4	95.67
6	137.87
8	246.21
10	385.49
12	526.18

Beginning January 1, 2005

Connection Size (Inches)	Fee
1-1/2	\$ 36.23
2	36.23
3	36.23
4	98.54
6	142.01
8	253.59
10	397.05
12	541.96

Charges shall be collected quarterly for each fire supply connection to cover inspection, testing, sealing and resealing of such service connections, stand-by pumpage capacity, and replacement or cleaning of distribution or trunk water mains to improve the water supply for fire protection purposes.

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

Nays: None.
Absent: None.

Resolution No. 427-00.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on June 14, 2000 for sodium bisulfate solution (all items) for the Division of Water, Department of Public Utilities, pursuant to the authority of Section 129.24 of the Codified Ordinance of Cleveland, Ohio, 1976, are hereby rejected.

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

Nays: None.
Absent: None.

Resolution No. 428-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Yard Master, Inc. for an estimated quantity of landscape maintenance at various water works facilities Nottingham Water Works (items N1-N37, N42A-N42E, N43A, N43B, N43E, N44, N46-N51 and N53-N57), for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract received on the 9th day of June, 2000, pursuant to the authority of Ordinance No. 516-2000, passed May 22, 2000 which on the basis of the estimated quantity would amount to Seventy One Thousand Five Hundred Nine Dollars, (\$71,509.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 18782

which shall be certified against such contract in the sum of Thirty Thousand Dollars (\$30,000.00).

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

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

Nays: None.
Absent: None.

Resolution No. 429-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Perfecturf, Inc. for an

estimated quantity of landscape maintenance at various water works facilities Crown Water Works (all items), Kirtland Pump Station (all items), Harvard Service Center (all items), Public Utilities Building (all items), for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract received on the 9th day of June, 2000, pursuant to the authority of Ordinance No. 516-2000, passed May 22, 2000 on the basis of the estimated quantity would amount to Two Hundred Twenty Thousand Six Hundred Sixty Nine Dollars, (\$220,669.00), (1% 10 days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition Nos. 23674, 23729, 23731, and 23732

which shall be certified against such contract in the sum of Thirty Thousand Dollars (\$30,000.00) — Requisition No. 23674; Ten Thousand (\$10,000.00) — Requisition No. 23729; Thirty Thousand Dollars (\$30,000.00) — Requisition No. 23731; Five Thousand Dollars (\$5,000.00) — Requisition No. 23732.

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

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

NAME MBE/FBE

Caver Brothers
\$35,187 — (MBE)

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

Nays: None.
Absent: None.

Resolution No. 430-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Licursi Co., Inc. for an estimated quantity of landscape maintenance at various water works facilities Baldwin Water Works (all items); Garrett Morgan Water Works (all items); Parma Heights Water Works (all items); for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract received on the 9th day of June, 2000, pursuant to the authority of Ordinance No. 516-2000, passed May 22, 2000 which on the basis of the estimated quantity would amount to Two Hundred Forty Four Thousand One Hundred Eighty Three Dollars, (\$244,183.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 23673, 23728 and 23730

which shall be certified against such contract in the sum of Fifty Thousand Dollars (\$50,000.00) — Requisition No. 23673; Fifty Thousand Dollars (\$50,000.00) — Requisition No. 23728; Thirty Thousand Dollars (\$30,000.00) — Requisition No. 23730.

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

NAME MBE/FBE

Caver Brothers
\$48,835 — (MBE)

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

Nays: None.
Absent: None.

Resolution No. 431-00.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of American Highway Products for an estimated quantity of various sizes of manhole risers, for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on March 16, 2000, pursuant to the authority of Ordinance No. 1825-99, passed December 6, 1999, which on the basis of the estimated quantity would amount to Twenty Five Thousand Two Hundred and 00/100 Dollars, (\$25,200.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 16343

which shall be certified against such contract in the sum of Two Thousand Five Hundred and Twenty and 00/100 Dollars (\$2,520.00).

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

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

Nays: None.
Absent: None.

Resolution No. 432-00.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Wise International Trucks of Ohio for an estimated quantity of cab/chassis, International, with Lift-All aerial bucket/tree trimming body for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on May 26, 2000, pursuant to the authority of Ordinance No. 1058-99, passed June 14, 1999, which on the basis of the estimated quantity would amount to

approximately One Hundred Forty-Two Thousand One Hundred Two and 00/100 Dollars, (\$142,102.00), (Net-Delivery), 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. 17808 which shall be certified against such contract in the sum of One Hundred Forty-Two Thousand One Hundred Two and 00/100 Dollars (\$142,102.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Wise International Trucks of Ohio for the above-mentioned purchase is hereby approved:

Independent Brokers, Ltd.
MBE — \$700.00 per truck

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

Nays: None.
Absent: None.

Resolution No. 433-00.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of National Bullet, for an estimated quantity of Reload Ammunition, Group B, items 1, 2, and 3, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on April 27, 2000, pursuant to the Section 135.065 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Ninety Nine Thousand, One Hundred Forty and 00/100 Dollars, (\$99,140.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 12794 Group B, Item 1, 2 and 3, as specified which shall be certified against such contract in the sum of Fourteen Thousand Six Hundred Eighty 00/100 Dollars (\$14,680.00).

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

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

Nays: None.
Absent: None.

Resolution No. 434-00.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Kiesler Police Supply for an estimated quantity of Ammunition, Group A, items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on April 27, 2000, pursuant to Section 135.065 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to One Hundred Thirteen Thousand, Seven Hundred Thirty Three and 26/100 Dollars, (\$113,733.26), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 12793 Group A, Item No. 1, as specified which shall be certified against such contract in the sum of Seven Thousand, Six Hundred Eighty 00/100 Dollars (\$7,680.00).

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

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

Nays: None.
Absent: None.

Resolution No. 435-00.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Globe Manufacturing Company for an estimated quantity of turnout uniform clothing, item nos. 1 and 2 for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on February 11, 2000, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Seventy-Seven Thousand Two Hundred Sixty-Two and 00/100 Dollars, (\$77,262.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 13724
50 — Item #1 — Turnout Coats, as specified
50 — Item #2 — Turnout Pants, as specified
which shall be certified against such contract in the sum of Thirty-Eight Thousand, Six Hundred Thirty-One and 00/100 Dollars (\$38,631.00).

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

City's requirement for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

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

Nays: None.
Absent: None.

Resolution No. 436-00.

By Director Jackson.

Whereas, pursuant to the authority of Ordinance Nos. 1422-98, and 937-00 both passed by the Council of the City of Cleveland on December 7, 1998 and June 19, 2000 respectively, and Resolution No. 850-98, adopted by this Board on December 30, 1998, the City, through its Director of Parks, Recreation and Properties authorized City Contract No. 54204 thereto, with Ralph Tyler Companies ("Architect") to provide professional services necessary for constructing a new structure at Cleveland Memorial Garden; and

Whereas, it has been determined that additional architectural and engineering services are necessary as a result of the City's decision to expand the facility to accommodate more equipment; and

Whereas, Architect has proposed by its letter dated April 7, 2000, to perform such additional services; and,

Whereas, the City finds Architect's proposal acceptable and desires to modify its agreement with Architect on the basis of such proposal to provide for the performance of and payment for such additional services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Parks, Recreation and Properties is hereby authorized to enter into a first Modification to City Contract No. 54204 with Ralph Tyler Companies, on the basis of Architect's letter dated April 7, 2000, to perform the architectural services necessary for the expansion of the Cleveland Memorial Gardens Park Maintenance Building, for an increase in fees of \$22,500.00 and \$2,500.00 for reimbursable expenses, for a total contract cost, not to exceed \$77,965.00, including reimbursable expenses.

Be it further resolved, that all other terms and provisions of City Contract No. 54204 not expressly modified herein shall remain unchanged and in full force and effect.

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

Nays: None.
Absent: None.

Resolution No. 437-00.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 003-29-075 located at 4215 John Avenue in Ward 14; and

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

Whereas, Andrew P. Hisey and Chandy C. John, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Andrew P. Hisey and Chandy C. John for the sale and development of Permanent Parcel No. 003-29-075 located at 4215 John Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

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

Nays: None.

Absent: None.

Resolution No. 438-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that Resolution No. 292-92 adopted by this Board on March 25, 1992, relating to the operation of the Division of Water Pollution Control, Department of Public Utilities, for sewerage service, hereby are rescinded.

Be it further resolved that in accordance with Section 112 of the Charter of the City of Cleveland, subject to the approval of City Council, charges of the Division of Water Pollution Control, Department of Public Utilities, for sewerage service are hereby fixed as follows:

Sewerage Service Charges within Cleveland.

(a) Beginning January 1, 2001 through December 31, 2001.

The charge for any sewerage service provided by the City to persons, corporations or their premises located inside the territorial limits of the City shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at the rate of six dollars and eighty-one cents (\$6.81) for each one thousand (1,000) cubic feet of water measured by

meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is derived from sources other than the water supply furnished by the City. A minimum charge of six dollars and eighty-one cents (\$6.81) per quarter shall be assessed and collected for sewerage service for the first 1,000 cubic feet or less of water metered per quarter.

(b) Beginning January 1, 2002, through December 31, 2002.

The charge for any sewerage service provided by the City to persons, corporations or their premises located inside the territorial limits of the City shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at the rate of seven dollars and sixteen cents (\$7.16) for each one thousand (1,000) cubic feet measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is derived from sources other than the water supply furnished by the City. A minimum charge of seven dollars and sixteen cents (\$7.16) per quarter shall be assessed and collected for sewerage services for the first 1,000 cubic feet or less of water metered per quarter.

(c) Beginning January 1, 2003, through December 31, 2003.

The charge for any sewerage service provided by the City to persons, corporations or their premises located inside the territorial limits of the City shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at the rate of seven dollars and fifty-one cents (\$7.51) for each one thousand (1,000) cubic feet measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is derived from sources other than the water supply furnished by the City. A minimum charge of seven dollars and fifty-one cents (\$7.51) per quarter shall be assessed and collected for sewerage services for the first 1,000 cubic feet or less of water metered per quarter.

(d) Beginning January 1, 2004, through December 31, 2004.

The charge for any sewerage service provided by the City to persons, corporations or their premises located inside the territorial limits of the City shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at the rate of seven dollars and eighty-nine cents (\$7.89) for each one thousand (1,000) cubic feet measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is derived from sources other than the water supply furnished by the City. A minimum charge of seven dollars and eighty-nine cents (\$7.89) per quarter shall be assessed and collected for sewerage services for the first 1,000 cubic feet or less of water metered per quarter.

(e) Regular beginning January 1, 2005.

The charge for any sewerage service provided by the City to persons, corporations or their premises located inside the territorial limits of the City shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at the rate of eight dollars and twenty-eight cents (\$8.28) for each one thousand (1,000)

cubic feet measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is derived from sources other than the water supply furnished by the City. A minimum charge of eight dollars and twenty-eight cents (\$8.28) per quarter shall be assessed and collected for sewerage services for the first 1,000 cubic feet or less of water metered per quarter.

(f) Special Homestead beginning January 1, 2001, through December 31, 2001.

A minimum charge for sewerage service provided by the City shall be made to homesteads within the territorial limits of the City owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of R.C. 323.151 through 323.157. The charge for sewerage service provided to each homestead shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at a rate of four dollars and seventeen cents (\$4.17) for each one thousand (1,000) cubic feet of water measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is furnished by the City. A minimum charge of four dollars and seventeen cents (\$4.17) per quarter shall be assessed and collected for sewerage service for the first 1,000 cubic feet or less or water metered per quarter.

(g) Special Homestead beginning January 1, 2002, through December 31, 2002.

A minimum charge for sewerage service provided by the City shall be made to homesteads within the territorial limits of the City owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of R.C. 323.151 through 323.157. The charge for sewerage service provided to each homestead shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at a rate of four dollars and thirty-four cents (\$4.34) for each one thousand (1,000) cubic feet of water measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is furnished by the City. A minimum charge of four dollars and thirty-four cents (\$4.34) per quarter shall be assessed and collected for sewerage service for the first 1,000 cubic feet or less or water metered per quarter.

(h) Special Homestead beginning January 1, 2003, through December 31, 2003.

A minimum charge for sewerage service provided by the City shall be made to homesteads within the territorial limits of the City owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of R.C. 323.151 through 323.157. The charge for sewerage service provided to each homestead shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at a rate of

four dollars and fifty-two cents (\$4.52) for each one thousand (1,000) cubic feet of water measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is furnished by the City. A minimum charge of four dollars and fifty-two cents (\$4.52) per quarter shall be assessed and collected for sewerage service for the first 1,000 cubic feet or less or water metered per quarter.

(i) Special Homestead beginning January 1, 2004, through December 31, 2004.

A minimum charge for sewerage service provided by the City shall be made to homesteads within the territorial limits of the City owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of R.C. 323.151 through 323.157. The charge for sewerage service provided to each homestead shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at a rate of four dollars and seventy-one cents (\$4.71) for each one thousand (1,000) cubic feet of water measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is furnished by the City. A minimum charge of four dollars and seventy-one cents (\$4.71) per quarter shall be assessed and collected for sewerage service for the first 1,000 cubic feet or less or water metered per quarter.

(j) Special Homestead beginning January 1, 2005.

A minimum charge for sewerage service provided by the City shall be made to homesteads within the territorial limits of the City owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of R.C. 323.151 through 323.157. The charge for sewerage service provided to each homestead shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at a rate of four dollars and ninety-one cents (\$4.91) for each one thousand (1,000) cubic feet of water measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is furnished by the City. A minimum charge of four dollars and ninety-one cents (\$4.91) per quarter shall be assessed and collected for sewerage service for the first 1,000 cubic feet or less or water metered per quarter.

(k) In addition to those homesteads eligible for the special homestead rates prescribed by divisions (f) through (j) of this section, homesteads owned by a person sixty-five (65) years of age or older or permanently and totally disabled whose total annual income does not exceed Twenty-three Thousand Dollars (\$23,000.00) may be eligible for the special homestead rate established pursuant to divisions (f) through (j) of this section.

(l) The Director of Public Utilities shall prescribe the application form for the homestead rates set forth in division (f) of this section and shall have final approval on all applications.

(m) The sewerage service charges within the City shall be increased to meet the funding requirements of the Ohio Water Development Authority.

(n) Nothing contained in this section shall be held to authorize or require the payment of any sewer rental charge by any tax-supported department of the City.

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

Nays: None.
Absent: None.

Resolution No. 439-00.

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Nerone & Sons for the public improvement of Eliot & East 105th Park Site Improvements and Paul Revere Elementary School Site Improvements, for Base Bid Items #A1 — #A42 and Add Alternate Items #AA1 — #AA8 including the adjusted contingency (Eliot & East 105th Park) and Base Bid Items #B1 — #B50 and Add Alternate Items #AA1, #AA3 — #AA9, including the adjusted 5% contingency (Paul Revere Elementary School), for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on March 15, 2000, pursuant to the authority of Ordinance No. 1605-98 and Ordinance No. 1748-99 and Ordinance 931-2000, passed October 19, 1998 and April 17, 2000 and June 19, 2000, upon a unit basis, for the improvement in the aggregate amount of Four Hundred Forty Thousand, Eight Hundred Ninety Five and 79/100 Dollars (\$440,895.79), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractors for Nerone & Sons on the public improvement of Eliot & East 105th Park Site Improvements and Paul Revere Elementary School Site Improvements are hereby approved:

SUBCONTRACTOR RESPONSIBILITY

Ballast Fence FBE	Fence Work	Barrow Sign Company FBE — \$1,265.00
Danoli Landscape MBE	Landscaping	A & L Sewer Company MBE — \$128,000.00
Steward Supply MBE	Material Supply	P & L Industries, Inc. FBE — \$81,000.00
		The Collinwood Shale Brick & Supply Company FBE — \$50,000.00
		Able Contracting Group, Inc. FBE — \$260,000.00
		Gateway Electric, Inc. MBE — \$300,000.00

Resolution No. 440-00.

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Marous Brothers Inc., for the West Side and East Side Markets Millennium Project Base Bid #1, for the Department of Parks,

Recreation & Properties, received on March 30, 2000, pursuant to the authority of Ordinance No. 134-2000 passed June 19, 2000, for a gross price for the improvement in the aggregate amount of Seven Hundred, Ninety Six Thousand Nine Hundred Sixty Eight Dollars and No/100 Dollars (\$796,968.00), is hereby affirmed and approved as the lowest responsible bid, including alternates #1c and #1d, and the Director of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Marous Brothers Inc., is hereby approved:

Julian Supply
FBE — \$3,225.95

Able Contracting Group Inc.
MBE — \$31,950

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

Nays: None.
Absent: None.

Resolution No. 441-00.

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland that the bid of R.W. Clark Company, Inc., for the West Side and East Side Markets Millennium Project Base Bid #2, for the Department of Parks, Recreation & Properties, received on March 30, 2000, pursuant to the authority of Ordinance No. 134-2000 passed June 19, 2000, for a gross price for the improvement in the aggregate amount of Three Million Forty Four Thousand Seven Hundred Dollars and No/100 Dollars (\$3,044,700.00), is hereby affirmed and approved as the lowest responsible bid, including alternates #2b, #2c, #2d, #2e, #2f, and #2g, and the Director of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by R.W. Clark Company, Inc., is hereby approved:

Barrow Sign Company FBE — \$1,265.00
A & L Sewer Company MBE — \$128,000.00
P & L Industries, Inc. FBE — \$81,000.00
The Collinwood Shale Brick & Supply Company FBE — \$50,000.00
Able Contracting Group, Inc. FBE — \$260,000.00
Gateway Electric, Inc. MBE — \$300,000.00
Yeas: Mayor White, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.
Nays: None. Absent: None.

Resolution No. 442-00.

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Howard Refrigerator Co., Inc., for the West Side and East Side Markets Millennium Project Base Bid #3, for the Department of Parks, Recreation & Properties, received on March 30, 2000, pursuant to the authority of Ordinance No. 134-2000 passed June 19, 2000, for a gross price for the improvement in the aggregate amount of Two Million Seven Hundred Thousand Dollars and No/100 Dollars (\$2,700,000.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

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

Nays: None.

Absent: None.

Resolution No. 443-00.

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Envirocom Construction, for the West Side and East Side Markets Millennium Project Base Bid #4, for the Department of Parks, Recreation & Properties, received on March 30, 2000, pursuant to the authority of Ordinance No. 134-2000 passed June 19, 2000, for a gross price for the improvement in the aggregate amount of Two Hundred Five Thousand Dollars and No/100 Dollars (\$205,000.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Envirocom Construction, is hereby approved:

A & L Sewer
FBE — \$17,850

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

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES**General Information**

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

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the

commission not later than the final closing date slated in the examination announcement.

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

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

ANNE BLOOMBERG,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JULY 17, 2000

9:30 A.M.

Calendar No. 99-272: 11601 Shaker Blvd. (Ward 6)

Prima Marketing LLC, owner, c/o Brian Healey, agent, appeals to construct a 45' x 58' one-story Mini-Mart Store and Gas Station with 4 islands and dispensing equipment and a 102' x 24' canopy all situated on an approximate 200' x 146' corner parcel and located in a Local Retail Business District at the northeast corner of East 116th Street and Shaker Blvd. at 11601 Shaker Blvd.; said construction being contrary to the Business District Regulations of Section 343.01 where a Gas Station is not permitted in a Local Retail Business District but first permitted in a General Retail Business District, and Section 343.16(b) where the rebuilding of a service station requires City Planning Commission approval, and contrary to the Off-Street Parking and Loading Requirements of Section 349.07(B) where wheel and bumper stops are required and contrary to the Landscaping and Screening Requirements of Section 352.09 where a medium transition strip is required along the Multi-Family District and a Heavy transition is required along the Two-Family District and Section 352.11 where a 6' medium strip is required and 5' are proposed and an 8' heavy transition strip is required and 5' are proposed and a landscaped content table is required as stated in Section 352.12 of the Codified Ordinances.

Calendar No. 00-187: 11010-11012 Lorain Avenue (Ward 19)

Melinda DeCaro, owner, and Goodwill Industries, tenant, c/o Larry Baily, agent, appeals to change the use of an existing 33' x 114' one-story masonry store building into a school and group counseling facility and situated on an approximate 39' x 127' parcel and located in a General Retail District on the north side of Lorain Avenue at 11010-11012 Lorain Road; said change of use being contrary to the Residential District Regulations of Section 337.02(f)(3)(a) where public or private school is permitted if not less than 30' from adjoining premises in a residential district and contrary to the Business District Regulations of Section 343.11 (a) where the use of premises for

public or private school is permitted subject to the review and approval of the Board of Zoning Appeals and contrary to the Off-Street Parking and Loading Requirements where 0 parking spaces are proposed and 5 are required as stated in Section 349.04 of the Codified Ordinances.

Calendar No. 00-188: 4577 West 148th Street (Ward 20)

Dusant and Ana Marie Palalic, owners, appeal to install approximately 235 linear feet of 3' high wood picket fencing with 3 gates around a portion of the 49' x 120' parcel located in a One-Family District at 4577 West 148th Street; said installation being contrary to the Yards and Courts Requirements where the height of the proposed fence in the front yard of the corner lot is 36" and 30" is permitted as stated in Section 357.13(b)(3) of the Codified Ordinances.

Calendar No. 00-190: 10019 Cliff Drive (Ward 17)

Andrew William Gallagher, owner, appeals to construct a colonnade between an existing 2 1/2 story one-family dwelling house and a renovation of a 23' x 82' garage, all situated on a 108' x 203' parcel on the south side of Cliff Drive at 10019 Cliff Drive; said installation being contrary to the Residential District Regulations of Section 337.23(a)(7)(A) where the floor area of a private garage and colonnade exceeds the permitted maximum floor area of 2,022 sq. ft. and 2,996 sq. ft. is proposed and contrary to the Height Regulation Requirements where a 24' high accessory building is proposed and the maximum height of an accessory building in a residence district shall not exceed 15' as stated in Section 353.05 of the Codified Ordinances.

Calendar No. 00-193: 11618 Dove Avenue (Ward 2)

Eldra Jones, owner, appeals to enclose a 16' x 6' front porch of an existing One-Dwelling house situated on a 40' x 120' parcel and located in a Two-Family District on the south side of Dove Avenue at 11618 Dove Avenue; said enclosure being contrary to the Yards and Courts Requirements where the proposed front porch projects 6' and enclosed front porches shall not project more than 4' and do not aggregate a vertical area in any story more than 20% of the facade in that story as stated in Section 357.13(b)(4) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JULY 3, 2000

At the meeting of the Board of Zoning Appeals on Monday, July 3, 2000, the following appeals were heard by the Board:

The following appeal was **Approved:**

Calendar No. 00-180: 17325 Walden Avenue

Edna and Eddie Tolbert, owners, appealed to install approximately 20

linear feet of 4' high chain link fencing 3' to the west of a 42' x 128' parcel located in a One-Family District.

The following appeals were **Denied**:

Calendar No. 00-179: 4015 Bailey Avenue

Bailey Orchard Development Corporation, owner c/o James Maher, appealed to install approximately 35 linear feet of 6' high wooden fencing to the southeasterly portion of the approximate 60' x 157' irregular shaped parcel and at the rear of the garage at 2312 West 40 Street, located in a Two-Family District.

Calendar No. 00-183: 9831 Denison Avenue

Rosa and Ljubo Bjelovuk, owner, and James Thorne, tenant, appealed to change the first floor use of an existing 30' x 38' two-story masonry store building into a coffee shop situated on an approximate 43' x 160' corner parcel located in a General Retail Business District.

The following appeal was **Withdrawn**:

Calendar No. 00-176: 10832 Drexel Avenue

Alfonzo Williams, owner, appealed to change the use of an existing 32' x 40' two-story frame, one dwelling house into a temporary shelter for women and children situated on a 45' x 167' parcel and located in a Two-Family District.

On Monday, July 3, 2000, in Executive Session:

The following appeals were heard on Monday, June 26, 2000 and said decisions were approved and adopted by the Board on July 3, 2000.

The following appeals were **Approved**:

Calendar No. 00-171: 8909 Willard Avenue

North Central Ohio District Church of the Nazarene, owner c/o Reverend Ronald Anderson, appealed to change the use of an existing 24' x 33' two-story frame, one dwelling house into offices, medical testing and counseling facility all situated on a 38' x 130' parcel located in a Two-Family District.

Calendar No. 00-172: 1533-1535 East 36th Street

Jadran Medic, owner, appealed to install a dumpster enclosure and trash bin on an existing 40' x 132' vacant parcel located in a Two-Family District.

Calendar No. 00-173: 3494 West 25th Street

John E. and Irene LaRussa, owners, appealed to change the use of the first floor rear area of an existing 63' x 50' two-story commercial building by changing the existing rear area (37' x 50'), three car private garage area into a youth assembly room, all situated on a 50' x 144' corner parcel located in a Semi-Industry District.

Calendar No. 00-174: 16200 Woodbury Avenue

Daniel J. Kenaga, owner, appealed to install approximately 112 linear feet of 6' high wooden fencing to the northeast corner of a 64' x 175' corner parcel located in a One-Family District.

Calendar No. 00-37: 3138 West 16th Street

CMS Properties, Inc., owner c/o Robert M. Pattison, agent, appealed to demolish an existing 67' x 24' two-story frame 3 dwelling unit house and construct a 67' x 24' two-story frame 2 dwelling unit house on the existing foundation all situated on a 44' x 96' corner parcel and located in a Two-Family District.

Calendar No. 99-530: 1305 East 124th Street

Gregory Patrick, owner, appealed to change the use of an existing 64' x 90' two-story masonry building situated on a 159' x 115' corner parcel into offices located in a Local Retail District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On City Planning

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, July 12, 2000
9:30 A.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, July 12, 2000, at 9:30 A.M., to consider the following ordinances now pending in the Council:

Ord. No. 659-2000.

By Councilman Sweeney.
An ordinance to change the Use, Area and Height Districts of lands on the southerly side of Bennington Avenue, S.W. between West 130 Street and West 127 Street. (Map Change No. 2012, Sheet No. 13)

Ord. No. 1012-2000.

By Councilman O'Malley.
An ordinance to change the Use and Area District of lands on the northerly side of Memphis Avenue, S.W. between W. 62 Street and W. 58 Street. (Map Change No. 2013, Sheet No. 2)

Ord. No. 1072-2000.

By Councilman Britt.
An ordinance to change the Use District of lands at East 93rd Street and Quincy Avenue.

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

JOSEPH C. CIMPERMAN,
Chairman
Committee on City Planning

June 28, 2000 and July 5, 2000

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint 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, JULY 13, 2000

Microfiche Services, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 319-2000, passed by the Council of the City of Cleveland, April 17, 2000.

Meals for Prisoners, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 739-2000, passed by the Council of the City of Cleveland.

June 28, 2000 and July 5, 2000

FRIDAY, JULY 14, 2000

Cement and Mortar Lining of Various Distribution Mains for the Year 2000—Areas 7 and 8, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 215-2000, passed by the City of Cleveland, March 6, 2000.

A DEPOSIT OF TWO HUNDRED DOLLARS (\$200.00) 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 RE-

TURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON THURSDAY, JULY 6, 2000, 10:00 A.M. AT THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, ENGINEERING CONFERENCE ROOM, 5TH FLOOR.

June 28, 2000 and July 5, 2000

WEDNESDAY, JULY 19, 2000

Maintenance, Repair and/or Replacement of HVAC Systems at Various Locations, for the Divisions of Cleveland Public Power, Water, and Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 825-2000, passed by the Council of the City of Cleveland, June 12, 2000.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, JULY 12, 2000, 10:00 A.M. AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE. **ATTENDANCE IS MANDATORY.**

Sodium Bisulfite Solution, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of the City of Cleveland, 1976.

June 28, 2000 and July 5, 2000

THURSDAY, JULY 20, 2000

Spring and Winter Jackets, for the Division of Building and Housing and Neighborhood Services, Department of Community Development, as authorized by Ordinance No. 2058-99, passed by the Council of the City of Cleveland, January 31, 2000.

Roof Rehabilitation at Public Service Buildings, for the Department of Public Service, as authorized by Ordinance No. 2168-99.

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.

June 28, 2000 and July 5, 2000

FRIDAY, JULY 21, 2000

Six (6) Semi-Dump Trailers, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1816-99, passed by the Council of the City of Cleveland, December 13, 1999.

June 28, 2000 and July 5, 2000

REQUEST FOR PROPOSALS

The Department of Port Control is Seeking Consultant Services to Update the Spill Prevention, Control and Countermeasures Plan Per Federal, State and Local Reg-

ulations, as authorized by Ordinance No. 608-98. Proposals are due Wednesday, July 5, 2000, 12:00 o'clock noon. For detailed information contact Keshia Johnson at (216) 265-6615.

June 28, 2000 and July 5, 2000

THURSDAY, JULY 20, 2000

Rehabilitation of West 40th Street Place, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 962-99 and 598-2000.

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.

July 5, 2000 and July 12, 2000

WEDNESDAY, JULY 26, 2000

Iron Gate Valves, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

Tree Trimming, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 745-2000, passed by the Council of the City of Cleveland, June 12, 2000.

July 5, 2000 and July 12, 2000

FRIDAY, AUGUST 11, 2000

New Runway (5L-23R), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 552-2000.

PLANS AND SPECIFICATIONS MUST BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114. FOR THE NON-REFUNDABLE FEE OF ONE THOUSAND DOLLARS (\$1,000.00) (CERTIFIED CHECK OR MONEY ORDER ONLY). PROSPECTIVE BIDDERS WILL THEN RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER FOR BID DOCUMENTS. PACKAGE/FEE INCLUDES PLANS, TECHNICAL SPECIFICATIONS, GENERAL AND CONTRACTUAL REQUIREMENTS AND ANY ADDENDA.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, JULY 20, 2000, 10:00 A.M. TO 1:00 P.M. AT THE CLEVELAND AIRPORT MARRIOTT, 4277 WEST 150TH STREET, CLEVELAND, OHIO 44135. FOR ADDITIONAL INFORMATION, FAX QUESTIONS TO DEBORAH MIDGETT IN THE DIVISION OF PURCHASES AND SUPPLIES AT (216) 664-2177.

July 5, 2000 and July 12, 2000

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1147-2000.

By Councilmen Brady and Rybka. An emergency resolution proclaiming July, 2000 to be Recreation and Parks month in the City of Cleveland.

Whereas, this Council believes that parks, recreation, and leisure activities provide opportunities for young people to live, grow and develop into contributing members of society; and

Whereas, parks and recreation activities create a social environment that enriches life experiences for older members of our city; and

Whereas, this Council of the City of Cleveland encourages the creation of opportunities for people to come together to experience a sense of community through fun, recreational pursuits, and

Whereas, parks, playgrounds, nature trails, open spaces and community and cultural centers make Cleveland a more attractive and desirable place to live and work; and

Whereas, parks and recreation programs and activities touch the lives of individuals, families, groups, and the entire community which positively impacts upon the social, economic, health and environmental quality of the City of Cleveland; and

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

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

Section 1. That this Council of the City of Cleveland joins with the National Recreation and Park Association in proclaiming July, 2000 as Recreation and Parks Month and encourages all citizens of Cleveland to celebrate by participating in their choice of recreation, park and leisure activities with family, friends and neighbors.

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

Adopted June 19, 2000.

Effective June 29, 2000.

Res. No. 1148-2000.

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

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

Whereas, Cleveland New Homes L.P. is proposing to develop up to 65 housing units; and

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

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

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

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

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

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

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

Adopted June 19, 2000.

Effective June 29, 2000.

Res. No. 1149-2000.

By Councilmen Jones, White, Robinson, Johnson, Jackson, Britt, Lewis, Patmon, Willis, Coats, Polensek, Rybka, Cimperman, Cintron, Gordon, O'Malley, Melena, Westbrook, Brady, Sweeney and Dolan.

An emergency resolution declaring July 21, 2000 as Americans with Disabilities Act Celebration Day throughout the City of Cleveland.

Whereas, the Americans with Disabilities Act (ADA) was signed in to law on July 26, 1990 and has since paved the way for millions of Americans with disabilities to become more self-sufficient and more independent through increased employment opportunities and improved mobility facilities; and

Whereas, the development of adaptive equipment and adaptive computer devices that translate the written word to verbal word, transfer the spoken word into writing or Braille or otherwise enable persons with limited motor, audio or visual abilities to accurately and effectively utilize a computer has improved the productivity and quality of life for persons with disabilities; and

Whereas, colleges and universities have adopted strategies to include and increase their ability to serve disabled students with accessible facilities, use of adaptive equipment, proctors for test-taking and notation and other specialized faculty and programs; and

Whereas, service agencies including our local Bureau of Vocational

Rehabilitation, the Cleveland Sight Center and the Disable Veterans Affairs agency have aided in the accomplishment of developing and implementing support services throughout the nation; and

Whereas, many local clubs and non-profit organizations have formed to orchestrate extracurricular activities for persons with disabilities such as the Cleveland Scrappers Beeper Baseball team and the Dancing Wheels wheelchair dancing troupe, each of which have participated in international engagements across the globe; and

Whereas, the primary objective of the Disability Coalition Movement of Cleveland is to unite agencies, institutions, businesses, people with disabilities and all concerned parties to bring about an awareness and understanding that the Americans with Disabilities Act has been and remains in the means of much of the success of so many individuals with disabilities; now therefore,

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

Section 1. That this Council declare July 21st, 2000 as the Americans with Disabilities Act Celebration Day throughout the City of Cleveland, to celebrate the improved lives and successes of persons with disabilities and to renew a commitment to our efforts to increase awareness and support of ingenuity and improvement to increase the productivity, inclusion and quality of life for persons with disabilities.

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

Adopted June 19, 2000.

Effective June 29, 2000.

Ord. No. 672-97.

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

An emergency ordinance to enact Sections 686.01 to 686.10 and 686.99 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to used motor vehicle storage places and 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 Sections 686.01 to 686.10 and 686.99, to read, respectively, as follows

**CHAPTER 686
USED MOTOR VEHICLE
STORAGE PLACES**

Section 686.01 Intent

The regulations of this chapter establish annual licensing requirements intended to ensure that used

motor vehicle storage places are improved and maintained in a manner which promotes public safety and which protects the value and character of nearby properties.

Section 686.02 Definitions

As used in this chapter, the following terms shall be defined in the following manner:

(a) "Commissioner" means the Commissioner of Assessments and Licenses.

(b) "Director" means the Director of the City Planning Commission.

(c) "Motor vehicle" is as defined in Chapter 401 of the Codified Ordinances and refers, generally, to an automobile, truck or motorcycle.

(d) "New motor vehicle dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in new motor vehicles pursuant to a contract or agreement entered into with the manufacturer, remanufacturer, or distributor of the motor vehicles.

(e) "Used motor vehicle dealer" means any person engaged in the business of selling, displaying, offering for sale, or dealing in used motor vehicles, at retail or wholesale, but does not include any of the following:

(1) a new motor vehicle dealer selling, displaying, offering for sale, or dealing in used motor vehicles incidental to engaging in the business of selling, displaying, offering for sale, or dealing in new motor vehicles, provided that the used motor vehicles are sold, displayed or offered for sale on land that is adjacent or contiguous to the new motor vehicle sales lot; or

(2) a person engaged in the business of dismantling, salvaging, or rebuilding motor vehicles by means of using used parts; or

(3) a public officer performing official duties.

(f) "Used motor vehicle sales place" means the business premises of a used motor vehicle dealer. Two or more adjoining or proximate parcels used for such purposes and operated as a single business shall be considered one "used motor vehicle sales place" for purposes of this chapter.

Section 686.03 License Required

No used motor vehicle storage place shall be established or operated without a license issued pursuant to this chapter. Each motor vehicle sales place shall require a separate license regardless of the number of such places operated by a single business or dealership. Licenses shall be renewed on an annual basis and shall not be assignable or transferable. A new license shall be required for each new operator and for any enlargement or expansion of the area used for storage of motor vehicles at a used motor vehicle storage place.

Section 686.04 Application, Plans and Fees

(a) License Application. Any person or firm operating or proposing to operate used motor vehicle storage place shall submit a license application to the Commissioner of Assessments and Licenses on a form provided by the Commissioner, in

accordance with the following provisions:

(1) **Submission Date.** For used motor vehicle storage places in operation prior to the initial effective date of this chapter, the required license application shall be submitted by October 31, 2000, for issuance by December 31, 2000. Thereafter, applications for license renewal shall be submitted by October 31 of each year for issuance by December 31 of that year. For used motor vehicle storage places established on or after the initial effective date of this chapter, the required license application shall be submitted at least two (2) months prior to the requested start of operation.

(2) **Application Contents.** License applications shall provide the following information and any other information which the Commissioner deems necessary to determine compliance with the provisions of this chapter.

A. the address, telephone number and name, if any, of the used motor vehicle storage place and a map showing and identifying, by permanent parcel number, the parcels of land which are occupied by such use;

B. name, address, telephone number, and social security number of each operator of the used motor vehicle storage place, each partner in the case of a partnership, and each officer and director in the case of a corporation;

C. a copy of the current Certificate of Occupancy for the premises, indicating that the use has been legally established under applicable provisions of the Zoning and Building Codes;

D. a list of temporary license plates issued by the used motor vehicle sales place in the previous twelve (12) months.

(3) **License Fee.** Each application for issuance or renewal of a license shall be accompanied by a fee of one hundred dollars (\$100.00), submitted to the Commissioner of Assessments and Licenses (made payable to the "City of Cleveland").

(b) **Improvement Plans.** In the case of a proposal to establish a used motor vehicle storage place or to expand or enlarge the motor vehicle storage area of such place, and in the case of any existing used motor vehicle storage place for which compliance with the fencing and landscaping requirements of Section 686.07 is due during the current licensing year, the operator of such place shall submit plans to the Commissioner of Assessments and Licenses for approval by Director of the City Planning Commission, demonstrating compliance with those requirements. Such plans shall be prepared and submitted in accordance with the following provisions.

(1) **Submission Date.** For used motor vehicle storage places in operation and legally established prior to the initial effective date of this chapter, the required improvement plans shall be submitted no later than February 28, 2001. In all other cases, the required plan shall be submitted with the license application required in division (a) of this section.

(2) **Plan Contents.** In addition to listing the address of the used motor

vehicle storage place and the name, address and telephone number of the operator, the submission of improvement plans shall include the following:

A. an accurately scaled and dimensioned site plan and elevator drawing showing all existing and proposed fencing, landscaping, yard areas, vehicle storage areas, customer and employee parking areas, sidewalks, tree-lawns, curbs, driveways, wheelstops, guardrails, buildings, signs, and lot lines;

B. specifications for all proposed fencing and landscaping, indicating the type, color, material and gauge of fencing; the type, height and number of landscape materials, and a description of proposed ground cover and landscape curbing.

(3) **Plan Fee.** Each plan submission shall be accompanied by a fee of one hundred dollars (\$100.00). Such Plan Fee shall be in addition to any License Fee and shall be submitted to the Commissioner of Assessments and Licenses (made payable to the "City of Cleveland").

Section 686.05 License Approval and Issuance

(a) **Referral to Commissioner of Building and Housing.** Upon receipt of a complete license application and accompanying fee, the Commissioner of Assessments and Licenses shall transmit the application to the Commissioner of Building and Housing for a determination of compliance with the provisions of this chapter, except as provided in division (b) for the determination of initial compliance with the requirements for fencing and landscaping.

(b) **Referral to City Planning Director.** In the case of a license application for which initial compliance with the fencing and landscaping requirements of Section 686.07 was required during the current licensing year, the Commissioner of Assessments and Licenses shall transmit a copy of the application to the Director of the City Planning Commission for a determination of compliance with such requirements.

(c) **Issuance of License.** For used motor vehicle storage places which are in compliance with the provisions of this chapter, the Commissioner of Assessment and Licenses shall issue a license not later than December 31 of each year or not later than two (2) months after receipt of a complete application, whichever date occurs later.

(d) **Effective Period.** Licenses, generally, shall be in effect for a period of one (1) year, from January 1 to December 31. For a used motor vehicle storage place established through licensing or re-licensing on a date other than January 1, the license shall be in effect for the remainder of the regular licensing year. For a license issued after September 1 but prior to December 31, the license shall be in effect until December 31 of the following calendar year.

Section 686.06 Storage of Vehicles for Sale

(a) **Storage.** Motor vehicles stored for sale shall be kept off of public sidewalks and public streets. Such vehicles shall be contained on pri-

vate property by means of the ornamental metal fencing and/or landscape strips as required in Section 686.07. In the case of a used motor vehicle storage place for which installation of such fencing or landscaping is not yet required, stored vehicles shall be kept off of the public right-of-way by maintenance of setback areas required by zoning regulations and/or by anchored concrete or plastic wheelstops, concrete or asphalt curbing, wooden bollards or black-painted posts and metal chains/cables, or black-painted guard rails or pipe rail. Chain link or wooden fencing shall not be used to contain stored vehicles on private property, except that retention of such fencing, if in good repair, shall be permitted until installation of ornamental metal fencing or landscaping is required by the provisions of Section 686.07.

(b) **Use.** If the operator of a motor vehicle sales place permits customers to test drive vehicles offered for sale, the operator shall provide to each such customer, immediately prior to the test drive, a written notice stating that the vehicle shall be operated in accordance with all applicable traffic laws, and, more specifically, shall not be operated in a manner that produces excessive and unusual levels of noise or fumes. To facilitate compliance with this notice, an employee of the used motor vehicle sales place shall accompany any customer test-driving a vehicle being offered for sale. Repeated violations of the provision of this section will be considered cause for suspension or revocation of a license.

Section 686.07 Fencing and Landscaping

Used motor vehicle storage places shall be bordered along all public streets, except at permitted driveway openings, by fencing and/or landscape strips which meet the standards established in this section.

(a) **Landscape Strip.** Except as provided in division (d) of this section, a landscape strip shall be provided along the entire length of each street right-of-way bordering the used motor vehicle storage place, except at permitted driveway openings.

(1) **Width.** Each such landscape strip shall be a minimum of four (4) feet in width, as measured inward from the public right-of-way line, but shall be no narrower than any yard of setback required by Zoning Code regulations or as established by action taken by the Board of Zoning Appeals prior to the initial effective date of this chapter.

(2) **Shrubs and Trees.** The landscape strip shall be planted with evergreen shrubs, at least two (2) feet in height above the grade of the adjoining surface on which motor vehicles are stored or parked, with such shrubs spaced at maximum intervals of five (5) feet along the length of each strip. Trees, at least two (2) inches in caliper, shall be provided in each landscape strip at maximum intervals of forty (40) feet. If the shrubs are spaced at maximum intervals of two and a half (2 1/2) feet, no trees shall be required.

(3) Ground Cover and Curbing. The landscape strip, if over four (4) feet in width, shall be planted with grass or other vegetative ground cover. If four (4) feet or less in width, the landscape strip may be covered with decorative bark, mulch or stones, and such materials shall be bordered along the sidewalk edge by concrete curbing and along other edges by concrete curbing, asphalt curbing, or treated timbers.

(b) Ornamental Fencing. Fencing meeting the requirements of this division shall be provided along the entire length of each street right-of-way bordering the used motor vehicle storage place, except as permitted driveway openings and except as provided in divisions (c) and (d) of this section. Such fencing shall be composed of wrought iron-style ornamental metal pickets and rails, black in color, constructed of iron, steel or aluminum, a minimum of four (4) feet in height and a maximum of six (6) feet in height. Pickets shall be spaced no more than six (6) inches apart, and shall be at least 5/8 inches in diameter if hollow and at least 3/8 inches in diameter if solid. Brick or stone elements may also be incorporated into such fence. The City Planning Commission may approve use of ornamental barriers as an alternative to the otherwise-required wrought-iron style fencing, in accordance with design guidelines adopted by the Commission. Any fencing provided along street frontages, whether required or provided voluntarily, shall meet the requirements of this division.

(c) Barriers. Non-ornamental barriers may be substituted for ornamental fencing along street frontages where landscaping meeting the requirements of division (a) of this section is provided. Such barriers may be composed of either capped metal posts or wooden bollards, linked by metal chains or cables, pipe rail, no more than four (4) feet in height. All metal posts and rails shall be black in color. Wooden bollards shall be eight (8) inches square, with a beveled or chamfer top edge, and a one (1) inch deep routed groove approximately one (1) foot below the top edge.

(d) Landscaping and Fencing Exemptions. For used motor vehicle storage places legally established prior to the initial effective date of this chapter, no landscape strip shall be required along a street frontage where no yard or setback area is required by Zoning Code regulations. For used motor vehicle storage places located in General Industry and Unrestricted Industry zoning districts, neither the requirements for landscape strips nor ornamental fencing shall apply. No fencing, landscaping or other vehicular barriers shall be required along alleys, as defined in Section 303.09 of the Codified Ordinances.

(e) Driveway Openings. The width of each driveway opening providing ingress or egress to a used motor vehicle storage place shall not exceed a 24 feet, as measured at the property line. Any curb not in compliance with Zoning Code regulations regarding number or

spacing shall be eliminated unless such curb cut was established pursuant to a permit issued by the City.

(f) Compliance Schedule. Used motor vehicle storage places legally established prior to the initial effective date of this chapter shall be made to comply with the fencing and landscaping requirements of this section no later than July 31, 2001. Used motor vehicle storage places established on or after the initial effective date of this chapter shall be made to comply with requirements of this section prior to issuance of a license.

Section 686.08 Maintenance of Premises

The surface of outdoor areas used for the storage of motor vehicles shall be paved with asphalt or concrete or, if permitted by Zoning Code regulations, shall be covered by crushed stone. Such surface shall be kept in good repair, level and reasonably free of dust if not hard-surfaced. Fencing and landscaping shall also be maintained in good condition. Unhealthy or dead vegetation shall be replaced promptly.

Section 686.09 Revocation or Suspension of License

The Commissioner of Assessments and Licenses may at any time revoke or suspend the license granted under authority of this chapter for failure to comply with the terms of this chapter.

Section 686.10 Appeals and Exceptions

(a) Appeals. If the Commissioner of Assessments and Licenses refuses to issue or revokes or suspends a license, the applicant or licensee may appeal such order to the Board of Zoning Appeals. Such appeal shall be filed in writing with the Board within ten (10) days after the making of such order. The Board shall hear the appeal within ten (10) days after the filing. At the hearing, all interested parties shall be afforded an opportunity to be heard. In considering the appeal, the Board shall determine whether the Commissioner's order was made in accordance with the provisions of this chapter. The Board shall approve, modify or annul such order, and the finding of the Board shall be final with respect to all parties.

(b) Exceptions. If the Commissioner of Assessments and Licenses refuses to issue or revokes or suspends a license, the applicant or licensee may request the Board of Zoning Appeals to issue an exception to the provision(s) of this chapter upon which the Commissioner's order was based, as applied to the subject premises.

(1) Filing and Notice. Such request shall be filed in writing with the Board within ten (10) days after the making of such order by the Commissioner of Assessments and Licenses. The Board shall hold a public hearing to consider the request after providing public notice and, also, written notice mailed to the owner or his agent at the given address on the request and, so far as is practical, written notice to directly affected property owners or their agents given at least seven (7)

days prior to the date of such proposed hearing, in such manner as the Board may, by its rules, prescribe.

(2) Action by the Board. In considering the request for an exception, the Board shall approve such request only if it determines that a strict application of the regulations will result in practical difficulty which inheres in and is peculiar to the subject premises and that granting of that request will not be contrary to the intent of the provisions of this chapter. In addition, the Board shall approve such request if it determines that the applicant has proposed an alternate and equally effective means of achieving the intent of such provisions.

Section 686.99 Penalty

Whoever violates any of the provisions of Sections 686.03, 686.04, 686.06, 686.07, or 686.08 shall be guilty of a minor misdemeanor and fined not more than one hundred dollars (\$100.00). In addition to any other method of enforcement provided for in this chapter, these minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedures. Whoever violates any of the provisions of these sections, having previously been convicted of a violation of any of these sections within five (5) years, shall be guilty of a misdemeanor of the fourth degree.

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

Passed June 19, 2000.

Effective June 29, 2000, without the signature of the Mayor.

Ord. No. 1123-99.

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

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

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

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an

"Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

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

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

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

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

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

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

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

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

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

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 1742-99.
By Councilmen Willis, Zone and Johnson (by departmental request).
An emergency ordinance to amend Section 543.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2012-95, passed April 1, 1996, relating to sewerage service charges within Cleveland.

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

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

Section 1. That the charges of the Division of Water Pollution Control, Department of Public Utilities for sewerage service within the City of Cleveland fixed by the Board of Control, be and the same are hereby approved.

Section 2. That Section 543.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2012-95, passed April 1, 1996, is hereby amended to read as follows:

Section 543.02 Sewerage Service Charges within Cleveland.

(a) Regular beginning January 1, 2001 through December 31, 2001. The charge for any sewerage service provided by the City to persons, corporations or their premises located inside the territorial limits of the City shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at the rate of six dollars and eighty-one cents (\$6.81) for each one thousand (1,000) cubic feet of water measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is derived from sources other than the water supply furnished by the City. A minimum charge of six dollars and eighty-one cents (\$6.81) per quarter shall be assessed and collected for sewerage service for the first 1,000 cubic feet or less of water metered per quarter.

(b) Regular beginning January 1, 2002, through December 31, 2002. The charge for any sewerage service provided by the City to persons, corporations or their premises located inside the territorial limits of the City shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at the rate of seven dollars and sixteen cents (\$7.16) for each one thousand (1,000) cubic feet measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is

derived from sources other than the water supply furnished by the City. A minimum charge of seven dollars and sixteen cents (\$7.16) per quarter shall be assessed and collected for sewerage services for the first 1,000 cubic feet or less of water metered per quarter.

(c) Regular beginning January 1, 2003, through December 31, 2003. The charge for any sewerage service provided by the City to persons, corporations or their premises located inside the territorial limits of the City shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at the rate of seven dollars and fifty-one cents (\$7.51) for each one thousand (1,000) cubic feet measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is derived from sources other than the water supply furnished by the City. A minimum charge of seven dollars and fifty-one cents (\$7.51) per quarter shall be assessed and collected for sewerage services for the first 1,000 cubic feet or less of water metered per quarter.

(d) Regular beginning January 1, 2004, through December 31, 2004. The charge for any sewerage service provided by the City to persons, corporations or their premises located inside the territorial limits of the City shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at the rate of seven dollars and eighty-nine cents (\$7.89) for each one thousand (1,000) cubic feet measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is derived from sources other than the water supply furnished by the City. A minimum charge of seven dollars and eighty-nine cents (\$7.89) per quarter shall be assessed and collected for sewerage services for the first 1,000 cubic feet or less of water metered per quarter.

(e) Regular beginning January 1, 2005. The charge for any sewerage service provided by the City to persons, corporations or their premises located inside the territorial limits of the City shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at the rate of eight dollars and twenty-eight cents (\$8.28) for each one thousand (1,000) cubic feet measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is derived from sources other than the water supply furnished by the City. A minimum charge of eight dollars and twenty-eight cents (\$8.28) per quarter shall be assessed and collected for sewerage services for the first 1,000 cubic feet or less of water metered per quarter.

(f) Special Homestead beginning January 1, 2001, through December 31, 2001. A minimum charge for sewerage service provided by the City shall be made to homesteads within the territorial limits of the City owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduc-

tion in taxes pursuant to the Homestead Exemption provisions of R.C. 323.151 through 323.157. The charge for sewerage service provided to each homestead shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at a rate of four dollars and seventeen cents (\$4.17) for each one thousand (1,000) cubic feet of water measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is furnished by the City. A minimum charge of four dollars and seventeen cents (\$4.17) per quarter shall be assessed and collected for sewerage service for the first 1,000 cubic feet or less or water metered per quarter.

(g) Special Homestead beginning January 1, 2002, through December 31, 2002. A minimum charge for sewerage service provided by the City shall be made to homesteads within the territorial limits of the City owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of R.C. 323.151 through 323.157. The charge for sewerage service provided to each homestead shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at a rate of four dollars and thirty-four cents (\$4.34) for each one thousand (1,000) cubic feet of water measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is furnished by the City. A minimum charge of four dollars and thirty-four cents (\$4.34) per quarter shall be assessed and collected for sewerage service for the first 1,000 cubic feet or less or water metered per quarter.

(h) Special Homestead beginning January 1, 2003, through December 31, 2003. A minimum charge for sewerage service provided by the City shall be made to homesteads within the territorial limits of the City owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of R.C. 323.151 through 323.157. The charge for sewerage service provided to each homestead shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at a rate of four dollars and fifty-two cents (\$4.52) for each one thousand (1,000) cubic feet of water measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is furnished by the City. A minimum charge of four dollars and fifty-two cents (\$4.52) per quarter shall be assessed and collected for sewerage service for the first 1,000 cubic feet or less or water metered per quarter.

(i) Special Homestead beginning January 1, 2004, through December 31, 2004. A minimum charge for sewerage service provided by the City shall be made to homesteads within

the territorial limits of the City owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of R.C. 323.151 through 323.157. The charge for sewerage service provided to each homestead shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at a rate of four dollars and seventy-one cents (\$4.71) for each one thousand (1,000) cubic feet of water measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is furnished by the City. A minimum charge of four dollars and seventy-one cents (\$4.71) per quarter shall be assessed and collected for sewerage service for the first 1,000 cubic feet or less or water metered per quarter.

(j) Special Homestead beginning January 1, 2005. A minimum charge for sewerage service provided by the City shall be made to homesteads within the territorial limits of the City owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of R.C. 323.151 through 323.157. The charge for sewerage service provided to each homestead shall be based upon the quantity of metered water used in or upon such premises and shall be assessed and collected at a rate of four dollars and ninety-one cents (\$4.91) for each one thousand (1,000) cubic feet of water measured by meter in excess of the first 1,000 cubic feet of water metered per quarter, whether or not such water supply is furnished by the City. A minimum charge of four dollars and ninety-one cents (\$4.91) per quarter shall be assessed and collected for sewerage service for the first 1,000 cubic feet or less or water metered per quarter.

(k) In addition to those homesteads eligible for the special homestead rates prescribed by divisions (f) through (j) of this section, homesteads owned by a person sixty-five (65) years of age or older or permanently and totally disabled whose total annual income does not exceed Twenty-three Thousand Dollars (\$23,000.00) may be eligible for the special homestead rate established pursuant to divisions (f) through (j) of this section.

(l) The Director of Public Utilities shall prescribe the application form for the homestead rates set forth in division (f) of this section and shall have final approval on all applications.

(m) The sewerage service charges within the City shall be increased to meet the funding requirements of the Ohio Water Development Authority.

(n) Nothing contained in this section shall be held to authorize or require the payment of any sewer rental charge by any tax-supported department of the City.

Section 2. That existing Section 543.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2012-95, passed

April 1, 1996, is hereby repealed.

Section 3. That the Moral Claims Commission shall consider payment in an amount not to exceed two thousand dollars (\$2,000.00) to each claimant who incurs necessary and reasonable expenses in repairing or maintaining a sewer structure that is the responsibility of the City.

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

Passed June 19, 2000.

Effective June 29, 2000, without the signature of the Mayor.

Ord. No. 1743-99.

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

An emergency ordinance to amend Sections 535.04, 535.05, 535.051, 535.06, 535.18 and 535.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to rates, rules and regulations for water service provided by the Division of Water, Department of Public Utilities.

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

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

Section 1. That the rates, rules, and regulations of the Division of Water, Department of Public Utilities, for water service, fixed by the Board of Control, be and the same are hereby approved.

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

Section 535.04, as amended by Ordinance No. 935-96, passed June 18, 1996,

Section 535.05, as amended by Ordinance No. 935-96, passed June 18, 1996,

Section 535.051, as amended by Ordinance No. 1524-95, passed January 29, 1996,

Section 535.06, as amended by Ordinance No. 935-96, passed June 18, 1996,

Section 535.18, as amended by Ordinance No. 311-98, passed May 4, 1998, and

Section 535.21, as amended by Ordinance No. 935-96, passed June 18, 1996,

are hereby amended to read, respectively, as follows:

Section 535.04 Direct Service Water Rates within Cleveland; Regular and Special Homestead

(a) Regular beginning 1/1/01 through 12/31/01

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Seven Dollars and Fifty-Nine Cents (\$7.59).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Sixteen Dollars and Twenty-Three Cents (\$16.23) per 1,000 cubic feet.

(b) Regular beginning 1/1/02 through 12/31/02

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Seven Dollars and Eighty-Five Cents (\$7.85).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Sixteen Dollars and Eighty Cents (\$16.80) per 1,000 cubic feet.

(c) Regular beginning 1/1/03 through 12/31/03

(1) A minimum service, and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eight Dollars and Thirteen Cents (\$8.13).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Seventeen Dollars and Thirty-Eight Cents (\$17.38) per 1,000 cubic feet.

(d) Regular beginning 1/1/04 through 12/31/04

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eight Dollars and Forty-One Cents (\$8.41).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Seventeen Dollars and Ninety-Nine Cents (\$17.99) per 1,000 cubic feet.

(e) Regular beginning 1/1/05

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eight Dollars and Seventy-One Cents (\$8.71).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Eighteen Dollars and Sixty-Two Cents (\$18.62) per 1,000 cubic feet.

(f) Special Homestead beginning 1/1/01 through 12/31/01

A minimum service and consumption charge shall be made to homesteads within the territorial limits of the City of Cleveland owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Three Dollars and Sixty-One Cents (\$3.61). There shall be a minimum charge of Three Dollars and Sixty-One Cents (\$3.61) for the first 1,000 cubic feet or less used by each

homestead during each three month billing period.

(g) Special Homestead beginning 1/1/02 through 12/31/02

A minimum service and consumption charge shall be made to homesteads within the territorial limits of the City of Cleveland owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Three Dollars and Sixty-Eight Cents (\$3.68). There shall be a minimum charge of Three Dollars and Sixty-Eight Cents (\$3.68) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(h) Special Homestead beginning 1/1/03 through 12/31/03

A minimum service and consumption charge shall be made to homesteads within the territorial limits of the City of Cleveland owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Three Dollars and Seventy-Four Cents (\$3.74). There shall be a minimum charge of Three Dollars and Seventy-Four Cents (\$3.74) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(i) Special Homestead beginning 1/1/04 through 12/31/04

A minimum service and consumption charge shall be made to homesteads within the territorial limits of the City of Cleveland owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Three Dollars and Eighty-One Cents (\$3.81). There shall be a minimum charge of Three Dollars and Eighty-One Cents (\$3.81) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(j) Special Homestead beginning 1/1/05

A minimum service and consumption charge shall be made to homesteads within the territorial limits of the City of Cleveland owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Three Dollars and Eighty-Seven Cents (\$3.87). There shall be a minimum charge of

Three Dollars and Eighty-Seven Cents (\$3.87) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(k) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval on all applications.

Section 535.05 Direct Service Water Rates in Cuyahoga County Except Cleveland; Regular and Special Homestead

(a) Regular beginning 1/1/01 through 12/31/01

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Thirteen Dollars and Fifty-Four Cents (\$13.54). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Eight Dollars and Eighty-Nine Cents (\$28.89) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fifteen Dollars and Sixty-Four Cents (\$15.64). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Four Dollars and Seventeen Cents (\$34.17) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eighteen Dollars and Thirty-Six Cents (\$18.36). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Nine Dollars and Twenty-Two Cents (\$39.22) per 1,000 cubic feet.

(b) Regular beginning 1/1/02 through 12/31/02

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fourteen Dollars (\$14.00). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Nine Dollars and Eighty-Eight Cents (\$29.88) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Sixteen Dollars and Seventeen Cents (\$16.17). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Five Dollars and Thirty Cents (\$35.30) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the

third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eighteen Dollars and Ninety-Seven Cents (\$18.97). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Forty Dollars and Fifty-Three Cents (\$40.53) per 1,000 cubic feet.

(c) Regular beginning 1/1/03 through 12/31/03

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fourteen Dollars and Forty-Eight Cents (\$14.48). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty Dollars and Ninety-One Cents (\$30.91) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Sixteen Dollars and Seventy-Two Cents (\$16.72). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Six Dollars and Forty-Eight Cents (\$36.48) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Nineteen Dollars and Sixty Cents (\$19.60). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Forty-One Dollars and Eighty-Eight Cents (\$41.88) per 1,000 cubic feet.

(d) Regular beginning 1/1/04 through 12/31/04

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fourteen Dollars and Ninety-Eight Cents (\$14.98). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-One Dollars and Ninety-Eight Cents (\$31.98) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Seventeen Dollars and Twenty-Nine Cents (\$17.29). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Seven Dollars and Seventy Cents (\$37.70) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The min-

imum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Twenty Dollars and Twenty-Six Cents (\$20.26). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Forty-Three Dollars and Twenty-Eight Cents (\$43.28) per 1,000 cubic feet.

(e) Regular beginning 1/1/05

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fifteen Dollars and Fifty Cents (\$15.50). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Three Dollars and Eight Cents (\$33.08) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Seventeen Dollars and Eighty-Eight Cents (\$17.88). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Eight Dollars and Ninety-Six Cents (\$38.96) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Twenty Dollars and Ninety-Three Cents (\$20.93). All water used in excess of 1,000 cubic feet during each three month billing period shall be Forty-Four Dollars and Seventy-Three Cents (\$44.73) per 1,000 cubic feet.

(f) Special Homestead beginning 1/1/01 through 12/31/01

(1) A minimum service and consumption charge shall be made to homesteads in the low and first high service districts owned by a person sixty-five years of age or older or by a permanently and totally disabled persons; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Six Dollars and Thirty-Two Cents (\$6.32). There shall be a minimum charge of Six Dollars and Thirty-Two Cents (\$6.32) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) A minimum service and consumption charge shall be made to homestead in the second high service district owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by

each homestead shall be Eight Dollars and Twenty-Four Cents (\$8.24). There shall be a minimum charge of Eight Dollars and Twenty-Four Cents (\$8.24) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(3) A minimum service and consumption charge shall be made to homesteads in the third high service district owned by a person sixty-five years of age or older or by a person permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Section 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Forty-Nine Cents (\$10.49). There shall be a minimum charge of Ten Dollars and Forty-Nine Cents (\$10.49) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(g) Special Homestead beginning 1/1/02 through 12/31/02

(1) A minimum service and consumption charge shall be made to homesteads in the low and first high service districts owned by a person sixty-five years of age or older or by a permanently and totally disabled persons; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Six Dollars and Forty-Three Cents (\$6.43). There shall be a minimum charge of Six Dollars and Forty-Three Cents (\$6.43) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) A minimum service and consumption charge shall be made to homestead in the second high service district owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eight Dollars and Thirty-Seven Cents (\$8.37). There shall be a minimum charge of Eight Dollars and Thirty-Seven Cents (\$8.37) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(3) A minimum service and consumption charge shall be made to homesteads in the third high service district owned by a person sixty-five years of age or older or by a person permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Section 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Sixty-Four Cents (\$10.64). There shall be a minimum charge of Ten

Dollars and Sixty-Four Cents (\$10.64) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(h) Special Homestead beginning 1/1/03 through 12/31/03

(1) A minimum service and consumption charge shall be made to homesteads in the low and first high service districts owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Six Dollars and Fifty-Four Cents (\$6.54). There shall be a minimum charge of Six Dollars and Fifty-Four Cents (\$6.54) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) A minimum service and consumption charge shall be made to homestead in the second high service district owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eight Dollars and Fifty Cents (\$8.50). There shall be a minimum charge of Eight Dollars and Fifty Cents (\$8.50) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(3) A minimum service and consumption charge shall be made to homesteads in the third high service district owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Section 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Seventy-Nine Cents (\$10.79). There shall be a minimum charge of Ten Dollars and Seventy-Nine Cents (\$10.79) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(i) Special Homestead beginning 1/1/04 through 12/31/04

(1) A minimum service and consumption charge shall be made to homesteads in the low and first high service districts owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Six Dollars and Sixty-Six Cents (\$6.66). There shall be a minimum charge of Six Dollars and Sixty-Six Cents (\$6.66) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) A minimum service and con-

sumption charge shall be made to homestead in the second high service district owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eight Dollars and Sixty-Three Cents (\$8.63). There shall be a minimum charge of Eight Dollars and Sixty-Three Cents (\$8.63) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(3) A minimum service and consumption charge shall be made to homesteads in the third high service district owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Section 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Ninety-Four Cents (\$10.94). There shall be a minimum charge of Ten Dollars and Ninety-Four Cents (\$10.94) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(j) Special Homestead beginning 1/1/05

(1) A minimum service and consumption charge shall be made to homesteads in the low and first high service districts owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Six Dollars and Seventy-Seven Cents (\$6.77). There shall be a minimum charge of Six Dollars and Seventy-Seven Cents (\$6.77) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) A minimum service and consumption charge shall be made to homestead in the second high service district owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eight Dollars and Seventy-Six Cents (\$8.76). There shall be a minimum charge of Eight Dollars and Seventy-Six Cents (\$8.76) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(3) A minimum service and consumption charge shall be made to homesteads in the third high service district owned by a person sixty-five years of age or older or by a permanently and total-

ly disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Section 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eleven Dollars and Nine Cents (\$11.09). There shall be a minimum charge of Eleven Dollars and Nine Cents (\$11.09) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(k) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval on all applications.

Section 535.051 Additional Eligibility for Special Homestead Rates

(a) In addition to those homesteads eligible for the special homestead rates prescribed by divisions (f) through (j) of Section 535.04 and divisions (f) through (j) of Section 535.05, homesteads owned by a person sixty-five years of age or older or permanently and totally disabled whose total annual income does not exceed Twenty-Three Thousand Dollars (\$23,000.00) may be eligible for the special homestead rate established for the service district in which the homestead is located pursuant to Sections 535.04 and 535.05 of these codified ordinances.

(b) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval of all applications.

Section 535.06 Direct Water Service Rates in Summit and Medina Counties; Regular and Special Homestead

(a) Regular beginning 1/1/01 through 12/31/01

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eighteen Dollars and Thirty-Six Cents (\$18.36).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Nine Dollars and Twenty-Two Cents (\$39.22) per 1,000 cubic feet.

(b) Regular beginning 1/1/02 through 12/31/02

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eighteen Dollars and Ninety-Seven Cents (\$18.97).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Forty Dollars and Fifty-Three Cents (\$40.53) per 1,000 cubic feet.

(c) Regular beginning 1/1/03 through 12/31/03

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each

three month billing period shall be Nineteen Dollars and Sixty Cents (\$19.60).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Forty-One Dollars and Eighty-Eight Cents (\$41.88) per 1,000 cubic feet.

(d) Regular beginning 1/1/04 through 12/31/04

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Twenty Dollars and Twenty-Six Cents (\$20.26).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Forty-Three Dollars and Twenty-Eight Cents (\$43.28) per 1,000 cubic feet.

(e) Regular beginning 1/1/05

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Twenty Dollars and Ninety-Three Cents (\$20.93).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Forty-Four Dollars and Seventy-Three Cents (\$44.73) per 1,000 cubic feet.

(f) Special Homestead beginning 1/1/01 through 12/31/01

A minimum service and consumption charge shall be made to homesteads in Summit and Medina Counties owned by a person sixty-five years of age or older or a permanently disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Forty-Nine Cents (\$10.49). There shall be a minimum charge of Ten Dollars and Forty-Nine Cents (\$10.49) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(g) Special Homestead beginning 1/1/02 through 12/31/02

A minimum service and consumption charge shall be made to homesteads in Summit and Medina Counties owned by a person sixty-five years of age or older or a permanently disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Sixty-Four Cents (\$10.64). There shall be a minimum charge of Ten Dollars and Sixty-Four Cents (\$10.64) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(h) Special Homestead beginning 1/1/03 through 12/31/03

A minimum service and consumption charge shall be made to home-

steads in Summit and Medina Counties owned by a person sixty-five years of age or older or a permanently disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Seventy-Nine Cents (\$10.79). There shall be a minimum charge of Ten Dollars and Seventy-Nine Cents (\$10.79) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(i) Special Homestead beginning 1/1/04 through 12/31/04

A minimum service and consumption charge shall be made to homesteads in Summit and Medina Counties owned by a person sixty-five years of age or older or a permanently disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Ninety-Four Cents (\$10.94). There shall be a minimum charge of Ten Dollars and Ninety-Four Cents (\$10.94) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(j) Special Homestead beginning 1/1/05

A minimum service and consumption charge shall be made to homesteads in Summit and Medina Counties owned by a person sixty-five years of age or older or a permanently disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eleven Dollars and Nine Cents (\$11.09). There shall be a minimum charge of Eleven Dollars and Nine Cents (\$11.09) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(k) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval on all applications.

Section 535.18 Rates for Water Sold Through Master Meters

(a) The rates to be charged for the sale of water measured through Master Meters shall be as follows:

(1) To the City of Cleveland Heights: beginning 1/1/01 through 12/31/01, \$22.01 per mcf; beginning 1/1/02 through 12/31/02, \$22.76 per mcf; beginning 1/1/03 through 12/31/03, \$23.54 per mcf; beginning 1/1/04 through 12/31/04, \$24.34 per mcf; beginning 1/1/05, \$25.18 per mcf.

(2) To the City of East Cleveland: beginning 1/1/01 through 12/31/01, \$18.98 per mcf; beginning 1/1/02 through 12/31/02, \$19.63 per mcf; beginning 1/1/03 through 12/31/03, \$20.32 per mcf; beginning 1/1/04

through 12/31/04, \$21.02 per mcf; beginning 1/1/05, \$21.75 per mcf.

(3) To the City of Lakewood: beginning 1/1/01 through 12/31/01, \$18.98 per mcf; beginning 1/1/02 through 12/31/02, \$19.63 per mcf; beginning 1/1/03 through 12/31/03, \$20.32 per mcf; beginning 1/1/04 through 12/31/04, \$21.02 per mcf; beginning 1/1/05, \$21.75 per mcf.

(4) To the City of Bedford: beginning 1/1/01 through 12/31/01, \$22.41 per mcf; beginning 1/1/02 through 12/31/02, \$23.16 per mcf; beginning 1/1/03 through 12/31/03, \$23.94 per mcf; beginning 1/1/04 through 12/31/04, \$24.74 per mcf; beginning 1/1/05, \$25.58 per mcf.

(5) To the Village of Chagrin Falls: beginning 1/1/01 through 12/31/01, \$25.41 per mcf; beginning 1/1/02 through 12/31/02, \$26.27 per mcf; beginning 1/1/03 through 12/31/03, \$27.17 per mcf; beginning 1/1/04 through 12/31/04, \$28.09 per mcf; beginning 1/1/05, \$29.05 per mcf.

(6) To the City of Berea: beginning 1/1/01 through 12/31/01, \$24.54 per mcf; beginning 1/1/02 through 12/31/02, \$25.19 per mcf; beginning 1/1/03 through 12/31/03, \$25.88 per mcf; beginning 1/1/04 through 12/31/04, \$26.58 per mcf; beginning 1/1/05, \$27.31 per mcf.

(7) To Lake County: beginning 1/1/01 through 12/31/01, \$23.79 per mcf; beginning 1/1/02 through 12/31/02, \$24.44 per mcf; beginning 1/1/03 through 12/31/03, \$25.13 per mcf; beginning 1/1/04 through 12/31/04, \$25.83 per mcf; beginning 1/1/05, \$26.56 per mcf.

(8) To Lorain County: beginning 1/1/01 through 12/31/01, \$24.54 per mcf; beginning 1/1/02 through 12/31/02, \$25.19 per mcf; beginning 1/1/03 through 12/31/03, \$25.88 per mcf; beginning 1/1/04 through 12/31/04, \$26.58 per mcf; beginning 1/1/05, \$27.31 per mcf.

(9) To the City of North Ridgeville: beginning 1/1/01 through 12/31/01, \$18.98 per mcf; beginning 1/1/02 through 12/31/02, \$19.63 per mcf; beginning 1/1/03 through 12/31/03, \$20.32 per mcf; beginning 1/1/04 through 12/31/04, \$21.02 per mcf; beginning 1/1/05, \$21.75 per mcf.

(10) To Geauga County: beginning 1/1/01 through 12/31/01, \$28.01 per mcf; beginning 1/1/02 through 12/31/02, \$28.87 per mcf; beginning 1/1/03 through 12/31/03, \$29.77 per mcf; beginning 1/1/04 through 12/31/04, \$30.69 per mcf; beginning 1/1/05, \$31.65 per mcf.

(11) To Medina County: beginning 1/1/01 through 12/31/01, \$28.01 per mcf; beginning 1/1/02 through 12/31/02, \$28.87 per mcf; beginning 1/1/03 through 12/31/03, \$29.77 per mcf; beginning 1/1/04 through 12/31/04, \$30.69 per mcf; beginning 1/1/05, \$31.65 per mcf.

(12) To the City of Hudson Village: beginning 1/1/01 through 12/31/01, \$28.01 per mcf; beginning 1/1/02 through 12/31/02, \$28.87 per mcf; beginning 1/1/03 through 12/31/03, \$29.77 per mcf; beginning 1/1/04 through 12/31/04, \$30.69 per mcf; beginning 1/1/05, \$31.65 per mcf.

(13) To Summit County: beginning 1/1/01 through 12/31/01, \$28.01 per mcf; beginning 1/1/02 through 12/31/02, \$28.87 per mcf; beginning

1/1/03 through 12/31/03, \$29.77 per mcf; beginning 1/1/04 through 12/31/04, \$30.69 per mcf; beginning 1/1/05, \$31.65 per mcf.

(14) To Portage County: beginning 1/1/01 through 12/31/01, \$28.01 per mcf; beginning 1/1/02 through 12/31/02, \$28.87 per mcf; beginning 1/1/03 through 12/31/03, \$29.77 per mcf; beginning 1/1/04 through 12/31/04, \$30.69 per mcf; beginning 1/1/05, \$31.65 per mcf.

(b) All bills for water so furnished shall be rendered monthly to the municipality or district to which water is so furnished, and if not paid within fifteen (15) days after the date of billing by the City of Cleveland, such bills shall be subject to a penalty of five percent added thereto. In the event that any monthly bill is not paid within four (4) months after written notice is given by the City of Cleveland, the City of Cleveland may, at its option, cease to furnish water to such municipality or district pending payment of any overdue amount.

(c) Rates for Standby Emergency Water Service. The rates to be charged for standby emergency water service shall consist of an annual standby fee of \$3600.00 per year in addition to the charge for consumption provided in division (a) of this section. Standby fees for standby emergency water service shall be payable in advance. All bills for water furnished under this section shall be rendered upon the termination of customer's emergency period or, if the duration of the emergency is longer than thirty days, in thirty day intervals. In the event that any standby fee is not paid in advance or any consumption bill is not paid within four months after written notice is given by the City of Cleveland, the City of Cleveland may at its option, cease to furnish standby emergency water service to such customer pending payment of any overdue amount.

Section 535.21 Charges for Unmetered Fire Protection Service within the City and Direct Service Metropolitan Area

A charge shall be made for each unmetered fire supply connection within the limits of the City and direct service suburbs. The charge shall be determined in accordance with the size of the fire supply connection through which water passes for use on the premises so supplied in accordance with the following schedule, for each three months or any part thereof:

Beginning January 1, 2001, through December 31, 2001

Connection Size (Inches)	Fee
1-1/2	\$ 32.19
2	32.19
3	32.19
4	87.55
6	126.18
8	225.31
10	352.78
12	481.53

Beginning January 1, 2002, through December 31, 2002

Connection Size (Inches)	Fee
1-1/2	\$ 33.15
2	33.15

3	33.15
4	90.18
6	129.96
8	232.07
10	363.36
12	495.97

Beginning January 1, 2003, through December 31, 2003

Connection Size (Inches)	Fee
1-1/2	\$ 34.15
2	34.15
3	34.15
4	92.88
6	133.86
8	239.03
10	374.26
12	510.85

Beginning January 1, 2004, through December 31, 2004

Connection Size (Inches)	Fee
1-1/2	\$ 35.17
2	35.17
3	35.17
4	95.67
6	137.87
8	246.21
10	385.49
12	526.18

Beginning January 1, 2005

Connection Size (Inches)	Fee
1-1/2	\$ 36.23
2	36.23
3	36.23
4	98.54
6	142.01
8	253.59
10	397.05
12	541.96

Charges shall be collected quarterly for each fire supply connection to cover inspection, testing, sealing and resealing of such service connections, stand-by pumpage capacity, and replacement or cleaning of distribution or trunk water mains to improve the water supply for fire protection purposes.

Section 3. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 535.04, as amended by Ordinance No. 935-96, passed June 18, 1996,

Section 535.05, as amended by Ordinance No. 935-96, passed June 18, 1996,

Section 535.051, as amended by Ordinance No. 1524-95, passed January 29, 1996,

Section 535.06, as amended by Ordinance No. 935-96, passed June 18, 1996,

Section 535.18, as amended by Ordinance No. 311-98, passed May 4, 1998, and

Section 535.21, as amended by Ordinance No. 935-96, passed June 18, 1996,

are 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 June 19, 2000.
Effective June 29, 2000, without the signature of the Mayor.

Ord. No. 1909-99.

By Councilman Sweeney.

An emergency ordinance to vacate a portion of Postal Court S.W. hereinafter described.

Whereas, on the 24th day of May, 1999 the Council of the City of Cleveland adopted Resolution No. 35-99 declaring its intention to vacate a portion of Postal Court S.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 35-99 has been served upon the owners of all the property abutting Postal Court S.W., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 13th day of October, 1999, the Board of Revision of Assessments approved the vacation of Calvin Court S.W., 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 Postal Court S.W., 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 Postal Court S.W. (20.00 feet wide) extending Westerly from the Westerly line of West 130th Street (60.00 feet wide) to its Westerly terminus, be and the same is hereby vacated.

Section 2. That there be and hereby is reserved to the City of Cleveland an easement for existing Cleveland Public Power equipment.

The description of the easement is as follows;

That portion of Postal Court S.W. (20.00 feet wide) extending Westerly from the Westerly line of West 130th Street (60.00 feet wide) to its Westerly terminus.

That no structures shall be hereafter erected on the premises described in this easement except those constructed in accordance with the approval, and in compliance with plans approved by the Commissioner of Cleveland Public Power of the City of Cleveland.

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Shepard Court S.E., hereinafter provided by sending him a copy of this Ordinance.

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 2167-99.

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

An emergency ordinance authorizing the Director of Public Service to make alterations and modifications in Contract No. 54089, for the rehabilitation of West 61st Street retaining wall, with Markie Construction Company, Inc., for the Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make the following alterations and modifications in Contract No. 54089 with Markie Construction Company, Inc. for the rehabilitation of the West 61st Street retaining wall, for the Department of Public Service:

ADDITIONS — NEW ITEMS

<u>ITEM</u>	<u>Unit Price</u>	<u>Quantity</u>	<u>Total</u>
Ornamental Fence (steel with vinyl coating)	\$ 38.81/ft.	353 feet	\$13,699.93
Gates to match	\$725.00/ea.	5	\$ 3,625.00
Contractor's 10% Handling Fee			\$ 1,732.49
		TOTAL SUBSIDIARY NEW ITEMS	\$19,057.42

CREDITS

<u>ITEM</u>	<u>Unit Price</u>	<u>Quantity</u>	<u>Total</u>
Item 17	\$ 11.38/ft.	353 feet	\$ 4,017.14
Item 18	\$385.00/ea.	5	\$ 1,925.00
		TOTAL SUBSIDIARY CREDITS	\$ 5,942.14

Total Subsidiary New Items	\$ 19,057.42
Total Subsidiary Credits	- 5,942.14
	<hr/>
Total Amount of Subsidiary	\$ 13,115.28
Original Contract Amount	\$ 436,000.00
Total Amount of Subsidiary	+ 13,115.28
	<hr/>
REVISED CONTRACT AMOUNT	\$ 449,115.28

which alteration has been recommended in writing by the said Director of Public Service, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Public Service and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$13,115.28 to be paid from Fund No. 10 SF 166.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 134-2000.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, replacing, improving and renovating various areas of the West Side Market and East Side Market, and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating, replacing, improving and renovating various areas of the West Side

Market and East Side Market, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement; such improvement(s) shall be done in accordance with the following:

West Side Market (Bid Proposal No. 1)	Anticipated Approximate Cost
a. Basebid	\$651,300.00
b. 1(A): Decorative Fencing at Hicks Parking Lot	\$31,950.00
c. 1(B): Trees for Hicks Parking Lot	\$42,726.00
d. 1(C): Gould Court Improvements	\$40,228.00
e. 1(D): Streetscape (Market Street to Gould Court)	\$105,401.00
(Bid Proposal No. 2)	Anticipated Approximate Cost
a. Basebid	\$2,446,000.00
b. 2(B): Removal of Mural	\$15,700.00
c. 2(C): ADA Toilet	\$17,000.00
d. 2(D): Interior Lamp Posts	\$59,000.00
e. 2(E): Signage Panels	\$94,000.00
f. 2(F): Basement Locker Replacement	\$440,000.00
g. 2(G): Arcade Door	\$69,000.00
* Restoration of Ventilation	\$100,000.00
* Secure Specifications, Bids and Contract the Public Improvement	
(Bid Proposal No. 3)	Anticipated Approximate Cost
a. Basebid	\$2,700,000.00
East Side Market (Bid Proposal No. 4)	Anticipated Approximate Cost
a. Basebid Improvements	\$205,000.00
* Replace Existing Undersized Rooftop Air Conditioners	\$100,000.00
* Roof Repairs to Correct Leaking	\$50,000.00
* Additional Electrical Work to Improve Lighting	\$50,000.00
* Electrical and Water Work to Connect to Produce Concrete Pad	\$175,000.00
* Secure Specifications, Bids and Contract the Public Improvements	

All improvements for both markets shall commence no later than September 1, 2000. The Director of Parks, Recreation and Properties shall provide monthly a detailed, written statement on the progress of each improvement to the Chairman of the committee on Public Parks, Property and Recreation and to the ward-representative Councilmembers for the West Side Market and East Side Markets, commencing October 1, 2000 and continuing until all such improvements specified in this section are completed.

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

Section 3. That the cost of said improvement hereby authorized shall be paid from restricted income tax, such other funds as may be designated for the improvements(s) by the Director of Parks, Recreation and Properties and, Fund Nos. 11 SF 006, 20 SF 300, 20 SF 310, 20 SF 320, 20 SF 322, 20 SF 331, 20 SF 340, 20 SF 351, 65 SF 001, 10 SF 501, 58 SF 001, 54 SF 001, 68 SF 001, 10 SF 166, and from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued for the purpose which includes the above improvement, Request No. 5050.

Section 4. That in making such improvements to the West Side Market, the Director of Parks, Recreation and Properties shall work with the Director of Public Service to ensure that the West 24th Place alley remain brick.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 164-A-2000 (As substitute for Ordinance No. 164-2000).

By Mayor White and Councilmen Polensek, Patmon, Melena and Britf. An emergency ordinance to enact Sections 619.23, 619.24 and 619.25 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to declaring vehicles used in the commission of drug or prostitution offenses to be nuisances, and declaring other property to be nuisances, and providing for the abatement of the same.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 619.23, 619.24 and 619.25 thereof to read, respectively, as follows:

Section 619.23 Use of a Vehicle to Solicit a Person to Engage in Prostitution or a Drug Offense Prohibited

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

(b) No person, while operating a vehicle or while a passenger in or on a vehicle, shall stop, attempt to stop, beckon to, attempt to beckon to, or entice any person to approach or enter the vehicle with intent to entice the other person to engage in sexual activity for hire contrary to Section 619.09 of the Codified Ordinances.

(c) No person, while operating a vehicle, or while a passenger in or on a vehicle, shall knowingly obtain, possess, or use a controlled substance contrary to Section 607.03.

(d) No person, while operating a vehicle or while a passenger in or on a vehicle, shall stop, attempt to stop, beckon to, attempt to beckon to, or entice any person to approach or enter the vehicle with intent to entice the other person to engage in any drug abuse offense contrary to Chapter 607 of the Codified Ordinances.

(e) Any vehicle that has been used on two (2) occasions in the commission of one or any combination of the offenses defined in divisions (a), (b), (c) or (d) of this section, for which convictions have been entered in the court's journal, without regard to the ownership of the property and without regard to whether the same person(s) were convicted of both offenses, is hereby declared to be a nuisance. Any vehicle that constitutes a nuisance under this division and its contents may be abated as provided in Section 619.25.

(f) Whoever violates divisions (a), (b), (c) or (d) of this Section is guilty of a misdemeanor of the first degree. The sentencing court shall sentence the offender to a mandatory term of imprisonment of not less than three (3) days on the first offense, not less than ten (10) days on the second offense, and not less than thirty (30) days on the third or any subsequent offense, and may sentence the offender to a longer term of imprisonment. In addition, the sentencing court may

impose a fine not exceeding one thousand dollars (\$1,000.00).

Section 619.24 Nuisance Property Declared

(a) Any vehicle, boat, aircraft, building or place that has been used on two (2) occasions in the commission of one or any combination of the following offenses, for which convictions have been entered in the court's journal, without regard to the ownership of the property and without regard to whether the same person(s) were convicted of both offenses, is hereby declared to be a nuisance:

Pertaining to prostitution

- (1) Procuring, Section 619.08
- (2) Soliciting, Section 619.09
- (3) Prostitution, Section 619.10
- (4) Use of a Vehicle to Solicit a Person to Engage in Prostitution or a Drug Offense Prohibited, Section 619.23

Pertaining to drugs

- (5) Drug Abuse: Controlled Substance Possession or Use, Section 607.03
- (6) Possessing Drug Abuse Instruments, Section 607.04
- (7) Permitting Drug Abuse, Section 607.05
- (8) Possession, Manufacture and Sale of Drug Paraphernalia, Section 607.17

Pertaining to liquor

- (9) Permit Required, Section 617.05

Pertaining to gambling

- (10) Gambling, Section 611.02
- (11) Operating a Gambling House, Section 611.03
- (12) Public Gaming, Section 611.04
- (b) Any building, vehicle, boat, aircraft, or place that constitutes a nuisance as defined in division (a) and all of the contents of the same, if any, may be abated as provided in Section 619.25.

Section 619.25 Action to Abate Nuisances

(a) Nature of action. The Director of Law may file an action in rem to abate any nuisance as defined by Section 619.24. The standard of proof shall be by a preponderance of the evidence. This action may be brought as a separate action or concurrently with any other action available at law or in equity to enjoin and/or abate the nuisance including, without limitation, an action authorized by Chapter 3767 of the Revised Code or other actions authorized by these Codified Ordinances.

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

(c) Innocent owners or lienholders. No abatement order shall be issued pursuant to this section if an owner or lienholder or other person with an ownership interest in the property that is the subject of an abatement action establishes to the court, by a preponderance of evidence after filing a motion with the

court, that the owner, lienholder or other person neither knew nor should have known after a reasonable inquiry that the property would be used, or likely would be used or involved in the commission of a criminal offense, and further that the owner, lienholder or other person with an ownership interest in the property did not expressly or impliedly consent to the use or involvement of the property in the violation, and that the lien or ownership interest was perfected pursuant to law prior to the existence of the nuisance.

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

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

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

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

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

In identifying an agency to receive the property or the proceeds from the sale of the property as provided in this section, the Director of Law shall confer with the council member representing the community in which the criminal activity that gave rise to the nuisance occurred, and where possible, the agency selected will be one that serves that community.

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

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

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

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 320-2000.
By Councilmen Dolan, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Specialty Restaurants for use of certain property in the vicinity of Cleveland Hopkins International Airport to construct and operate a restaurant.

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

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

Section 1. That the Director of Port Control ("Director") is hereby authorized to enter into a Lease By Way of Concession ("Lease") with Specialty Restaurants ("Lessee") to construct and operate a restaurant upon approximately 4.5 acres of real property described as follows:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Rockport Township Section No. 4. Also being a part of the lands conveyed to the City of Cleveland as recorded in Volume 3433 at Page 340 and Parcel No. 29-20-001, as recorded in Volume 6010 at Page 487 of the Cuyahoga County Land Records, being more definitely described as follows:

Commencing at an iron pin in a monument box found at the intersection of the centerline of Old Grayton Road and the centerline of Brookpark Road;

Thence North 37° 43' 44" East in the centerline of Old Grayton Road, 797.60 feet to the True Point of Beginning for the Parcel herein described;

Thence leaving said centerline, South 89° 24' 17" East in the Southerly line of lands conveyed to The Ullrich Family Limited Partnership as recorded in Volume 97-07511 at Pages 4 and 6 of the Cuyahoga County Land Records, a distance of 636.09 feet to the Northerly right of way line of proposed Relocation of Brookpark Road;

Thence along the arc of a curve which deflects to the left, along said right of way, a distance of 121.07 feet, said curve having a radius of 724.07 feet, a delta of 09° 34' 50" and a chord of 120.93 feet which bears South 63° 06' 18" West;

Thence South 58° 18' 53" West, 812.01 feet, to a point of curvature;

Thence along the arc of a curve which deflects to the right, 70.72 feet, said curve having a radius of 624.07 feet, a delta of 06° 29' 33" and a chord of 70.68 feet which bears South 61° 33' 40" West to a point of compound curvature;

Thence along the arc of a curve which deflects to the right and on the Easterly right of way of proposed Relocated Old Grayton Road, a distance of 41.57 feet, said curve having a radius of 25.00 feet, a delta of 95° 16' 04" and a chord of 36.94 feet which bears North 67° 33' 32" West to a point of tangency;

Thence leaving said right of way to Brookpark Road and continuing in said proposed right of way of Old Grayton Road, North 19° 55' 30" West, 99.10 feet to a point of curvature;

Thence along the arc of a curve which deflects to the right, 473.90 feet, said curve having a radius of 350.00 feet, a delta of 77° 34' 41", and a chord of 438.52 feet which bears North 18° 51' 51" East;

Thence leaving said right of way South 89° 42' 52" East, 151.06 feet to the point of beginning.

Containing within said bounds 5.7319 acres of land of which 0.6761 acres lies within the right of way of Old Grayton Road;

Prepared by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, Ohio No. 7289.

Bearings are based on Ohio State Plane "Grid North" NAD83 1995.

The term of the Lease shall be for thirty (30) years with two (2) mutual options of five (5) years each. The term shall be divided into a Primary Term and a Secondary Term. The Primary Term shall commence upon Lessee taking possession of the premises to commence construction and shall expire twelve (12) months thereafter or upon completion of construction of the restaurant facility, whichever is earlier. The Secondary Term shall commence upon expiration of the Primary Term and expire upon expiration of the entire Lease term.

Section 2. That the City shall issue credits against rent as approved by the Director in writing, in an amount not to exceed \$875,000 plus accrued interest. Interest shall accrue at the rate of 9% per annum. Said credits against rent shall be

issued pursuant to Article IV(B) of the Lease By Way of Concession between the City and Lessee, City Contract No. 32736, for the repayment of Lessee's net book value due as a result of early termination of City Contract No. 32736.

Section 3. That Lessee shall pay as rent an annual guaranteed minimum amount of \$25,000 until the City has met its obligation set forth in Section 2 above. Thereafter, during the Primary Term Lessee shall pay as rent \$1,000 per month. During the Secondary Term Lessee shall pay as rent (1) 65% of rent paid during the previous year or (2) the percentage of gross revenue derived from operation of the restaurant set forth as follows:

**Food/Non-Alcoholic Beverage
Alcoholic Beverage**

Lease Year	Percentage
0-5	2.5%
6-10	2.75%
11-20	3%
21-30	3.25%
31-40	4%

Alcoholic Beverage

Lease Year	Percentage
0-20	5%
21-30	6%
31-40	8%

or (3) a guaranteed minimum of \$50,000, whichever is greater.

Section 4. That Lessee shall invest at least \$2,000,000, exclusive of interest costs, to construct and install all improvements and facilities necessary for a first-class restaurant.

Section 5. That the Lease authorized herein shall be prepared by the Director of Law and shall specifically contain a provision prohibiting any amendment, extension, alteration or modification to the Lease, including a transfer of ownership, without City Council authorization.

The Lease shall also contain such other terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 415-2000.
By Councilman Britt (by request).
An emergency ordinance authorizing the Director of Public Service to issue a permit to The Cleveland Clinic Foundation to encroach into the public right-of-way of Chester and Carnegie Avenues, and East 90th to East 105th Streets with Directional Signs in four (4) locations that are a portion of their Main Campus Project, planned for this overall area.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44195, its successors and assigns, for the construction, use and maintenance of four (4) Directional Signs which will encroach into the public right-of-way on Chester Avenue, Carnegie Avenue, and between portions of East 90th Street and East 105th Street as part of Cleveland Clinic's Main Campus Signage Project, as shown by the maps filed with the Clerk of the Council of the City of Cleveland in File No. 415-2000-A and at the locations described herein:

CLEVELAND CLINIC MAIN CAMPUS DIRECTIONAL SIGN LOCATIONS:

LOCATION:	SIGN DESIGNATION NUMBER SHOWN ON MAP:
At the southeast corner of Chester Avenue and East 90th Street	C2
At the northwest corner of Carnegie Avenue and East 105th Street	C16
At Carnegie Avenue north of East 93rd Street	C17
At the southwest corner of Carnegie Avenue and East 93rd Street	C20

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

Section 3. That the permit herein authorized shall contain the following provisions: (1) that the directional signs must be evaluated and approved to be within the context of the Cleveland Clinic's overall sign program by the City Planning Commission; (2) that the directional signs must be evaluated and approved to be within the context of the City's kiosk program by the City Planning Commission; and (3) that the directional signs must be reviewed by Councilmembers Britt and Cimperman prior to placement.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland, has been properly indemnified against any and all loss which may result from said permit.

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

Passed June 19, 2000.
Effective June 29, 2000.

**Ord. No. 422-2000.
By Councilmen White and Patmon (by departmental request).**

An emergency ordinance approving the collective bargaining agreement with City, County, Waste Paper Drivers Union, Local 244.

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

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

Section 1. That, in accordance with division (B) of Section 4117.10 of the Revised Code, this Council hereby approves a collective bargaining agreement with City, County, Waste Paper Drivers Union, Local 244, which contains the terms set forth in File No. 422-2000-A, for the period from April 1, 1998 through March 31, 2001, which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

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

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

Passed June 19, 2000.
Effective June 29, 2000.

**Ord. No. 552-2000.
By Councilman Dolan.**

An emergency ordinance authorizing the Director of Port Control to employ by contract or contracts one or more consultants to provide professional services related to the construction of a new runway and necessary project components, authorizing the Director of Port Control to make the public improvement of constructing a new runway and necessary project components, and authorizing the Director of Port Control to enter into various agreements and contracts necessary to make the public improvement.

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

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

Section 1. That the Director of Port Control is hereby authorized to employ by contract or contracts one or more consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services related to the construction of a new runway known as 5L-23R (Phase I) and its necessary appurtenances and the following project components necessary to effectuate

the construction and use of the Phase I runway improvement ("Improvement");

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

(2) Design of NASA Facilities and Relocation, in an amount not to exceed \$18,074,871.00; and

(3) Design of Doan Brook, in an amount not to exceed \$600,000.00.

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

Section 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 and implementing the construction of a new runway known as 5L-23R (Phase I), consisting of 10,500 feet of runway (approximately 9,000 feet of usable runway), the construction cost of which is hereby authorized in the amount of \$139,937,365.00, and its necessary appurtenances and the following project components necessary to effectuate the construction and use of the Improvement:

(1) Demolition of Analex Office Building and demolition of the 100th Bomb Group Restaurant in an amount not to exceed \$2,692,047.00;

(2) Brookpark Road Relocation Construction in an amount not to exceed \$19,934,209.00; and

(3) West Hangar Road Construction in an amount not to exceed \$1,337,220.00.

The Director of Port Control is hereby authorized to enter into contracts for the making of the improvements authorized in Section 2 hereof, by contracts duly let to the lowest responsible bidders, after competitive bidding for a gross price, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price, with the exception of roadwork, earthwork and utility work performed in connection with the projects authorized in Section 2 hereof, which shall be competitively bid on a unit price basis. For gross price contracts, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That the Director of Port Control is hereby authorized to make written standard purchase contracts and written requirements contracts in accordance with the Charter and Codified Ordinances of Cleveland, Ohio, 1976, the period of such requirements not to exceed two years, for each and all of the necessary items of supplies, material, equipment and other items required to make the improvements authorized in Section 1 hereof, including the rental of such items, and labor

and materials to install and maintain any and all of the foregoing items, to be purchased or procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control. Bids shall be taken in such a manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine.

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

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

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

In accordance with the authorization granted in this Section 6, the Director of Port Control is authorized to enter into an agreement with First Energy for design, relocation, and installation of First Energy power lines. All costs associated with such agreement shall not exceed \$12,491,068.00.

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

In accordance with the authorization granted in this Section 7, the Director of Port Control is authorized to enter into agreements necessary to implement wetland and stream mitigation programs as required by federal law, excluding mitigation at Doan Brook. All expenditures under such agreements shall not exceed \$8,197,000.00.

In accordance with the authorization granted in this Section 7 and in Section 2 hereof, the Director of Port Control is authorized to enter into agreements with the FAA for professional and engineering services. All expenditures under such agreement shall not exceed \$6,000,000.00.

In accordance with the authorization granted in this Section 7, the Director of Port Control is authorized to enter into agreements with the FAA for TRACON Renovation

Design. All expenditures under such contract shall not exceed \$345,771.00.

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

Section 9. That the Director of Port Control is hereby authorized to make a written contract with the company designated by the FAA for the purchase and installation of an Instrument Landing System, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Cleveland Hopkins International Airport in an amount not to exceed \$2,200,000.00.

Section 10. That the cost of any requirement contracts entered into pursuant to Section 3 hereof shall be charged against the proper account and the Director of Finance shall certify thereon, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

Section 11. That, as a condition precedent to entering into any contracts or agreements contemplated to make the improvements authorized in Section 1 hereof, the Department of Port Control shall be in receipt of all necessary federal approvals, including the Record of Decision for the Environmental Impact Statement, and other such regulatory approvals as may be required.

Section 12. That the Director of Port Control shall file a copy of all contracts, permits, licenses or agreements entered into by the City as authorized by this ordinance with the Clerk of Council, the President of Council, the Chairman of the Aviation and Transportation Committee and the Chairman of the Finance Committee within five (5) business days of execution by the City.

Section 13. That the cost of any expenditures authorized by this ordinance for any contract, including all public improvements, standard purchases, requirements contracts, acquisition of rights or interests in real property shall not exceed a total amount of Two Hundred Eleven Million Eight Hundred Nine Thousand Five Hundred Fifty One Dollars (\$211,809,551.00) and shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, passenger facility charges and the fund and/or subfunds to which are credited the proceeds of any general airport revenue bonds, federal grants, state grants, and local grants issued for the purpose of the Improvement authorized herein. In the event that a project component listed herein exceeds or is anticipated to exceed the amount specific for each project component listed herein, the Director of Port Control shall notify the President of Council, the Chairman of the Aviation and Transportation Committee, and the Chairman of the Finance Committee of the need for a subsidiary agreement in accordance with Section 185.44 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, and shall immediately proceed to secure the necessary legislative approval from Cleveland City Council.

Section 14. That, in accordance with federal law and to the extent permitted by federal law, all construction contracts entered into pursuant to this ordinance shall establish a goal of hiring at least forty percent (40%) disadvantaged business enterprises (DBE) and forty percent (40%) City residents. In seeking to obtain such goal, all contractors shall utilize best efforts.

Section 15. That the Director of Port Control shall provide detailed bimonthly written reports to the President of Council, the Chairman of the Aviation and Transportation Committee, and the Chairman of the Finance Committee of all expenditures made pursuant to this ordinance, including the source of funds for such expenditures. The Director of Port Control shall also provide to the aforementioned Council representatives detailed bimonthly written reports of the DBE goals set forth herein.

Section 16. That for the purpose of the sound insulation program for program year 2000 through 2004, the Director of Port Control shall fund the sound insulation program in accordance with the following: General Airport Revenue Bonds (1997) - \$5,244,991.00; General Airport Revenue Bonds (2000) - \$15,000,000.00; PFC #6 - \$10,000,000.00; Brookpark Funds - \$787,945; Operating and Maintenance Funds and Land Sales - \$1,996,861.00; and AIP Grant Funds in the anticipated amount of \$27,500,000.00. The Director of Port Control shall provide copies of the annual application for the AIP funds to the President of Council, the Chairman of the Aviation and Transportation Committee and the Chairman of the Finance Committee, simultaneously with the submittal to the FAA. The Director of Port Control shall provide copies of any communications with the FAA concerning sound insulation to the President of Council, the Chairman of the Aviation and Transportation Committee and the Chairman of the Finance Committee. The Director of Port Control shall work with the Chairman of the Aviation and Transportation Committee to identify and apply such additional funds that may also be applied to the 2000-2004 sound insulation program.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 600-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 63rd Street to Burton, Bell, Carr Development Corporation or designee.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facili-

tate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No.(s) 118-29-021, 118-29-029 and 118-29-104, as more fully described in Section 2 below, to Burton, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-29-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 108 of the W.S. and M.W. Chamberlain's Subdivision of a part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 28 of Cuyahoga County Records, be the same legal highways.

Subject to Zoning Ordinances, if any.

P. P. No. 118-29-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 116 in William S. and Mary W. Chamberlain's Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records. Said Sublot No. 116 has a frontage of 40 feet on the Westerly side of East 63rd Street (formerly Richland Avenue) and extends back between parallel lines, 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P. P. No. 118-29-104

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 92 in W.S. and M.W. Chamberlain allotment of part of original 100 acre Lots Nos. 334 and 335 as shown by the recorded plat of said allotment in Volume 3 of maps Page 28 of Cuyahoga County Records Sublot No. 92 has a frontage of 40 feet on the Easterly side of E. 61st Street (formerly Lodge Avenue) and extends back between parallel lines 160 feet and is 40 feet wide in the rear as appears by said plat.

Subject to Zoning Ordinances, if any.

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

nance. 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 June 19, 2000.

Effective June 29, 2000.

Ord. No. 651-2000.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Federal HOME Program funds for the administration of Housing Rehabilitation Programs.

Whereas, the City of Cleveland has received Year 2000 Federal HOME Program grant from the United States Government, and

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

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

Section 1. That the Director of Community Development is hereby authorized to expend Federal HOME Program funds in the amount of \$500,000 from Fund No. 13 SF 895, for the administration of the Housing Rehabilitation Programs.

Section 2. And that the Director of Community Development is authorized to enter into one or more contracts for professional services related to inspecting properties to comply with Section 8 Housing Quality Standards (HQS).

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 654-2000.

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

An emergency ordinance determining the method of making various public improvements as authorized by the Year XXVI Community Development Block Grant, and authorizing the Directors of Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities to enter into contract for the making of the various public improvements.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, tree planting, road side beautification, and all other street improvements in each of the districts established by the Director of Community Development for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Directors of Public Service and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 1 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, resurfacing, grading, curbing, catch basins, sidewalks, handicap ramps, reconstructing tree lawns, and other street improvements in each of the districts established by the Director of Community Development for the Divisions of Streets and Engineering and Construction, Department of Public Service, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 4. That the Directors of Public Service and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvement set forth in Section 3, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service.

Section 5. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating parks, playgrounds, swimming pools, and recreation areas, including the installation of lighting, signs, streetscapes and related improvements, in each of the districts established by the Director of Community Development for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 6. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 5 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 7. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating parks, playgrounds, swimming pools, community centers, senior citizens' centers, recreation centers, and recreation areas in each of the districts established by the Director of Community Development for the Division of Maintenance, Department of Parks, Recreation and Properties, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 8. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for said improvement set forth in Section 7, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Maintenance, Department of Parks, Recreation and Properties.

Section 9. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating retention basins, culverts, sewers, catch basins, manholes and appurtenances, in each of the districts established by the Director of Community Development for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 10. That the Directors of Public Utilities and Community

Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 9 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided however that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 11. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing lighting on streets, parking lots, and recreation areas in each of the districts established by the Director of Community Development for the Division of Light and Power, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 12. That the Directors of Public Utilities and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 11 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided however that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 13. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing lighting on streets, parking lots, and recreation areas in each of the districts established by the Director of Community Development for the Division of Light and Power, Department of Public Utilities, by direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 14. That the Directors of Public Utilities and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for said improvement set forth in Section 13, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Light and Power, Department of Public Utilities.

Section 15. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furnish and plant trees in the Community Development Block Grant areas established by the Director of Community Development, for the Division of Parks Maintenance, Department of Parks, Recreation and

Properties.

Section 16. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating swimming pools, recreation, community, and senior citizens' centers, including the installation of signs, in the Community Development Block Grant districts established by the Director of Community Development for the Division of Architecture, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 17. That the Directors of Public Service and Community Development are hereby authorized and directed to enter into contract for the making of the improvement set forth in Section 16 with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, upon all items constituting units of said improvement.

Section 18. That the Directors of Public Service and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies, equipment, and materials for the improvement set forth in Section 16, including the installation and the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Architecture, Department of Public Service.

Section 19. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, streets, tree planting, roadside beautification, and all other improvements to streets and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Engineering and Construction, Department of Public Service. That the Directors of Public Service and Community Development are hereby authorized and directed to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2001, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not

subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 20. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, streets, tree planting, roadside beautification, and all other improvements to streets and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Streets, Department of Public Service. That the Directors of Public Service and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2001, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 21. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating of parks, playgrounds, swimming pools, including the installation of signs, and all other improvements to recreation areas and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Maintenance, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2001, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 22. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating of parks, playgrounds, swimming pools, including the installation of signs, and all

other improvements to recreation areas and their appurtenances in the various Block Grant eligible areas, exclusive from the work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2001, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 23. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of retention basins, culverts, sewers, catch basins, manholes and their appurtenances, in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Water Pollution Control, Department of Public Utilities. That the Directors of Public Utilities and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2001, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 24. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing sidewalks, handicap ramps, curbing and reconstructing treelawns in areas of the City of Cleveland determined eligible by the Directors of Community Development and Public Service. The Directors of Community Development and Public Service are hereby authorized to enter into public improvement requirement contract with the lowest bidder after advertising for all such work during the period ending December 31, 2001, upon a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specified districts within the City.

Section 25. That, pursuant to Section 167 of the Charter of the City

of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating, and installing streets, parking lots, recreation area lighting and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Light and Power, Department of Public Utilities. That the Directors of Public Utilities and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2001, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 26. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of planting trees and installing accessories in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Parks and Urban Forestry, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2001, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 27. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of community centers, senior citizens' centers, recreation centers, and other public buildings, including the installation of signs, in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 28. That the Directors of Public Service, Parks, Recreation and Properties, and Community

Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 27 with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said directors the contractor shall furnish a correct schedule of unit prices, including profit and overhead, upon all items constituting units of said improvement.

Section 29. That the Directors of Public Service, Parks, Recreation and Properties, and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furniture and equipment to be utilized in conjunction with the making of the public improvement authorized in Section 27 above.

Section 30. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of community centers, senior citizens' centers, recreation centers, and other public buildings in the various Community Development Block Grant eligible areas, including the installation of recreational equipment, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Maintenance, Department of Parks, Recreation and Properties. That the Director of Parks, Recreation and Properties and Community Development are hereby authorized and directed to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2001, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 31. That the Directors of Public Service, Parks, Recreation and Properties, Public Utilities and Community Development are hereby authorized and directed to employ by contract one or more architectural or engineering consultants or firms of architectural or engineering consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to prepare plans and specifications for and to oversee the public improvements authorized by the various sections of this ordinance. The selection of the consultants for such services shall be

made by the Board of Control upon the nomination of the director or directors authorized to enter into the contract for the making of the public improvement from a list of qualified consultants available for such employment as may be determined after a full and complete canvass for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, and certified by the Director of Finance.

Section 32. That the Director of Finance shall certify the contracts authorized by Sections 19 through 26, inclusive, and Section 30 of this ordinance in the amount set forth in the initial requisition and thereafter he shall certify all orders placed by the Commissioner of Purchases and Supplies pursuant to the requisition issued against any such contract.

Section 33. That the costs of the improvements or contracts hereby authorized shall be paid from Fund Nos. 14 SC 025 and 026.

Section 34. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 733-2000.
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 U.S. Department of Housing and Urban Development for the 2001-2003 Lead-Based Paint Hazard Control Program; authorizing said Director to enter into contracts with various agencies to implement the program; and to enter into one or more contracts for the implementation of the Community Lead Exposure Prevention Project.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$3,000,000, and any other funds as they become available during the grant term, from the U.S. Department of Housing and Urban Development, to conduct the 2001-2003 Lead-Based Paint Hazard Control Program, for the purposes set forth in the abstract and budget 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 abstract and budget for said grant.

Section 2. That the abstract and budget for said grant, File No. 733-2000-A, made a part hereof as if

fully rewritten herein, are hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized to enter into one or more contracts for the implementation of the program as described in the abstract and budget contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance with the following agencies, in the following amounts:

Agency	Amount
Glenville Development	\$180,000
St. Clair Superior Coalition	\$180,000
Fairfax Renaissance Development	\$180,000
Tremont West Development	\$180,000
Cleveland Housing Network	\$402,000
Cleveland Housing Network	\$485,000

Section 4. That the Director of Public Health is hereby authorized to enter into one or more contracts for the implementation of the program, as described in the abstract and budget contained in the file, with various community based organizations for implementation of the 2001-2003 Community Lead Exposure Prevention Project ("CLEPP"), which is a part of the Lead-Based Paint Hazard Control program, with a total sum of all contracts not exceeding \$352,737.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 747-2000.
By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials needed to replace or repair concrete or asphalt areas, 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 needed to repair or replace concrete or asphalt areas, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate

contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. That all expenditures under the contract authorized herein shall not exceed \$250,000.00. (RL 16538)

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 749-2000.
By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with various Citywide Development Support agencies to provide housing, commercial, industrial and real estate development activities.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contract with the following agencies to provide housing, commercial, industrial and real estate development activities:

City-wide Development Assistance Program

- Cleveland Neighborhood Development Corporation
- Cleveland Housing Network: Receivership Project
- Cleveland Restoration Society
- Cleveland Tenants Organization
- Hispanic Business Association
- Living in Cleveland Center
- Lutheran Housing Corporation:
- Tool Loan Program
- Lutheran Housing Corporation:
- Furnace Repair Program
- Neighborhood Housing Services of Cleveland, Inc.
- United Labor Agency

Section 2. That the cost of said contracts shall be in an amount not to exceed \$545,000.00, and shall be paid from Fund Nos. 14 SC 026, Request No. 20687.

Section 3. That the Director of Community Development is authorized to accept program income and

use this and other program income to finance additional housing, commercial, industrial and real estate development activities.

Section 4. That the Director of Community Development is authorized to enter into or amend contracts with the agencies administering the housing, commercial, industrial and real estate activities that generated program income in an amount not to exceed that generated program income and to be paid from the revolving fund in Fund 14.

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 751-2000.
By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.

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

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

Section 1. That the Director of Community Development is hereby authorized to expend funds and to enter into contracts with various housing development entities, or their designees, including those listed below, for the purpose of implementing the Housing Trust Fund Program:

Section 2. Eligible activities under the Housing Trust Fund Program include new construction, rehabilitation, site preparation, site acquisition, predevelopment activities and financial assistance to home buyers.

Section 3. That the cost of said contracts shall be in an amount not to exceed \$5,960,000.00, and shall be paid from Federal HOME Grant Fund No. 13 SF 895 and Community Development Block Grant Fund No. 14 SC 026, Request No. 20685.

Section 4. That the Director of Community Development is authorized to accept monies in repayment of loans authorized in this ordinance and to deposit those monies in Fund No. 14 and to utilize said repayments and other program income in a revolving fund for making additional expenditures under this program.

Section 5. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 6. That the Director of Community Development is hereby authorized to enter into forbearance agreements with any recipient of a

validly existing loan administered by the City, and to charge and accept fees and to expend such fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited to and expended from Fund No. 14.

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 752-2000.
By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contracts with various non-profit development corporations to provide grants to small, neighborhood-based street clubs, block clubs and other community improvement groups to implement the Cityworks Program.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contracts with various nonprofit development corporations to provide grants to small neighborhood based street clubs, block clubs and other community improvement groups to implement the Cityworks Program.

Section 2. That the aggregate cost of said contracts shall be in an amount not to exceed \$250,000.00, and shall be paid from Fund No. 14 SC 026, Request No. 20688.

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 754-2000.
By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with Cleveland Housing Network, or its designee, to provide development loan assistance in the form of a Community Development Block Grant float loan for the purchase, rehabilitation or construction of low income rental housing.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contract with Cleveland Housing Network, or its designee, to provide development loan assistance in the form of a Community Development Block Grant float loan in the amount of \$3,500,000.00 for the purchase, rehabilitation or construction of low income rental housing in the City of Cleveland.

Section 2. That the terms of said loan shall be determined by the Director of Community Development in accordance with regulations, state and local law, and said Director is authorized to amend said terms from time to time, as he deems necessary to remain consistent with said laws and regulations.

Section 3. That the cost of said contract shall be paid from Fund No. 14 SC 810, Request No. 20692.

Section 4. That the Director of Community Development shall obtain an irrevocable, unconditional letter of credit to secure repayment of said loan. Any security instrument shall be approved by the Director of Law.

Section 5. That the Director of Community Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in the CDBGfund.

Section 6. That the Director of Community Development is hereby authorized to charge 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 the CDBGfund.

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 authorized hereunder.

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 755-2000.
By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Aging to expend Community Development Block Grant funds for the Senior Homeowners Assistance Program (SHAP) and the CHORE Program.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year XXVI, from the United States Government; and

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

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

Section 1. That the Director of Aging is hereby authorized to expend Community Development Block Grant funds in the amount of

One Hundred Thirty-One Thousand Dollars (\$131,000.00), from Fund No. 14 SC 026 Request No. 20681, for the Senior Homeowners Assistance Program ("SHAP") and the CHORE Program in conjunction with the Community Development Block Grant Program, Year XXVI.

Section 2. That said Director and the Director of Community Development are hereby authorized to enter into a memorandum of understanding for this program.

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 757-2000.
By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation, or construction of low income housing units.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contract with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation, or construction of housing units affordable to lower income households through the lease-purchase program.

Section 2. That the cost of said contracts shall be in an amount not to exceed \$2,000,000.00, and shall be paid from Fund Nos. 13 SC 895, Request No. 20691.

Section 3. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 4. That the Director of Community Development is hereby authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees and to expend such fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited to and expended from Fund No. 14.

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 813-2000.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of pre-sort mail service, for the various divisions of City government.

Whereas, this ordinance constitutes an emergency measure providing for 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 pre-sort mail service in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the 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 a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 3061)

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 816-2000.

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

An emergency ordinance authorizing the Director of Public Utilities to lease property on the east side of East 140th Street between Interstate 90 and Aspinvall Avenue from City Rose L.L.C., or their designee, for a term not to exceed twenty years, for the public purpose of operating an eastside Cleveland Public Power service center.

Whereas, the City of Cleveland requires certain property located on the east side of East 140th Street between Interstate 90 and Aspinvall Avenue; and

Whereas, City Rose, L.L.C., or their designees, has proposed to lease said property to the City of Cleveland; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to lease from City Rose, L.L.C., or their designees, certain property located on the east side of East 140th Street between Interstate 90 and Aspinwall Avenue.

Section 2. That the term of the lease authorized by this ordinance shall not exceed twenty (20) years.

Section 3. That the rent for the lease authorized by this ordinance shall be \$250,000 per year, exclusive of utilities.

Section 4. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the public purpose or purposes of operating a Cleveland Public Power service center to better serve its east side customers.

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

Section 6. That the costs of the lease shall be paid from Fund No. 58 SF 001, Request No. 16629.

Section 7. That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

Section 8. That the Director of Public Utilities and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 9. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 821-2000.

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

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to install not to exceed two heating boilers at West 41st Street Station, 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 the Director of Public Utilities is hereby autho-

riized 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 not to exceed two heating boilers at West 41st Street Station, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Cleveland Public Power, Department of Public Utilities.

Section 2. That all expenditures under the contract authorized herein shall not exceed \$200,000.00. The cost of said contract shall be paid from Fund No. 58 SF 001, Request No. 16610.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 833-2000.

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

An emergency ordinance authorizing the issuance and sale by the City of Cleveland, Ohio, of Airport System Revenue Bonds in an aggregate principal amount not to exceed Six Hundred Seventy Five Million Dollars (\$675,000,000) for the purpose of paying costs of improving and enlarging the Airport System and an additional aggregate principal amount not to exceed Seventy Five Million Dollars (\$75,000,000) to refund outstanding Revenue Bonds on terms advantageous to the City; and authorizing the execution and delivery of a Supplemental Indenture to secure such Revenue Bonds.

Whereas, pursuant to Article XVIII of the Constitution of the State of Ohio, the Charter of the City of Cleveland, Ohio, and Ordinance No. 1773-A-76, passed by the Council of the City of Cleveland, Ohio (the "Governing Body") on August 16, 1976 (the "Original Bond Legislation") and Resolution No. 2389-76, adopted by the Governing Body on October 18, 1976, the City of Cleveland, Ohio (the "Issuer") issued and sold its Airport System Revenue Bonds, Series A, dated November 1, 1976, in the aggregate principal amount of \$91,000,000 (the "Original Revenue Bonds"), for the purpose of paying costs of improving and enlarging the Airport System (as defined in the Original Bond Legislation); and

Whereas, the Issuer entered into the Trust Indenture, dated as of November 1, 1976 (the "Original Indenture") with The Cleveland Trust Company (predecessor in interest to Chase Manhattan Trust Company, N. A. and referred to herein as the "Trustee"), to secure the Original Revenue Bonds and any Additional Revenue Bonds (as defined in the Original Bond Legislation and defined therein collectively with the Original Revenue Bonds as the "Revenue Bonds"); and

Whereas, the Original Bond Legislation and the Original Indenture (into which the Original Bond Legislation is incorporated and of which the Original Bond Legislation constitutes an integral part) permit the Issuer to issue Additional Revenue Bonds on a parity with the Original Revenue Bonds for the purpose of financing the cost of additional capital improvements to the Airport System in the manner and subject to the terms, conditions, and restrictions contained in the Original Indenture and in the Bond Proceedings (as defined in the Original Bond Legislation) authorizing the Additional Revenue Bonds; and

Whereas, pursuant to Ordinance No. 234-90, passed by this Governing Body on March 12, 1990 (the "Series 1990 Bond Legislation") and Resolution No. 844-90, adopted by the Governing Body on April 12, 1990, the Issuer issued and sold its Airport System Revenue Bonds, Series 1990, in the aggregate principal amount of \$66,006,243 (the "Series 1990 Bonds"), for the purpose of paying costs of improving and enlarging the Airport System and for the purpose of advance refunding a portion of the then outstanding Original Revenue Bonds; and

Whereas, pursuant to Ordinance No. 929-94 passed by this Governing Body on June 13, 1994 (the "Series 1994 Bond Legislation"), the Issuer issued and sold its Airport System Revenue Bonds, Series 1994, in the aggregate principal amount of \$94,495,000 (the "Series 1994 Bonds"), for the purpose of paying costs of improving and enlarging the Airport System; and

Whereas, pursuant to Ordinance No. 923-97 passed by this Governing Body on June 9, 1997 (the "Series 1997 Bond Legislation"), the Issuer issued and sold its Airport System Revenue Bonds, Series 1997, in the aggregate principal amount of \$277,165,000 (the "Series 1997 Bonds"), for the purpose of paying costs of improving the Airport System and refunding certain of the outstanding Revenue Bonds; and

Whereas, in connection with the issuance of the Series 1990 Bonds, the Series 1994 Bonds and the Series 1997 Bonds, the Issuer and the Trustee entered into the First Supplemental Trust Indenture, dated as of April 1, 1990 (the "First Supplemental Indenture"), the Second Supplemental Trust Indenture dated as of August 1, 1994 (the "Second Supplemental Indenture"), and the Third Supplemental Trust Indenture dated as of November 1, 1997 (the "Third Supplemental Indenture"), each amending and supplementing the Original Indenture; and

Whereas, this Governing Body has determined that it is necessary for the Issuer to make additional capital improvements to the Airport System to cause that System to continue to provide adequate air travel facilities; and

Whereas, this Governing Body has further determined that it may be advantageous for the Issuer to refund, including to advance refund, certain of the outstanding Revenue Bonds; and

Whereas, this Governing Body has further determined that it is necessary for the Issuer to issue and sell Series 2000 Bonds (as hereinafter defined) on the terms and subject to the conditions set forth herein, to

finance the costs of making such capital improvements and, if it is advantageous to do so, refunding certain outstanding Revenue Bonds, making deposits to certain Special Funds established under the Indenture, and paying the costs of issuing the Series 2000 Bonds; and

Whereas, such capital improvements to the Airport System will provide needed facilities for the provision of air services to the public, and the prompt commencement of the acquisition, construction, and equipping of the improvements requires the issuance of the Series 2000 Bonds and the undertaking of the transactions contemplated herein and, as a result, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

Section 1. Definitions.

All words and terms defined in the Original Indenture, as amended and supplemented by the First Supplemental Indenture, Second Supplemental Indenture, Third Supplemental Indenture and as to be further amended by the Fourth Supplemental Indenture shall have the same meanings herein as therein unless otherwise defined herein or unless the context or use indicates a contrary meaning or intention. The following words and terms, as used herein, shall have the following meanings, unless the context or use indicates a contrary meaning or intention:

"Bond Purchase Agreement" shall mean, with respect to the Series 2000 Bonds, the Bond Purchase Agreement between the Issuer and the Original Purchasers approved pursuant to Section 9 hereof.

"Book entry form" or "book entry system" shall mean a form or system in or under which (i) the beneficial right to the Revenue Bonds of any series and the Bond service charges on the Revenue Bonds of such series may be transferred only through a book entry, and (ii) physical bond certificates in fully registered form are issued by the Issuer only to a Depository or its nominee as registered owner, with the bonds "immobilized" in the custody of the Depository, and the book entry maintained by a person or persons other than the Issuer or the Trustee being the record that identifies the owners of beneficial interests in the Revenue Bonds of such series and the Bond service charges on the Revenue Bonds of such series.

"Code" means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of the Code and all applicable Treasury regulations (including proposed regulations) thereunder, including any regulations issued and proposed under the statutory predecessor of the Code.

"Depository" shall mean any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record beneficial ownership of Revenue Bonds or Bond service charges, and to effect transfers

of Revenue Bonds, in book entry form, and includes and means initially The Depository Company (a limited purpose trust company), New York, New York.

"Earliest Optional Redemption Date" shall mean, with respect to the Series 2000 Bonds, the date or dates, if any, specified as such in the Series 2000 Certificate of Award, provided that such date shall be a principal retirement date.

"Financial Advisor" shall mean, with respect to the Series 2000 Bonds, Carmona Motley Hoffmann, Inc.

"Fourth Supplemental Indenture" shall mean the Fourth Supplemental Trust Indenture dated as of the same date as the Series 2000 Bonds, between the Issuer and the Trustee, including the Series 2000 Bond Proceedings.

"Indenture" means the Original Indenture as amended and supplemented by the First Supplemental Indenture, the Second Supplemental Indenture and the Third Supplemental Indenture, as further amended and supplemented by the Fourth Supplemental Indenture, and as the same may be further amended and supplemented in accordance with its terms.

"Interest Payment Dates" shall mean, with respect to the Series 2000 Bonds, the dates specified as such in the Series 2000 Certificate of Award, provided that the first such date shall be no later than the one year after the date of the Series 2000 Bonds.

"Mandatory Redemption Dates" shall mean, with respect to the Series 2000 Bonds, the dates, if any, specified in the Series 2000 Certificate of Award, as dates on which Series 2000 Bonds are to be required to be redeemed with moneys deposited in the Bond Service Fund for the payment of mandatory sinking fund requirements, if any, for the Series 2000 Bonds specified in the Series 2000 Certificate of Award.

"Original Purchasers" shall mean, with respect to the Series 2000 Bonds, the person or persons identified as such in Section 9 hereof.

"Principal Payment Dates" shall mean, with respect to the Series 2000 Bonds, the Principal Retirement Dates, the Term Maturity Dates, and the Mandatory Redemption Dates.

"Principal Retirement Dates" shall mean, with respect to the Series 2000 Bonds, the dates specified in the Series 2000 Certificate of Award as dates on which Series 2000 Serial Bonds are to be retired in accordance with their stated terms, provided that no such Principal Retirement Date shall be later than the thirtieth anniversary of the date of the Series 2000 Bonds.

"Principal Retirement Schedule" shall mean, with respect to the Series 2000 Bonds, the schedule of the principal amount of the Series 2000 Bonds to be retired at their stated maturities or redeemed pursuant to mandatory redemption on each Principal Payment Date as specified in the Series 2000 Certificate of Award, provided that the Principal Retirement Schedule shall be consistent with the required projected ratios between Airport Revenues and Bond service charges set forth in paragraph (b) of Section 2.10 of the Original Indenture, as amended by Section 3.02(b) of the First Supplemental Indenture and as

further amended by Section 6.01(b) of the Third Supplemental Indenture.

"Purchase Price" shall mean, with respect to the Series 2000 Bonds, the amount specified as such in the Series 2000 Certificate of Award, provided that the amount thereof (excluding any portion thereof representing accrued interest on the Series 2000 Bonds from their dated date to the date of the delivery thereof and payment thereof) shall be not less than ninety-five percent (95%) of the aggregate of the products from multiplying the principal amount of each Series 2000 Bond times the percentage of such principal amount at which such Series 2000 Bond is to be initially offered to the public, and provided further that the Purchase Price may be a lesser amount if and to the extent necessary for the Original Purchasers to be reimbursed for the any premiums or other expenses paid by the Original Purchasers in obtaining municipal bond insurance or other form of credit or liquidity facility enhancing the security for the Series 2000 Bonds.

"Redemption Prices" shall mean, with respect to any Series 2000 Bonds to be subject to redemption at the option of the Issuer, the redemption prices, expressed as percentages of the principal amount of Series 2000 Bonds so redeemed, at which the Issuer may elect to redeem Series 2000 Bonds in accordance with Section 5(e) hereof, as specified in the Series 2000 Certificate of Award, provided that no such redemption price shall exceed 103% of the principal amount of the Series 2000 Bonds to be redeemed.

"Series 2000 Bond Legislation" shall mean this Ordinance.

"Series 2000 Bond Proceedings" shall mean the Series 2000 Bond Legislation and the Series 2000 Certificate of Award.

"Series 2000 Bonds" shall mean the Airport System Revenue Bonds, Series 2000, authorized to be issued pursuant to Section 2 hereof, which constitute Additional Revenue Bonds and Revenue Bonds under the Original Indenture.

"Series 2000 Capitalized Interest Payment" shall mean, with respect to the Series 2000 Bonds, an amount, if any, specified as such in the Series 2000 Certificate of Award, representing an amount of proceeds derived from the sale of the Series 2000 Bonds equal to the interest accrued and to accrue on the Series 2000 Bonds from their dated date to a date specified in the Series 2000 Certificate of Award, which amount shall constitute a Capitalized Interest Payment as defined in the Original Indenture.

"Series 2000 Certificate of Award" shall mean the Certificate of Award authorized pursuant to Section 3 hereof.

"Series 2000 Project" shall mean the improvements to the Airport System described in the Fourth Supplemental Indenture, including without limitation (i) the acquisition, design, construction, installation and/or equipping of terminal, airfield, parking and roadway, hangar and other improvements at or related to Cleveland Hopkins International Airport, including a new 9000 foot runway, relocation of NASA-Glenn facilities, relocation of Brookpark Road, wetlands and stream

mitigation, instrument landing systems, FAA professional and engineering services, upper level roadway construction, design and construction of electrical source, construction of FAA TRACON facilities, Abram Creek site construction, relocation of parking lot, rehabilitation of upper level roadway, design and construction of a consolidated maintenance facility, construction of Concourse C overlay, garage rehabilitation, fuel facilities, and a sound insulation program as may be authorized by subsequent legislation passed by Cleveland City Council; and (ii) in each case as to each improvement, the acquisition of any interests in real property necessary therefor, related design, environmental studies, environmental remediation and regulatory compliance costs, site preparation, construction management services, and appurtenant improvements as may be authorized by subsequent legislation passed by Cleveland City Council.

"Series 2000 Serial Bonds" shall mean those Series 2000 Bonds, if any, which are designated as Serial Bonds in the Series 2000 Certificate of Award.

"Series 2000 Term Bonds" shall mean those Series 2000 Bonds, if any, which are designated as Term Bonds in the Series 2000 Certificate of Award.

"Series 2000 Variable Rate Bonds" shall mean any Series 2000 Bonds to be issued as Variable Rate Bonds pursuant to Section 3.02(c) of the First Supplemental Indenture, Section 3 of the Series 2000 Bond Legislation, and the Series 2000 Certificate of Award.

"Specified Interest Rates" shall mean, with respect to any Series 2000 Bonds that are not Series 2000 Variable Rate Bonds, the rate or rates at which the Series 2000 Bonds bear interest, expressed as a percentage of the principal amount thereof per annum, as specified in the Series 2000 Certificate of Award, provided that the weighted average of such rates, taking into account the principal amount and maturity of each Series 2000 Bonds to which a rate pertains, shall not exceed eight percent (8%) per annum.

"Term Maturity Dates" shall mean, with respect to the Series 2000 Bonds, the dates specified in the Series 2000 Certificate of Award as dates on which Series 2000 Term Bonds are to be retired at their stated maturities, provided that no such Term Maturity Date shall be later than the thirtieth anniversary of the date of the Series 2000 Bonds.

Section 2. Authorization of the Series 2000 Bonds.

Provided that the Record of Decision is received authorizing the construction of a runway of approximately 9,000 feet, the Series 2000 Bonds shall be issued for the purposes of: (i) paying costs of or related to the Series 2000 Project (including, without limitation, the Series 2000 Capitalized Interest Payment, if any, and the costs of issuance of the Series 2000 Bonds and any other required deposits to Special Funds attributable to Series 2000 Bonds issued for that purpose), for the financing of which this Governing Body determines that there is a substantial need (Series 2000 Bonds issued for that purpose being hereinafter referred to as "Series

2000 Project Bonds"), and (ii) refunding (including, without limitation, paying the costs of issuance of the Series 2000 Bonds and any other required deposits to Special Funds attributable to Series 2000 Bonds issued for that purpose) any outstanding Revenue Bonds that the Fiscal Officer determines, based on the written advice of the Issuer's Financial Advisor, would, if refunded with proceeds of the Series 2000 Bonds or other moneys lawfully available for the purpose, be advantageous to the Issuer due to a savings in Bond service charges or restructuring of the currently scheduled Bond service charges or otherwise to serve the interests of the Issuer (Series 2000 Bonds issued for that purpose being hereinafter referred to as "Series 2000 Refunding Bonds"), this Governing Body hereby authorizes the issuance of the Series 2000 Bonds in an aggregate principal amount to be determined in the Series 2000 Certificate of Award, subject to the limitations set forth in Section 3 hereof, and constituting Revenue Bonds for all purposes of the Indenture.

This Governing Body finds and determines that the issuance of the Series 2000 Bonds serves proper, public, municipal purposes by providing air travel facilities needed by the people of the City of Cleveland. The Series 2000 Project also advances the economic welfare of the City by increasing and promoting commerce by providing necessary transportation for individuals and commercial enterprises purchasing and selling services and products in northeastern Ohio, and the Series 2000 Project thereby creates and preserves jobs and employment opportunities in the City and improves the economic welfare of the City.

Section 3. Award and Sale of the Series 2000 Bonds.

The Fiscal Officer is hereby authorized and directed promptly to negotiate the sale of the Series 2000 Bonds to the Original Purchasers designated in Section 9 hereof on terms consistent with this Series 2000 Bond Legislation. The Fiscal Officer is hereby further authorized and directed to execute and deliver the Series 2000 Certificate of Award, which shall: state whether the Series 2000 Bonds shall be issued for the purpose of refunding any outstanding Revenue Bonds; determine whether any Series 2000 Bonds shall be issued as Variable Rate Series 2000 Bonds and, if so, make the other determinations with respect to the Series 2000 Variable Rate Bonds required to be made by the penultimate paragraph of this Section 3 for Series 2000 Variable Rate Bonds; and determine whether a book entry system shall be used for the Series 2000 Bonds. The Series 2000 Certificate of Award shall also specify and designate the other details of the Series 2000 Bonds required or permitted to be specified and designated therein in accordance with and subject to the limitations set forth in the Series 2000 Bond Legislation, including, without limitation, the following:

(a)(i) the aggregate principal amount of the Series 2000 Project Bonds, provided that such amount shall not exceed Six Hundred Seventy Five Million Dollars (\$675,000,000) if the Series 2000 Pro-

ject Bonds are to be initially offered to the public at a price at least equal to one hundred percent (100%) of their aggregate principal amount, but if any of the Series 2000 Project Bonds is to be initially offered to the public at an original issue discount (any such original issue discount being hereinafter referred to as an "Original Issue Discount"), then the maximum aggregate principal amount of the Series 2000 Project Bonds hereby authorized shall be increased over Six Hundred Seventy Five Million Dollars (\$675,000,000) by an amount equal to the sum of the products from multiplying the Original Issue Discount at which each Series 2000 Project Bond to be sold with an Original Issue Discount is to be initially offered to the public by the principal amount of the Series 2000 Bond to be so offered;

(ii) the aggregate principal amount of the Series 2000 Refunding Bonds, if any, provided that such amount shall not exceed Seventy-Five Million Dollars (\$75,000,000), which amount may be adjusted to reflect any Original Issue Discount for the Series 2000 Refunding Bonds as is provided in (a)(i) above for the Series 2000 Project Bonds;

(b) the date or dates of the Series 2000 Bonds;

(c) the Purchase Price;

(d) the Earliest Optional Redemption Date;

(e) the Redemption Prices;

(f) the Principal Retirement Dates;

(g) the Term Maturity Dates;

(h) the Mandatory Redemption Dates;

(i) the Principal Retirement Schedule, including the amount of any mandatory sinking fund requirement to be paid on any Mandatory Redemption Date;

(j) the Specified Interest Rates for any Series 2000 Bonds that are not Series 2000 Variable Rate Bonds;

(k) the Capitalized Interest Payment, if any, including any interest accrued on the Series 2000 Bonds from their dated date to the date of the delivery thereof and payment therefor;

(l) the Renewal and Replacement Payment attributable to the Series 2000 Bonds;

(m) the Paying Agent;

(n) the amount of proceeds of the sale of the Series 2000 Bonds to be deposited in the Bond Service Reserve Fund in order to cause the balance therein to equal the Required Bond Service Reserve, if and to the extent required by the Fourth Supplemental Indenture, and any determination of the Fiscal Officer under Section 4 of this Series 2000 Bond Legislation as to whether there shall be an alternative special reserve fund for the Series 2000 Bonds of any series, separate from the Bond Service Reserve Fund, or a municipal bond insurance policy, bank letter or line of credit, or other form of credit or liquidity facility enhancing the security for the Series 2000 Bonds of that series in lieu of a funded reserve fund; and

(o) the determination of the Fiscal Officer pursuant to Section 9 of this Series 2000 Bond Legislation as to whether any Series 2000 Bonds of any series are to be secured by or payable from a municipal bond insurance policy, bank letter or line of credit, or other form of credit or liquidity facility.

The Series 2000 Certificate of Award may also specify that the Series 2000 Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Series 2000 Bonds of all such series satisfy the requirements of the Indenture and of this Series 2000 Bond Legislation as though all such Bonds were of the same, single series. Separate series of Series 2000 Bonds may be issued at the same or different times, and if separate series of Series 2000 Bonds are issued at different times, a separate Series 2000 Certificate of Award may be executed for each series. If the Series 2000 Bonds include both Series 2000 Project Bonds and Series 2000 Refunding Bonds but are not identified as such through different series designations, then the limitations set forth in (a)(i) and (a)(ii) above shall be applied to the Series 2000 Bonds allocated between those purposes on a fair and reasonable basis.

In the event that the Fiscal Officer determines, based on the written advice of the Issuer's Financial Advisor, that the Issuer's best interests will be served by causing all or a portion of the Series 2000 Bonds to be Series 2000 Variable Rate Bonds, then the Fiscal Officer is authorized to cause such Series 2000 Bonds to be Series 2000 Variable Rate Bonds by so specifying in the Series 2000 Certificate of Award. If the Fiscal Officer so determines, then, in accordance with Section 3.02(c) of the First Supplemental Indenture, the Fourth Supplemental Indenture shall specify the method and procedure by which the rate of interest to be borne by the Series 2000 Variable Rate Bonds shall be determined, provided that the Series 2000 Variable Rate Bonds shall not bear interest at a rate in excess of fourteen percent (14%). The preceding sentence shall not be deemed to prohibit the inclusion in the Reimbursement Agreement with the Credit Provider of any liquidity facility for the Series 2000 Variable Rate Bonds of any provision that would entitle the Credit Provider to additional interest during any period when Series 2000 Variable Rate Bonds are held by the Credit Provider as pledged bonds under that Reimbursement Agreement. The Fourth Supplemental Indenture may also provide for the right of the holders of Series 2000 Variable Rate Bonds to tender their Series 2000 Variable Rate Bonds for purchase by the Issuer at the times, on the terms, and subject to the conditions set forth therein, provided that such tender rights shall be exercisable only at such times as a credit or liquidity facility is in place that provides for the payment of the purchase price payable to the tendering holder of a Series 2000 Variable Rate Bond. If the Fiscal Officer designates any Series 2000 Bonds as Series 2000 Variable Rate Bonds, then the Fiscal Officer shall also designate in the Series 2000 Certificate of Award the Credit Provider or Credit Providers for any credit or liquidity facility or facilities to apply to the Series 2000 Variable Rate Bonds, and the remarketing agent or agents for tendered Series 2000 Variable Rate Bonds (if the holders of the Series

2000 Variable Rate Bonds are to be entitled or required to tender the Series 2000 Variable Rate Bonds for purchase), which designations shall be based on the written advice of the Issuer's Financial Advisor that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable.

It is hereby determined that the Purchase Price, the Specified Interest Rates, and the other terms and details of the Series 2000 Bonds as so specified and determined in the Series 2000 Certificate of Award within the limitations set forth in the Series 2000 Bond Legislation will be in the best interest of the Issuer and consistent with all legal requirements.

Section 4. Application of Proceeds of Series 2000 Bonds.

The proceeds from the sale of the Series 2000 Bonds shall be deposited as follows:

(i) to the Bond Service Fund, that portion, if any, of such proceeds constituting the Capitalized Interest Payment;

(ii) to the Bond Service Reserve Fund, that portion of such proceeds required to be deposited in the Bond Service Reserve Fund in order to cause the balance therein to equal the Required Bond Service Reserve, subject to the provisions set forth below for a lesser or alternative deposit;

(iii) to the Renewal and Replacement Fund, the portion of such proceeds representing the Renewal and Replacement Payment attributable to the Series 2000 Bonds;

(iv) if Series 2000 Bonds are issued for the purpose of refunding outstanding Revenue Bonds, then to a separate account established in the Bond Service Fund for that purpose pursuant to Part First of Section 5.03 of the Original Indenture, the portion of such proceeds required to be deposited in that account to cause the refunded Revenue Bonds to be deemed paid and discharged for purposes of the Indenture; and

(v) to the Construction Fund, the balance of such proceeds.

Pursuant to Section 3.02(h) of the First Supplemental Indenture, the Fourth Supplemental Indenture may provide that no deposit to the Bond Service Reserve Fund shall be made for or with respect to the Series 2000 Bonds, in which case: (i) the holders of Series 2000 Bonds shall have no right or entitlement to have any portion of the Bond service charges on Series 2000 Bonds be paid from amounts in the Bond Service Reserve Fund, (ii) the lien of and pledge on the Bond Service Reserve Fund shall not extend to or be for the benefit of the holders of Series 2000 Bonds, and (iii) the Bond service charges on Series 2000 Bonds shall not be taken into account in determining the Required Bond Service Reserve. In the event that the Fourth Supplemental Indenture provides as described in the preceding sentence, then such Supplemental Indenture may also provide for the creation of a special reserve fund solely for Series 2000 Bonds, separate from the

Bond Service Reserve Fund, and may provide for the deposit therein, at the time of issuance or in one or more subsequent deposits thereto, of an amount specified in the Fourth Supplemental Indenture as the required reserve for Series 2000 Bonds (which amount shall in no event exceed the Required Bond Service Reserve computed for the Series 2000 Bonds alone, if it had applied), or may require the Issuer to provide a municipal bond insurance policy, a bank letter or line of credit, or any other form of credit or liquidity facility to enhance the security for Series 2000 Bonds in lieu of a funded reserve fund. If the Fourth Supplemental Indenture so provides for such a special reserve fund and further requires that deposits be made thereto from Airport Revenues at any time, then such deposits may be made only from moneys remaining in the Operating and Maintenance Fund on the last day of a month before any deposit is made to the General Obligation Debt Service Fund (or the Subordinated Debt Service Fund, if it shall have been established) or into any other Special Fund into which such moneys may be deposited after any required deposits to the General Obligation Debt Service Fund. If the Fourth Supplemental Indenture provides for no reserve fund, or for a special reserve fund as permitted by the preceding paragraph, then the Fourth Supplemental Indenture shall also provide that the amount of any defaulted principal of or interest on the Series 2000 Bonds that would have been timely paid had the Required Bond Service Reserve for such Revenue Bonds been fully funded in the Bond Service Reserve Fund shall be paid only from moneys remaining in the Operating and Maintenance Fund on the last day of a month before any deposit is made to the General Obligation Debt Service Fund (or the Subordinated Debt Service Reserve Fund, if it shall have been established) or to any other Special Funds into which such moneys may be deposited after any required deposits to the General Obligation Debt Service Fund. The Fiscal Officer is authorized to determine, based on the written advice of the Issuer's Financial Advisor, which of the options permitted under this Section 4 for funding the Bond Service Reserve Fund or for alternatives to doing so best serves the Issuer's interests, shall specify that option in the Series 2000 Certificate of Award, and shall cause the provisions for that option to be incorporated into the Fourth Supplemental Indenture.

Section 5. Terms and Provisions Applicable to the Series 2000 Bonds.

(a) Form; exchange and transfer.

Notwithstanding anything to the contrary in the Original Indenture, (i) all Series 2000 Bonds shall initially be issued in fully registered form, and (ii) no Series 2000 Bond shall be exchanged for or transferable into a coupon Revenue Bond or Bonds unless and until the Indenture shall have been amended in accordance with the terms thereof to permit such exchanges or transfers. To the extent that the Original Indenture (particularly, but without limitation, Section 2.05

thereof) permits fully registered Revenue Bonds to be exchanged for or transferred into coupon Revenue Bonds or Revenue Bonds payable to bearer, then the Original Indenture is hereby amended to prohibit such exchanges or transfers for the Series 2000 Bonds unless and until the Indenture shall have been amended in accordance with the terms thereof to permit such exchanges or transfers.

The Series 2000 Bonds shall be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Series 2000 Bonds shall be issued in the form of a single registered Series 2000 Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Series 2000 Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Issuer.

If any Depository determines not to continue to act as a Depository for the Series 2000 Bonds for use in a book entry system, the Fiscal Officer and Trustee may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer and Trustee do not or are unable to do so, the Fiscal Officer and Trustee, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Series 2000 Bonds from the Depository, and authenticate and deliver registered Series 2000 Bond certificates to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of Issuer action or inaction, of those persons requesting such issuance.

The Executive Officer, the Fiscal Officer, the Director of Port Control or any one of them are authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Series 2000 Bonds, after determining (as evidenced by their signing) that the signing thereof will not endanger the funds or securities of the Issuer under the Indenture.

(b) Denominations and Dates.

The Series 2000 Bonds shall each be in the denomination of \$5,000 or any integral multiple thereof and shall be dated as of the date or dates specified in or pursuant to the Series 2000 Certificate of Award; provided, however, that if, pursuant to the Series 2000 Certificate of Award, a book entry system is to be used for the Series 2000 Bonds, then the Series 2000 Bonds shall be issued

in the form of a single Series 2000 Bond for each maturity or mandatory redemption date of each series of Series 2000 Bonds. Each Series 2000 Bond shall have only one principal maturity date, except for interim certificates or receipts issued pending preparation of definitive Series 2000 Bonds.

(c) Interest and Place of Payment.

The Series 2000 Bonds shall bear interest at their respective Specified Interest Rates from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their dated date. The principal and Redemption Price, if any, of and the interest payable on each Series 2000 Bond shall be payable at the times, to the persons and in the manner set forth in the Indenture, including, without limitation, provisions thereof permitting special arrangements for payment to the Depository.

(d) Maturities.

The Series 2000 Serial Bonds shall mature on the Principal Retirement Dates, and the Series 2000 Term Bonds shall mature on the Term Maturity Dates, as specified in the Series 2000 Certificate of Award.

(e) Optional and Mandatory Redemption.

The Series 2000 Bonds maturing by their stated terms after the Earliest Optional Redemption Date shall be subject to redemption at the option of the Issuer on or after the earliest Optional Redemption Date in whole on any date or in part on any Interest Payment Date at the Redemption Price specified in the Series 2000 Certificate of Award and in accordance with the Indenture; provided, however, that the Series 2000 Certificate of Award may specify that all or a portion of the Series 2000 Bonds will not be subject to redemption at the option of the Issuer. The Series 2000 Term Bonds shall also be subject to mandatory redemption prior to maturity at the Redemption Price on each Mandatory Redemption Date in the aggregate amount of the mandatory sinking fund requirement to be paid on such Mandatory Redemption date, all as specified in the Series 2000 Certificate of Award and in accordance with the Indenture.

(f) Execution.

The Series 2000 Bonds shall be executed by the Executive Officer and the Fiscal Officer, and approved as to form by the Legal Officer, provided that any or all of such signatures may be facsimiles, and shall bear the corporate seal of the Issuer or a facsimile thereof.

(g) Numbering.

The Series 2000 Bonds to be authenticated by the Trustee shall be numbered and otherwise identified as specified by the Fiscal Officer in accordance with the Indenture.

Section 6. Refunding of Outstanding Revenue Bonds.

If Series 2000 Bonds are issued for the purpose of refunding any outstanding Revenue Bonds, then the Executive Officer, the Fiscal Officer and the Director of Port Control or any two of them are authorized and directed to sign and deliver, in the name and on behalf of the Issuer, an escrow agreement between the Issuer and the Trustee, as escrow

trustee, providing for the investment and holding in escrow of the proceeds of the Series 2000 Refunding Bonds to be applied to the refunding of such Revenue Bonds and for the application of the moneys derived from those investments to the payment of the Bond service charges on such Revenue Bonds. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the escrow agreement from proceeds of the Series 2000 Refunding Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. Provision shall be made in the escrow agreement to give the Trustee any written notice of redemption required under Section 3.02 of the Original Indenture. The Executive Officer, the Fiscal Officer, the Director of Port Control and other appropriate Issuer officials shall execute all documents and take all other actions necessary or appropriate on the part of the Issuer to effect such refunding in accordance with the Original Indenture and to cause the refunded Revenue Bonds to be deemed paid and discharged.

Section 7. Arbitrage Provisions.

Some or all of the Series 2000 Bonds are to be issued and sold as obligations bearing interest to be excluded from gross income for federal income tax purposes (the "Tax-Exempt Bonds"). The Issuer covenants that it will use and will restrict the use and investment of, the proceeds of the Tax-Exempt Bonds in such manner and to such extent as may be necessary so that (a) the interest on the Tax-Exempt Bonds will be excluded from gross income for federal income tax purposes and (b) in the case of any Tax-Exempt Bonds intended to qualify as bonds, the interest on which is not treated as an item of tax preference under Section 57 of the Code ("Non-AMT Bonds"), such Tax-Exempt Bonds will be treated as Non-AMT Bonds.

The Issuer covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Tax-Exempt Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any action that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Tax-Exempt Bonds to the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Fiscal Officer, or any other officer of the Issuer having responsibility for issuance of the Tax-Exempt Bonds, is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the Issuer with respect to the

Tax-Exempt Bonds as the Issuer is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Tax-Exempt Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the Issuer, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Tax-Exempt Bonds, and (c) to give one or more appropriate certificates of the Issuer, for inclusion in the transcript of proceedings for the Tax-Exempt Bonds, setting forth the reasonable expectations of the Issuer regarding the amount and use of all the proceeds of the Tax-Exempt Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Tax-Exempt Bonds.

Each covenant made in this Section with respect to the Tax-Exempt Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Tax-Exempt Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Tax-Exempt Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Tax-Exempt Bonds.

Section 8. Fourth Supplemental Indenture; Amendments to Use Agreements; Transcript of Proceedings.

The Executive Officer, the Fiscal Officer and the Director of Port Control, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge, and deliver to the Trustee, a good and sufficient Fourth Supplemental Indenture, approved as to form and correctness by the Legal Officer, for the purposes hereinafter described and substantially in the form put on file with the Clerk in connection with the Series 2000 Bond Legislation in File No. 833-2000-A. The form of the Fourth Supplemental Indenture is approved with such changes therein as are not inconsistent with this Series 2000 Bond Legislation and not adverse to the Issuer and which are permitted by the Constitution and the laws of Ohio and as

shall be approved by the officers signing the Fourth Supplemental Indenture. The approval of those changes, and the determination that such changes are not adverse to the Issuer, shall be conclusively evidenced by the signing of the Fourth Supplemental Indenture by those officials. The Fourth Supplemental Indenture shall expressly extend the security of the Original Indenture as thereby amended to the Series 2000 Bonds and shall cause the Indenture to include, among other things: (i) appropriate provisions for the use of a book entry system for the Series 2000 Bonds, (ii) such covenants as are necessary and appropriate for the interest on the Series 2000 Bonds to be exempt from gross income for purposes of federal income taxation under the Code, and (iii) such covenants as are deemed necessary and appropriate to obtain favorable ratings on or credit enhancement for the Series 2000 Bonds or to enhance their marketability.

The Fourth Supplemental Indenture may also include such additional covenants of the Issuer as the Fiscal Officer and the Director of Port Control of the Issuer deem necessary and appropriate to obtain favorable ratings on the Series 2000 Bonds and to enhance their marketability, including, without limitation, covenants pertaining to the conditions under which the City may acquire or construct additional airport facilities that may have an adverse impact on the ability of the Airport to generate sufficient Airport Revenues for purposes of the Indenture, and covenants pertaining to the Issuer's obligations, if any, regarding the lease and use agreements that may replace the existing Use Agreements upon their termination.

To the extent permitted by the Indenture, the Issuer is authorized, from time to time, to enter into one or more agreements in connection with, prior to, or subsequent to the issuance of the Series 2000 Bonds, for an interest rate swap, an interest rate cap, or any other such arrangement to lower the effective interest rate on the Series 2000 Bonds or to hedge the exposure of the Issuer against fluctuations in prevailing interest rates, and to secure its obligations to the counterparties in such agreements on a parity with its obligations to holders of Revenue Bonds under the Indenture, subject to such conditions and restrictions as may be specified therein. The Fiscal Officer is authorized, on behalf of the Issuer, to execute and deliver any such agreement that meets the requirements of the Indenture and that he determines, based upon the written advice of the Issuer's Financial Advisor, will reduce the net Bond service charges payable on the Series 2000 Bonds or otherwise enhance the timing and amount of the payments thereof for the Issuer's purposes to an extent that justifies the cost of the Issuer's entering into such agreement. In the event that the Issuer's entering into any such agreement requires an amendment to the Original Indenture as amended and supplemented by the First Supplemental Indenture, Second Supplemental Indenture and the Third Supplemental Indenture, then, provided that the consent of holders of the requisite percent-

age of holders of outstanding Revenue Bonds is obtained in order for such an amendment to become effective in accordance with Section 13.02 of the Original Indenture, the Fourth Supplemental Indenture may include an amendment to the Original Indenture as theretofore amended for the purpose of causing the Indenture to permit the Issuer, from time to time, to enter into one or more agreements in connection with or subsequent to the issuance of any series of Revenue Bonds, for an interest rate swap, an interest rate cap, or any other such arrangement to lower the effective interest rate on Revenue Bonds or to hedge the exposure of the Issuer against fluctuations in prevailing interest rates, and to permit the Issuer to secure its obligations to the counterparties in such agreements on a parity with its obligations to holders of Revenue Bonds under the Indenture, subject to such conditions and restrictions as may be specified in such amendment. If such an amendment is required, the Fiscal Officer is authorized to seek such consent from the holders of the Revenue Bonds to be outstanding upon the issuance of the Series 2000 Bonds, including the Original Purchasers.

This Series 2000 Bond Legislation shall constitute a part of the Fourth Supplemental Indenture as therein provided and for all purposes thereof, including, without limitation, the application to this Series 2000 Bond Legislation of the provisions of the Indenture relating to amendment, modification, supplementation and severability.

The Director of Port Control of the Issuer is hereby authorized and directed to execute and deliver to the Airlines such amendments to the Use Agreements as are necessary and appropriate to cause the Use Agreements to reflect the issuance of the Series 2000 Bonds and the execution and delivery of the Fourth Supplemental Indenture and to be consistent with the Fourth Supplemental Indenture.

The Clerk shall furnish to the Original Purchasers of the Series 2000 Bonds a true transcript, certified by the Clerk, of all proceedings had with reference to the issuance of the Series 2000 Bonds, along with such information from the records of the Issuer as is necessary to determine the regularity and validity of the issuance of the Series 2000 Bonds.

Section 9. Designation of Original Purchasers; Bond Purchase Agreement; Official Statement; Continuing Disclosure; Other Documents.

Notwithstanding any provisions of the codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Series 2000 Bonds are hereby awarded to the following underwriters in the following percentages: Goldman, Sachs & Co., Senior Manager, (50%); A.G. Edwards & Sons, Inc. and NatCity Investments, Inc., Co-Senior Managers (10% each); and SBK-Brooks Investment Corp., Beal (M.R.) & Company, Lehman Brothers, Salomon Smith Barney, Merrill Lynch, and Paine Webber, Co-Managers (5% each) (collectively, the "Original Purchasers"), provided that any purchaser may be deleted if such purchaser does not become a party to the Series 2000 Bond Purchase Agreement. The priority to be

accorded to orders for the purchase of bonds established by Original Purchasers is as follows: (1) group net orders (public offering price) and (2) member orders. The Fiscal Officer is hereby authorized and directed, in the name and on behalf of the Issuer, to execute and deliver the Bond Purchase Agreement, approved as to form and correctness by the Legal Officer, which Bond Purchase Agreement shall incorporate the terms of the Series 2000 Bonds as determined pursuant to this Series 2000 Bond Legislation and the Series 2000 Certificate of Award and shall set forth the date, location, procedure and conditions for the delivery of the Series 2000 Bonds, including without limitation any conditions relating to the obtaining of an insurance policy to enhance the security of the Series 2000 Bonds, the obtaining of which insurance the Fiscal Officer determines serves the best interest of the Issuer by achieving a net reduction in the Bond service charges on the Series 2000 Bonds. The Bond Purchase Agreement shall be substantially in the form now on file with the Clerk in File No. 833-2000-A, with such changes therein or there-to not inconsistent with the Indenture, this Series 2000 Bond Legislation or the Series 2000 Certificate of Award and not substantially adverse to the Issuer as may be approved by the Fiscal Officer. The approval of any such changes by the Fiscal Officer and the determination by the Fiscal Officer that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Bond Purchase Agreement by the Fiscal Officer. The Executive Officer, the Fiscal Officer, the Director of Port Control, and the Legal Officer are hereby further authorized and directed to take all steps necessary to effect the due authentication, delivery and security of the Series 2000 Bonds in accordance with the terms of the Indenture, this Series 2000 Bond Legislation, the Series 2000 Certificate of Award and the Bond Purchase Agreement.

The preparation and distribution of a Preliminary Official Statement with respect to the Series 2000 Bonds are hereby authorized and approved. A final Official Statement with respect to the Series 2000 Bonds shall be prepared and executed by the Fiscal Officer and the Director of Port Control, or either of them, on behalf of the Issuer and in their respective capacities in form and substance suitable for the purposes thereof as the officer or officers executing the same on behalf of the Issuer shall approve. The Original Purchasers' use and distribution of such Official Statement and any supplements thereto as so executed in accordance with the terms of the Bond Purchase Agreement is hereby authorized and approved.

For the benefit of the bondholders of the Series 2000 Bonds, the Executive Officer, the Fiscal Officer and other officials as deemed appropriate are authorized and directed to execute a continuing disclosure agreement, setting forth the Issuer's undertaking to provide annual reports and notices of certain events, in accordance with S.E.C. Rule 15c2-12(b)(5). The Fiscal Offi-

cer is further authorized and directed to establish procedures in order to ensure compliance by the Issuer with its continuing disclosure agreement, including the timely provision of information and notices.

Notwithstanding anything herein to the contrary, the Fiscal Officer may decline to execute and deliver the Bond Purchase Agreement on behalf of the Issuer in the event that the Original Purchasers fail to offer to purchase the Series 2000 Bonds on terms which are consistent with the requirements of this Bond Legislation or in the event that the Fiscal Officer determines that the terms offered by the Original Purchasers are otherwise unacceptable to the Issuer, but the execution of the Bond Purchase Agreement by the Fiscal Officer shall conclusively evidence the absence of any such determination.

Any one or more the Executive Officer, the Fiscal Officer and the Director of Port Control or other appropriate official of the Issuer, shall execute all documents and take all other actions necessary or appropriate on the part of the Issuer to effect the issuance of the Series 2000 Bonds in accordance with the Indenture.

Section 10. Counsel.

That, notwithstanding any provisions of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, Calfee, Halter & Griswold LLP is hereby designated to serve as Bond Counsel to the City and to provide legal services in the nature of the preparation of the documents and the proceedings in connection with the issuance and sale of the Bonds, and the rendering of approving legal opinions with respect thereto, together with legal advice and recommendations as to the documents and legal proceedings in connection with the issuance of the Series 2000 Bonds. In rendering such services, said firm shall not exercise any administrative discretion on behalf of the City in the formation of public policy, expenditure of public funds, enforcement of laws, rules and regulation of this Council and the City, or the execution of public trusts. For such services, said firm shall be paid from the proceeds of the Series 2000 Bonds just and reasonable compensation and reimbursement of actual out-of-pocket expenses.

Vorys, Sater, Seymour and Pease LLP is hereby designated to serve as underwriters' counsel and Forbes, Fields & Associates is hereby designated to serve as co-underwriter counsel to the Original Purchasers to provide legal services in connection therewith.

Section 11. Lien of Pledge Hereunder.

The Airport Revenues are subject to the lien of the pledge under the Indenture without any physical delivery of the Airport Revenues or further act, and the lien of such pledge is valid and binding against all parties having claims of any kind against the Issuer (irrespective of whether such parties have notice of such pledge and create a perfected security interest for all purposes of Chapter 1309, Ohio Revised Code) without the necessity for separation or delivery of the Airport Revenues or for the filing or record-

ing of the Indenture or any other resolution or instrument by which such pledge is created or any certificate, statement, or other document with respect to such pledge. The pledge of the Airport Revenues under the Indenture shall be effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any further act of appropriation.

Section 12. Noise and Sound Mitigation.

The Director of Port Control shall fund noise and sound insulation programs in accordance with the terms and conditions set forth in Ordinance No. 552-2000.

Section 13. Open Meeting Determination.

It is found and determined that all formal actions of this Governing Body concerning and relating to the adoption of this Bond Legislation were adopted in an open meeting of this Governing Body, and that all deliberations of this Governing Body and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all applicable legal requirements.

Section 14. Separability.

Each section of this Bond Legislation and each subdivision of any section hereof is hereby declared to be independent, and the finding or holding of any section or subdivision of any section hereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Bond Legislation.

Section 15. Recitals.

It is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2000 Bonds in order to make the same legal, valid and binding special obligations issued by the City of Cleveland, Ohio will have happened, been done and performed or will happen, be done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Series 2000 Bonds.

Section 16. Reporting.

The Director of Finance and/or the Director of Port Control shall provide a copy of all documents, agreements and reports arising from or issued pursuant to this legislation to the Clerk of Council and the Chairman of the Aviation and Transportation Committee immediately upon publication. The Chairman of the Aviation and Transportation Committee shall be provided with three (3) bound volumes of the Series 2000 bond transcript. In addition, the Director of Finance and/or the Director of Port Control shall provide written statements to the Chairman of the Aviation & Transportation Committee and the Chairman of the Finance Committee detailing expenditures from the Construction Fund at each of the following levels of draws from the Construction Funds: 20%, 40%, 60%, 80%, and 100%.

Section 17. Emergency.

This ordinance is hereby declared to be an emergency measure and, provided it receives 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 Executive Officer; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 19, 2000.

Effective June 29, 2000, without the signature of the Mayor.

Ord. No. 835-2000.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating West 110th Street; authorizing the Director of Public Service to enter into contract for the making of such improvement; and authorizing said director to employ one or more professional consultants to design the improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating West 110th Street, for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

Section 3. That the Director of Public Service is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the public improvement authorized above.

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

Section 4. That the cost of said improvement and services hereby authorized shall be paid from Fund No. 52 SF 001, 54 SF 001, 58 SF 001, and from the fund or funds to which are credited the proceeds of any grant funds from the Ohio Works Commission and the proceeds of the sale of general obligation bonds issued in 2000 for the purpose which includes the above project, Request No. 22506.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 836-2000.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating East 110th Street; authorizing the Director of Public Service to enter into contract for the making of such improvement; and authorizing said director to employ one or more professional consultants to design the improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating East 110th Street, for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

Section 3. That the Director of Public Service is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the public improvement authorized above.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Service from a list of qualified consultants available for such employ-

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

Section 4. That the cost of said improvement and services hereby authorized shall be paid from Fund No. 52 SF 001, 54 SF 001, 58 SF 001, and from the fund or funds to which are credited the proceeds of any grant funds from the Ohio Works Commission and the proceeds of the sale of general obligation bonds issued in 2000 for the purpose which includes the above project, Request No. 22505.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 844-2000.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease to Joshua Simon, or his designee, property located at 7654 Broadway Avenue, for a term not to exceed ten years, with two additional five year options to renew.

Whereas, the City of Cleveland owns certain property located at 7654 Broadway Avenue, which is not needed for public use for the next twenty years; and

Whereas, Joshua Simon, or his designee, has proposed to lease said property from the City; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to Joshua Simon, or his designee, certain property which is determined to be not needed for public use during the term specified in Section 2 below, of developing and maintaining a parking lot for child care center and which is described as follows:

Permanent Parcel No. 133-20-036

7654 Broadway Avenue

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 13 in the E. T. Hamilton, et al. Subdivision of part of Original Newburgh Township Lots Nos. 315 and 455, as recorded in Volume 3, Page 29 of Cuyahoga County Map Records, said Sublot No. 13 having

a frontage of 66 feet on the South-westerly side of Broadway S.E. (66 feet wide) and extending back between parallel lines of equal depth, 231.00 feet to the Northeast-erly line of Spafford Place, S.E. (16.50 feet wide).

Section 2. That the term of the lease authorized above shall not exceed ten (10) years, with two (2) options exercisable by the Director of Parks, Recreation and Properties, to renew for additional five-year terms, and cancellable upon thirty days written notice by said Director.

Section 3. That the property described above shall be leased at a rental of \$1.00 per year.

Section 4. That the lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City, including the requirement that the lease shall be reviewed for design by a local design review board or by the City Planning Commission.

Section 6. That the Director of Parks, Recreation and Properties and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 847-2000.
By Councilmen White, 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 the corner of Broadway Avenue and Booth Avenue to Patrick L. Montgomery.

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 the corner of Broadway Avenue and Booth 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 property described in File No. 847-2000-A is no longer needed for public use.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 860-2000.
By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with Cleveland State University to provide various housing, urban land-use, property parcel, vacant lot, and residential real estate market data services, products, studies, and other technical assistance in order to facilitate neighborhood planning and programming efforts.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contract with Cleveland State University to utilize the Urban Center's Housing Policy Research Program to provide various housing, urban land-use, property parcel, vacant lot, and residential real estate market data services, products, studies, and other technical assistance in order to facilitate neighborhood planning and programming efforts.

Section 2. That the contract authorized herein shall contain the following provision: When any entity other than Cleveland City Council requests information pursuant to the terms of this contract, Cleveland State University will notify the Councilperson from the respective ward or, in the event that City-wide information is requested, Cleveland State University will notify the President of Council, prior to the generation of the information.

Section 3. That the cost of said contracts shall not exceed, in the

aggregate, \$29,500.00 and shall be paid from Fund Nos. 14 SF 025, Request No. 20684.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 861-2000.
By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds and Federal Home funds for the operation of the Low Interest Loan and Grant Programs and to enter into contract with various agencies to implement these programs.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year XXVI and Federal HOME grant funds, from the United States Government; and

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

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

Section 1. That the Director of Community Development is hereby authorized to expend Community Development Block Grant funds from Fund No. 14 SC 026, and Federal Home Program funds from Fund No. 13 SC 895, Request No. 20689, in the amount of \$7,875,000, 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 the Director of Community Development is authorized to expend and to enter into one or more contracts with various non-profit agencies to implement the Low Interest Loan and Grant Programs in the City of Cleveland.

Section 3. That the Director of Community Development is authorized to accept monies in repayment under said programs and to utilize said repayments, and other program income in a revolving fund for additional expenditures under these programs and administrative expenses.

Section 4. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 5. That the Director of Community Development is hereby authorized to enter into forbearance agreements with any recipient of a validly existing loan administered

by the City, and to charge and accept fees and to expend such fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited to and expended from Fund No. 14.

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 862-2000.
By Councilmen Melena, Polensek, Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development and other Directors of City Departments to enter into contracts with various agencies to provide social service programs, authorizing the Director of Community Development to enter into Memoranda of Understanding with the various Directors of City Departments, and authorizing the Director of Parks, Recreation and Properties to enter into lease agreements with various non-profit agencies to provide facilities for recreation activities.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contracts with the following agencies to provide social services programs:

Section 2. That the Director of Public Safety is hereby authorized to enter into contracts with various non-profit agencies to provide school safety programs.

Section 3. That the Director of Community Relations is hereby authorized to enter into contracts with various non-profit agencies to provide youth at risk programs.

Section 4. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, and as amended, the Director of Parks, Recreation and Properties is hereby authorized to enter into lease agreements with St. Joseph's Church of Collinwood and Greater New Calvary Baptist Church for a one year term in an amount not to exceed \$9,900.00 each to provide facilities for recreation activities.

Section 5. That the Director of Community Development is hereby authorized to enter into Memoranda of Understandings with the Directors of Public Safety, Community Relations and Parks, Recreation and Properties for the purposes described in Sections 2, 3 and 4 above.

Section 6. That the aggregate cost of the contracts authorized in Sections 1, 2, 3, 4 and 5 of this ordinance shall be in an amount not to exceed \$3,000,000.00, and shall be paid from Fund No. 14 SF 025 and 026, Request No. 20686.

Section 7. That this ordinance is hereby declared to be an emergency

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 863-2000.
By Councilmen Cimperman, Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Directors of Economic Development and Community Development to enter into a Neighborhood Development Investment Fund contract with St. Vincent Quadrangle, Inc., or its designee, to provide economic development assistance to partially finance the acquisition, rehabilitation and conversion of the Tower Press Building into live/work affordable rental housing, located at 1900 Superior Avenue, Cleveland, Ohio.

Whereas, the City of Cleveland is committed to improving the quality of life in the City and its neighborhoods; and

Whereas, by recognizing the important role that Cleveland's artists play in our community and by embracing their diverse and unique qualities, the City of Cleveland seeks to encourage area artists to live and work in a recognized artist district by creating affordable live/work housing; and

Whereas, such an environment would spark interaction and creativity within the artist community and would thereby raise the human consciousness of our community as a whole by stimulating thought, emotion and spirit; and

Whereas, through Ordinance No. 56-94, passed June 13, 1994, the City established the Neighborhood Development Investment Program and the Neighborhood Development Investment Fund (NDIF) for the purpose of stimulating the development of major opportunities for job creation, retention, and expansion in the City's neighborhoods; and

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

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

Section 1. That, subject to the provisions of Section 8 of this ordinance, the Directors of Economic Development and Community Development are hereby authorized to enter into a Neighborhood Development Investment Fund contract with St. Vincent Quadrangle, Inc., or its designee, to provide economic development assistance to partially finance the acquisition, rehabilitation and conversion of the Tower Press Building located at 1900 Superior Avenue, Cleveland, Ohio, into affordable live/work space low-income rental units.

Section 2. That the terms of said contract shall comply with the requirements of the Neighborhood Development Investment Program and NDIF, as set forth in Section 1 of Ordinance No. 56-94, passed June 13, 1994, and shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 863-2000-A.

Section 3. That the cost of said contract shall not exceed Two Million Dollars (\$2,000,000.00), and shall be paid from Fund No. 10 SF 501, Request No. 20693.

Section 4. That the Director of Economic Development and Community Development are hereby authorized to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Directors of Economic Development and Community Development are hereby authorized to accept monies in repayment of such loan and to deposit said monies in Fund No. 10 SF 502.

Section 6. That the Directors of Economic Development and Community Development are hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable 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 loan 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, prior to entering into any contract authorized herein, the Director of Finance is required and hereby directed to certify that said contract is in compliance with the provision of Section 1 of Ordinance No. 56-94 regarding the use of such funds for constructing and/or rehabilitation of housing units within the City, and to certify that un-appropriated funds equal to the contract amount set forth in Section 3 of this ordinance have been collected by the City and are available to be allocated to such contract.

Section 9. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 865-2000.
By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to expend Economic Development Initiative Grant and Title XX Grant funds for administration of the Empowerment Zone Program, as amended; and to enter into all contracts and related documents with Fairfax Renaissance Development Corporation, Glenville Area Partners in Progress, and MidTown Cleveland, for implementation of the Empowerment Zone Program, as amended.

Whereas, this ordinance constitutes an emergency measure providing for 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 and execute all contracts and all necessary documents with Fairfax Renaissance Development Corporation, Glenville Development Corporation, Hough Area Partners in Progress, and Mid-Town Cleveland, in the aggregate sum of \$2,240,000, for the purpose of implementing the Empowerment Zone Program, as amended.

Section 2. That the Director of Economic Development is hereby authorized to expend Economic Development Initiative Grant and Title XX Grant funds for administration of the Program.

Section 3. That the aggregate costs of contracts and expenditures authorized by this ordinance shall not exceed Three Million Five Hundred Seventy-Six Thousand Eight Hundred Dollars (\$3,576,800), and shall be paid from Fund Nos. 18 SF 005, 18 SF 006 and 18 SF 008, Request No. 13107.

Section 4. That the Empowerment Zone Program authorized herein shall be subject to a yearly review and upon conclusion of such review, the Director of Economic Development shall provide each member of City Council with a copy of the review and present a detailed summary of the review to the Community and Economic Development Committee of City Council.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 866-2000.

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

An emergency ordinance authorizing the directors of Economic Development and Personnel and Human Resources to enter into contracts with various agencies for the implementation of the Empowerment Zone Labor Force Development Program.

Whereas, the City of Cleveland has received an Economic Development Initiative Grant from the United States Department of HUD to fund Labor Force Development programs for Empowerment Zone residents; and

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

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

Section 1. That the Directors of Economic Development and Personnel and Human Resources are authorized to enter into one or more contracts with various non-profit, for profit and public agencies selected by said Directors in accordance with the HUD approved Citizen Participation Process for the Empowerment Zone for the implementation of a comprehensive Labor Force Development Program such contracts to

provide job training, job placement child care support, legal services support, transportation support, career assessments, testing, education, and other related services.

Section 2. That the total cost of all contracts shall not exceed \$2,672,378.00 and shall be paid from Fund No. 18 SF 007, Request No. 13105.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 867-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into Tax Increment Financing Agreements with various property owners to provide for service payments for the purpose of repayment of the revenue bonds to be issued for the purpose of assisting with the financing of public improvements on Superior Avenue; to provide for payments to the Cleveland City School District, and to declare certain improvements to real property to be a public purpose; authorizing the Director of Public Service to accept bids to enter into a contract to construct said public improvements; and apply and accept grants to partially pay for such improvements.

Whereas, pursuant to Section 5709.40 of the Ohio Revised Code, improvements to real property may be declared by municipal ordinance to be a public purpose where such real property is located in the City; and

Whereas, pursuant to Section 5709.40 of the Ohio Revised Code, such improvements so declared to be a public purpose may be exempt from real property taxation; and

Whereas, pursuant to Section 5709.42 of the Ohio Revised Code, the owners of such improvements may be required to make annual service payments in lieu of taxes that would have been paid had such improvements not been exempt; and

Whereas, pursuant to Section 5709.40 of the Ohio Revised Code, said exemption may exceed 75% of such improvements for up to thirty (30) years when a portion of the service payments so collected are distributed to the Cleveland City School District ("the District") in an amount equal to the amount the District would have received had the improvements not been exempt; and

Whereas, the City desires to make public streetscape improvements on Superior Avenue between East 17th and East 30th Streets; and

Whereas, the Cleveland City School District has been notified of the intent to enter into the Tax Increment financing agreements authorized herein, in compliance with Sections 5709.40 and 5709.83 of the Ohio Revised Code; and

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

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

Section 1. That improvements, the assessed value of which would first appear on the tax list and duplicate of real property subsequent to and within ten years of the effective date of this ordinance (the "Improvements"), on the following non-residential real property, are hereby declared to be a public purpose, for purposes of Section 5709.40 and 5709.42 of the Ohio Revised Code: 102-15-021 through 102-25-023, 102-15-026, 102-15-028 through 102-15-033, 102-15-035 through 102-15-037, 102-15-040 through 102-15-053, 102-15-055, 102-16-031 through 102-16-041, 102-17-012 through 102-17-014, 102-24-001 through 102-24-014, 102-24-016 through 102-24-017, 102-24-020 through 102-24-022, 102-25-001 through 102-25-007, 102-25-015 through 102-25-018, 102-25-022 through 102-25-032, 102-25-034 through 102-25-035, 102-25-037, 102-25-039 through 102-25-040, 102-25-043 through 102-25-044, 102-25-046, 102-26-001 through 102-26-009, 102-26-015 through 102-26-026, 102-26-031 through 102-26-035, 102-26-038 through 102-26-039, 102-27-004 through 102-26-005.

Section 2. That one hundred percent (100%) of the Improvements are hereby declared exempt from real property taxation for a period of thirty (30) years; and that in no event shall the exemption period extend beyond December 31, 2030.

Section 3. That, pursuant to Section 5709.42 of the Ohio Revised Code, the owner or owners of the Improvements shall make service payments for a period of thirty (30) years, or such other lesser period necessary to redeem the bonds described in Section 6 of this Ordinance, in lieu of said exempt taxes to the Cuyahoga County Treasurer; said payments shall be charged and collected in the same manner, and in the same amount as the real property taxes that would have been paid, had the Improvements not been exempt from taxation.

Section 4. That pursuant to Section 5709.43 of the Ohio Revised Code there is hereby established a Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund").

Section 5. That a portion of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvements not been exempt from taxation.

Section 6. That the balance of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the City of Cleveland and deposited in the Fund created by Section 4 herein to pay the principal (whether at maturity or by prior redemption) of, and interest on revenue bonds issued by the City, pursuant to additional, appropriate legislation of this Council, or other appropriate governmental issuer to finance a portion of the costs of the public improvements, and the costs attributable to the sale of the Bonds, inclusive of attorneys' fees, appraisals and other similar

fees and any facility to reduce the interests rates; funds deposited in the fund may also be used to maintain the public improvements defined in Section 8 below.

Section 7. That the Director of Economic Development is hereby authorized to enter into an agreement or agreements with the parcel owners to provide for the exemption and service payments described herein, including agreements securing the payments described in Section 3 of this Ordinance, and such other terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest; and to enter into such other agreement or agreements with such other appropriate governmental issuer, necessary and appropriate to issue and redeem the bonds described in Section 6 of this Ordinance, which agreement or agreements shall contain those terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest.

Section 8. That pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make certain public improvements to that portion of Superior Avenue between East 17th Street and East 30th Street, including but not limited to sidewalks, curbs, landscaping, brick splash-strips, traffic signals, and a traffic median ("Public Improvements") and finding that said Public Improvements directly benefit the parcels delineated in Section 1 herein pursuant to Ohio Revised Code Section 5709.40(D); said Public Improvements may be constructed in two phases, the first phase being between East 17th Street and East 24th Street and the second phase being between East 24th Street and East 30th Street by contract duly let to the lowest responsible bidder upon a unit basis for the improvement.

Section 9. That, provided this Council authorizes and the City sells general obligation bonds in 2000 for the purposes that include the improvement authorized herein, 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 10. That the Directors of Economic Development and Public Service are hereby authorized to apply for and accept grants from various sources, including but not limited to various foundations, the Ohio Department of Development ("ODOD"), the Ohio Department of Transportation ("ODOT") and the Northeast Ohio Area-wide coordinating Agency ("NOACA"); the proceeds of any such grants are hereby appropriated for the Public Improvements.

Section 11. That the Directors of Economic Development, Public Service and Law are hereby authorized to enter into such agreements as

may be deemed necessary and appropriate to affect the various authorizations granted herein including, but not limited to, a LPA agreement with ODOT, and an agreement with the Cuyahoga County Treasurer regarding distribution of the service payments as described in Sections 5 and 6.

Section 12. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

Section 13. That the cost of said improvement hereby authorized shall be paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued for the purpose which includes the above improvement, from the fund or funds to which are credited the grant proceeds accented pursuant to Section 10 of this ordinance, and from the fund or funds to which are credited the proceeds of the sale of revenue bonds issued described in Section 6 of this ordinance for the purpose which includes the above improvement.

Section 14. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 897-2000.
By Councilman Patmon (by departmental request).
An emergency ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$9,975,000 for the purpose of providing funds for improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds; to authorize agreements with respect to the Bonds; and to authorize the issuance of notes in anticipation of such Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Nine Million Nine Hundred Seventy Five Thousand Dollars (\$9,975,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83,

passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Nine Million Nine Hundred Seventy Five Thousand Dollars (\$9,975,000) for the purpose of providing funds for constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, police stations, fire stations, service stations, centers and other public facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose, and for the purpose of paying capitalized interest and all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such Bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Public Facilities Improvement Bonds, Series 2000". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of August 1, 2000, or such other date, but in no event later than December

31, 2000, specified in the certificate of award providing for the final terms of the Bonds and the sale of the bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed eight percent (8%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed eight percent (8%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on May 15 and November 15 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning November 15, 2000 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on November 15 in twenty (20) substantially equal annual installments, beginning November 15, 2001, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2000 and no later than August 1, 2002, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to

the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys, to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, or the Director of Finance may determine that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity. In the event that the Bonds are callable, the earliest date for optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are

payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due, and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General

Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Firststar Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 897-2000-A. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from

other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry

form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

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

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to

enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to Nat-City Investments, Inc., SBK-Brooks Investment Corp., as co-senior managers, and Lehman Brothers, as co-manager, (collectively, the "Original Purchaser"); provided, however, that if, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever actions may be necessary to terminate that underwriter's standing as Original Purchaser.

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appro-

priate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's

continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2000". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as pro-

vided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds.

The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued upon City Council authorization. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments

in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by, an independent public accounting firm of national reputation or such other qualified organization, to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Nine Million Nine Hundred Seventy Five Thousand Dollars (\$9,975,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale

of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes shall bear interest at such rate, not exceeding seven percent (7%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Public Facilities Improvement Bonds Anticipation Notes, Series 2000"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. In connection with the issuance of the Notes and the Bonds, Carmona Motley Hoffmann, Inc. shall serve as the financial advisor of the City. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Firststar Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the

debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust officer of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 2000". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided

that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to NatCity Investments, Inc., SBK Investment Corp. and Lehman Brothers (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged, for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliv-

er to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986 as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from pro-

ceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring; enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance, were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the

Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Counsel. Calfee, Halter & Griswold LLP is hereby designated to serve as Bond Counsel to the City and to provide legal services in the nature of the preparation of the document, and the proceedings in connection with the issuance and sale of the Bonds, and the rendering

of approving legal opinions with respect thereto, together with legal advice and recommendations as to the documents and legal proceedings in connection with the Bonds authorized herein. In rendering such services, said firm shall not exercise any administrative discretion on behalf of the City in the formation of public policy, expenditure of public funds, enforcement of laws, rules and regulation of this Council and the City or the execution of public trusts. For such services, said firm shall be paid from the proceeds of the Bonds authorized herein just and reasonable compensation and reimbursement of actual out-of-pocket expenses.

Arter & Hadden LLP is hereby designated to serve as underwriters' counsel and Forbes, Fields & Associates is hereby designated to serve as co-underwriter counsel to the Original Purchaser to provide legal services in connection therewith.

Section 25. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed June 19, 2000.
Effective June 29, 2000, without the signature of the Mayor.

Ord. No. 898-2000.
By Councilman Patmon (by departmental request).

An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$5,590,000 for the purpose of providing funds to improve municipal parks and recreation facilities and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds; to authorize agreements with respect to the Bonds; and to authorize the issuance of notes in anticipation of such Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Five Million Five Hundred Ninety Thousand Dollars (\$5,590,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10,

1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Five Million Five Hundred Ninety Thousand Dollars (\$5,590,000) for the purpose of providing funds to improve municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, golf courses and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Parks and Recreation Facilities Improvement Bonds, Series 2000". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of August 1, 2000, or such other date, but in no event later than December 31, 2000, specified in the certificate of award providing for the final terms of the Bonds and the sale of the bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear

interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed eight percent (8%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed eight percent (8%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on May 15 and November 15 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning November 15, 2000 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on November 15 in twenty (20) substantially equal annual installments, beginning November 15, 2001, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2000 and no later than August 1, 2002, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys, to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds

shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, or the Director of Finance may determine that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity. In the event that the Bonds are callable, the earliest date for optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot

prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered

owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds.

Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due, and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the

interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Firststar Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 898-2000-A. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust

office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of

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

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the

signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to Nat-City Investments, Inc., SBK-Brooks Investment Corp., as co-senior managers, and Lehman Brothers, as co-manager, (collectively, the "Original Purchaser"); provided, however, that if, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever actions may be necessary to terminate that underwriter's standing as Original Purchaser.

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution,

authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the

Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2000". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on

the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued upon City Council authorization. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Obligation. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and dis-

charged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by, an independent public accounting firm of national reputation or such other qualified organization, to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpayment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Five Million Five Hundred Ninety Thousand Dollars (\$5,590,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes shall bear interest at such rate, not exceeding seven percent (7%) per year, as may be fixed by

the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Parks and Recreation Facilities Improvement Bond Anticipation Notes, Series 2000"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. In connection with the issuance of the Notes and the Bonds, Carmona Motley Hoffmann, Inc. shall serve as the financial advisor of the City. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Firststar Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such pay-

ments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust officer of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security, and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 2000". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to NatCity Investments, Inc., SBK Investment Corp. and Lehman Brothers (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged, for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986 as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with

respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring; enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance, were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections

28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Counsel. Calfee, Halter & Griswold LLP is hereby designated to serve as Bond Counsel to the City and to provide legal services in the nature of the preparation of the documents and the proceedings in connection with the issuance and sale of the Bonds, and the rendering of approving legal opinions with respect thereto, together with legal advice and recommendations as to the documents and legal proceedings in connection with the Bonds authorized herein. In rendering such services, said firm shall not exercise any administrative discretion on behalf of the City in the formation of public policy, expenditure of public funds, enforcement of laws, rules and regulation of this Council and the City, or the execution of public

trusts. For such services, said firm shall be paid from the proceeds of the Bonds authorized herein just and reasonable compensation and reimbursement of actual out-of-pocket expenses.

Arter & Hadden LLP is hereby designated to serve as underwriters' counsel and Forbes, Fields & Associates is hereby designated to serve as co-underwriter counsel to the Original Purchaser to provide legal services in connection therewith.

Section 25. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed June 19, 2000.

Effective June 29, 2000, without the signature of the Mayor.

Ord. No. 899-2000.
By Councilman Patmon (by departmental request).

An emergency ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$11,090,000 for the purpose of providing funds to improve the municipal street system and related facilities and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds; to authorize agreements with respect to the Bonds; and to authorize the issuance of notes in anticipation of such Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Eleven Million Ninety Thousand Dollars (\$11,090,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is seventeen (17) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing

the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Eleven Million Ninety Thousand Dollars (\$11,090,000) for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveway approaches and pedestrian walkways as designated, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving retaining walls, relocating certain utilities, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing signs, signals, markings and other devices for traffic control purposes, together with the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto, and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K); and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such Bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Bridges and Roadways Improvement Bonds, Series 2000". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of August 1, 2000, or such other date, but in no event later than December 31, 2000, specified in the certificate of award providing for the final terms of the Bonds and the sale of

the bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed eight percent (8%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed eight percent (8%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on May 15 and November 15 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning November 15, 2000 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on November 15 in seventeen (17) substantially equal annual installments, beginning November 15, 2001, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2000 and no later than August 1, 2002, (iii) the final maturity date of the Bonds shall be no later than seventeen (17) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys, to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, or the Director of Finance may determine that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity. In the event that the Bonds are callable, the earliest date for optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take

place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmaturing and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the

City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due, and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond

Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Firstar Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 899-2000-A. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from

other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry

form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

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

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to

enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to Nat-City Investments, Inc., SBK-Brooks Investment Corp., as co-senior managers, and Lehman Brothers, as co-manager, (collectively, the "Original Purchaser"); provided, however, that if, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever actions may be necessary to terminate that underwriter's standing as Original Purchaser.

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appro-

appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's

continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2000". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as pro-

vided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued upon City Council authorization. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record

such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by, an independent public accounting firm of national reputation or such other qualified organization, to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocably provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Eleven Million Ninety Thousand Dollars (\$11,090,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes shall bear interest at such rate, not exceeding seven percent (7%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Bridges and Roadways Improvement Bond Anticipation Notes, Series 2000"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. In connection with the issuance of the Notes and the Bonds, Carmona Motley Hoffmann, Inc. shall serve as the financial advisor of the City. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Firststar Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by

any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 2000". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordi-

nance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to NatCity Investments, Inc., SBK Investment Corp, and Lehman Brothers (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged, for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance

with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986 as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure

exclusion of interest on the Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance, were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional,

will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Counsel. Calfee, Halter & Griswold LLP is hereby designated to serve as Bond Counsel to the City and to provide legal services in the nature of the preparation of the documents and the proceedings in connection with the issuance and sale of the Bonds, and the rendering of approving legal opinions with respect thereto, together with legal advice and recommendations as to the documents and legal proceedings in connection with the Bonds authorized herein. In rendering such services said firm shall not exercise any administrative discretion on

behalf of the City in the formation of public policy, expenditure of public funds, enforcement of laws, rules and regulation of this Council and the City, or the execution of public trusts. For such services, said firm shall be paid from the proceeds of the Bonds authorized herein just and reasonable compensation and reimbursement of actual out-of-pocket expenses.

Arter & Hadden LLP is hereby designated to serve as underwriters' counsel and Forbes, Fields & Associates is hereby designated to serve as co-underwriter counsel to the Original Purchaser to provide legal services in connection therewith.

Section 25. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed June 19, 2000.
Effective June 29, 2000, without the signature of the Mayor.

Ord. No. 900-2000.
By Councilman Patmon (by departmental request).

An emergency ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$2,310,000 for the purpose of providing funds for public improvements of municipal properties and easements in residential neighborhoods and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds; to authorize agreements with respect to the Bonds; and to authorize the issuance of notes in anticipation of such Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Two Million Three Hundred Ten Thousand Dollars (\$2,310,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general

terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Two Million Three Hundred Ten Thousand Dollars (\$2,310,000) for the purpose of providing funds for public improvements of streets and municipal properties and easements in residential neighborhoods by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary and installing street lighting and signs, signals, markings and other devices for traffic control together with the provision of all necessary and incidental appurtenances in all cases, acquiring real estate and interests in real estate, including easements necessary for such purpose, together with the payment of all associated preliminary costs and costs of site clearance, and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Residential Neighborhood Improvement Bonds, Series 2000". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of August 1, 2000, or such other date, but in no event later than December 31, 2000, specified in the certificate of award providing for the final terms of the Bonds and the sale of the bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed eight percent (8%) per year, and if the Bonds bear interest at

more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed eight percent (8%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on May 15 and November 15 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning November 15, 2000 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on November 15 in twenty (20) substantially equal annual installments, beginning November 15, 2001, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2000 and no later than August 1, 2002, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys, to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, or the Director of Finance may determine that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity. In the event that the Bonds are callable, the earliest date for optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the

Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to

receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due, and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under

the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Firststar Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 900-2000-A. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond

Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with

the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to NatCity Investments, Inc., SBK-Brooks Investment Corp., as co-senior managers, and Lehman Brothers, as co-manager, (collectively, the "Original Purchaser"); provided, however, that if, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever actions may be necessary to terminate that underwriter's standing as Original Purchaser.

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form

and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the

benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2000". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax

shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued upon City Council authorization. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by, an independent public accounting firm of national reputation or such other qualified organization, to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpayment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Two Million Three Hundred Ten Thousand Dollars (\$2,310,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes shall bear interest at such rate, not exceeding seven percent (7%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty,

provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Residential Neighborhood Improvement Bond Anticipation Notes, Series 2000"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. In connection with the issuance of the Notes and the Bonds, Carmona Motley Hoffmann, Inc. shall serve as the financial advisor of the City. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Firststar Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or

by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust officer of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 2000". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to NatCity Investments, Inc., SBK

Investment Corp. and Lehman Brothers (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged, for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.
(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or

restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986 as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, includ-

ing, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring; enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance, were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance

and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Counsel. Calfee, Halter & Griswold LLP is hereby designated to serve as Bond Counsel to the City and to provide legal services in the nature of the preparation of the documents and the proceedings in connection with the issuance and sale of the Bonds, and the rendering of approving legal opinions with respect thereto, together with legal advice and recommendations as to the documents and legal proceedings in connection with the Bonds authorized herein. In rendering such services, said firm shall not exercise any administrative discretion on behalf of the City in the formation of public policy expenditure of public funds, enforcement of laws, rules and regulation of this Council and the City, or the execution of public trusts. For such services, said firm shall be paid from the proceeds of the Bonds authorized herein just and reasonable compensation and reimbursement of actual out-of-pocket expenses.

Arter & Hadden LLP is hereby designated to serve as underwriters' counsel and Forbes, Fields & Associates is hereby designated to serve as co-underwriter counsel to the Original Purchaser to provide legal services in connection therewith.

Section 25. Emergency Measure. This Ordinance is declared to be an emergency measure for the immedi-

ate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed June 19, 2000.

Effective June 29, 2000, without the signature of the Mayor.

Ord. No. 908-2000.

By Councilmen Dolan and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide professional engineering and surveying services necessary for various airport projects.

Whereas, this ordinance constitutes an emergency measure providing for 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 professional engineering and surveying services necessary for various airport projects, for the various divisions of the Department of Port Control.

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 contract authorized herein shall be for a term of one (1) year or less and shall not be amended, extended, or modified without City Council authorization.

Section 3. That all expenditures under the contract authorized herein shall not exceed \$100,000.00, and shall be paid from Fund No. 60 SF 001, Request No. 8286.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 921-2000.

By Councilman Britt.

An emergency ordinance authorizing the Director of Public Service to issue a permit to The Cleveland Clinic Foundation to encroach into the public right-of-way of Reserve Court N.E. for the construction of a pavement for ingress and egress, steel posts and security gates over, through, upon, and encroaching into the public right-of-way of Reserve Court N.E. for the American Cancer Society's Community Resource Center.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44195, its successors and assigns, for the construction, use and maintenance of a pavement for ingress and egress, steel posts and security gates over through, upon and encroaching into the public right-of-way of Reserve Court N.E. for the American Cancer Society's Community Resource Center at the location more fully described as follows:

**LEGAL DESCRIPTION/
PROPOSED ENCROACHMENT IN
RESERVE COURT N.E.:**

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

Being all that portion of Reserve Court N.E. (20.00 feet wide) extending Easterly from the Easterly line of East 105th Street as widened about 190.00 feet.

Section 2. That said pavement, steel posts and security gates for the American Cancer Society's Community Resource Center will be constructed in accordance with plans and specifications approved by the Commissioner of Engineer and Construction. That all other required permits, including a Building Permit, shall be obtained before said fence is constructed.

Section 3. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 922-2000.

By Councilman Britt.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Supper's Ready, Inc., an Ohio Corporation dba Sal-

vatore's Ristorante to encroach into the right-of-way of Edgehill and Murray Hill Roads with an outdoor seasonal patio dining area with tables, chairs, railings and a wooden deck.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Supper's Ready, Inc., an Ohio Corporation dba Salvatore's Ristorante, 2181 Murray Hill Road, Cleveland, Ohio 44106, for the construction, use and maintenance of an outdoor seasonal patio dining area with tables, chairs, railings and a wooden deck, which will encroach into the public right-of-way of Edgehill Road and Murray Hill Road at the locations more fully described as follows:

**PROPOSED PATIO
ENCROACHMENT AREA/
MURRAY HILL ROAD S.E.**

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

Commencing on the Southeasterly line of Murray Hill Road S.E. (60.00 feet wide) at its intersection with the Northwesterly line of Edgehill Road S.E. (60.00 feet wide);

Thence Northeasterly along the said Southeasterly line of Murray Hill Road about four (4) feet to the place of beginning;

Thence continuing along said Southeasterly line about 34.00 feet to a point;

Thence Northwesterly at right angles to said line of Murray Hill Road about 11.00 feet to a point no nearer than 6.00 feet from the back of curb of said Murray Hill Road;

Thence Southwesterly and parallel with the said Northwesterly line of Murray Hill Road about 34.00 feet to a point;

Thence at right angles to the last described line about 11.00 feet to the place of beginning.

**PROPOSED PATIO
ENCROACHMENT AREA -
EDGEHILL ROAD S.W.**

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

Commencing at the intersection of the Northwesterly line of Edgehill Road S.E. (60.00 feet wide) with the Southeasterly line of Murray Hill Road S.E. (60.00 feet wide);

Thence Southeasterly along said line of Edgehill Road about 4.00 feet to the place of beginning;

Thence continuing along said line of Edgehill Road about 28.00 feet to a point;

Thence Southwesterly to a point no nearer than 6.00 feet from the back of curb of said Edgehill Road;

Thence Northwesterly and parallel with the Northwesterly line of line of Edgehill Road as aforesaid about 28.00 feet to a point;

Thence Northeasterly about 6.00 feet to the place of beginning.

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

Section 3. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 923-2000.

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 2001 Recycle Ohio! Program; authorizing a contract with Parkworks for professional advertising services; and authorizing a contract for the purchase of equipment and supplies for 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 approximate amount of \$200,000 from the Ohio Department of Natural Resources, for the 2001 Recycle Ohio! 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. 923-2000-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide varying levels of cash match dependent upon the activities applied for and the Cuyahoga County per capita income (CPCI) as compared to the median county per capi-

ta income (MCPICI) of the State of Ohio, payable from Fund No. 01-400307-639905, is hereby approved in all respects.

Section 3. That the Director of Public Service is hereby authorized to enter into an agreement with the Department of Natural Resources to implement said program.

Section 4. That the Director of Public Service is hereby authorized to enter into one or more contracts with various agencies for the implementation and operation of the Program and, if necessary, for the purchase of equipment and supplies for the Program, and that said contract or contracts are payable from the fund or funds to which are credited the grants proceeds and cash match accepted pursuant to this ordinance.

Section 5. That the Director of Public Service is hereby authorized to enter into contract with Parkworks for professional services necessary to provide advertising services for implementation and operation of the 2001 Recycle Ohio! Grant.

Section 6. 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 the purchase of equipment and supplies necessary for implementation and operation of the grant.

Section 7. That the cost of the above authorized contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 925-2000.

By Councilman Cintron, Jr.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Stonebridge Building and Design, Inc. to encroach into the public right-of-way of Riverbed Street with an apartment building from the second story upward to a minimum height of 12-feet, 8-inches above the pavement area.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Stonebridge Building and Design, Inc. 2019 Center Street, Cleveland, Ohio 44113, its successors and assigns, for the construction, use and maintenance of the an

apartment building from the second story upward to a minimum height of twelve (12) feet, eight (8) inches above the pavement area, which will encroach into the public right-of-way of Riverbed Street at the locations described herein:

**LEGAL DESCRIPTION FOR
STONEBRIDGE APARTMENTS ON
RIVERBED STREET**

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Riverbed Street (formerly River Street) and being further described as follows:

Beginning at the intersection of the Northeasterly line of Center Street 66.00 feet wide, and the Northwesterly line of Riverbed Street, width varies, also being known as the most Southerly corner of a part of Riverbed Street that was vacated by the City of Cleveland by Ordinance No. 644-49, dated April 16, 1948 and the Principal Place of Beginning of the parcel of land herein described;

Course No. 1: thence North 30°-26'-21" East along the Southeasterly line of said vacated Riverbed Street, a distance of 100.92 feet to the Northeasterly corner of said vacated land;

Course No. 2: thence South 59°-33'-39" East a distance of 7.00 to a point;

Course No. 3: thence South 30°-26'-21" West, parallel to the Southeasterly line of said vacated Riverbed Street, a distance of 99.48 feet to its intersection with the Southeasterly prolongation of said Northeasterly line of Center Street;

Course No. 4: thence North 71°-13'-39" West along said Center Street prolongation, a distance of 7.15 feet to the place of beginning and containing 0.0161 acres of land according to the survey prepared by McSteen and Associates, Inc. dated January 20, 2000, and last revised March 12, 2000, be the same more or less, but subject to all legal highways and easements.

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

Section 3. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 926-2000.**By Councilman Jackson (by request).**

An emergency ordinance authorizing the Director of Public Service to issue a permit to Dunham Tavern Museum, to encroach into the right-of-way of Euclid Avenue with four (4) double sided banners to be attached to utility poles (by separate permission) to celebrate and identify their 175 years in existence.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to the Dunham Tavern Museum, 6709 Euclid Avenue, Cleveland, Ohio 44103, its successors and assigns for the construction, use and maintenance of four (4) double sided banners to be attached to Cleveland Public Power utility poles celebrating their 175 years in existence and identifying their location, and which banners will encroach into the public right-of-way of Euclid Avenue at the location more fully described as follows:

LOCATION:	POLE NUMBER:	POLE OWNER:
6709 Euclid Avenue	K 14 26	C. P. P.
6709 Euclid Avenue	K 14 25	C. P. P.

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

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

Section 4. That this permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 927-2000.**By Councilmen Polensek, Cimperman and Patmon (by departmental request).**

An emergency ordinance determining the method of making the public improvement of renovating various Department of Public Safety buildings; authorizing the Director of Public Safety to enter into contract for the making of such improvement; authorizing said director to employ one or more professional consultants to design the public improvement; and authorizing the purchase by requirement contract of equipment, furniture, supplies and fixtures, necessary to implement the improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of renovating various Department of Public Safety buildings, for the Department of Public Safety, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Public Safety is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement provided however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each,

or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

Section 3. That the Director of Public Safety is hereby authorized to employ by contract one or more design consultants or one or more firms of design consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the public improvement authorized above.

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

Section 4. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of equipment, furniture, supplies and fixtures, to be purchased by the

Commissioner of Purchases and Supplies upon a unit basis for the 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.

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.

Section 5. That the cost of said improvement and services hereby authorized shall be paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued in 2000 which include this purpose, Request No. 15227.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 930-2000.
By Councilmen Johnson, Rybka, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Natural Resources for Phase II of the Woodland Recreation Center site improvements; determining the method of making the public improvement of constructing the bikeway; and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to apply for and accept a grant in an amount not to exceed \$100,000 from the Ohio Department of Natural Resources, for Phase II of the Woodland Recreation Center site improvements, for the purposes set forth in the program description and according thereto; that the Director of Parks, Recreation and Properties is hereby authorized to file all papers and execute all documents necessary to receive the funds under 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. 930-2000-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$25,000, to be paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued for the purpose which includes the above improvement, is hereby approved in all respects.

Section 4. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing the site improvements, for the Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding on a unit basis for the improvement.

Section 5. That, provided this Council authorizes and the City sells general obligation bonds in 2000 for the purposes that include the improvement authorized herein, the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement provided however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract on a unit basis.

Section 6. That plans for the development of the improvement shall be reviewed by the City Planning Commission prior to construction of the improvement.

Section 7. That before April 1, 2001, the Director of Parks, Recreation and Properties is to submit to

the Clerk of Council a list of all grants available from Natureworks and a list of all projects and sites that the Director recommends for consideration for grants.

Section 8. That the cost of said improvement hereby authorized shall be paid from the fund or funds to which are credited the proceeds of the grant accepted pursuant to this ordinance and the cash match.

Section 9. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 19, 2000.
 Effective June 29, 2000.

Ord. No. 931-2000.
By Councilmen White, Brady, Rybka, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into and execute a lease agreement for certain properties in the City of Cleveland located at Paul Revere Elementary School, 10706 Sandusky Avenue, Benjamin Franklin Elementary School, 1905 Spring Road, and Denison Elementary School, 3799 West 33rd Street from the Cleveland Municipal School District for a term not to exceed twenty (20) years for the public purpose of constructing playground improvements; and authorizing the Director to enter into and execute an agreement with Parkworks, Cleveland for the design of playground improvements at Benjamin Franklin, Denison and R.G. Jones Elementary Schools; and to determine the method of making the public improvement of improving the playgrounds; and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement and authorizing the Director of Parks, Recreation and Properties to enter into contract to purchase playground equipment.

Whereas, the City of Cleveland requires certain properties in the City of Cleveland located at Paul Revere Elementary School, 10706 Sandusky Avenue, Benjamin Franklin Elementary School, 1905 Spring Road, and Denison Elementary School, 3799 West 33rd Street for the public purpose of constructing playground improvements from the Cleveland Municipal School District; and

Whereas, the Cleveland Municipal School District has proposed to lease said property to the City of Cleveland; and

Whereas, the Cleveland Municipal School District and the City desire to enter into an agreement authorizing joint use of parking lots and playgrounds at elementary schools in the City; and

Whereas, Parkworks has proposed to design playground improvements at Benjamin Franklin, Denison and R.G. Jones Elementary Schools; 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 Chapters 181 and 183 of the Codified Ordinance of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is hereby authorized to lease from the Cleveland Municipal School District, for the construction of playground improvements, certain properties in the City of Cleveland located at Paul Revere Elementary School, 10706 Sandusky Avenue, Benjamin Franklin Elementary School, 1905 Spring Road, and Denison Elementary School, 3799 West 33rd Street for the term of the lease specified in Section 2 below, and such properties are more fully described in File No. 931-2000-A.

Section 2. That the term of the lease authorized pursuant to Section 1 of this ordinance shall not exceed twenty (20) years.

Section 3. That the lease may authorize the City of Cleveland to make improvements to the leased premises under terms to be determined by the parties consistent with the public purpose of constructing playground improvements.

Section 4. That the properties described in Section 1 shall be leased to the City of Cleveland at no rental fee, and in exchange, the Lessor shall be responsible for maintaining the playground improvements made on the leased premises, including the play equipment, safety surfacing, furniture and landscaping, at no cost to the City of Cleveland.

Section 5. That the lease authorized pursuant to Section 1 of this ordinance shall provide that all playgrounds constructed on the leased premises must remain open to the public without any barriers denying access to the playgrounds.

Section 6. That the lease authorized by Section 1 of this ordinance shall be prepared by the Director of Law and executed by the Mayor and the Director of Parks, Recreation and Properties, and shall contain such additional terms and conditions as are required to protect the interest of the City.

Section 7. That the Director of Parks, Recreation and Properties is authorized to enter into a joint use agreement with the Cleveland Municipal School District regarding the use of playgrounds and parking lots at the elementary schools located within the City by residents of the City. This agreement shall provide that the playgrounds shall be open to the public without barriers denying access during non-school hours and that the Cleveland Municipal School District shall maintain the playgrounds and parking lots. There shall be no use fee charged to the City.

Section 8. That the agreement authorized pursuant to Section 7 shall be prepared by the Director of Law and shall contain such terms and conditions as are required to protect the interest of the City.

Section 9. That the Director of Parks, Recreation and Properties and Community Development are hereby authorized to enter into an agreement with Parkworks to design playground improvements at Benjamin Franklin, Denison and R.G. Jones Elementary Schools.

Section 10. That the Mayor, and the Director of Parks, Recreation and Properties and other appropriate City officials, are hereby authorized to execute such other documents and certificates, and take

such other actions as may be necessary or appropriate to effect the lease and agreements authorized pursuant to this ordinance.

Section 11. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing playground and parking lot improvements to Benjamin Franklin, Denison, R.G. Jones and Paul Revere Elementary Schools, for the Department of Parks, Recreation and Properties.

Section 12. That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 13. That the Director of Parks, Recreation and Properties is authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for playground equipment for Benjamin Franklin, Denison, R.G. Jones and Paul Revere Elementary Schools to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Parks, Recreation and Properties.

Section 14. That the cost of the contract authorized between the City and Parkworks and the cost of the improvement hereby authorized and the cost of the contract to purchase playground equipment shall be paid from Fund Nos. 10 SF 166 and 20 SF 361, Request No. 5056.

Section 15. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 936-2000.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Transportation for Phase 2 of the 2000 Cleveland Lakefront Bikeway Project; determining the method of making the public improvement of constructing the bikeway; and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to apply for and

accept a grant in an amount not to exceed \$684,000.00 from the Ohio Department of Transportation, for Phase II of the Cleveland Lakefront Bikeway Project, for the purposes set forth in the application and according thereto; that the Director of Parks, Recreation and Properties is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 936-2000-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$172,000, to be paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued for the purpose which includes the above improvement, is hereby approved in all respects.

Section 4. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing the bikeway, for the Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding on a unit basis for the improvement.

Section 5. That, provided this Council authorizes and the City sells general obligation bonds in 2000 for the purposes that include the improvement authorized herein, upon completion of said improvement, the City will thereafter keep said bikeway open to traffic at all times, and will:

(a) Maintain the portion of the improvement which lies within dedicated public rights of way in the City of Cleveland in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance, it being understood that the State of Ohio will maintain those portions of the improvement located within State-owned or State-leased land; and

(b) Maintain said dedicated public right-of-way, keep it free of obstruction in a manner satisfactory to the State of Ohio, hold said right-of-way inviolate for public-highway bike route purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits.

Section 6. That, provided this Council authorizes and the City sells general obligation bonds in 2000 for the purposes that include the improvement authorized herein, the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement provided however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract on a unit basis.

Section 7. That the cost of said improvement hereby authorized shall be paid from the fund or funds to which are credited the proceeds of the grant accepted pursuant to this ordinance and the cash match.

Section 8. That the Director of the City Planning Commission is hereby authorized to apply for a grant in an amount not to exceed \$101,000 from the Ohio Department of Transportation for the bicycle and pedestrian facility for the Mill Creek Trail.

Section 9. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 937-2000.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more professional consultants to provide professional services necessary to design the rehabilitation of Cleveland Memorial Gardens.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Phase II construction of the roadways, constructing a Maintenance Building and culverting the drainage ditch at Cleveland Memorial Gardens.

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

Section 2. That the cost of said improvement and services hereby authorized shall not exceed \$60,000 and shall be paid from Fund No. 20 SF 364, Request No. 5055.

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 939-2000.
By Councilmen Jackson, O'Malley,
Cimperman and Patmon.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 63rd Street to Burten, Bell, Carr Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-045, 118-30-046 and 118-30-047, as more fully described in Section 2 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-30-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 136 in W.S. and M.W. Chamberlain's allotment of a part of Original 100 acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 63rd Street (formerly Richland Avenue) and being 160 feet deep, be the same more or less, but subject to all legal highways.

P. P. No. 118-30-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 137 in W.S. and M.W. Chamberlain's Subdivision of part of Original 100 Acre Lot Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Easterly side of Richland Avenue (now known as E. 63rd Street) and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-30-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 138 in The Chamberlain Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335 as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 28 of Cuyahoga County Records. Said Sublot No. 138 has a frontage of 40 feet on the Easterly side of East 63rd Street (formerly Richland

Avenue) and extends back between parallel lines 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest 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 June 19, 2000.

Effective June 29, 2000.

Ord. No. 940-2000.
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 on East 61st and 63rd Streets to Burten, Bell, Carr Development Corporation or designee

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-019, as more fully described in Section 2 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-29-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 106 in Chamberlain Allotment of part of Original 100 Acre Lots Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-020 as more fully described in Section 4 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-29-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 107 in W. S. and M. W. Chamberlain's Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 63rd Street (formerly Richland Avenue) at the Southeastly corner of said Sublot No. 107; thence Northerly, along said Westerly line of East 63rd Street, 4 feet; thence Westerly and parallel with the Southerly line of said Sublot, 100 feet; thence Northerly and parallel with said Westerly line of East 63rd Street, 36 feet to the Northerly line of said Sublot; thence Westerly along the Northerly line of said Sublot, 60 feet to the northwesterly corner thereof; thence Southerly along the Westerly line of said Sublot, 40 feet to the Southwesterly corner thereof; thence Easterly along the Southerly line of said Sublot 160 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-024 as more fully described in Section 6 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-29-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 90.00 feet of Sublot No. 111 in

the W.S. and M.W. Chamberlain's Subdivision of a part of Original Newburg Township Lots Nos. 334 and 335 as recorded in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and further known as being 40.00 feet front on the Westerly line of East 63rd Street, 60 feet wide (formerly Richland Avenue, 60 feet wide) and extending back of equal width 90.00 feet according to a survey by Robert H. Krause, Registered Ohio Surveyor No. 2885, April 14 and 15, 1950, be the same more or less, but subject to all legal highways.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-025 as more fully described in Section 8 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-29-025

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 112 in W. S. and M. W. Chamberlain's Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 63rd Street, (formerly Richland Avenue), and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 118-29-026 as more fully described in Section 10 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-29-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 113 in W.S. and M.W. Chamberlain's Allotment of part of Original 100 Acre Lot Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 63rd Street and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-092 as more fully described in Section 12 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-29-092

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 73, 74 and 81 in Chamberlain's Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 81st Street, (formerly Lodge Avenue) at a point 153 feet Northerly (measured along said Easterly line) from its point of intersection with the Northerly line of Quincy Avenue, S.E., (formerly Wade Street); thence Easterly on a line parallel to said Northerly line of Quincy Avenue, S.E., 80 feet 1/4 of an inch to the Easterly line of said Sublot No. 74; thence Northerly along said Easterly line of Sublot No. 74 and along the Northerly prolongation thereof, 35 feet; thence Westerly on a line parallel to said Northerly line of Quincy Avenue, S.E., 80 feet 1/4 of an inch to said Easterly line of East 61st Street; thence Southerly along said Easterly line of East 61st Street, 35 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 118-29-094 as more fully described in Section 14 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-29-094

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 82 in William S. and Mary W. Chamberlain's Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 61st Street (formerly Lodge Avenue) and extending back of equal width 160 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 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. 118-29-098 as more fully described in Section 16 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-29-098

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 86 in W.S. and M.W. Chamberlain's Subdivision of a part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 28 of Cuyahoga County Records. Said Sublot No. 86 has a frontage of 40 feet on the Easterly side of East 61st Street (formerly

Lodge Avenue), and extends back between parallel lines 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to restrictions, terms and conditions recorded in Miscellaneous Volume 111, Page 9 and in Miscellaneous Volume 111, Page 43 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-099 as more fully described in Section 18 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-29-099

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 87 in the Chamberlain Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 61st Street (formerly Lodge Avenue) and extending back of equal width 160 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 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. 118-29-100 as more fully described in Section 20 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-29-100

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 88 in W.S. and M.W. Chamberlain's Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 61st Street, (formerly Lodge Avenue) and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to restrictions, terms and conditions recorded in Miscellaneous Volume 111, Page 9, and in Miscellaneous Volume 111, Page 43 of Cuyahoga County Records.

Also subject to all 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. 118-29-113 as more fully described in Section 22 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-29-113

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 70.00 feet of Sublot No. 111 in the W.S. and M.W. Chamberlain Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335 as recorded in Volume 3, Page 28 of Cuyahoga County Map Records and further known as being 70.00 feet on the Northerly line, 70.00 feet on the Southerly line and 40.00 feet across the Easterly line and Westerly line, as appears by said plat, according to survey by Robert H. Krause, Registered Ohio Surveyor No. 2885, April 14 and 15, 1950, be the same more or less, but subject to all legal highways.

Easement

In the deed from Elsie A. Hurwitz, married, (Ralph B. Hurwitz, husband released dower) to Lee Ollie Greene and Ernestine Greene, husband and wife, dated August 15, 1952 and recorded in Volume 7625, Page 345, conveying premises in caption, appears the following:

The above premises are subject to and have the right of ingress and egress on and over the following described sidewalk and driveway easement off the Northerly side of premises adjoining Easterly thereto known as No. 2342 East 63d Street:

Beginning in the Westerly line of East 63rd Street, 60 feet wide, at the Northeasterly corner of said Sublot No. 111; thence Westerly 90.00 feet along the Northerly line of said Sublot No. 111 to a point; thence Southerly 22.04 feet at right angles with said Northerly line of Sublot No. 111 to a point; thence Northeasterly 11.37 feet on an including angle of 45' to a point distant 14.00 feet Southerly measured at right angles from said Northerly line of Sublot No. 111; thence Easterly 81.96 feet parallel with said Northerly line of Sublot No. 111 to a point in said Westerly line of East 63rd Street; thence Northerly 14.00 feet along said Westerly line of East 63rd Street to the place of beginning.

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. 118-30-039 as more fully described in Section 24 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-30-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 130 in Chamberlain Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 63rd Street, and extending back of equal width 160 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 118-30-041 as

more fully described in Section 26 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-30-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 132 in Chamberlain Allotment of part of Original 100 Acre Lots Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records 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. 118-30-042 as more fully described in Section 28 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-30-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 133 in Chamberlain Allotment of part of Original 100 Acre Lots Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 118-30-043 as more fully described in Section 30 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-30-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 35 feet of Sublot No. 134 in the Chamberlain Allotment of part of Original One Hundred Acre Lot Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 35 feet front on the Easterly side of East 63rd Street (formerly Richland Avenue) and extending back of equal width 160 feet, be the same more or less, but subject to all legal highways.

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. 118-30-048 as more fully described in Section 32 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-30-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 139 in Chamberlain Allotment of

part of Original 100 Acre Lot Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 118-30-049 as more fully described in Section 34 below, to Burten, Bell, Carr Development Corporation or designee.

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

P. P. No. 118-30-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 140 in Chamberlain Allotment of part of Original 100 Acre Lot No. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records as appears by said plat, be the same more or less, but subject to all legal highways.

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 Nos. 118-29-105 and 118-30-050, as more fully described in Section 36 below, to Burten, Bell, Carr Development Corporation or their designee.

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

P. P. No. 118-29-105

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 93 in Chamberlain Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Easterly line of East 61st Street (60 feet wide) and extending back of equal width 160 feet, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 118-30-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 141 in W.S. and M.W. Chamberlain's Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 63rd Street (formerly Richland Avenue) and extending back of equal width 160 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 37. 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 38. 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 39. 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 40. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 942-2000.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with Zarembo Cleveland Communities, Inc. and Millcreek Joint Venture (jointly referred to herein as "Developer") the developer of the Mill Creek Housing Development located on Turney Road in the Warner-Turney-Broadway neighborhood of Cleveland ("Mill Creek") for payment of infrastructure costs associated with Mill Creek and to authorize the acceptance of second mortgages on the Mill Creek parcels in repayment of aforesaid contract.

Whereas, the City has entered into contract with the State of Ohio for the use of Issue II funds to partially finance infrastructure improvements for the Mill Creek Housing Development located on Turney Road in the Warner-Turney-Broadway neighborhood of Cleveland ("Mill Creek"); and

Whereas, the City, Zarembo Cleveland Communities, Inc. and Millcreek Joint Venture (jointly referred to herein as "Developer") intended to pass the cost of the infrastructure improvements for Mill Creek to homebuyers thereof; and

Whereas, the City and Developer desire to enter into contract to formalize the means of repayment of the Issue II funds for remaining infrastructure improvements to Mill Creek through second mortgages entered into by the homebuyer and assigned to the City; and

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into and execute a contract for and on behalf of the City of Cleveland with Zarembo Cleveland Communities, Inc. and Millcreek Joint Venture (hereinafter jointly referred to herein as "Developer") for repayment of the State Issue II debt remaining in the contract between the City and the State of Ohio.

Section 2. That the contract authorized by Section 1 shall include without limitation the following terms and conditions:

(a) an agreement by the Developer to place a lien in favor of the City in the form of a Mortgage on the remaining Mill Creek property to be improved as security for repayment of a non-recourse Note under the contract;

(b) a commitment by the City to partially release the Mortgage on a pro-rata basis as individual parcels are sold to homebuyers contingent upon the placement of a second mortgage on the new home in the pro-rata amount of the indebtedness due under the contract, payable monthly over the term to be 17 years and assigned by the Developer to the City;

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

Section 3. That the Director of Law is authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 4. That the Mayor, the Directors of Law, Finance and Community Development 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 agreements authorized in this Ordinance.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 944-2000.

By Councilmen Jones, Melena 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 in Block A-5 of the Cleveland Industrial Park to Scovil-Hanna Realty, LLC d.b.a. Arrowhead Industries Corp. and Erievue Metal Treating Company.

Whereas, the Director of Economic Development has requested the sale of City-owned property no longer needed for public use and located in Block A-5 of the Cleveland Industrial Park; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property more fully described in the map contained in File No. 944-2000-A, is no longer needed for public use.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the one-half of the above-described property to Scovil-Hanna Realty, LLC d.b.a. Arrowhead Industries Corp. and the other half to Erievue Metal Treating Company, at prices not less than fair market value as determined by the Board of Control.

Section 3. That the two conveyances shall be made by official deeds to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deeds 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 provisions against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 946-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to apply for and accept a grant from the Ohio Bureau of Employment Services POWER* Ohio for the Workforce Investment Act Transition Program; and to enter into contract with OMTI Workforce Training Institute 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 Personnel and Human Resources is hereby authorized to apply for and accept a grant in the amount of \$26,230.00, from the Ohio Bureau of Employment Services POWER* Ohio under the Job Training Partnership Act, to conduct the Workforce Investment Act Transition Program for the purposes set forth herein and according thereto; that the Director of Personnel and Human Resources is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be

and they hereby are appropriated for the purposes of acquiring consulting services to implementing the Workforce Investment Act.

Section 2. That the application for said grant, File No. 946-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Personnel and Human Resources is hereby authorized to enter into contract with the OMTI Workforce Training Institute for the implementation of the Workforce Investment Act transition program, payable from the fund or funds to which are credited the proceeds accepted pursuant to Section 1 of this ordinance.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 996-2000.

By Councilmen Polensek and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the State of Ohio, Department of Education, for the 2000 TEAM Approach to Violence Against Women 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 Law is hereby authorized to apply for and accept a grant in the amount of \$200,000, from the State of Ohio, Department of Education, to conduct the 2000 TEAM Approach to Violence Against Women Program, for the purposes set forth in the summary and according thereto; that the Director of Law is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; that one-half of said grant funds are appropriated for the purposes set forth in the summary of the grant; and that appropriation of the remainder of said grant funds shall require further legislation of this Council.

Section 2. That the summary for said grant, File No. 996-2000-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 June 19, 2000.

Effective June 29, 2000.

Ord. No. 998-2000.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating the Buhner Avenue sewer, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating the Buhner Avenue sewer, for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 22337.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 999-2000.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating the Fairville/West 190th Street area sewer, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating the Fairville/West 190th Street area sewer, for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the low-

est responsible bidder after competitive bidding upon a unit basis for the improvement.

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

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 22336.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 1000-2000.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating the Westpark Road sewer, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating the Westpark Road sewer between Rocky River Drive and Lydian Avenue, for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 22333.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 1004-2000.
By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 2161-99, 2162-99, 2164-99 and 2165-99, passed February 14, 2000, relating to various requirement contract purchases for the Division of Traffic Engineering and Parking.

Whereas, this ordinance constitutes an emergency measure providing for 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. 2161-99, passed February 14, 2000, is hereby amended to read as follows:

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

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of traffic paint in an amount not to exceed \$50,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Traffic Engineering and Parking, 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 title and Section 1 of Ordinance No. 2162-99, passed February 14, 2000, is hereby amended to read as follows:

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

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of refurbished aluminum sign blanks in an amount not to exceed \$30,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Traffic Engineering and Parking, 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 3. That the title and Section 1 of Ordinance No. 2164-99, passed February 14, 2000, is hereby amended to read as follows:

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

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of aluminum signs in an amount not to exceed \$60,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Traffic Engineering and Parking, 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 4. That the title and Section 1 of Ordinance No. 2165-99, passed February 14, 2000, is hereby amended to read as follows:

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

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various traffic signal equipment in an amount not to exceed \$300,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Traffic Engineering and Parking, 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 5. That the title and Section 1 of Ordinance Nos. 2161-99, 2162-99, 2164-99 and 2165-99, passed February 14, 2000, are hereby repealed.

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 1058-2000.

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

An emergency ordinance authorizing the Directors of Community Development and/or Public Health to enter into contracts with various agencies to provide AIDS related services.

Whereas, this ordinance constitutes an emergency measure providing for 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 and/or the Director of Community Development are hereby authorized to enter into contracts with various agencies to provide AIDS related services for the training and evaluation of the HIV/AIDS prevention program; in accordance with File No. 1058-2000-A, attached hereto, and in addition, the sum of not more than \$50,000 is appropriated to the Department of Public Health for administrative costs of implementing the above-authorized contracts.

Section 2. That the cost of the contracts herein authorized shall not exceed \$1,100,000 and shall be paid from Fund No. 13 SF 530, Request No. 18463.

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

Passed June 19, 2000.
Effective June 29, 2000.

NOTE: Pursuant to Charter Section 37, the Mayor vetoed a line item contained in Ordinance No. 1058-2000 to disapprove and disallow awarding a contract to the Cleveland Chapter of the NAACP as part of the HIV/AIDS prevention program.

Ord. No. 1059-2000.

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 Infant Mortality Reduction (Initiative) Project and to enter into contract with Lutheran Metropolitan Ministry to implement the program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$90,000, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2001 Infant Mortality Reduction (Initiative) Project, for the purposes set forth in the 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 summary for said grant.

Section 2. That the summary for said grant, File No. 1059-2000-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$18,000, from Fund No. 01-500501-638000, is hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized to enter into contract with Lutheran Metropolitan Ministry for the implementation of the program as described in the summary contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance and the cash match.

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 1063-2000.

By Councilmen 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 West 52nd Street to Bridge Housing Corporation.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 002-32-111 and 002-32-113, as more fully described in Section 2 below, to Bridge Housing Corporation.

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

P. P. No. 002-32-111

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 37 feet of Sublot No. 142 in Benedict and Root's Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records

and being 37 feet front on the West-erly side of West 52nd Street, (formerly Dare Street), and extending back 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 002-32-113

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly one-half of Sublot No. 143 in Benedict and Roots Allotment of part of Original Brooklyn Township Lot Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records, and being 30 feet front on the Westerly side of West 52nd Street and extending back of equal width 132 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 June 19, 2000.
Effective June 29, 2000.

Ord. No. 1066-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Section 108 loan and an Economic Development Initiative Grant Agreement with Fairfax Renaissance Development Corporation to provide economic development assistance to partially finance the acquisition and construction of real property located at the northwest corner of East 82nd Street and Quincy Avenue, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone Section 108 loan with Fairfax Renaissance Development Corporation to provide economic development assistance to partially finance the acquisition and construction of real property located at the northwest corner of East 82nd Street and Quincy, Cleveland, Ohio (the "Improvement").

Section 2. That the Director of Economic Development is hereby authorized to enter into an Economic Development Initiative Grant Agreement with Fairfax Renaissance Development Corporation to provide Economic Development Initiative Grant funds to partially finance the above-described Improvement.

Section 3. That the terms of said loan and grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1066-2000-A.

Section 4. That the costs of said contract shall not exceed a loan amount of \$4,200,000 and a grant amount of \$1,030,000. The loan shall be paid from Fund Nos. 18 SF 001 and 18 SF 003 and the grant shall be paid from Fund No. 18 SF 003, Request No. 13115.

Section 5. That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 6. 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. 18 SF 002.

Section 7. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited and expended from Fund No. 18 SF 004.

Section 8. 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 9. That this ordinance is hereby declared to be an emergency measure, and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 1070-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance to amend Sections 8, 25, 28, 32, and 43 of Ordinance No. 434-2000, relating to compensation for various classifications.

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

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

Section 1. That Sections 8, 25, 28, 32, and 43 of Ordinance No. 434-2000, passed March 20, 2000, are hereby amended to read, respectively, as follows:

Section 8. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Accountant I.....	\$ 6.36 per hour	\$16.19 per hour
2. Accountant II.....	\$ 7.06 per hour	\$17.76 per hour
3. Accountant III.....	\$ 7.96 per hour	\$19.69 per hour
4. Accountant Clerk I.....	\$ 5.15 per hour	\$13.12 per hour
5. Accountant Clerk II.....	\$ 5.46 per hour	\$14.17 per hour
6. Activities Therapist.....	\$ 9.15 per hour	\$12.47 per hour
7. AIDS Support Services Coordinator	\$10.49 per hour	\$13.95 per hour
8. Air Pollution Control Engineer I	\$ 8.43 per hour	\$20.82 per hour
9. Air Pollution Control Engineer II	\$ 8.96 per hour	\$21.94 per hour
10. Air Pollution Control Engineer III	\$ 9.50 per hour	\$23.12 per hour
11. Air Pollution Engineer	\$12.04 per hour	\$16.25 per hour
12. Air Pollution Inspector I.....	\$11.77 per hour	\$16.75 per hour
13. Air Pollution Inspector II	\$ 7.76 per hour	\$18.68 per hour
14. Air Pollution Technician I	\$ 7.12 per hour	\$17.76 per hour
15. Air Pollution Technician II	\$ 7.53 per hour	\$18.68 per hour
16. Air Pollution Technician III	\$ 8.43 per hour	\$20.82 per hour
17. Airport Information Representative	\$ 9.73 per hour	\$13.60 per hour
18. Airport Operations Agent I	\$13.73 per hour	\$16.82 per hour
19. Airport Operations Agent II	\$17.25 per hour	\$19.80 per hour
20. Airport Safety Man	\$13.78 per hour	\$17.20 per hour
21. Architect	\$ 9.73 per hour	\$24.49 per hour
22. Associate Engineer.....	\$17.31 per hour	\$22.89 per hour
23. Assistant Buyer	\$ 6.71 per hour	\$16.99 per hour
24. Assistant City Planner	\$ 7.12 per hour	\$17.76 per hour
25. Assistant Civil Engineer	\$ 7.12 per hour	\$17.76 per hour
26. Assistant Electrical Engineer	\$ 7.12 per hour	\$17.76 per hour
27. Assistant Mechanical Engineer	\$ 7.12 per hour	\$17.76 per hour
28. Assistant Plan Examiner	\$13.03 per hour	\$18.68 per hour
29. Associate Programmer	\$ 7.55 per hour	\$19.03 per hour
30. Bacteriologist	\$ 7.96 per hour	\$19.69 per hour
31. Bill Collector	\$ 9.73 per hour	\$13.60 per hour
32. Building Inspector	\$13.84 per hour	\$18.06 per hour
33. Camera Room Operator	\$ 6.04 per hour	\$15.46 per hour
34. Caseworker I	\$ 5.73 per hour	\$14.77 per hour
35. Caseworker II	\$ 6.36 per hour	\$16.19 per hour
36. Cashier/Starter	\$ 6.36 per hour	\$16.19 per hour
37. Chemist	\$ 8.90 per hour	\$21.22 per hour
38. Chief Miscellaneous Investigator	\$ 7.53 per hour	\$18.68 per hour
39. Citizens Information Representative	\$ 6.04 per hour	\$15.46 per hour
40. Civil Engineer	\$ 9.50 per hour	\$24.49 per hour
41. Claims Examiner	\$ 7.53 per hour	\$18.68 per hour
42. Clerk Typist	\$ 7.62 per hour	\$10.14 per hour
43. Clinical Laboratory Assistant	\$ 6.36 per hour	\$15.46 per hour
44. Clinical Laboratory Technician I	\$ 7.12 per hour	\$17.76 per hour
45. Clinical Laboratory Technician II	\$ 7.37 per hour	\$19.03 per hour
46. Cocaine Treatment Counselor I	\$ 8.56 per hour	\$14.70 per hour
47. Cocaine Intake Specialist	\$ 9.95 per hour	\$13.23 per hour
48. Community Development Code Enforcement Inspector I	\$14.08 per hour	\$19.70 per hour
49. Community Development Code Enforcement Inspector II	\$14.89 per hour	\$20.82 per hour
50. Community Development Code Enforcement Inspector III	\$15.70 per hour	\$21.94 per hour
51. Community Development Code Enforcement Inspector/Heating I	\$14.08 per hour	\$19.70 per hour

52.	Community Development Code Enforcement Inspector/Heating II	\$14.89 per hour	\$20.82 per hour
53.	Community Development Code Enforcement Inspector/Heating III	\$15.70 per hour	\$21.94 per hour
54.	Community Development Code Enforcement Inspector/Refrigeration I	\$14.08 per hour	\$19.70 per hour
55.	Community Development Code Enforcement Inspector/Refrigeration II	\$14.89 per hour	\$20.82 per hour
56.	Community Development Code Enforcement Inspector/Refrigeration III	\$15.70 per hour	\$21.94 per hour
57.	Community Development Code Enforcement Inspector/Trainee	\$ 9.97 per hour	\$15.89 per hour
58.	Community Development Planner	\$ 9.87 per hour	\$23.55 per hour
59.	Community Health Aide	\$ 5.15 per hour	\$13.12 per hour
60.	Community Relations Representative I	\$ 6.04 per hour	\$15.46 per hour
61.	Community Relations Representative II	\$ 7.53 per hour	\$18.68 per hour
62.	Community Relations Representative III	\$ 9.51 per hour	\$23.12 per hour
63.	Composing Equipment Operator	\$ 6.71 per hour	\$16.99 per hour
64.	Computer Monitor Assistant	\$ 8.43 per hour	\$11.23 per hour
65.	Computer Operator	\$ 7.53 per hour	\$18.68 per hour
66.	Construction Technician	\$12.02 per hour	\$17.92 per hour
67.	Consumer Protection Specialist	\$ 5.73 per hour	\$14.77 per hour
68.	Contract and Monitoring Specialist	\$ 9.12 per hour	\$19.77 per hour
69.	Cook	\$11.05 per hour	\$12.79 per hour
70.	Copy Center Operator	\$ 5.67 per hour	\$14.17 per hour
71.	Cost Construction Estimator	\$ 8.34 per hour	\$18.17 per hour
72.	Customer Service Representative	\$ 9.74 per hour	\$14.16 per hour
73.	Data Control Clerk	\$ 5.24 per hour	\$13.61 per hour
74.	Data Conversion Operator	\$ 9.63 per hour	\$12.33 per hour
75.	Dental Assistant	\$ 5.15 per hour	\$12.85 per hour
76.	Development Officer	\$ 8.96 per hour	\$21.93 per hour
77.	Dietician	\$ 9.08 per hour	\$16.18 per hour
78.	Drug and Alcohol Counselor	\$ 9.05 per hour	\$12.04 per hour
79.	Electrical Engineer	\$ 9.50 per hour	\$24.49 per hour
80.	Electronic Engineer	\$ 9.54 per hour	\$24.92 per hour
81.	Elevator Inspector	\$13.82 per hour	\$18.06 per hour
82.	Engineer	\$22.12 per hour	\$27.87 per hour
83.	Environmental Compliance — Specialist I	\$14.95 per hour	\$17.67 per hour
84.	Environmental Compliance — Specialist II	\$16.35 per hour	\$18.55 per hour
85.	Environmental Compliance — Specialist III	\$17.90 per hour	\$24.15 per hour
86.	Environmental Enforcement — Specialist I	\$14.95 per hour	\$18.44 per hour
87.	Environmental Enforcement — Specialist II	\$16.35 per hour	\$19.36 per hour
88.	Environmental Enforcement — Specialist III	\$17.90 per hour	\$20.34 per hour
89.	Environmental Monitoring — Specialist I	\$13.33 per hour	\$18.26 per hour
90.	Environmental Monitoring — Specialist II	\$14.18 per hour	\$19.17 per hour
91.	Environmental Monitoring — Specialist III	\$15.74 per hour	\$20.13 per hour
92.	Environmental Technician	\$11.99 per hour	\$14.78 per hour
93.	Family Planning Clerk	\$ 7.22 per hour	\$11.34 per hour
94.	Financial Analyst	\$ 7.12 per hour	\$17.76 per hour
95.	Financial Counselor	\$ 7.94 per hour	\$18.68 per hour
96.	Fuel System Technician	\$ 8.96 per hour	\$16.50 per hour
97.	General Health Aide	\$ 5.15 per hour	\$13.12 per hour
98.	General Storekeeper	\$ 7.96 per hour	\$19.69 per hour
99.	Geriatric Outreach Worker	\$ 7.12 per hour	\$17.76 per hour
100.	Head Cook	\$ 5.46 per hour	\$14.15 per hour
101.	Head Storekeeper	\$ 7.11 per hour	\$17.77 per hour
102.	Health Educator I	\$ 6.36 per hour	\$16.19 per hour
103.	Health Educator II	\$ 7.12 per hour	\$17.76 per hour
104.	Heating Inspector	\$13.82 per hour	\$18.06 per hour
105.	HIV Educator	\$ 8.17 per hour	\$10.33 per hour
106.	House Connection Inspector	\$12.33 per hour	\$15.10 per hour
107.	Housing Inspector	\$14.17 per hour	\$16.07 per hour
108.	Human Resources Contract Specialist	\$ 9.73 per hour	\$24.48 per hour
109.	Human Resources On-the-Job Training Specialist	\$10.21 per hour	\$20.81 per hour
110.	Human Resources Planner	\$10.74 per hour	\$25.85 per hour
111.	Human Resources Special Projects Coordinator	\$10.21 per hour	\$20.81 per hour
112.	Income Tax Tracer	\$10.04 per hour	\$14.31 per hour
113.	Industrial Hygiene Engineer	\$ 9.73 per hour	\$24.48 per hour
114.	Industrial Nuisance Inspector	\$ 6.36 per hour	\$16.19 per hour

115.	Information Control Analyst	\$ 6.81 per hour	\$16.95 per hour
116.	Inspector of Weights and Measures	\$ 5.73 per hour	\$14.77 per hour
117.	Instrument Repairman	\$ 8.21 per hour	\$16.18 per hour
118.	Instrumentation Technician I	\$16.38 per hour	\$17.39 per hour
119.	Instrumentation Technician II	\$18.28 per hour	\$19.16 per hour
120.	Intake Specialist	\$ 5.15 per hour	\$13.12 per hour
121.	Job Retraining Assistant	\$ 7.12 per hour	\$17.76 per hour
122.	Junior Cashier	\$ 5.24 per hour	\$13.60 per hour
123.	Junior Chemist	\$ 5.46 per hour	\$14.17 per hour
124.	Junior City Planner	\$ 6.36 per hour	\$16.19 per hour
125.	Junior Civil Engineer	\$ 6.36 per hour	\$16.19 per hour
126.	Junior Clerk	\$ 9.60 per hour	\$11.34 per hour
127.	Junior Draftsman	\$ 8.20 per hour	\$13.90 per hour
128.	Junior Engineering Aide	\$ 5.46 per hour	\$14.17 per hour
129.	Lab Coordinator.....	\$16.82 per hour	\$20.61 per hour
130.	Laboratory Assistant	\$ 6.04 per hour	\$15.46 per hour
131.	Laboratory Helper	\$ 5.15 per hour	\$12.21 per hour
132.	Landscape Architect	\$ 9.50 per hour	\$23.12 per hour
133.	Lead Pressman	\$ 8.93 per hour	\$18.01 per hour
134.	Life Guard	\$ 8.50 per hour	\$12.94 per hour
135.	Life Guard Captain	\$10.00 per hour	\$16.04 per hour
136.	Mechanical Engineer	\$ 9.50 per hour	\$24.48 per hour
137.	Messenger	\$ 5.15 per hour	\$12.21 per hour
138.	Meter Reader	\$12.45 per hour	\$14.91 per hour
139.	Minority Business Consultant	\$11.15 per hour	\$27.24 per hour
140.	Miscellaneous Investigator	\$ 5.46 per hour	\$14.91 per hour
141.	Monitoring, Auditing and Evaluation Coordinator	\$13.65 per hour	\$18.03 per hour
142.	Office Machine Operator	\$ 9.60 per hour	\$11.88 per hour
143.	Offset Duplicating Machine Operator	\$ 5.46 per hour	\$14.17 per hour
144.	On The Job Training Specialist	\$12.71 per hour	\$17.42 per hour
145.	Park and Recreation Planner	\$ 9.51 per hour	\$23.12 per hour
146.	Parking Attendant	\$ 6.31 per hour	\$13.12 per hour
147.	Parking Meter Collector	\$ 6.32 per hour	\$13.09 per hour
148.	Parking Meter Serviceman	\$13.22 per hour	\$13.77 per hour
149.	Permit Processing Specialist	\$ 7.00 per hour	\$10.98 per hour
150.	Pharmacist	\$10.74 per hour	\$25.84 per hour
151.	Pharmacodependent Rehabilitation Counselor I	\$ 6.49 per hour	\$12.54 per hour
152.	Pharmacodependent Rehabilitation Counselor II	\$ 7.57 per hour	\$14.82 per hour
153.	Photographer	\$ 9.08 per hour	\$17.76 per hour
154.	Photographic Laboratory Technician	\$ 6.80 per hour	\$15.46 per hour
155.	Photo-Litho Operator	\$ 5.48 per hour	\$14.17 per hour
156.	Physical Director	\$ 8.33 per hour	\$15.97 per hour
157.	Plan Examiner	\$ 7.96 per hour	\$21.13 per hour
158.	Play Director	\$ 5.68 per hour	\$11.19 per hour
159.	Police Radio Technician	\$15.90 per hour	\$16.83 per hour
160.	Pressman	\$ 7.89 per hour	\$17.43 per hour
161.	Preventive Health Counselor	\$13.59 per hour	\$18.07 per hour
162.	Preventive Health Educator	\$ 8.89 per hour	\$12.14 per hour
163.	Principal Cashier	\$ 7.24 per hour	\$19.03 per hour
164.	Principal Clerk	\$11.93 per hour	\$16.10 per hour
165.	Print Shop Helper	\$10.30 per hour	\$12.00 per hour
166.	Private Secretary	\$ 6.71 per hour	\$16.99 per hour
167.	Program Analyst	\$16.64 per hour	\$24.62 per hour
168.	Programmer	\$ 8.96 per hour	\$21.94 per hour
169.	Programmer Analyst	\$ 9.73 per hour	\$24.48 per hour
170.	Property Clerk	\$11.37 per hour	\$27.26 per hour
171.	Psychiatric Social Worker	\$12.48 per hour	\$17.71 per hour
172.	Psychologist I	\$10.74 per hour	\$23.56 per hour
173.	Psychologist II	\$12.88 per hour	\$27.78 per hour
174.	Public Health Nursing Aide	\$10.32 per hour	\$11.32 per hour
175.	Public Health Sanitarian I	\$12.41 per hour	\$15.12 per hour
176.	Public Health Sanitarian II	\$13.93 per hour	\$16.93 per hour
177.	Public Health Sanitarian III	\$15.04 per hour	\$17.67 per hour
178.	Public Health Sanitarian IV	\$ 8.78 per hour	\$21.93 per hour
179.	Public Information Officer	\$ 7.38 per hour	\$18.68 per hour
180.	Quality Assurance Analyst	\$ 8.96 per hour	\$21.93 per hour
181.	Quality Control Coordinator.....	\$16.82 per hour	\$20.61 per hour
182.	Radio Dispatcher	\$16.83 per hour	\$16.83 per hour
183.	Radio Technician	\$15.90 per hour	\$16.83 per hour

184.	Receptionist	\$ 6.06 per hour	\$12.50 per hour
185.	Records Manager	\$ 9.84 per hour	\$13.11 per hour
186.	Recreation Aide	\$ 5.68 per hour	\$ 8.74 per hour
187.	Recreation Instructor	\$ 5.15 per hour	\$13.12 per hour
188.	Recreation Instructor I	\$ 5.24 per hour	\$13.97 per hour
189.	Recreation Instructor II	\$ 5.46 per hour	\$14.51 per hour
190.	Recreation Instructor III	\$ 6.83 per hour	\$15.36 per hour
191.	Recreation Program Supervisor	\$ 6.83 per hour	\$14.27 per hour
192.	Redevelopment Advisor	\$ 7.96 per hour	\$19.69 per hour
193.	Redevelopment Coordinator	\$ 8.38 per hour	\$21.94 per hour
194.	Refrigeration Inspector	\$13.84 per hour	\$18.06 per hour
195.	Refugee Outreach Worker	\$ 8.40 per hour	\$12.20 per hour
196.	Registered Animal Health Technician	\$ 7.94 per hour	\$13.12 per hour
197.	Rehabilitation Advisor	\$ 6.71 per hour	\$16.99 per hour
198.	Rehabilitation Inspector.....	\$14.75 per hour	\$20.35 per hour
199.	Sanitarian Aide	\$11.28 per hour	\$12.73 per hour
200.	Secretary	\$ 6.30 per hour	\$14.17 per hour
201.	Secretary to Director of Consumer Affairs	\$ 9.51 per hour	\$23.12 per hour
202.	Senior Assistant Architect	\$ 7.96 per hour	\$19.69 per hour
203.	Senior Assistant City Planner	\$ 7.96 per hour	\$19.69 per hour
204.	Senior Assistant Civil Engineer	\$ 7.96 per hour	\$19.69 per hour
205.	Senior Assistant Electrical Engineer	\$ 7.96 per hour	\$19.69 per hour
206.	Senior Assistant Mechanical Engineer	\$ 7.96 per hour	\$19.69 per hour
207.	Senior Assistant Traffic Engineer	\$ 7.96 per hour	\$19.69 per hour
208.	Senior Bacteriologist	\$ 6.71 per hour	\$16.99 per hour
209.	Senior Cashier	\$ 6.36 per hour	\$16.19 per hour
210.	Senior Chemist	\$ 7.53 per hour	\$18.68 per hour
211.	Senior Clerk	\$ 9.99 per hour	\$13.29 per hour
212.	Senior Computer Operator	\$ 8.96 per hour	\$21.94 per hour
213.	Senior Contract and Monitoring Specialist.....	\$11.34 per hour	\$23.26 per hour
214.	Senior Data Conversion Operator	\$10.80 per hour	\$14.77 per hour
215.	Senior Development Officer	\$12.63 per hour	\$28.78 per hour
216.	Senior Draftsman	\$ 9.37 per hour	\$15.88 per hour
217.	Senior Engineering Draftsman and Photographer	\$ 7.12 per hour	\$17.76 per hour
218.	Senior Information Control Analyst	\$ 7.38 per hour	\$18.68 per hour
219.	Senior Laboratory Technician	\$10.86 per hour	\$14.45 per hour
220.	Senior Landscape Architect	\$ 9.73 per hour	\$24.48 per hour
221.	Senior Site Inspector — Demolition	\$ 8.43 per hour	\$20.81 per hour
222.	Sewer Service Man	\$14.55 per hour	\$15.44 per hour
223.	Site Inspector	\$ 7.53 per hour	\$18.68 per hour
224.	Social Worker for Homeless	\$13.82 per hour	\$18.38 per hour
225.	Starter (Golf)	\$ 5.15 per hour	\$10.86 per hour
226.	S.T.D. Clerk	\$ 7.88 per hour	\$10.49 per hour
227.	Stenographer I	\$ 9.49 per hour	\$11.91 per hour
228.	Stenographer II	\$10.46 per hour	\$13.29 per hour
229.	Stenographer III	\$ 7.37 per hour	\$14.77 per hour
230.	Stock Clerk	\$ 5.46 per hour	\$14.60 per hour
231.	Storekeeper	\$ 6.36 per hour	\$16.63 per hour
232.	Street Obstruction Inspector	\$ 6.04 per hour	\$15.46 per hour
233.	Surveyor	\$ 8.96 per hour	\$21.94 per hour
234.	Tax Auditor I	\$10.60 per hour	\$15.03 per hour
235.	Tax Auditor II	\$12.41 per hour	\$16.61 per hour
236.	Technical Specialist	\$ 7.53 per hour	\$18.68 per hour
237.	Technical Specifications Writer	\$ 9.08 per hour	\$19.70 per hour
238.	Telephone Operator	\$ 5.24 per hour	\$13.60 per hour
239.	Telephone Supervisor	\$ 5.46 per hour	\$14.17 per hour
240.	Timekeeper	\$ 5.46 per hour	\$14.17 per hour
241.	Traffic Engineer	\$ 9.50 per hour	\$23.12 per hour
242.	Traffic Sign and Marking Technician	\$13.28 per hour	\$14.17 per hour
243.	Typist	\$ 9.63 per hour	\$12.33 per hour
244.	Urban Planning and Development Technician	\$ 5.73 per hour	\$14.77 per hour
245.	Utility Adjuster	\$10.33 per hour	\$13.29 per hour
246.	Vector Control Assistant	\$ 8.90 per hour	\$11.83 per hour
247.	Veteran's Counselor	\$ 7.38 per hour	\$16.08 per hour
248.	Water Hydraulic Repairman	\$14.55 per hour	\$15.44 per hour
249.	Water Meter Repairman	\$14.55 per hour	\$15.44 per hour
250.	Water Pipe Repairman.....	\$13.18 per hour	\$15.44 per hour

251.	Water Serviceman	\$ 9.05 per hour	\$13.18 per hour
252.	Water System Construction Inspector	\$15.21 per hour	\$19.29 per hour

Section 25. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Fingerprint Examiner	\$22,000.00	\$32,168.86
2. Scientific Examiner	\$25,000.00	\$48,080.85

Section 28. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Maintenance Supervisor	\$21,019.66	\$43,294.59
2. Assistant Chief Building Inspector	17,705.24	48,000.00
3. Assistant Chief Housing Inspector	17,705.24	41,829.35
4. Assistant Custodian	16,559.28	39,603.62
5. Assistant Superintendent of Electrical Generation	21,019.66	46,354.00
6. Bridge Inspector	13,958.10	34,081.47
7. Bureau Manager — Housing	26,797.11	67,133.02
8. Bureau Manager — Demolition	26,797.11	67,133.02
9. Bureau Manager — Building	26,797.11	67,133.02
10. Cable Production Manager	20,410.00	76,053.67
11. Chief Bridge Operator	16,559.28	40,989.75
12. Chief of Electric Meter Bureau	26,274.57	57,863.04
13. Chief Guard	15,764.74	33,893.99
14. Chief Safety Signal System	\$18.60 per hour	\$30.08 per hour
15. Chief Sidewalk Inspector	15,641.78	37,545.70
16. Chief Street Permit Inspector	14,790.48	35,711.05
17. Chief of Traffic Signal Unit	\$18.60 per hour	\$30.08 per hour
18. Community Development Code Enforcement		
Inspector Supervisor	34,464.91	46,464.95
19. Coordinator of Parking Enforcement	18,627.62	42,788.17
20. Correctional Supervisor	17,543.01	41,830.50
21. District Forester	31,043.38	47,678.21
22. Electric Bridge Operator Leader	\$ 8.55 per hour	\$14.83 per hour
23. Environmental Assistant	17,705.24	41,830.50
24. Field Operations Forester	32,445.00	49,479.19
25. General Superintendent Waste Collection	30,473.96	52,110.05
26. House Sergeant	13,137.29	29,941.44
27. Instrumentation Supervisor	29,200.50	43,501.80
28. Parking Meter Foreman	24,679.38	33,692.17
29. Printing Foreman	28,404.92	42,570.03
30. Supervisor of Landscape Construction	17,078.47	38,148.29
31. Supervisor of Parking Enforcement Unit	18,262.21	33,232.53
32. Supervisor of Markets	14,790.48	36,960.94
33. Supervisor of Weights and Measures	14,790.48	35,711.05
34. Survey Party Chief	18,099.87	46,027.26
35. Tunnel Maintenance Foreman	17,078.47	31,210.66
36. Tunnel Maintenance Man	15,764.72	28,496.29

Section 32. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Air Pollution Control, Engineer IV.....	\$20,231.40	\$49,151.61
2. Airport Safety Shift Commander.....	20,231.40	49,151.61
3. Assistant Administrator.....	20,231.40	50,871.92
4. Assistant Health Center Director.....	20,231.40	49,151.61
5. Assistant Manager of Marketing.....	20,231.40	49,151.61
6. Central Payroll Supervisor.....	20,231.40	49,151.61
7. Chief Building Inspector.....	20,231.40	52,000.00
8. Chief Electrical Inspector.....	20,231.40	49,151.61
9. Chief Elevator Inspector.....	20,231.40	49,151.61
10. Chief Environmental Health — Engineering.....	20,231.40	49,151.61
11. Chief Heating Inspector.....	20,231.40	49,151.61
12. Chief Housing Inspector.....	20,231.40	50,871.92
13. Chief Plumbing Inspector.....	20,231.40	49,151.61

14.	Chief Rehabilitation Supervisor.....	20,231.40	50,871.92
15.	Contract Supervisor — Division of Purchases and Supplies.....	20,231.40	49,151.61
16.	Data Processing Supervisor.....	20,231.40	49,151.61
17.	Human Resources Contract Administrator.....	20,231.40	65,604.32
18.	Manager of Public Utilities Building Maintenance.....	20,231.40	60,557.83
19.	Senior Systems Analyst.....	20,231.40	50,871.92
20.	Shift Supervisor Operations.....	20,231.40	49,151.61
21.	Superintendent of Distribution.....	20,231.40	49,151.61
22.	Superintendent of Pumping.....	20,231.40	49,151.61
23.	Superintendent of Purification.....	20,231.40	49,151.61
24.	Supervising Tax Auditor.....	20,231.40	49,151.61
25.	Supervisor of Civil Service Records.....	20,231.40	49,151.61

Section 43. Hourly Rate — Crafts

Compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

	Effective Date	Minimum	Maximum	
1.	Asbestos Worker	5-1-00	\$29.18	\$36.48
2.	Asphalt Construction Foreman	5-1-00	20.10	30.15
3.	Asphalt Raker	5-1-00	19.27	28.91
4.	Asphalt Tamper	5-1-00	19.27	28.91
5.	Boiler Maker	5-1-98	29.14	36.42
	10-1-97	27.74	34.67
6.	Bricklayer	5-1-00	25.46	31.82
7.	Bricklayer Foreman	5-1-00	26.71	33.07
8.	Bricklayer Helper	5-1-00	19.79	29.69
9.	Carpenter	5-1-00	25.19	31.49
10.	Carpenter Foreman	5-1-00	26.44	32.74
11.	Carpenter Apprentice	5-1-92	5.97	16.43
12.	Cement Finisher	5-1-00	25.64	32.05
13.	Cement Finisher Foreman	5-1-00	26.89	33.30
14.	Construction Equipment Operator — Group A	5-1-99	26.02	29.63
15.	Construction Equipment Operator — Group B	5-1-99	25.87	29.48
16.	Construction Equipment Operator — Group C	5-1-99	25.02	28.63
17.	Construction Equipment Operator — Group D	5-1-99	24.24	27.85
18.	Construction Equipment Operator — Group E	5-1-99	23.92	27.53
19.	Construction Equipment Operator — Oiler — Group F	5-1-99	17.79	21.40
20.	Curb Cutter	5-1-00	19.70	29.55
21.	Electrical Worker	5-1-00	29.74	37.17
22.	Electrical Worker Foreman	5-1-00	30.99	38.42
23.	Glazier	5-1-00	25.46	31.82
24.	Ironworker	8-1-99	28.42	35.53
25.	Ironworker Foreman	8-1-99	29.67	36.78
26.	Jackhammer Operator	5-1-00	19.27	28.91
27.	Master Mechanic	5-1-99	26.52	30.13
28.	Overhead Floodlight Maintenance Man	5-1-92	21.19	26.49
29.	Painter	5-1-00	24.69	30.86
30.	Painter — Apprentice	5-1-92	6.95	14.89
31.	Painter Foreman	5-1-00	25.94	32.11
32.	Paver	5-1-00	19.54	29.31
33.	Paving Foreman	5-1-00	20.10	30.15
34.	Pipefitter (Welder)	5-1-00	30.42	38.02
35.	Pipefitter Foreman	5-1-00	31.67	39.27
36.	Plasterer	5-1-00	25.27	31.59
37.	Plasterer Foreman.....	5-1-00	26.52	32.84
38.	Plumber (Welder)	5-1-00	29.90	37.50
39.	Plumber Foreman	5-1-00	31.15	38.63
40.	Roofer	5-1-00	26.02	32.52
41.	Sheet Metal Worker	5-1-00	28.74	35.92
42.	Sheet Metal Worker Foreman	5-1-00	29.99	37.17
43.	Sign Painter	4-1-00	22.55	26.51
44.	Sign Painter Unit Leader	4-1-00	23.55	27.51
45.	Spray Painter	4-1-00	20.22	24.16
46.	Superintendent of Construction Equipment	5-1-00	20.10	30.15

Section 2. That existing Sections 8, 25, 28, 32 and 43 of Ordinance No. 434-2000, passed March 20, 2000, are hereby repealed.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 1071-2000.**By Councilman Willis.**

An emergency ordinance authorizing the Director of Public Service to issue a permit to University Circle Incorporated to encroach into the right-of-way at 11111 Euclid Ave. with a shuttle bus shelter in front of Case Western Reserve University's Thwing Student Service Center.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to University Circle Incorporated, 10831 Magnolia Drive, Cleveland, Ohio 44106-1887, its successors and assigns, for the construction, use and maintenance of a shuttle bus shelter in front of Case Western Reserve University's Thwing Student Service Center which will encroach into the public right-of-way at 11111 Euclid Avenue between the intersections of University Hospitals Drive and Adelbert Road and is more fully described as follows:

**PROPOSED ENCROACHMENT
AREA/UCI BUS SHELTER/
11111 EUCLID AVENUE**

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and lying within the bounds of Euclid Avenue (125.00 feet wide) as shown by the Dedication Plat of Euclid Avenue Widening of Part of Original 100 Acre Lot Number 403 and recorded in Volume 219 of Maps, Page 47 of Cuyahoga County Records, bounded and described as follows:

Beginning at its intersection of the northwesterly face of the curb of Euclid Avenue and the centerline of Adelbert Road N.E. (60.00 feet wide) produced northwesterly; thence northeasterly along said northwesterly face of the curb, about 470.00 feet to the principal place of beginning of the encroachment area herein intended to be described:

Course No. 1: Thence northwesterly perpendicular to said face of the curb, 14.08 feet to a point;

Course No. 2: Thence northeasterly parallel with said northwesterly face of the curb, 22.75 feet to a point;

Course No. 3: Thence northwesterly perpendicular to said northwesterly face of curb, about 17.00 feet to its intersection with the southeasterly line of the existing sidewalk of Euclid Avenue;

Course No. 4: Thence northeasterly along said southeasterly line of the sidewalk, 5.00 feet to a point;

Course No. 5: Thence southeasterly along a line drawn perpendicular to the northwesterly face of the curb, about 31.08 feet to its intersection with said northwesterly face of the curb;

Course No. 6: Thence southwesterly along said northwesterly face of the curb 27.75 feet to the principal place of beginning, containing 476 square feet of land, prepared from supplied sketches provided by University Circle, Inc., by Garrett & Associates, Inc., Registered Engineers and Surveyors, in June, 2000, be the same more or less.

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

Section 3. That the Director of Public Service reserves the right to order the removal of said shelter should the proposed Euclid Corridor Transportation Project propose a station in the vicinity of 11111 Euclid Avenue and the Regional Transit Authority (RTA) authorizes its use by University Circle Incorporated for a student shuttle bus.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 1121-2000.**By Councilman Britt.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Buckeye Area Development Corporation for a comprehensive market study analysis of the Buckeye Corridor in Ward 6 through the use of Ward 6 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 Buckeye Area Development Corporation for a comprehensive market study analysis of the Buckeye Corridor in Ward 6.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 1122-2000.**By Councilman Britt.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Fairfax Renaissance Development Corporation for the demolition of a six unit multi-family building at 2245 East 97th Street through the use of Ward 6 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 Fairfax Renaissance Development Corporation for the demolition of a six unit multi-family building at 2245 East 97th Street.

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

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

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 1123-2000.**By Councilman Britt.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Comanche football program to provide funding to fully equip thirty-five (35) children to participate in the Independent Inner City Youth Football Program through the use of Ward 16 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 Cleveland Comanche football program to provide funding to fully equip thirty-five (35) children to participate in the Independent Inner City Youth Football Program.

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 June 19, 2000.
Effective June 29, 2000.

Ord. No. 1124-2000.
By Councilman Britt.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with East End Neighborhood House for necessary improvements to the security windows and heating and cooling system for their building located at 2749 Woodhill Road through the use of Ward 6 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 East End Neighborhood House for necessary improvements to the security windows and heating and cooling system for their building located at 2749 Woodhill Road.

Section 2. That the cost of said contract shall be in an amount not to exceed \$19,049 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 June 19, 2000.
Effective June 29, 2000.

Ord. No. 1125-2000.
By Councilman Britt.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Buckeye Area Development Corporation for the installation of curbs and yard lamps along Hulda Avenue in Ward 6 through the use of Ward 6 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 Buckeye Area Development Corporation for the installation of curbs and yard lamps along Hulda Avenue in Ward 6.

Section 2. That the cost of said contract shall be in an amount not to exceed \$111,000 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 June 19, 2000.
Effective June 29, 2000.

Ord. No. 1126-2000.
By Councilman Cimperman.
An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to establish an equalized rent structure for all interior tenants of the West Side Market.

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976 to the contrary, the Director of Parks, Recreation and Properties shall establish an equalized rent structure for all interior tenants of the West Side Market beginning no later than January 1, 2001 or such earlier date as a new lease(s) is to be effective. Such proposed rent schedule for the West Side Market shall be submitted in the form of legislation no later than October 1, 2000 for review, approval and modification, if necessary, by Council.

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

Passed June 19, 2000.
Effective June 29, 2000, without the signature of the Mayor.

Ord. No. 1127-2000.
By Councilman Cimperman.
An emergency ordinance authorizing the Director of Public Service to issue a permit to Gene Hickerson's at the Hanna (restaurant), to encroach into the public right-of-way of Euclid Avenue with a seasonal outdoor sidewalk cafe, fencing, and other associated equipment.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written con-

sent of the Director of Public Service to Gene Hickerson's at the Hanna (restaurant), 1422 Euclid Avenue, Cleveland, Ohio 44115, for the construction, use and maintenance of an seasonal outdoor sidewalk cafe, fencing, and other associated equipment, which will encroach into the public right-of-way of Euclid Avenue at the location more fully described as follows:

LEGAL DESCRIPTION/PROPOSED ENCROACHMENT AREA GENE HICKERSON'S AT THE HANNA RESTAURANT/WITHIN R/W EUCLID AVE.

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being an encroachment area within the right-of-way of Euclid Avenue (99.00 feet wide), bounded and described as follows:

Commencing on the southerly line of Euclid Avenue at the Northeast corner of a parcel of land conveyed to PSC Hanna Building LLC, by deed recorded in AFN.199908241362 of Cuyahoga County Deed Records, thence South 81°-26'-49" West, 16.00 feet to the place of beginning;

Course No. 1: Thence South 81°-26'-49" West along said southerly line of Euclid Avenue, 42.00 feet to a point;

Course No. 2: Thence North 8°-33'-11" West along a line drawn perpendicular to said southerly line of Euclid Avenue, 9.00 feet to a point;

Course No. 3: Thence North 81°-26'-49" East along a line drawn parallel with and distant 9.00 feet northerly by rectangular measurement from said Euclid Avenue, 42.00 feet to a point;

Course No. 4: Thence South 8°-33'-11" East along a line drawn perpendicular to said southerly line of Euclid Avenue, 9.00 feet to the place of beginning, containing 378 square feet of land, according to a survey by Garrett and Associates, Inc., Registered Engineers & Surveyors, made in June, 2000, be the same more or less.

The bearings used herein are based on an assumed meridian and are used only to denote angles.

Section 2. That said outdoor seasonal sidewalk cafe, fencing, and other associated equipment will be placed within the public right-of-way as aforesaid in Section 1, and will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction. That all other required permits, including a building Permit, shall be obtained before said cafe restaurant, etc is constructed.

Section 3. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed June 19, 2000.
Effective June 29, 2000.

Ord. No. 1128-2000.**By Councilman Britt.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Western Reserve Historical Society to stretch one banner on Euclid Avenue by using utility poles (by separate permission) for the period of June 26, 2000 to July 31, 2000, inclusive publicizing their special event.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Western Reserve Historical Society, 10825 East Boulevard, Cleveland, Ohio 44106, to install, maintain and remove one (1) banner to be stretched on Cleveland Public Power utility poles, (by separate permission) publicizing their special event for the period of June 26, 2000 to July 31, 2000 inclusive, on the following poles locations: the 1st pole East of Chester Avenue (N), Pole Number Q07-8; and the 1st pole East of Chester Avenue (S), Pole Number Q07-44, and which pole locations and banner shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner, and said banner shall be removed promptly upon the expiration of said permit.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 1129-2000.**By Councilman Cimperman.**

An emergency ordinance authorizing the Director of Public Service to issue a permit to Creative Culinary Enterprises, Inc., dba Sanctuary Diner to encroach into the right-of-way of West 6th Street with a seasonal outdoor sidewalk cafe, fencing and other related equipment.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by

the Permittee with the written consent of the Director of Public Service to Creative Culinary Enterprises, Inc., aka GLAM Ltd. LLC, dba Sanctuary Diner, 1225 West 6th Street, Cleveland, Ohio 44113, for the construction, use and maintenance of an outdoor seasonal sidewalk cafe, fencing including a six (6) foot hinged gate for Fire Department access and other related equipment, which will encroach into the public right-of-way of West 6th Street at the location more fully described as follows:

LEGAL DESCRIPTION/ENCROACHMENT AREA/SANCTUARY DINER'S CAFE

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

Commencing at the intersection of the Southerly line of West Lakeside Avenue N.W. (99.00 feet wide) with the Easterly line of West 6th Street (99.00 feet wide);

Thence Southerly along the Easterly line of said West 6th Street about 66.00 feet to the place of beginning;

Thence Westerly at a right angles to the last described line about 8.00 feet to a point;

Thence Southerly and parallel with the Easterly line of said West 6th Street about 94.00 feet to a point;

Thence Easterly at right angles to the last described line about 8.00 feet to the Easterly line of West 6th Street as aforesaid;

Thence Northerly along said line to the place of beginning.

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

Section 3. That this permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 1130-2000.**By Councilman Cimperman.**

An emergency ordinance authorizing the Director of Public Service to issue a permit to Joseph Santosuoso, dba Johnny's Downtown and Johnny's Bistro to encroach into the right-of-way at 1400 and 1406 W. 6th St. with a seasonal sidewalk cafe, wooden planters, and metal railing enclosures.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Joseph Santosuoso, dba Johnny's Downtown and Johnny's Bistro, 1400 and 1406 West 6th Street, Cleveland, Ohio 44113, for the construction, use and maintenance of an seasonal outdoor sidewalk cafe, wooden planters and metal railings enclosure, which will encroach into the public right-of-way of West 6th Street at the location more fully described as follows:

LEGAL DESCRIPTION/PROPOSED ENCROACHMENT AREA/WEST 6TH STREET/ FOR JOHNNY'S DOWNTOWN AND JOHNNY'S BISTRO/SEASONAL SIDEWALK CAFE

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

Beginning on the Westerly line of West 6th Street (99.00 feet wide) at its intersection with the Northerly line of Frankfort Avenue (33.00 feet wide);

Thence Easterly along the Easterly prolongation of Frankfort Avenue, 6.79 feet to a point;

Thence Northerly and parallel with the Westerly line of West 6th Street about 40.00 feet to a point;

Thence Easterly at right angles to the last described line about 1.71 feet to a point;

Thence Northerly and parallel with the Westerly line of West 6th Street about 45.00 feet to a point;

Thence Westerly at right angles to the last described line about 8.00 feet to the Westerly line of West 6th Street;

Thence Southerly along the Westerly line of West 6th Street to the place of beginning.

Section 2. That said seasonal outdoor sidewalk cafe, wooden planters and metal railings enclosure will be placed within the public right-of-way as aforesaid in Section 1, and will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction. That all other required permits, including a Building Permit, shall be obtained before said sidewalk cafe, wooden planters and metal railings enclosure is constructed.

Section 3. That this permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 1131-2000.**By Councilman Cimperman.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Broadway School of Music & the Arts for providing funding for future community art programs through the use of Ward 13 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 Broadway School of Music & the Arts for providing funding for future community art programs.

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 June 19, 2000.

Effective June 29, 2000.

Ord. No. 1132-2000.**By Councilman Cimperman.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with St. Clair Superior Neighborhood Development Association for operating expenses through the use of Ward 13 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 St. Clair Superior Neighborhood Development Association for operating expenses.

Section 2. That the cost of said contract shall be in an amount not to exceed \$80,000 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 June 19, 2000.

Effective June 29, 2000.

Ord. No. 1133-2000.**By Councilman Cimperman.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cuyahoga Metropolitan Housing Authority (CMHA) for the purchase of exercise equipment for Riverview Towers and tables and chairs for the Lakeview Community Center through the use of Ward 13 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 Cuyahoga Metropolitan Housing Authority (CMHA) for the purchase of exercise equipment for Riverview Towers and tables and chairs for the Lakeview Community Center.

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

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

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 1134-2000.**By Councilman Johnson.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Amistad Development Corporation to provide funding for the Clean Sweep Vacant Lot Program and to purchase equipment through the use of Ward 4 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 Amistad Development Corporation to provide funding for the Clean Sweep Vacant Lot Program and to purchase equipment.

Section 2. That the cost of said contract shall be in an amount not to exceed \$185,886 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 June 19, 2000.

Effective June 29, 2000.

Ord. No. 1135-2000.**By Councilman Melena.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Detroit Shoreway Community Development Organization for partial financing of the EcoVillage Townhouse Development on West 58th Street through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Detroit Shoreway Community Development Organization for partial financing of the EcoVillage Townhouse Development on West 58th Street.

Section 2. That the cost of said contract shall be in an amount not to exceed \$50,000 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 June 19, 2000.

Effective June 29, 2000.

Ord. No. 1136-2000.**By Councilman Melena.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Our Lady of Mt. Carmel Catholic Church West to stretch one banner on Detroit Avenue using utility poles (by separate permission) for the period of June 19, 2000 to July 18, 2000, inclusive, publicizing their annual festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Our Lady of Mt. Carmel Catholic Church West, 6928 Detroit Avenue, Cleveland, Ohio, to install, maintain and remove one

(1) banner to be stretched on Cleveland Public Power utility poles, (by separate permission) publicizing their annual church festival for the period of June 19, 2000 to July 18, 2000 inclusive, on the following poles locations: Pole Numbers TT-140 and 348-38 at approximately 6928 Detroit Avenue (in front of the church), and which pole locations and banner shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner, and said banner shall be removed promptly upon the expiration of said permit.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 1137-2000.

By Councilman Polensek.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Northeast Shores Development Corporation to provide funding in order to promote the sale of four townhouses by using second mortgage financing as an incentive through the use of Ward 11 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Northeast Shores Development Corporation to provide funding in order to promote the sale of four townhouses by using second mortgage financing as an incentive.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 1138-2000.

By Councilman Polensek.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Northeast Shores Development Corporation for providing lawn maintenance services on vacant properties through the use of Ward 11 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Northeast Shores Development Corporation for providing lawn maintenance services on vacant properties.

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 June 19, 2000.

Effective June 29, 2000.

Ord. No. 1139-2000.

By Councilmen Polensek, Brady, Britt, Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, Melena, O'Malley, Patman, Robinson, Rybka, Sweeney, Westbrook, White and Willis.

An emergency ordinance to amend Section 621.03 of the Codified Ordinances of Cleveland, Ohio, 1976 to increase the penalty for assault upon a taxicab driver.

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

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

Section 1. That Section 621.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2057-A-99, passed April 17, 2000, is hereby amended to read as follows:

Section 621.03 Assault

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

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

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

(d) Notwithstanding the provisions of division (c) of this section, if the sentencing court determines that the victim of the offense was any of the following:

(1) an official or employee of the Cleveland City School District or the City of Cleveland; or

(2) a member of the City's Auxiliary Police Force; or

(3) a school crossing guard or his or her alternate; or

(4) a volunteer working on school property, whether public or private, or at a City-owned recreation center; or

(5) a taxicab driver licensed under Chapter 443 of the Codified Ordinances; and the court further determines that the victim was performing his or her official duties at the time of the offense, the court shall set the offender's fine at \$1,000.00 and in addition to said fine shall sentence the offender to not less than sixty (60) days' and not more than six (6) months' imprisonment. The minimum fine and imprisonment to be imposed by the court pursuant to this division (d) are mandatory. The court shall not suspend all or any portion of said fines and imprisonment.

(e) Notwithstanding the provisions of division (c) of this section, if the sentencing court determines that the victim of the offense was a child between the ages of six and seventeen and was in attendance in a facility owned by the Cleveland City School District at the time of the offense, the court shall set the offender's fine at \$1,000.00 and, in addition to said fine, shall sentence the offender to not less than sixty (60) days' and not more than six (6) months' imprisonment. The minimum fine and imprisonment to be imposed by the court pursuant to this division (d) are mandatory. The court shall not suspend all or any portion of said fines and imprisonment.

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

Section 2. That existing Section 621.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2057-A-99, passed April 17, 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 June 19, 2000.

Effective June 29, 2000.

Ord. No. 1140-2000.

By Councilmen Robinson, Jones, White, Johnson, Jackson, Britt, Willis, Coats, Polensek, Gordon, Westbrook, Brady and Sweeney.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Murtis H. Taylor Multi-Service Center for their African-American picnic through the use of Ward 1, 2, 3, 4, 5, 6, 9, 10, 11, 15, 18, 19 and 20. Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Murtis

H. Taylor Multi-Service Center for their African-American picnic.

Section 2. That the cost of said contract shall be in an amount not to exceed \$35,500 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 June 19, 2000.
Effective June 29, 2000.

Ord. No. 1141-2000.

By Councilmen Rybka, Jones, White, Jackson, Britt, Cimperman, Gordon, O'Malley, Brady, Sweeney and Dolan.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cuyahoga River Remedial Action Plan for their summer internship program through the use of Ward 1, 2, 5, 6, 12, 13, 15, 16, 19, 20 and 21 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 Cuyahoga River Remedial Action Plan for their summer internship program.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,750 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 June 19, 2000.
Effective June 29, 2000.

Ord. No. 1142-2000.

By Councilman Rybka.
An emergency ordinance to amend Section 2 of Ordinance No. 1084-2000, passed June 12, 2000, relating to a contract with Slavic Village Development Corporation for their Waterman Place housing 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 Section 2 of Ordinance 1084-2000, passed June 12, 2000 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in amount not to exceed \$75,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That the existing Section 2 of Ordinance 1084-2000, passed June 12, 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 June 19, 2000.
Effective June 29, 2000.

Ord. No. 1143-2000.

By Councilman White.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Miles Avenue Family YMCA for building site improvements and recreational equipment for football through the use of Ward 2 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 Miles Avenue Family YMCA for building site improvements and recreational equipment for football.

Section 2. That the cost of said contract shall be in an amount not to exceed \$58,000 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 June 19, 2000.
Effective June 29, 2000.

Ord. No. 1144-2000.

By Councilman White.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Union Miles Development Corporation for assistance with the renovation costs for the Miles Park Carnegie Library through the use of Ward 2 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Union Miles Development Corporation for assistance with the renovation costs for the Miles Park Carnegie Library.

Section 2. That the cost of said contract shall be in an amount not to exceed \$100,000 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 June 19, 2000.
Effective June 29, 2000.

Ord. No. 1145-2000.

By Councilmen White and Polensek (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contracts with various agencies to provide services related to the Temporary Assistance to Needy Families Program.

Whereas, pursuant to Ordinance No. 525-2000, passed May 1, 2000, this Council authorized the Director of Personnel and Human Resources to apply for and accept a grant from the Ohio Department of Human Services for the Temporary Assistance to Needy Families Program; and

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

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

Section 1. That the Director of Personnel and Human Resources is hereby authorized to enter into contract with the following to provide services for the Temporary Assistance to Needy Families Program:

A Ross Learning, Inc.
Cleveland Institute of Dental/Medical Assistants, Inc.
Cleveland Municipal School District
Cuyahoga Community College (ONOW)
Early Childcare Options of University Circle
IMR-Global Orion
JPC Learning Center
Marriott CETP
Spirit of Cleveland
The Bridge Foundation

Section 2. That the total aggregate cost of the contracts autho-

rized above shall be paid from Fund No. 16 SF 100 and shall not exceed \$4,024,406.00, Request No. 15425.

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

Passed June 19, 2000.

Effective June 29, 2000.

Ord. No. 1146-2000.

By Councilmen White and Polensek (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contracts with various agencies to provide services related to the Workforce Investment Act Program.

Whereas, pursuant to Ordinance No. 657-2000, passed May 22, 2000, this Council, authorized the Director of Personnel and Human Resources, among other things, to accept allocations of grants from the State of Ohio Bureau of Employment Services under the Workforce Investment Act, Title I; 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 Personnel and Human Resources is hereby authorized to enter into contract with the following to provide services under the Workforce Investment Act, which include services for youth, adult employment and training services and services related to dislocated worker employment and training:

Catholic Charities — FATIMA Center
Center for Employment Training
Cleveland Industrial Training
Cleveland Municipal School District
Cleveland Public Theatre
Cuyahoga Metropolitan Housing
Association

IMR — Global Orion and Youth
Opportunities Unlimited
JPC Learning Center
The Bridge Foundation
Vocational Guidance Services
West Side Ecumenical Ministry
Youth Opportunities Unlimited
United Labor Agency

Section 2. That the total aggregate cost of the contracts authorized above shall be paid from Fund No. 16 SF 200 and shall not exceed \$3,492,325, Request Nos. 15424 and 16428.

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

Passed June 19, 2000.

Effective June 29, 2000.

REPRINT

Ord. No. 2009-A-99 (As a substitute for Ord. No. 2009-99).

By Councilmen Polensek, Brady, Britt, Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, Melena, O'Malley, Patmon, Robinson, Rybka, Sweeney, Westbrook, White and Willis.

An ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 189 relating to the Cleveland Fair Employment Law.

Whereas, it is beneficial to the health and welfare of all citizens of the City of Cleveland that all workers are paid an hourly wage which enables them to live above the level of poverty and reduces the amount of taxpayer funded social service programs in the City of Cleveland; and

Whereas, this legislation provides for a fair employment wage for employees employed by persons or entities, which are awarded contracts by, for, or on behalf of the City of Cleveland and receive economic assistance in conjunction with such contracts; and

Whereas, same employers who receive financial assistance from the City do not provide reasonable health insurance to their employees, thereby negatively affecting work performance and absenteeism, resulting in a decrease in the quantity and quality of services rendered by such employees to the City and to the public; and

Whereas, the City is greatly concerned with the general health and welfare of its citizens and such interest is furthered when its citizens are provided reasonable health care insurance coverage; and

Whereas, when the City uses contractors or subsidizes businesses which do not provide health insurance to their employees, this often imposes the cost of their medical care on the City, county, state and federal governments, an impact that can be avoided only if employers provide health insurance in a reasonable form; and

Whereas, because employees are far likelier to be healthy and, therefore, more productive workers if their employers provide an adequate level of compensation, including reasonable health insurance for them and their dependents, this legislation both mandates the payment of a fair employment wage and provides incentives to encourage contractors with the City to provide health insurance benefits to their employees; and

Whereas, the purpose of this legislation is to provide for a fair employment wage and promote health insurance benefits for workers employed by employers receiving assistance from the City and, as a result, enhance the welfare of workers in the City of Cleveland; and

Whereas, this ordinance constitutes a measure providing for the preservation of the public health, safety, and welfare of the citizens of the City of Cleveland; now, therefore,

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are

hereby supplemented by enacting Chapter 189, to read as follows:

Chapter 189

CLEVELAND FAIR
EMPLOYMENT LAW

Section 189.01 Definitions
Section 189.02 Fair Employment Wage
Section 189.03 Compliance
Section 189.04 Fair Employment Wage Board
Section 189.05 Monitoring and Enforcement
Section 189.06 Exemptions Section
189.07 Evaluation
Section 189.08 Severability
Section 189.09 Effective Date

Section 189.01 Definitions

For the purposes of this chapter, the following words, phrases and terms are defined as follows:

(a) "Applicable Department" means the City department administering Service Contracts or the City department to which a person or entity applies for Assistance.

(b) "Assistance" means any form of City financial assistance, except for financial assistance provided for the development, rehabilitation or other means of providing residential housing, that is awarded, renegotiated or renewed after the effective date of this Ordinance. Assistance covered by this Chapter includes but is not limited to: grants; economic development loans; tax credits, incentives and abatements; subsidies; and bonds. For purposes of determining coverage under this Chapter, financial assistance shall be valued to the extent the recipient of the assistance derives a monetary benefit from the City. For instance, loans shall be considered Assistance only to the extent they are forgiven or discounted below the available market rate over the life of the loan. Tax credits, incentives and abatements shall be considered Assistance to the extent of the tax reduction realized by the recipient. For purposes of this Chapter, Assistance does not include financial assistance which is received from another government or other entity with the City acting only as a conduit or fiscal agent for the funds, where the City exercises no control over the identity of any recipient or of the terms of the contract. Community Development Block Grant Funds are not considered conduit funds under this section and, to the extent they otherwise qualify, are included as Assistance and are covered by this Chapter.

(c) "City" means the City of Cleveland and all City divisions, departments, and offices.

(d) "Covered Employee" means:

(1) Any person employed by or working as a trainee, except as otherwise provided in subsection (4)(B) below, for a "Covered Employer 11 who is a for-profit contractor or subcontractor on a City Service Contract;

(2) Any person employed by or working as a trainee for a "Covered Employer" who is a not-for-profit contractor or subcontractor on one or more City Service Contracts if such person expends at least half of his or her time performing services pursuant to such Service Contract(s); or

(3) Any person employed by a Covered Employer who is a Recipient of Assistance from the City.

(4) The following are not "Covered Employees" for purposes of this Chapter:

(A) an individual who provides solely volunteer services that are uncompensated except for reimbursement of expenses such as meals, parking or transportation;

(B) an individual in a job training program where job training and classroom instruction is being provided to clients in order to develop new specialized skills for employment and the individual would be considered a client of the program even though the individual receives compensation;

(C) an individual, employed in public construction work that is subject to the provisions of state or federal law pertaining to wage rates for public works employment;

(D) employees covered by a collective bargaining agreement or the Railway Labor Act;

(E) employees of commercial retail establishments; (F) persons not employed in the State of Ohio; (G) persons under eighteen (18) years of age; (H) employees of residential/single and multi-family housing projects; (I) persons employed by a Covered Employer who, on average, work less than thirty (30) hours per week, other than seasonal employees employed by the City of Cleveland.

(e) "Covered Employer" means the following:

(1) Any person or entity that is a Recipient of Assistance from the City that has an aggregate value at least \$75,000 that has not been granted an exemption from this Chapter pursuant to Section 189.06 and is either:

(A) a for-profit employer having at least twenty (20) employees at the time of execution of agreement With the City;

(B) a not-for-profit employer of having at least 50 employees at the time of execution of agreement with the City and the salary ratio between the highest paid and lowest paid employees at such not-for-profit is more than five (5) to one (1).

As used in this division, "aggregate value" means the actual dollar benefit received from Assistance over the term of the Assistance.

(2) Any company or person that is a tenant or leaseholder of a Recipient of Assistance and that occupies property or uses equipment or property that is improved or developed as a result of Assistance; and is either:

(A) a for-profit employer of having at least twenty (20) employees at the time of execution of agreement with the City;

(B) a not-for-profit employer having at least 50 employees at the time of execution of agreement with the City and if the salary ratio between the highest paid and lowest paid employees at such not-for-profit is more than five (5) to one (1).

(3) A contractor or subcontractor of a Recipient of Assistance providing service in the project or matter for which the Recipient of Assistance has received Assistance.

(4) Any person or entity that has entered into one or more Service

Contracts, as defined in this section, with the City that have an aggregate value of at least \$25,000, that has not been granted an exemption from this chapter pursuant to Section 189.06 and is either:

(A) a for-profit employer of having at least twenty (20) employees at the time of execution of agreement with the City;

(B) a not-for-profit employer having at least 50 employees at the time of execution of agreement with the City and if the salary ratio between the highest paid and lowest paid employees at such not-for-profit is more than five (5) to one (1).

Any Subcontractor of a covered Service Contractor performing services pursuant to the Service Contract.

(f) "Fair Employment Wage" has the meaning stated in Section 189.02 of this Ordinance.

(g) "Fair Employment Wage Board" ("FEWB") has the meaning stated in Section 189.04 of this Ordinance.

(h) "Person" means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association or other entity that may employ individuals or enter into contracts and all other entities recognized at law by the State of Ohio.

(i) "Recipient of Assistance" means:

(1) Any person or entity who enters into one or more contracts with the City for Assistance, as defined in this section;

(2) Any person or entity that is a direct recipient of Assistance, as defined in this section;

(j) "Service Contract" means any contract or subcontract between a person, business or corporation and the City of Cleveland that primarily involves the furnishing of services to the City (as opposed to the purchase of goods or other property or the leasing of property), and shall be limited to the following categories of services: food service, janitorial, security services, parking lot attendants, home health care, health care aides, waste management, automotive repair services, landscaping, towing contracts, building and maintenance services, carpentry, clerical services, urban forestry, housekeeping, street maintenance and repair, and sidewalk maintenance and repair. This includes services performed on City-owned premises including the following City-owned locations: airports, parking lots, municipal parks, recreational facilities, and City-owned buildings. Contracts that are primarily for the purchase of goods or other property are not considered Service Contracts for purposes of this Chapter.

(k) "Service Contractor" means a person who enters into a Service Contract with the City.

(l) "Subcontractor" means any person who enters into a contract with a Service Contractor that is a Covered Employer under subsection (e)(2) of this section to assist the Service Contractor in performing a City Service Contract.

Section 189.02 Fair Employment Wage

All Covered Employers shall pay no less than the Fair Employment

Wage to Covered Employees. Determination of the Fair Employment Wage shall be in accordance with the following:

(a) Amount of Fair Employment Wage:

(1) The Fair Employment Wage shall be calculated on an hourly basis and shall be at least \$8.20 per hour beginning January 1, 2001; \$8.70 beginning October 1, 2001; and \$9.20 beginning October 1, 2002. Thereafter, the Fair Employment Wage shall be adjusted by the City of Cleveland on an annual basis, beginning October 1, 2003 and each year thereafter in proportion to the Consumer Price Index for Northeast Ohio, as published by the Bureau of Labor Statistics, U.S. Department of Labor.

(2) Tipped employees, i.e., employees for whom a substantial portion of their compensation consists of tips or gratuities, shall be paid an hourly wage which, when combined with the compensation received in tips, will at least equal the Fair Employment Wage.

(b) All employees working for the City shall be paid at least a Fair Employment Wage. Work being performed by City employees at the time of the effective date of this Chapter may not be contracted out unless the contractor pays employees performing that work the Fair Employment Wage or the current wages and benefits being paid to workers doing that or similar work, whichever is higher, regardless of the number of employees.

(c) Any new jobs created by the City that are not currently being performed by City employees as of the effective date of this ordinance must be paid a fair employment wage if contracted out, regardless of the number of employees.

(d) Health Care Incentives:

(1) In order to encourage Covered Employers to provide reasonable health care coverage to their employees, the City shall provide the following incentives to Covered Employers:

(A) Applicable Departments shall consider the fact that a Service Contractor provides or agrees to provide during the course of the Service Contract reasonable health care insurance to Covered Employees working 30 or more hours a week as a factor in determining the lowest and best or lowest responsible bid for any Service Contract. If a Service Contractor can demonstrate that it has offered reasonable health care insurance to its employees but as a group the employees have refused the health care insurance coverage, the Service Contractor is entitled to the same consideration and treatment in the bidding process as a Service Contractor who provides or agrees to provide reasonable health care insurance. The Division of Purchases and Supplies shall promulgate regulations for the evaluation of bids and proposals that provide for meaningful consideration of the offering of reasonable health care insurance in determining the lowest and best or lowest responsible bid. Such regulations must be reviewed and approved by Cleveland City Council.

(B) Applicable Departments shall offer additional financial incentives to Recipients of Assistance who will provide reasonable health care insur-

ance to their Covered Employees working 30 or more hours a week during the term of the contract for Assistance. Examples of such incentives include: more favorable terms for a loan, such as a lower interest rate; a higher percentage of taxes to be credited or abated; a higher amount for a grant, etc. Whether or not such incentives have been offered; the reasons for offering or not offering such incentives; the terms of such incentives, if offered; and any evidence of the intent of the proposed Recipient of Assistance to provide reasonable health care insurance shall be a part of the information provided by the Applicable Department to Cleveland City Council for consideration in connection with any ordinance authorizing a contract for Assistance.

(2) In order to qualify a Covered Employer for an incentive as provided in the previous section, the reasonable health care insurance provided to employees must be comparable to a family health care insurance plan provided by the City to its employees.

(3) Evidence of the offer or provision or the intent to provide or offer reasonable health care insurance benefits qualifying a Covered Employer for such incentives shall be submitted to the Applicable Department upon request.

Section 189.03 Compliance

(a) All bids, proposals and applications for City Service Contracts or for Assistance shall contain the following:

(1) the number of persons employed by the applicant for a service contractor or assistance and, if different, the number of persons who will be employed if the applicant obtains the contract;

(2) whether the employer provides or offers to provide health care insurance for its employees and the basic outlines of any health care plan;

(3) a sworn declaration signed by a duly authorized officer of a Covered Employer stating that the applicant will comply with the requirements of this Ordinance.

(4) as to any applicant awarded a contract for Assistance, such information will be provided to City Council for consideration in connection with any ordinance authorizing such contract. The information will be maintained in the Council legislative file for the ordinance and shall be provided by the Applicable Department to the Fair Employment Wage Board.

(5) As to any applicant awarded a service contract, the following information shall be provided to the Clerk of City Council; amount of the contract, name of the contractor, service to be provided, and a sworn affidavit stating that all covered employees are being paid a Fair Employment Wage.

(b) All City Service Contracts and Assistance Agreements subject to this Chapter shall contain the following language:

This agreement is subject to the City of Cleveland Fair Employment Wage Chapter 189 of the Codified Ordinances and requires, among other things, that unless specific exemptions apply, Covered Employers, as defined, under contracts with the City and recipients of City finan-

cial assistance, as defined, shall provide payment of a minimum level of compensation to employees. Failure to comply with that Chapter and/or any implementing regulations may result in termination of the contract or debarment from future contracts or financial assistance.

(c) Maintenance of Payroll Records

Each Covered Employer shall maintain payrolls for all Covered Employees and basic records related thereto and shall preserve them for a period of three years following termination of the Covered Employer's agreement with the City. The records shall contain the following for each Covered Employee:

(1) his or her name and address, job title and classification;

(2) the number of hours worked each day, gross wages earned, deductions made, and net wages paid;

(3) a record of contributions to health care plans; and (4) any such other data the Applicable Department or Cleveland City Council may require.

(d) Access

Upon demand by the Applicable Department, Covered Employers shall provide to such department access to the Payroll Records required to be maintained by this section, and will permit representatives of such department to observe work being performed upon the work site and to interview employees as deemed necessary by the department to monitor compliance or to investigate a charge of noncompliance with the terms of this Chapter.

(e) Notice Requirements

(1) Covered Employers shall be required to provide notice to Covered Employees of their rights arising from this Chapter. The notice will be provided by the FEWB and must be posted in a conspicuous place frequented by Covered Employees in the Covered Employer's workplace(s).

(2) Covered Employers shall inform employees making less than twelve dollars (\$12.00) per hour, or such amount as may be modified from time to time by federal law, of their possible right to the federal Earned Income Credit ("EIC") under § 32 of the Internal Revenue Code of 1954, 26 U.S.C. § 32, as may be amended from time to time, and shall make available to employees forms informing them about the EIC and forms required to secure advance EIC payments from the employer within 30 days of employment. The forms shall be provided to the eligible employees in English, Spanish and other languages spoken by a significant number of employees.

(3) Covered employer shall establish a goal that at least 40% of persons newly hired to perform work on service contracts or contracts receiving Assistance shall be residents of the City of Cleveland.

(f) Compliance with Federal Labor Laws.

Covered Employers must comply with all applicable federal labor laws, including the National Labor Relations Act.

Section 189.04 Fair Employment Wage Board

(a) The Fair Employment Wage Board (FEWB) shall review the

effectiveness of the living wage ordinance to ensure that the community is informed on whether those companies that are receiving public assistance, government loans, and service contracts from the City are adhering to the ordinance. The FEWB shall make recommendations to the Cleveland City Council, when appropriate, regarding issues pertaining to the living wage policy.

(b) The FEWB shall be composed of two representatives from the business community, two representatives from labor organizations, one representative from community groups, one representative from the Mayor's office and one representative from Cleveland City Council. The FEWB members shall be appointed to the FEWB by the Mayor, subject to the approval of City Council. Each FEWB member shall be a resident of the City of Cleveland. No person shall be appointed to the Fair Employment Wage Board who has any interest in a contract, loan, grant or other financial assistance from the City of Cleveland.

(c) The Mayor shall initially appoint three members of the FEWB for one-year terms, two members to two-year terms, and two members for a three-year term. Thereafter, all members shall serve three-year terms. Members may serve more than one term.

(d) At the beginning of each year the FEWB members shall elect a chairperson and vice chairperson by majority vote. The FEWB shall hold meetings quarterly and in special sessions as called by the chairperson or by a majority of the members. All meetings of the FEWB shall be open to the public. All meetings will allow for public testimony on compliance with the Fair Employment Wage Chapter and minutes of all meetings shall be taken.

(e) The FEWB shall be provided with and shall review:

(1) All reports on compliance filed by Applicable Departments as provided by this Chapter;

(2) The results of any investigations of Covered Employers as provided by this Chapter;

(3) All applications for exemptions from coverage filed by recipients of Assistance and Service Contractors as provided by this Chapter.

The FEWB shall provide recommendations regarding such matters to City Council.

(f) The FEWB shall monitor, analyze and study information provided by the City to ensure that Covered Employees whose employers are receiving incentives for the offer or provision of health care insurance are receiving or being offered substantially equivalent health care benefits as are provided to City employees.

Section 189.05 Monitoring and Enforcement

(a) Monitoring and Reporting

(1) Assistance. Semi-annually the Applicable Department shall inspect the Payroll Records of each Covered Employer receiving Assistance to determine whether the Covered Employer is in compliance with the requirements of this Chapter. Semi-annually, the Applicable Department shall file a report with the Fair

Employment Wage Board and with the Clerk of City Council stating whether each Covered Employer receiving Assistance inspected by the Department within the preceding six months is in compliance and, if not, the specific reasons that cause the determination of noncompliance.

(2) Service Contracts. As to Service Contractors who are Covered Employers, enforcement of the provisions of this Chapter will primarily depend on charges of noncompliance filed by Covered Employees who will have been informed of their rights through posting of the notice of such rights and such other educational efforts as may be undertaken by the FEWB. Such charges will result in investigations by the Applicable Department, as described below.

(b) Any person, including a Covered Employee who alleges that his or her employer is not complying with the requirements of this Chapter, may allege that a violation of this section has occurred by filing a charge of noncompliance with the Applicable Department within 180 days of the alleged violation or knowledge thereof. Such charge shall state, in writing and under oath, the name and address of the person making the charge, the name and address of the employer(s) alleged to have committed the violation of this Chapter and the particular facts thereof and such other information as may be required. Upon the filing of a charge of noncompliance, the Applicable Department shall acknowledge the receipt of the charge, and shall forward the charge to the Clerk of Council. A copy of the charge shall also be forwarded to the FEWB.

(c) Investigations. The Applicable Department shall initiate an investigation to determine whether a violation of this Chapter has occurred under any of the following circumstances:

(1) Upon receiving a charge of noncompliance;

(2) If the Department's review of information maintained or reported by a Covered Employer indicates that the Covered Employer may have violated this Chapter;

(3) The Department has other reason to believe that a Covered Employer may have violated this Chapter.

(d) Any investigation shall be completed within thirty day of the occurrence triggering the investigation. To the extent permitted by law, the City shall not make public in any manner and shall retain as confidential all information obtained as a result of the preliminary investigation. At the completion of the investigation, the Director of the Applicable Department shall take one of the following actions:

(1) Notify the charging party, if any, the FEWB and the Covered Employer that it is not probable that a violation of this Chapter has been or is being engaged in and that a complaint will not issue in the matter; or

(2) Notify the charging party, if any, the FEWB and the Covered Employer that it is probable that a violation of this Chapter has occurred, initiate a complaint against the Covered Employer and

schedule it for informal methods of conciliation pursuant to Division (e) of this Section.

(e) Conciliation. If the investigation leads to a finding by the Director of the Applicable Department of probable cause to believe that a Covered Employer is in noncompliance with this Chapter, the Director shall attempt to conciliate the matter. The Director shall send out notice to the Covered Employer(s), the affected Covered Employee(s) and to the FEWB with a time and date set for the conciliation meeting. The conciliation meeting must be scheduled to occur within fifteen working days of completion of the investigation, though for good cause shown it can be rescheduled. If the investigation resulted from a filed charge of noncompliance, a conciliation agreement may be not be entered without the consent of both the Covered Employer and the charging party. If the investigation was initiated by the Applicable Department on its own, the Director has authority to enter into a conciliation agreement.

(f) Hearing. If conciliation does not result in a settlement of the complaint, the Director of the Applicable Department shall appoint a Hearing Officer to conduct a hearing on the complaint. Any Hearing Officer shall be either a member of Ohio's Judiciary or an attorney licensed to practice in Ohio. The Hearing Officer shall schedule a hearing with a 30-day notice of the hearing provided to the Covered Employer, Covered Employee(s) or other charging parties, if any, the Clerk of City Council and the FEWB. In conducting such hearings, the Hearing Officer shall be empowered to subpoena witnesses, compel their attendance, administer oaths, take sworn testimony and require the production for examination of any documents relating to the complaint.

(g) After the conclusion of the hearing, the Hearing Officer shall report his or her findings to the Director within fifteen (15) days. The Director may adopt, reject or modify the findings of the Hearing Officer. Within seven days after receipt of the findings of the Hearing Officer, the Director shall render a decision in the form of a written order which shall include findings of fact, a statement as to whether the Covered Employer has violated this Chapter and such remedial actions as the Director may order. The order shall be served upon the parties by certified mail within fifteen (15) days of the date of the decision. A copy of the decision shall be provided to the FEWB and the Clerk of City Council.

(h) Appeals

Any Covered Employer or Employee who objects to any decision of the Director of the Applicable Department relative to enforcement of this Chapter may appeal such decision to the Common Pleas Court or as otherwise provided by law.

(i) Sanctions

Any covered employer found not to be in compliance with the provisions of this Chapter or who has submitted false or fraudulent information may be subject to one or more of the following sanctions imposed by the City of Cleveland:

(1) Withholding of payments, either in whole or in part, until the Covered Employer cures the default or is in full compliance with this chapter.

(2) Termination, suspension or cancellation of the contract in whole or in part. (3) Denial of the right of the Covered Employer to bid on future contracts for no more than five (5) years after the violation is found.

(4) In the case of Assistance, to refund any sums disbursed by the City. (5) The filing of a complaint with any pertinent federal agency.

No remedy set forth in this Chapter is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights granted under this chapter in a court of law.

Retaliation and Discrimination Barred. During the term of the contract, a Covered Employer shall not discharge, reduce the compensation or otherwise discriminate against any employee for making a complaint to the City or otherwise asserting his or her rights under this chapter, participating in any of its proceedings or using any remedies to enforce his or her rights under this Chapter. A person who believes he or she has been retaliated against in violation of this section may file a charge of noncompliance with the Clerk of City Council, as provided in subsection (b) of this section. Such charge shall be processed, investigated and, if necessary, conciliated and heard according to the procedure set forth in this. If, after a hearing, the allegations of retaliation are found to be true, the Director of the Applicable Department shall order appropriate sanctions, including the denial of the right to bid on future City contracts for a specified time period, as provided in subsection (i) of this section.

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

(1) No criminal penalties shall attach for any violation of this Chapter.

Section 189.06 Exemptions

(a) Construction and Prevailing-Wage Exemption

Nothing in this chapter shall apply to jobs in public construction work that are subject to federal and/or state law pertaining to wage rates or covered by prevailing wage agreements or collective bargaining agreements.

(b) Granted Exemptions

(1) Cleveland City Council may, through passage of legislation, grant a partial or whole exemption from the requirements of this Chapter on the following grounds:

(A) A hardship exemption for otherwise Covered Employers that can demonstrate a specific, particular harm that would be felt uniquely by the Covered Employer if this chapter were to be applied. Economic harm alone will not suffice to demonstrate hardship unless it is of a type that would not affect any other actual competitor for the contract, subcontract or lease. The following types of specific particular

harm may provide grounds for a hardship exemption:

(i) a loss of profitability that will result in the elimination of jobs; (ii) a loss in profits that will substantially impact the Covered Employer's long-term stability;

(iii) as to not-for-profit community or social service agencies or organizations, a substantial hindrance in the ability to deliver service.

(2) Procedures. Application for an exemption shall be made to the Applicable Department. If the need for the exemption is known to the applicant at the time it applies or during the term of the contract for a Service Contract or Assistance, the application for the exemption should be submitted with the application for the Service or Assistance Contract.

(A) The Director of the Applicable Department shall review and make a determination on the application within ten (10) days and respond to the applicant in writing, setting forth the reasons for the determination.

(i) Notice of the request for an exemption shall be forwarded to the Fair Employment Wage Board and the Clerk of Cleveland City Council.

(ii) A copy of the Director's determination regarding the application for the hardship exemption shall be forwarded to the Fair Employment

Wage Board and the Clerk of Cleveland City Council.

(B) Should the exemption be recommended by the Director, the Director shall cause legislation to be drafted and acted upon by Cleveland City Council granting the exemption. At such time, the Director shall forward to Council along with the recommendation all supporting documents and other materials, including those supplied by the applicant for the exemption, as provided in the next section. If the exemption is recommended and Council adopts the recommendation before the Service or Assistance contract is entered into, the legislation authorizing such contract shall include a provision granting the exemption.

(3) Contents of Exemption Request

(A) Hardship Exemption requests shall include:

(i) the lower wage to be paid by the Covered Employer;

(ii) a detailed explanation of how the payment of the Fair Employment Wage will cause particular harm; and

(iii) supporting financial statements and/or other documents.

Section 189.07 Evaluation

After a three (3) year period from the effective date of this ordinance, an evaluation on the impact of this ordinance shall be done.

The Mayor, City Council, and the FEWB shall decide on who shall perform the evaluation and the scope of the evaluation. After one (1) year following the effective date of this ordinance, Cleveland City Council shall hold a hearing for the purpose of reviewing this legislation.

Section 189.08 Severability

In the event any provision of this Chapter is held unconstitutional or invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 189.09 Effective Date

The Fair Employment Wage Ordinance shall be effective on January 1, 2001.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 19, 2000.

Effective July 29, 2000, without the signature of the Mayor.

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NO MEETINGS

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