

# The City Record

Official Publication of the City of Cleveland

May the Twenty-Fourth, Two Thousand

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL—LEGISLATIVE

President of Council—Michael D. Polensek

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

### MAYOR – Michael R. White

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 87

WEDNESDAY, MAY 24, 2000

No. 4511

## CITY COUNCIL

MONDAY, MAY 22, 2000

The City Record  
Published weekly under authority  
of the Charter of the  
City of Cleveland  
Subscription (by mail) \$75.00 a year  
January 1 to December 31  
Interim subscriptions prorated  
\$6.25 per month  
Address all communications to  
**RUBY F. MOSS**  
Clerk of Council  
216 City Hall

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

#### MONDAY

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, May 22, 2000.

The meeting of the Council was called to order, The President, Michael D. Polensek, in the Chair.

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

Also present were Mayor White and Directors Carter, Brooks, Koniczek, Ricchiuto, Jackson, Hudecek, Patterson, Alexander, Dove, Morrison and Acting Directors Balraj, Szabo and Hahn.

Absent: Directors Sheffield-McClain, Guzman and Whitlow.

Pursuant to Ordinance No. 2976-76 the Council Meeting was opened with a prayer offered by Rev. Modesto Espinoza, Pastor of First Hispanic United Methodist Church, located at 1965 West 44th Street in Ward 14. Pledge of Allegiance.

#### MOTION

On the motion of Councilman Lewis, the reading of the minutes of the last meeting was dispensed with and the journal approved.

#### COMMUNICATIONS

**File No. 884-2000.**  
From Vocational Guidance Services re: 2000 Our Goals and 1st Quarter Results. Received.

**File No. 885-2000.**  
From the Cleveland Public Library re: 1999 Annual Report. Received.

**File No. 886-2000.**  
From the City of Strongsville re: Meeting with Cleveland Water Department regarding proposed water rate increase. Received.

#### PLAT

**File No. 571-2000.**

Dedication for Fernshaw & Riveredge Avenue cul-de-sac/Fairview General Hospital. Bearing the approval of the Committees on Public Service and City Planning.

Without objection, Plat approved. 20 Yeas. 0 Nays.

#### MAYOR'S APPOINTMENTS

**File No. 90-2000-A.**

May 22, 2000

To the Honorable President and Members of Cleveland City Council:

Concerning the report of the Mayor's Appointment Committee on the Mayor's Appointments to the Cleveland-Cuyahoga County Port Authority.

We have before us the Mayor's letter dated January 21, 2000 wherein he recommends the appointment of Mr. Daniel J. Clark to the Cleveland-Cuyahoga County Port Authority, term expiring January 28, 2004.

Please note, that after careful consideration, the Mayor's Appointment Committee hereby recommends the disapproval of the appointment as stated above.

#### Members, Mayor's Appointment Committee.

Michael C. O'Malley, Chairman  
Patricia Britt  
Joseph Cimperman  
Bill W. Patmon  
Martin J. Sweeney

#### MOTION

By Councilmember Lewis, seconded by Councilmember O'Malley, that the letter dated May 22, 2000 from the Mayor's Appointment Committee recommending the disapproval of Daniel J. Clark to the Cleveland-Cuyahoga County Port Authority, File No. 90-2000-A, is hereby approved by Council.

Without objection, the appointment of Daniel J. Clark to the Cleveland-Cuyahoga County Port Authority disapproved. 20 Yeas. 0 Nays.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 887-2000**—Ruby L. Avery.  
**Res. No. 888-2000**—Dora M. Hardy.  
**Res. No. 889-2000**—Artanda Pride Newsome.

**CONGRATULATION RESOLUTIONS**

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

**Res. No. 890-2000**—Collinwood High School Lady Railroaders.

**Res. No. 891-2000**—Florence L. Maye.

**Res. No. 892-2000**—Betty L. Drain.

**RECOGNITION RESOLUTIONS**

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

**Res. No. 893-2000**—Cynthia L. Owens.

**Res. No. 894-2000**—Anda Cook.

**Res. No. 895-2000**—Edith Donaldson.

**APPRECIATION RESOLUTION**

The rules were suspended and following Resolution was adopted without objection:

**Res. No. 896-2000**—Roland Forté.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**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 \$8,820,000 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 Eight Million Eight Hundred Twenty Thousand Dollars (\$8,820,000) (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 Eight Million Eight Hundred Twenty Thousand Dollars (\$8,820,000) 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 with-out 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. 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 dis-

charge 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 Investment Corp. and Lehman Brothers (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 Direc-

tor 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 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 nec-

essary to meet the annual debt charges for the Bonds.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

**Section 7. General Obligation.** The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

**Section 8. Defeasance.**

**(a) Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

**(b) Payment and Discharge of Bonds.** Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by, an independent public accounting firm of national reputation 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 Eight Million Eight Hundred Twenty Thousand Dollars (\$8,820,000) (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 Reg-



istrar 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 Purchas-

er"). 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. 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.

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

**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 \$5,280,000 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 Two Hundred Eighty Thousand Dollars (\$5,280,000) (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 Two Hundred Eighty Thousand Dollars (\$5,280,000) 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 inci-

dental 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 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 Redemp-

tion 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 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 Investment Corp. and Lehman Brothers (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 arrange-

ments 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. 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 Five Million Two Hundred Eighty Thousand Dollars (\$5,280,000) (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 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, 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. 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.

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



**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 Investment Corp. and Lehman Brothers (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. 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 provi-

sion 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 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 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. 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.

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

**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 denom-

ination 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 thereon 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 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 NatCity Investments, Inc., SBK Investment Corp. and Lehman Brothers (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. 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 hold-

er, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

**Section 9. Bond Anticipation Notes.**

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Two Million Three Hundred Ten Thousand Dollars (\$2,310,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

**Section 10. Term of the Notes.** The Notes shall bear interest at such rate, not exceeding 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 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 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 inter-

est 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. 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.

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

**Ord. No. 901-2000.**

**By Councilman Coats.**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 686A relating to hotels.**

Whereas, this ordinance constitutes an emergency measure providing for 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 Chapter 686A, to read as follows:

**Chapter 686A  
HOTELS**

Section 686A.01 Definitions  
Section 686A.02 Room Rental  
Section 686A.99 Penalty

**Section 686A.01 Definitions**

As used in this chapter "hotel" shall have the same definition as found in Section 363.08 of the Codified Ordinances of the City of Cleveland, Ohio, 1976.

**Section 686A.02 Room Rental**

No person, business or corporation shall offer a room for hire or rent in a hotel for a period of less than twenty-four hours. This provision shall not apply, however, to meeting, dining and banquet rooms located in hotels.

**Section 686A.99 Penalty**

Whoever violates any provisions of this chapter shall be guilty of a misdemeanor of the fourth degree.

Referred to Directors of Finance, Law; Committees on Legislation, Finance.

**Ord. No. 902-2000.****By Councilman Patmon (by departmental request).****An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums herein set forth opposite the names of the claimants.**

Whereas, this ordinance constitutes an emergency measure providing for 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 pay as Moral Claims the sums set forth opposite and names of the following claimants and charged against the fund numbers opposite the names of the claimants:

Claimant	Claim No.	Amount	Division	Fund
Milan Kovatch	10857	\$1,500.00	Water Pollution Control	54 SF 001
Christopher Velotta	10862	\$602.43	Water Pollution Control	54 SF 001
Tania Starcovic	10868	\$296.59	Water Pollution Control	54 SF 001
Carol Dolan	10869	\$1,500.00	Water Pollution Control	54 SF 001
Matthew Cappezzuto	10886	\$1,000.00	Water Pollution Control	54 SF 001
Oscar Crowder III	10893	\$300.00	Water Pollution Control	54 SF 001
Zaremba Molden Investments	10902	\$1,000.00	Water Pollution Control	54 SF 001
James Carr, Jr.	10907	\$500.00	Water Pollution Control	54 SF 001
Danette Boone	10911	\$500.00	Water Pollution Control	54 SF 001
David Sandoval	10921	\$1,500.00	Water Pollution Control	54 SF 001
Beverly Jarrett	10930	\$250.00	Water Pollution Control	54 SF 001
Gloria Rauscher	10936	\$1,500.00	Water Pollution Control	54 SF 001
Charlotte Hamilton	10937	\$500.00	Water Pollution Control	54 SF 001
Rick Plotz	10939	\$500.00	Water Pollution Control	54 SF 001
Shirleen and Tyrone Mitchell	10925	\$2,000.00	Water Pollution Control	54 SF 001
Narun Prak	10926	\$498.15	Water Pollution Control	54 SF 001
Robert Smith	10927	\$1,639.75	Water Pollution Control	54 SF 001
Robert and Ethel Gentry	10811	\$350.00	Police	01-600202-672000
Juanita Garnett	10864	\$1,159.00	Police	01-600202-672000
Douglas Hawkins	10870A	\$290.00	Police	01-600202-672000
Emmanuel Lozano	10870B	\$500.00	Police	01-600202-672000
Tommie and Eddie Tartt	10888	\$125.00	Police	01-600202-672000
Jerry Beavers	10900	\$282.49	Police	01-600202-672000
Katherine Habdas	10918	\$300.00	Police	01-600202-672000
Chris Hall	10935	\$608.41	Police	01-600202-672000
Keith Sehlegel	10942	\$71.00	Police	01-600202-672000
Nancy Cooper	10874A	\$180.82	Fire	01-600302-672000
Rafik Massouh-Kharaz	10874B	\$502.55	Fire	01-600302-672000
James Moss, Sr.	10903	\$1,000.00	Fire	01-600302-672000
Renetha S. Webb	10931	\$590.75	Fire	01-600302-672000
Bobby Betts	10932	\$575.77	Fire	01-600302-672000
Donald Phillips	10894	\$500.00	EMS	01-600402-672000
Dempsey Powers	10851	\$51.36	Park Maintenance	01-701205-672000
St. Joseph Collinwood Elementary School	10872	\$250.00	Recreation	01-700404-672000
Showanda Bolwaire	10861	\$1,375.00	Park Maintenance (Urban Forestry)	01-701204-672000
Dolores Smaloer	10890	\$490.60	Park Maintenance (Urban Forestry)	01-701204-672000
Willa Wright	10897	\$500.00	Park Maintenance (Urban Forestry)	01-701204-672000
Cyrus E. Oatridge	10877	\$1,799.95	Streets	11 SF 401
Frank Townsend	10904	\$19.33	Waste Collection	01-400303-672000
Granger Trucking, Inc.	10922	\$524.75	Waste Collection	01-400303-672000
Marian Belle	10899	\$78.00	Municipal Clerk Of Courts	01-011601-672000

**Section 2.** That the authority of the Director of Finance to pay the amounts set forth in Section 1 of this ordinance is conditioned upon a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.

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

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

**Ord. No. 903-2000.**

By Councilman Patmon (by departmental request).

An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 1174-97, passed July 16, 1997, relating to the purchase, lease or lease with option to purchase of telephone equipment and systems, voice and data communication systems and coin operated telephones, including equipment, service, supplies and materials necessary to service and maintain new and existing City telephone networks.

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

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

**Section 1.** That the title and Sections 1 and 2 of Ordinance No. 1174-97, passed July 16, 1997, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the purchase or lease, or lease with option to purchase of telephone equipment and systems, voice and data communication systems and coin operated telephones, including equipment, service, supplies and materials necessary to service and maintain new and existing City telephone networks, for the Department of Finance, for a period not to exceed three years.

**Section 1.** That the Director of Finance is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the purchase, lease or lease with option to purchase for the necessary items, exercisable by the Director of Finance, for a period not to exceed three (3) years, telephone equipment and systems, voice and data communication systems and coin operated telephones, including equipment, service, supplies and materials necessary to service and maintain new and existing City telephone networks, in the approximate amount as purchased during the preceding terms, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Finance.

**Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 60 SF 001, Request No. 8291.**

**Section 2.** That the existing title and Sections 1 and 2 of Ordinance No. 1174-97, passed July 16, 1997, are hereby repealed.

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

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

**Ord. No. 904-2000.**

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various on-road vehicles and off-road equipment, including labor and materials necessary for vehicle rehabilitation, and for safety equipment, computer and telecommunications equipment and operational equipment, 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 various on-road vehicles and off-road equipment, including labor and materials necessary for vehicle rehabilitation, and for safety equipment, computer and telecommunications equipment and operational equipment, as such vehicles and equipment are described in File No. 904-2000-A, in the estimated sum of \$17,586,807.00, 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.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 17766)

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

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

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

**Ord. No. 905-2000.**

By Councilman Patmon (by departmental request).

An emergency ordinance determining the method of making the public improvement of relocating the offices of Internal Audit to Rooms 1, 2 and 30 of City Hall, and improving Room 15 of City Hall for use by the Department of Law; and authorizing the Director of Finance and the Director of Law 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 relocating the offices of Internal Audit to Rooms 1, 2 and 30 of Cleveland City Hall, including but not limited to, reconstructing these three separate areas into one central office space, for the Department of Finance, 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 Finance 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, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of improving Room 15 of City Hall for use by the Department of Law, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 4.** That the Director of Law 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 5.** That the cost of said improvements hereby authorized shall be paid from Fund No. 11 SF 006, Request No. 4660.

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

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

**Ord. No. 906-2000.**

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

**An emergency ordinance to amend Section 129.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1148-88, passed May 16, 1998, relating to contracts for purchase of electric power and energy.**

Whereas, this ordinance constitutes an emergency measure providing for 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 129.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1148-88, passed May 16, 1998, is hereby amended to read as follows:

**Section 129.33 Contracts for Purchase of Electric Power and Energy**

Notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities, or any person designated for this purpose by the Director, is hereby authorized to enter into contracts for the wholesale purchase and sale of electric power and energy, as needed, for the Division of **Cleveland Public Power.**

**Section 2.** That Section 129.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1148-88, passed May 16, 1998, 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.

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

**Ord. No. 907-2000.**

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

**An emergency ordinance authorizing the Director of Port Control to amend Contract No. 53694 with Parsons Infrastructure and Technologies Group, Inc. to provide additional management services.**

Whereas, pursuant to Ordinance No. 1290-97, passed March 2, 1998, the Director of Port Control entered into Contract No. 53694 with Parson Infrastructure and Technologies Group, Inc. to provide management services; and

Whereas, additional management services are desired; and

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

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

**Section 1.** That the Director of Port Control is authorized to amend Contract No. 53694 with Parsons Infrastructure and Technologies Group, Inc. to provide additional management services, and to increase the amount of the contract by \$38,770,000. Said increase shall be

paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above services, Request No. 8274.

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

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

**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 costs for such services herein contemplated shall not exceed \$100,000.00 and shall be paid from Fund No. 60 SF 001, Request No. 8286.

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

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

**Ord. No. 909-2000.**

**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 manage and provide professional services for all maintenance services, including janitorial, snow removal and HVAC services for the consolidated car facility at Cleveland Hopkins International Airport, Department of Port Control, for a period of one year, with an option to renew for an additional one-year term.**

Whereas, this ordinance constitutes an emergency measure providing for 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 services necessary to manage and provide professional services for all maintenance services, including janitorial, snow removal and HVAC services for the consolidated car facility at Cleveland Hopkins International Airport, Department of Port Control, for a period of one year, with one (1) option exercisable by the Director of Port Control, to renew for an additional one-year term, and cancellable upon thirty days written notice by said Director.

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

**Section 2.** That the costs for such services herein contemplated shall be paid from Fund No. 60 SF 001, Request No. 8275.

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

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

**Ord. No. 910-2000.**

**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 services for construction material testing, quality assurance, and construction inspection for various projects undertaken by the various divisions of the Department of Port Control.**

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



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

**Section 1.** That the Director of Port Control is hereby authorized to 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 for construction material testing, quality control, quality assurance and construction inspection for various projects undertaken by 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 costs for such services herein contemplated shall not exceed \$1,804,000.00 and shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request No. 8211.

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

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

**Ord. No. 911-2000.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into an agreement with Continental Airlines for reimbursement of Continental for construction of the South Fuel Farm Hydrant Pumping Station at Cleveland Hopkins International Airport.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to enter into an agreement with Continental Airlines authorizing the City to reimburse Continental Airlines for construction of the South Fuel Farm Hydrant Pumping Station at Cleveland Hopkins International Airport, for the Department of Port Control. Said agreement shall be prepared by the Director of Law

and shall contain such terms and conditions as said Director deems necessary to protect and benefit the public interest.

**Section 2.** That the cost of said agreement authorized above shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above agreement, Request No. 8287.

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

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

**Ord. No. 912-2000.**

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

**An emergency ordinance determining the method of making the public improvement of constructing an employee parking lot and related facilities at the Riveredge site; authorizing the Director of Port Control 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 constructing an employee parking lot and related facilities, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

**Section 3.** That the Director of Port Control is hereby authorized to employ by contract one or more 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 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 Port Control from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 4.** That the cost of said improvement and services hereby authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request Nos. 8273 and 8279.

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

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

**Ord. No. 913-2000.**

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

**An emergency ordinance authorizing the Director of Port Control to issue credits to HMS Host, Inc., fka Host, Marriott Services Corp., under its Lease By Way of Concession, City Contract No. 33958, for construction of a concourse build-out, by HMS Host, Inc., for the addition of a Max & Erma's restaurant; and authorizing the Director to enter into an amendment to said contract regarding the improvement.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to enter into an amendment to its Lease By Way of Concession with HMS Host, Inc. (fka Host, Marriott Services Corp.) ("Host"), City Contract No. 33958, to provide for the construction by Host of additional concourse space for a full-size Max & Erma's restaurant.

**Section 2.** That the Director of Port Control ("Director") is hereby authorized to issue credits to HMS Host, Inc. under this amendment to its Lease By Way of Concession ("Lease"), City Contract No. 33958, for construction of a concourse build-out, by Host, for the addition of a full-size Max & Erma's restaurant. Host's rent shall be adjusted from the normal gross revenue per-

centages to account for Host's additional investment. The percentage of gross revenue due the City from the resulting Max & Erma's restaurant shall be treated separately from the percent gross revenue due the City from the other concessions governed by the contract. Host shall pay a minimum cash rent to the City which is equal to the current square foot per year rental rate for concourse space on Concourse C, with the remainder of the City's normal share of gross revenue remaining with Host until Host is made whole for its investment in concourse improvements which will at all times be owned by and titled to the City. The cost of the improvement by Host shall be amortized over a three year period beginning upon construction of the improvement.

**Section 3.** That the Director of Port Control is further authorized to execute any documents necessary and appropriate to issue such credits.

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

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

**Ord. No. 914-2000.**

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

**An emergency ordinance determining the method of making the public improvement of constructing Phase I of the centralized deicing facility and related glycol collection facility at Cleveland Hopkins International Airport; authorizing the Director of Port Control to enter into contract for the making of such improvement; and authorizing said director to employ one or more professional consultants to design Phases I and II of the improvement.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing Phase I of the centralized deicing facility and related glycol collection facility at Cleveland Hopkins International Airport, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

**Section 2.** That the Director of Port Control is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement provided however, that each separate trade

and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

**Section 3.** That the 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 services necessary design Phases I and II of 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 Port Control from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 4.** That the cost of said improvement and services hereby authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request Nos. 8239 and 8285.

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

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

**Ord. No. 915-2000.**

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

**An emergency ordinance determining the method of making the public improvement of constructing or repairing and upgrading of the existing Long Term Parking Garage structure at Cleveland Hopkins International Airport; authorizing the Director of Port Control 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 constructing or repairing and upgrading of the existing Long Term Parking Garage structure at Cleveland Hopkins International Airport, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

**Section 3.** That the Director of Port Control is hereby authorized to employ by contract one or more 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 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 Port Control from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 4.** That the cost of said improvement and services hereby authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request Nos. 8277 and 8278.

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

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

**Ord. No. 916-2000.**

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

**An emergency ordinance determining the method of making the public improvement of constructing a Consolidated Maintenance Facility at Cleveland Hopkins International Airport; and authorizing the Director of Port Control to enter into contract for the making of such improvement.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing a Consolidated Maintenance Facility to house field and vehicle maintenance and equipment, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

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

**Section 3.** That the cost of said improvement hereby authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request No. 8281.

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

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

**Ord. No. 917-2000.**

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

**An emergency ordinance determining the method of making the public improvement of constructing or renovating electrical vaults 5 and 7 at Cleveland Hopkins International Airport; authorizing the Director of Port Control 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 constructing or renovating electrical vaults 5 and 7 at Cleveland Hopkins International Airport, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

**Section 3.** That the Director of Port Control is hereby authorized to employ by contract one or more 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 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 Port Control from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 4.** That the cost of said improvement and services hereby authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request Nos. 8283 and 8284.

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

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

**Ord. No. 918-2000.**

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

**An emergency ordinance determining the method of making the public improvement of removing and replacing the upper level roadway at Cleveland Hopkins International Airport; and authorizing the Director of Port Control to enter into contract for the making of such improvement.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of removing and replacing the upper level roadway, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

**Section 3.** That the cost of said improvement hereby authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request No. 8280.

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

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

**Ord. No. 919-2000.**

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

**An emergency ordinance determining the method of making the public improvement of constructing a North fuel farm with truck rack for into-plane fueling; authorizing the Director of Port Control 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 constructing a North fuel farm with truck rack for into-plane fueling, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

**Section 3.** That the Director of Port Control is hereby authorized to employ by contract one or more 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 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 Port Control from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 4.** That the cost of said improvement and services hereby authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request Nos. 8288 and 8289.

**Section 5.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

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

**Ord. No. 920-2000.**

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

**An emergency ordinance determining the method of making the public improvement of constructing the North Terminal Expansion, including construction of baggage claim devices 1 and 2 to remove and replace baggage claim devices 3, 4, 5, and 6, upgrade of interior mechanical and electrical systems and construction of new offices and restrooms; authorizing the Director of Port Control to enter into contract for the making of such improvement; and authorizing the Director to enter into an agreement with Continental Airlines to buy back certain airline-owned baggage claim devices.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing the North Terminal Expansion, including construction of baggage claim devices 1 and 2 to remove and replace baggage claim devices 3, 4, 5, and 6, upgrade of interior mechanical and electrical systems and construction of new offices and restrooms at Cleveland Hopkins International Airport, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive for a gross price for the improvement.

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

**Section 3.** That the Director of Port Control is authorized to enter into an agreement with Continental Airlines to buy back certain airline-owned baggage claim devices on such terms and conditions as are acceptable to the Director of Law.

**Section 4.** That the cost of said improvement and services hereby authorized shall be paid from Fund Nos. 60 SF 126, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above project and

the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request No. 8257.

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

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

**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.

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

**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 Salvatore's Ristorante to encroach into the right-of-way of Edgell 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 Edgell 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 Southeastern line of Murray Hill Road S.E. (60.00 feet wide) at its intersection with the Northwestern line of Edgell Road S.E. (60.00 feet wide);

Thence Northeasterly along the said Southeastern line of Murray Hill Road about four (4) feet to the place of beginning;

Thence continuing along said Southeastern 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 Edgell Road S.E. (60.00 feet wide) with the Southeastern line of Murray Hill Road S.E. (60.00 feet wide);

Thence Southeasterly along said line of Edgell Road about 4.00 feet to the place of beginning;

Thence continuing along said line of Edgell 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 Edgell Road;

Thence Northwesterly and parallel with the Northwesterly line of line of Edgell 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.

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

**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 capita income (MCPCI) 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.

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

**Ord. No. 924-2000.**

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

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary for emergency cleanup and replacement of leaking underground storage tanks and systems, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary for emergency cleanup and replacement of leaking underground storage tanks and systems in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Main-

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

**Section 2.** That 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 17724)

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

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

**Ord. No. 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 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 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 Northeastly 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 Southeastly line of said vacated Riverbed Street, a distance of 100.92 feet to the Northeastly 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 Southeastly line of said vacated Riverbed Street, a distance of 99.48 feet to its intersection with the Southeastly prolongation of said Northeastly 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.

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

**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.

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

**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.

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

**Ord. No. 928-2000.**  
**By Councilmen Polensek and Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to enter into a requirement contract with Dictaphone Corporation for the a maintenance contract for Dictaphone equipment, for the Division of Emergency Medical Service, Department of Public Safety.**

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

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

**Section 1.** That it is hereby determined that the within services are non-competitive and cannot be secured from any source other than Dictaphone Corporation. Therefore, the Director of Public Safety is hereby authorized to make a written requirement contract with Dictaphone Corporation for the renewal of a maintenance contract for one Dictaphone recorder and not to exceed two (2) Dictaphone playbacks, for the Division of Emergency Medical Service, Department of Public Safety.

**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 Pur-

chases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 10674)

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

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

**Ord. No. 929-2000.**  
**By Councilmen Polensek and Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice's Bulletproof Vest Partnership for the 1999-2001 Bulletproof Vest Grant.**

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

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

**Section 1.** That the Director of Public Safety is hereby authorized to apply for and accept a grant in the amount of \$104,960, from the U.S. Department of Justice's Bulletproof Vest Partnership, to conduct the 1999-2001 Bulletproof Vest Grant, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 929-2000-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 \$52,480.00 from Fund No. 01-600200-644000, 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.

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

**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 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 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.

**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.

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

**Ord. No. 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 construction of playground improvements at Benjamin Franklin Elementary School, 1905 Spring Road, and Denison Elementary School, 3799 West 33rd Street.**

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, Parkworks, Cleveland has proposed to construct playground improvements at Benjamin Franklin Elementary School, 1905 Spring Road, and Denison Elementary School, 3799 West 33rd Street; 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 and Community Development are hereby authorized to enter into an agreement with Parkworks, Cleveland to construct playground improvements at Benjamin Franklin Elementary School, 1905 Spring Road, and Denison Elementary School, 3799 West 33rd Street.

**Section 8.** That the cost of the contract authorized between the City and Parkworks shall be paid from Fund Nos. 10 SF 166 and 20 SF 361, Request No. 5056.

**Section 9.** 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 agreement authorized pursuant to this ordinance.

**Section 10.** That the leases shall be prepared by the Director of Law and shall contain such additional terms and conditions as are required to protect the interest of the City.

**Section 11.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 932-2000.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a Local Project Administration agreement with the Ohio Department of Transportation to fund and construct landscape beautifications on portions of Interstate 90 and Route 2; determining the method of making the public improvement; and authorizing the Director to enter into contract for the making of such improvement.**

Whereas, the Ohio Department of Transportation ("ODOT") has expressed its willingness to apply, as



the local sponsor on behalf of the City of Cleveland, for funding from the ODOT Transportation Enhancement Rural Program (the "Program"), for the construction of landscape beautifications for portions of Interstate 90 and Route 2 (the "Improvement"); and

Whereas, if this project were to be accepted for funding under the Program, a Local Project Administration agreement between the City of Cleveland and ODOT would need to be entered into, which would include, among other things, construction of the Improvement; 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 Parks, Recreation and Properties is hereby authorized to enter into a Local Project Administration ("LPA") agreement with the Ohio Department of Transportation to fund and construct landscape beautifications to Interstate 90, from East 185th Street to East 22nd Street, and on Route 2, from the Shoreway to the Westinghouse Curve.

**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 landscape beautifications to Interstate 90, from East 185th Street to East 22nd Street, and on Route 2, from the Shoreway to the Westinghouse Curve, for the 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 3.** That, provided ODOT's application for funding under the ODOT Transportation Enhancement Rural Program is approved, the Director of Parks, Recreation and Properties 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 4.** That the cost of said Improvement hereby authorized shall be paid from the fund or funds to which are credited the funds received from the Program described above which funds are hereby appropriated for that purpose.

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

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

**Ord. No. 933-2000.**

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

**An emergency ordinance authorizing the purchase by contract of computer hardware, software and training necessary to achieve fully automated design, cost estimation and construction document capabilities, including printing and reproduction services related thereto, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: computer hardware, software and training necessary to achieve fully automated design, cost estimation and construction document capabilities, including printing and reproduction services related thereto, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 11 SF 006, Request No. 5040.

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

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

**Ord. No. 934-2000.**

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

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to plant trees at various locations through the City of Cleveland on City-owned property, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materialize necessary to plant trees at various locations throughout the City of Cleveland on City-owned properties in the approximate amount as purchased during the preceding year, to be pur-

chased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall 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 12248)

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

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

**Ord. No. 935-2000.**

**By Councilman Polensek.**

**An emergency ordinance to amend Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2339-A-78, passed June 11, 1979 relating to concession agreements and contract use of City-owned facilities.**

Whereas, this ordinance constitutes an emergency measure providing for 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 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2339-A-78, passed June 11, 1979, is hereby amended to read as follows:

**Section 183.04 Concession Agreement and Contract for Use of City-Owned Facilities**

An agreement granting the privilege of vending commodities or rendering services to the public upon or within parks, public grounds, recreational and other publicly owned facilities of the City tending to enhance the enjoyment of such facilities and to promote the convenience and comfort of the public thereon may be made for a period not exceeding **sixty (60) days** by the director of the department involved when so authorized by the Board of Control. **In no event shall the agreement be permitted to be extended or held over beyond sixty (60) days.**

A concession agreement shall not be construed as the conveyance of any right, title or interest in public property but merely as the grant of the privilege, permit and license to

purvey the enumerated concession commodities or service therein and thereon.

**Section 2.** That existing Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2339-A-78, passed June 11, 1979, 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.

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

**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 \$681,966.00 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 \$171,000, 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 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 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.

**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.

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

**Ord. No. 937-2000.**

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

**An emergency ordinance determining the method of making the public improvement of rehabilitating Cleveland Memorial Gardens; authorizing the Director of Parks, Recreation and Properties 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 constructing Phase II of the roadways at Cleveland Memorial Gardens, 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 2.** 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 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 a Maintenance Building and culverting the drainage ditch at Cleveland Memorial Gardens, for the Division of Research Planning and Development, Department of Parks, Recre-

ation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

**Section 4.** 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 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 of said improvement.

**Section 5.** 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 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 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 6.** That the cost of said improvement and services hereby authorized shall be paid from Fund No. 20 SF 364, Request No. 5055.

**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.

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

**Ord. No. 938-2000.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a cash donation from Dollar Bank for recreational purposes.**

Whereas, Dollar Bank has indicated a desire to make a cash donation of \$12,500, resulting in proceeds generated by the Dollar Bank Jamboree held in Cleveland in 1999, to the Division of Recreation; 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 Parks, Recreation and Properties is hereby authorized to accept on behalf of the Division of Recreation, a cash donation in the amount of \$12,500, from Dollar Bank to be used for recreational purposes.

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

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

**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.

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

**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 Southeasterly 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 Southwest 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 Miscel-

laneous 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 Northeast 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 North-easterly 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 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 36.** 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 37.** 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 38.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 941-2000.  
By Councilmen Jackson, Melena,  
Cimperman and Patmon (by departmental  
request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3335 East 93rd Street to Mazhar A. Khan.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 127-16-017 and 127-16-021, as more fully described in Section 2 below, to Mazhar A. Khan.

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

P. P. No. 127-16-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 123 feet of Sublot No. 92 in Jay E. Latimer's Subdivision of part of Original One Hundred Acre Lot No. 441, as shown by the recorded plat of said Subdivision in Volume 16 of Maps, Page 23 of Cuyahoga County Records. Said part of said Sublot No. 92 has a frontage of 40 feet on the Easterly side of East 93rd Street, (formerly Woodland Hills Avenue), and extends back between parallel lines 123 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 127-16-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 79 in J. H. Hardy and L. Breckenridge's Subdivision of part of Original One Hundred Acre Lot No. 441, as shown by the recorded plat in Volume 7 of Maps, Page 23 of Cuyahoga County Records and being 40 feet 2 inches front on the Northerly side of Marah Avenue and extending back 110.00 feet on the Easterly line 110.00 feet on the Westerly line and having a rear line of 39 feet, 6 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months

of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

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

**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 Zaremba 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, Zaremba 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 Zaremba 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.

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

**Ord. No. 943-2000.**

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

**An emergency ordinance authorizing the Director of Economic Development to consent to assignment of Contract No. 56030 from Athersys, Inc. to Advanced Biotherapeutics, Inc. a wholly owned subsidiary of Athersys, Inc.**

Whereas, pursuant to Ordinance No. 460-99, passed May 10, 1999, the Director of Economic Development entered into City Contract No. 56030 with Athersys, Inc. for an economic development assistance to partially finance the acquisition of equipment at its operation located at 11000 Cedar Avenue, Cleveland, Ohio; and

Whereas, Athersys, Inc. has requested consent of the City to assignment of Contract No. 56030 to Advanced Biotherapeutics, Inc., which is a wholly-owned subsidiary of Athersys, Inc. and Advanced Biotherapeutics, Inc. has stated its intention to undertake the obliga-



tions of Athersys, Inc. under said contract; and

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to consent to the request of Athersys, Inc. and Advanced Biotherapeutics, Inc. to assign the obligations of Athersys, Inc. under Contract No. 56030 for economic development assistance to partially finance the acquisition of equipment at its operation located at 11000 Cedar Avenue, Cleveland, Ohio, to Advanced Biotherapeutics, Inc.

**Section 2.** That the Director of Economic Development is hereby authorized to execute all documents and do all things necessary and appropriate to effect such consent to assignment. A copy of the assignment shall be filed in the office of the Commissioner of Accounts.

**Section 3.** That this assignment shall be prepared and approved by the Director of Law and shall contain such provisions as he deems necessary to protect and benefit the public interest.

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

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

**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 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 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.

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

**Ord. No. 945-2000.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a Neighborhood Development Investment Fund grant agreement with Mount Pleasant Now Development Corporation to provide economic development assistance to finance the demolition of existing buildings at 13815 Kinsman Avenue, Cleveland, Ohio, which will be the future location of an office building for Cuyahoga County's Human Services Work and Training Operations.**

Whereas, through Ordinance No. 56-94, passed June 13, 1994, the City established the Neighborhood Development Investment Program and the Neighborhood Development Investment fund (NDIF) for the purpose of stimulating the development of major opportunities for job creation, retention, and expansion in the City's neighborhoods; and

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a Neighborhood Development Investment Fund grant agreement with Mount Pleasant Now Development Corporation to provide economic development assistance to finance the demolition of existing buildings at 13815 Kinsman Avenue, Cleveland, Ohio, which will be the future location of an office building for Cuyahoga County's Human Services Work and Training Operations.

**Section 2.** That the terms of said grant agreement 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. 945-2000-A.

**Section 3.** That the amount of said grant agreement shall not exceed Eighty Thousand Dollars (\$80,000.00), and shall be paid from Fund No. 10 SF 501, Request No. 26602.

**Section 4.** That the Director of Law is hereby authorized to prepare said grant agreement and such other documents as may be appropriate to complete the transaction.

**Section 5.** 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 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 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.

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

**FIRST READING EMERGENCY  
RESOLUTION REFERRED**

**Res. No. 947-2000.**

**By Councilman Britt (by request).  
An emergency resolution declar-  
ing the intention to vacate a por-  
tion of The First Unnamed Alley  
East of Woodhill Rd. between  
Woodland Ave. S.E. and Grandview  
Ave. S.E.**

Whereas, this Council; is satisfied that there is good cause to vacate a portion of The First Unnamed Alley East of Woodhill Road S.E. between Woodland Avenue S.E. and Grandview Avenue S.E., as hereinafter described; and

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

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

**Section 1.** That it hereby declares its intention to vacate the following described real property:

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

**THE FIRST UNNAMED ALLEY,** (5.00 feet in width) as established by the Luna Heights Subdivision recorded in Volume 42, Page 19 of Cuyahoga County Map Records and extending Southerly from the Southerly line of Woodland Avenue S.E. (60.00 feet wide) to the Northerly line of Grandview Avenue S.E. (40.00 feet wide).

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

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

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

**Ord. No. 948-2000.**

**By Councilman Cimperman.  
An emergency ordinance authoriz-  
ing the Director of Community  
Development to enter into an agree-  
ment with United Labor Agency for  
a home improvement program  
through the use of Ward 13 Neighbor-  
hood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with United Labor Agency for a home improvement program.

**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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 949-2000.**

**By Councilman Coats.  
An emergency ordinance authoriz-  
ing the Director of Community  
Development to enter into an agree-  
ment with St. Clair Local  
Development Corporation for con-  
ducting an impact study related to  
the Water Tower Park site on Coit  
Road through the use of Ward 10  
Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with St. Clair Local Development Corporation for conducting an impact study related to the Water Tower Park site on Coit Road.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 950-2000.**

**By Councilman Coats.  
An emergency ordinance authoriz-  
ing the Director of Community  
Development to enter into an agree-  
ment with Collinwood Community  
Services Center for costs associated  
with the Collinwood Bike-A-Thon  
through the use of Ward 10 Neighbor-  
hood Equity Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, there-  
fore,

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Collinwood Community Services Center for costs associated with the Collinwood Bike-A-Thon.

**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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 951-2000.**

**By Councilman Jackson.  
An emergency ordinance authoriz-  
ing the Director of Community  
Development to enter into an agree-  
ment with Burton-Bell Carr Develop-  
ment Corporation for various recre-  
ation programs through the use of  
Ward 5 Neighborhood Equity Funds.**

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

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 Burton-Bell Carr Development Corporation for various recreation 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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.



**Ord. No. 952-2000.**

**By Councilman Jackson.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Lutheran Housing Corporation in order to provide funding for the memorial wall project through the use of Ward 5 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Lutheran Housing Corporation in order to provide funding for the memorial wall project.

**Section 2.** That the costs of said contract shall be in an amount not to exceed \$20,000.00 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 953-2000.**

**By Councilman Johnson.**  
**An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Shaker Square of Ohio LLC for additional capital improvements and infrastructure costs related to the Shaker Square Urban Redevelopment Plan 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 Economic Development is authorized to enter into an agreement with Shaker Square of Ohio LLC for additional capital improvements and infrastructure costs related to the Shaker Square Urban Redevelopment Plan.

**Section 2.** That the costs of said contract shall be in an amount not to exceed \$109,000 and shall be paid from Fund No. 10 SF 166.

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

**Section 4.** That this ordinance is hereby declared to be an emergency

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 954-2000.**

**By Councilman Jones.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Harvard Community Services Center for code enforcement and community organizing staff through the use of Ward 1 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 Harvard Community Services Center for code enforcement and community organizing staff.

**Section 2.** That the costs of said contract shall be in an amount not to exceed \$33,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 955-2000.**

**By Councilman Patmon.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Glenville Multi-Service Center to provide funding for agency overhead and operation costs through the use of Ward 8 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is autho-

rized to enter into an agreement with Glenville Multi-Service Center to provide funding for agency overhead and operation costs.

**Section 2.** That the costs 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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 956-2000.**

**By Councilman Polensek.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Northeast Shores Development Corporation for complete renovation of the multi-unit building located at 276 East 156th Street 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 complete renovation of the multi-unit building located at 276 East 156th Street through the use of Ward 11 Neighborhood Equity Funds.

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 957-2000.****By Councilman Polensek.**

**An emergency ordinance authorizing the Clerk of Council to enter into a contract with DocMan Technologies for maintenance of the computer network for Cleveland City Council.**

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

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

**Section 1.** That the Clerk of Council is authorized to enter into contract with DocMan Technologies to provide support services, both by telephone and on-site, to maintain and optimize the computer network installed throughout the offices of Cleveland City Council for a period of two (2) years.

**Section 2.** That the cost of said agreement shall not exceed Twenty Thousand Dollars (\$20,000.00) and shall be payable from Fund No. 01 Subclass 01001.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 958-2000.****By Councilman Sweeney.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to West Side Hungarian Reformed Church to stretch one banner at 15300 Puritas Avenue using a C.E.I. utility pole (by separate permission) for the period of May 22, 2000 to May 30, 2000, inclusive, publicizing their Third Annual Carnival and identifying the Bellaire-Puritas Neighborhood.**

Whereas, this ordinance constitutes an emergency measure providing for 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 West Side Hungarian Reformed Church, 15300 Puritas Avenue, Cleveland, Ohio 44135 to construct, use, maintain and remove one (1) banner to be stretched on a Cleveland Electric Illuminating utility pole, (by separate permission) publicizing their Third Annual Carnival and indentifying the Bellaire-Puritas Neighborhood, for the period of May 22, 2000 to May 30, 2000, inclusive, on the following pole location: Crossing Puritas Avenue in front of their Church, located at 15300 Puritas Avenue, Cleveland, Ohio 44135, and which banner shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to

interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner, and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 959-2000.****By Councilmen Robinson and Britt.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Ministerial Day Care/Headstart Association to stretch banners at 2442 East 89th Street (west side of East 89th Street) and at 10406 Kinsman Avenue (north side and south side of Kinsman Avenue), for the period from June 1, 2000 to July 5, 2000, inclusive, publicizing the Children First Learning & Enrichment Center, Our Children are #1.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Ministerial Day Care/Headstart Association to install, maintain and remove banners at 2442 East 89th Street (west side of East 89th Street - pole nos. 25-19-7A-2, 25-19-7A-3, 25-19-7A-4 and 25-19-7A-5) and at 10406 Kinsman Avenue (north side of Kinsman Avenue - pole nos. SE6-66, SE6-67, SE6-68, SE6-69, south side of Kinsman Avenue - pole nos. SE6-64, SE6-65), for the period from June 1, 2000 to July 5, 2000, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 960-2000.****By Councilman White.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Straight Eight Productions to stretch a banner across Miles Avenue at intersection of East 119th and Miles Avenue, for the period from June 2, 2000 to June 30, 2000, inclusive, publicizing the Straight Eight Productions Second Annual Cabaret.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Straight Eight Productions to install, maintain and remove a banner across Miles Avenue at the intersection of East 119th and Miles Avenue, for the period from June 2, 2000 to June 30, 2000, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance, of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

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

**Res. No. 961-2000.****By Councilman Jones.**

**An emergency resolution urging the Cleveland area congressional delegation to investigate the provision of health care services by health maintenance organizations and managed care organizations, and if necessary, to abolish such organizations.**

Whereas, this Council of the City of Cleveland believes that comprehensive, high quality health care insurance coverage should be available to every resident of the City of Cleveland; and

Whereas, this Council, through the hospital closure issues surrounding Mt. Sinai and St. Michael Hospitals, has become keenly aware of the health care crisis that exists in the City of Cleveland; and

Whereas, the financial practices of certain health maintenance organizations and managed care organizations often serves to limit quality health care services to those in need of medical treatment; and

Whereas, the matter of the provision of health insurance coverage is of great importance to the health, safety and welfare of the citizens of the City of Cleveland; now, therefore

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

**Section 1.** That the Council of the City of Cleveland urges the congressional delegation of the City of Cleveland to review and investigate the level of health care provided by health maintenance organizations and managed care organizations to those in need of medical treatment and, if necessary, to legislate the abolition of such groups if they fail to provide adequate health care services.

**Section 2.** That the Clerk is hereby requested to forward a copy of this resolution to the Cleveland area congressional delegation.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

#### SECOND READING EMERGENCY ORDINANCE

##### Ord. No. 593-2000.

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

An emergency ordinance determining the method of making the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb strips, intersections, bridge approaches, utility box and casting adjustments, and appurtenances and authorizing the Director of Public Service to enter into one or more requirement contracts for the making of said improvement.

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

1. In Section 2, line 1, after "contract" insert ", in the approximate amount of \$4,000,000.00."

2. Insert new Sections 3 and 4, to read, respectively, as follows:

**"Section 3. That the contract authorized herein shall expire on or before December 31, 2001.**

**Section 4. That prior to the performance of any work authorized herein, the Director of Public Service shall obtain the consent of the council member representing the ward in which the work is to be performed."**

3. Renumber existing Sections 3, 4, and 5, respectively, to new "Section 5", "Section 6", and "Section 7".

Amendments agreed to.

#### SECOND READING EMERGENCY ORDINANCES PASSED

##### Ord. No. 1967-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10900 Woodland Avenue to Dawson Temple Church of God in Christ.

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

1. Insert new Section 6 to read as follows:

**"Section 6. That the deed shall contain a provision granting reversionary rights to the City if the project and plans for development of the property are not reviewed and approved by the Department of Community Development and the City Planning Commission and if the constructed project does not conform to the approved plans."**

2. Renumber existing Section 6 to new "Section 7".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

##### Ord. No. 1080-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide professional services necessary to design, develop and implement a Geographic Information System; authorizing the procurement of data processing supplies and equipment, and respective systems equipment, software office equipment and other supplies and equipment necessary to implement the GIS; and authorizing the Director of Public Utilities to enter into agreements relative thereto.

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

1. In the title, strike line 6 through the end of the title, and insert in lieu thereof the following: **"design and develop a Geographic Information System, including software and authorizing the Director of Public Utilities to enter into agreements relative thereto."**

2. In Section 1, delete lines 6-18 in their entirety and insert in lieu thereof the following: **"design and develop a Geographic Information System ("GIS"). Such design and development shall include the following: management and organizational development, base map development, application development, and contingency funding. Additionally, a needs assessment of the various divisions of the City of Cleveland shall be conducted for the express purpose of identifying the needs of the City that may be required for implementation of a GIS. Upon completion of the design and development authorized herein, the Director of Public Utilities shall present a report to the Public Utilities Committee."**

3. In Section 2, delete lines 5-19 in their entirety and insert in lieu thereof the following: **"Cleveland in order to design and develop computer software programs and/or identify and recommend commercially available GIS computer software programs best suited to meet the requirements of the various departments of the City of Cleveland utilizing a GIS designed and developed in accordance with this legislation. Upon design and development of computer software programs and/or identification of GIS computer software programs as authorized herein, the Director of Public Utilities shall present a report to the Public Utilities Committee."**

4. Delete Section 3 in its entirety.

5. In existing Section 5, line 2, after "shall" insert the following: **"not exceed seven million dollars (\$7,000,000.00) and shall"**

6. Renumber existing 4 to new "Section 3", existing Section 5 to new "Section 4", existing Section 6 to new "Section 5" and existing Section 7 to new "Section 6".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

##### Ord. No. 1746-99.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, or otherwise improving Public Hall, Music Hall and Convention Center and the West Side Market; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; and authorizing the purchase by contract of furniture and equipment necessary for the improvement.

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

1. In the title, lines 6 and 7, and in Section 1, lines 4 and 5, strike "and the West Side Market".

2. In Section 4, line 2, after "authorized" insert **"shall not exceed \$350,000.00 and"**.

3. Insert New Section 5 to read as follows:

**"Section 5. That the design of the Public Hall/Music Hall marquee shall be reviewed by the Landmarks Commission prior to installation."**

4. Renumber existing Section 5 to new "Section 6".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

##### Ord. No. 1755-99.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3679 East 116th Street to LaFayette Carthon, Jr.

Approved by Directors of Community Development, City Planning

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

1. Insert new Section 6 to read as follows:

**"Section 6. That the deed shall contain a provision granting reversionary rights to the City if the project and plans for development of the property are not reviewed and approved by the Department of Community Development and the City Planning Commission and if the constructed project does not conform to the approved plans."**

2. Renumber existing Section 6 to new "Section 7".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

**Ord. No. 333-2000.**

By Councilman Cintron.

An emergency ordinance to accept the dedication of a portion of Orchard Place S.W.

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

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 335-2000.**

By Councilman Robinson.

An emergency ordinance to accept the dedication of a portion of Reservoir Place Drive S.E.

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

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 369-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 81st Street to Akusika Nkomo Mackey and Willie R. Mackey.

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

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 416-2000.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into an agreement with the State of Ohio, Department of Transportation to maintain, repair and plow the Jennings Freeway in exchange for road salt.

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

1. Insert new Section 2 to read as follows:

**"Section 2. That the Director of Public Service shall provide the Public Service Committee and the Chairman of the Finance Committee with a yearly informational review of the agreement authorized herein."**

2. Renumber existing Section 2 to new "Section 3".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

**Ord. No. 418-2000.**

By Councilmen Rybka, 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 4096 East 81st Street to Slavic Village Development Corporation or designee.

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

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 479-2000.**

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

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to produce and install directional and identifying signs for the Cleveland Industrial Park, for the Department of Economic Development.

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

**Ord. No. 520-2000.**

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

An emergency ordinance authorizing the Director of Public Service to cause payment of the City's share to the County of Cuyahoga for the cost of repairing and resurfacing West 117th Street from Bellaire Road to Edgewater Drive.

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

**Ord. No. 653-2000.**

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with various agencies to provide housing, commercial, industrial and real estate development activities.

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

1. In Section 1, at the list of agencies, strike "Collinwood Village Development Corporation" and insert in lieu thereof "**Collinwood/Not-**

**tingham Village Development Corporation**"; strike "St. Clair-Superior Coalition" and insert in lieu thereof "**St. Clair Superior Neighborhood Development Association**"; and strike "Slavic Village Development Corporation" and insert in lieu thereof "**Slavic Village Development**".

Amendment agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

**Ord. No. 714-2000.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of steel lid refurbishment, for the Division of Waste Collection and Disposal, Department of Public Service, for a period of one year with one one-year option to renew.

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

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 715-2000.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of contingency services for the disposal of municipal solid waste, for the Division of Waste Collection and Disposal, Department of Public Service, for a period of one year with a one year option to renew.

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

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 716-2000.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of bulk waste disposal services, for the Division of Waste Collection and Disposal, Department of Public Service, for a period of one year with a one year option to renew.

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

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 718-2000.**

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

An emergency ordinance authorizing the Director of Public Service to cause payment of the City's share to the Ohio Department of Transportation for the cost of the rehabilitation of the Stokes Boulevard Bridge.

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

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.



**Ord. No. 719-2000.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of construction and debris disposal services, for the Division of Waste Collection and Disposal, Department of Public Service, for a period of one year with a one year option to renew.

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

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 720-2000.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into a requirement contract with Maltese Fire Equipment Co. for the purchase of L.T.I. fire apparatus parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

1. In the title, line 10, strike "two years" and insert in lieu thereof the following: "one year".

2. In Section 1, lines 8 and 9, strike "two years" and insert in lieu thereof the following: "one year".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

**Ord. No. 721-2000.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into a requirement contract with Finley Fire Equipment, for the purchase of Pierce fire apparatus parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

1. In the title, line 10, strike "two years" and insert in lieu thereof the following: "one year".

2. In Section 1, line 8, strike "two years" and insert in lieu thereof the following: "one year".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

**Ord. No. 722-2000.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into a requirement contract with Sutphen Corporation, for the purchase of Sutphen fire apparatus parts, including labor if necessary,

for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

1. In the title, line 10, strike "two years" and insert in lieu thereof the following: "one year".

2. In Section 1, line 8, strike "two years" and insert in lieu thereof the following: "one year".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

**Ord. No. 723-2000.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into a requirement contract with Maltese Fire Equipment Co. for the purchase of Duplex cab and chassis fire apparatus parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

1. In the title, line 11, strike "two years" and insert in lieu thereof the following: "one year".

2. In Section 1, line 9, strike "two years" and insert in lieu thereof the following: "one year".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

**Ord. No. 724-2000.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into a requirement contract with American Fire Equipment Co. for the purchase of E-one fire apparatus parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

1. In the title, line 10, strike "two years" and insert in lieu thereof the following: "one year".

2. In Section 1, lines 8 and 9, strike "two years" and insert in lieu thereof the following: "one year".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

**Ord. No. 725-2000.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement

contract of labor and materials necessary to refurbish front-end loaders and roll off dumpsters, for the Division of Waste Collection and Disposal, Department of Public Service, for a period of one year, with one option to renew for an additional year.

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

1. In the title, strike lines 8, 9 and 10 in their entirety and insert in lieu thereof the following: "of Public Service."

2. In Section 1, lines 4, 5, 6 and 7, strike " , with one (1) option exercisable by the Director of Public Service, to renew for an additional one-year consecutive terms, and cancellable upon thirty days written notice by said Director".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

**Ord. No. 726-2000.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants necessary to perform geotechnical testing services.

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

1. Insert New Section 2 to read as follows:

"Section 2. That the contract authorized herein shall be for a term of one (1) year or less."

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

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

**Ord. No. 728-2000.**

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to 1222 Prospect, Inc., an Ohio Corporation dba Bottoms Up of Cleveland to encroach into the public right-of-way of Bolivar Road S.E. with an outdoor seasonal sidewalk cafe, bollards, planters and associated equipment.

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

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

**Ord. No. 731-2000.**

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

An emergency ordinance to amend Section 1 of Ordinance No. 137-96, passed February 5, 1996, relating to causing the payment of the City of Cleveland's share to the state of Ohio for the cost of rehabilitating or reconstructing the West 44th Street Bridge.

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

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 742-2000.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on the east side of East 200th Street, north of Interstate 90 to Richard J. and Rita M. Case.

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

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

**SECOND READING  
ORDINANCE PASSED**

**Ord. No. 177-2000.**

By Councilman Gordon.  
An ordinance changing the Use and Area Districts of lands bound by Spring Road, S.W., Hinckley Industrial Parkway, Jennings Township and easterly extension of the Brooklyn Heights Village boundary. (Map Change No. 2007, Sheet No. 6)

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.

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

**SECOND READING EMERGENCY  
RESOLUTION ADOPTED**

**Res. No. 425-2000.**

By Councilman Sweeney (by request).  
An emergency resolution declaring the intention to vacate a portion of Westport Avenue S.W.

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

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Adopted. Yeas 20. Nays 0.

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

**THIRD READING EMERGENCY  
ORDINANCES PASSED**

**Ord. No. 172-2000.**

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Neighborhood Centers Association to implement educational, recreational and cultural programs in various school buildings during evening hours.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 419-2000.**

By Councilmen White and Patmon (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Cleveland Building and Construction Trades Council.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 420-2000.**

By Councilmen White and Patmon (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Ohio Patrolmen's Benevolent Association.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 421-2000.**

By Councilmen White and Patmon (by departmental request).

An emergency ordinance approving the collective bargaining agreement with S.E.M.E., Local 1.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 423-2000.**

By Councilmen White and Patmon (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Treasurers and Ticket Sellers, Local 756.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 515-2000.**

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the Clerk of the Cleveland Municipal Court, to enter into contract with Lockheed Information Management Services Company for professional services necessary to process, collect and enforce parking infraction tickets, for the Clerk of Courts, for a period of two years, with two two year options to renew.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 516-2000.**

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

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair treelawns and landscape maintenance, for the Divisions of Water, Water Pollution Control and Cleveland Public Power, for a period not to exceed one year.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 657-2000.**

By Councilmen White and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept allocations of grants from the State of Ohio Bureau of Employment Services under the Workforce Investment Act, Title I and to appropriate funds to provide for administration of the Workforce Investment Act Programs by the Department of Personnel and Human Resources; and authorizing said Director to enter into contract with the Cleveland Municipal School District and the Cleveland Initiative for Education to provide youth service under the PY 2000 Workforce Investment Act, Title I.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 658-2000.**

By Councilmen White and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Ceridian Benefits Services (formerly Applied Benefits Research, Inc. dba COBRASERV) for professional services necessary to administer the City's COBRA program for the Department of Personnel and Human Resources, for a period of one year, with a one-year option to renew.

Read third time. Passed. Yeas 20. Nays 0.

**MOTION**

By Councilman Lewis and seconded by Councilman O'Malley and unanimously carried that the absence of Councilman Kenneth L. Johnson be and is hereby authorized.

**MOTION**

The Council adjourned at 9:00 p.m. to meet on Monday, June 5, 2000, at 7:00 p.m. in the Council Chambers.



Deputy Clerk of Council

**THE CALENDAR**

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

**ORDINANCE**

**Ord. No. 593-2000.**

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

An emergency ordinance determining the method of making the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb strips, intersections, bridge approaches, utility box and casting adjustments, and appurtenances and authorizing the Director of Public Service to enter into one or more requirement contracts for the making of said 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, it is hereby determined to make the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge approaches, utility box and casting adjustments, and appurtenances in areas of the City of Cleveland, by one or more public improvement contracts duly let to the lowest responsible bidder after competitive bidding.

**Section 2.** That the Director of Public Service is hereby authorized to enter into a written requirement contract, in the approximate amount

of \$4,000,000.00 with the lowest responsible bidder after advertising for all such work estimated to be done during a two year period, 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 3. That the contract authorized herein shall expire on or before December 31, 2001.**

**Section 4. That prior to the performance of any work authorized herein, the Director of Public Service shall obtain the consent of the council member representing the ward in which the work is to be performed.**

**Section 5.** That the cost of said contract or contracts 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 6.** That the cost of the improvement hereby authorized shall be paid from Fund No. 11 SF 401, 14 SF 025, 14 SF 026 and 10 SF 166, Request No. 22515.

**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.

## BOARD OF CONTROL

May 17, 2000

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 17, 2000, at 11:00 a.m. with Mayor White presiding.

Present: Mayor White, Directors Carter, Brooks, Konicek, Acting Director Williams, Directors Ricchitto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Absent: None.

Others: M. Brooks, Acting Commissioner, Purchases and Supplies, Lucille Ambroz, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

### Resolution No. 331-00.

By Director Brooks.

Whereas, by Resolution No. 226-00, adopted April 12, 2000, pursuant to the authority of Ordinance No. 710-99, passed by the Cleveland City Council May 17, 1999, this Board of Control approved the bid of Connie Graham Entps, as the lowest and best bid for the purchase of Janitorial Supplies (Items 14-22 and 23-108); and

Whereas, in said Resolution No. 226-00, the bidder's name was incorrectly stated as Connie Graham Entps; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 226-00, adopted April 12, 2000, affirming and approving the bid of Connie

Graham Entps as the lowest and best for the purchase of Janitorial Supplies (Items 14-22 and 23-108), for various divisions of City Government, Department of Finance, hereby is amended by changing the bidder name to "Graham Enterprises, Inc. dba Aries Distribution".

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

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Acting Director Williams, Directors Ricchitto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.

Absent: None.

### Resolution No. 332-00.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of Erie Shores Computer, Inc. for an estimated quantity of Computer Related Hardware Equipment (Parts I, II, III and IV), for the various divisions of City Government, Department of Finance, for the period of six (6) months beginning with the date of execution of a contract, received on April 14, 2000, pursuant to the authority of Ordinance No. 1057-99, passed June 14, 1999, which on the basis of the estimated quantity would amount to Four Hundred Fourteen Thousand Eighty-Five and 20/100 Dollars, (\$414,085.20), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. RE-16612

which shall be certified against such contract in the sum of One Hundred Seven Thousand Three Hundred Twenty-Five and 00/100 Dollars (\$107,325.00).

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, Directors Carter, Brooks, Konicek, Acting Director Williams, Directors Ricchitto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.

Absent: None.

### Resolution No. 333-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Today's Office, Inc. (all items) for the following: replacing existing drawing files for the Division of Water, Department of Public Utilities, received on the 22nd day of March, 2000, pursuant to the authority of Ordinance No. 2096-92, passed on December 14, 1992 and Ordinance No. 1254-92, passed on June 15, 1992, which on the basis of order quantities would amount to Sixty Five Thousand Nine Hundred Thirty One Dollars and Fifty Four Cents (\$65,931.54) (Net), is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Acting Director Williams, Directors Ricchitto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.

Absent: None.

### Resolution No. 334-00.

By Director Konicek.

Resolved, by the Board of Control of the City of Cleveland that the bid of J. J. Turner, Inc. dba Turner Equipment Co. for an estimated quantity of various equipment and appurtenances for vac-all catch basin cleaners for the Division of Water Pollution Control, Department of Public Utilities, for the period of one (1) year beginning with the date of execution of a contract received on March 30, 2000, pursuant to the authority of Ordinance No. 2048-99, passed January 31, 2000, which on the basis of the estimated quantity would amount to One Hundred Thousand and 00/100 Dollars, (\$100,000.00), 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 goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 22338

which shall be certified against such contract in the sum of Seventy Thousand and 00/100 Dollars (\$70,000.00).

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

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Acting Director Williams, Directors Ricchitto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.

Absent: None.

### Resolution No. 335-00.

By Director Konicek.

Resolved, by the Board of Control of the City of Cleveland that the bid of Lott Construction Co. for the improvement of constructing and installing replacement sewers and repairing sewers for the Division of Water Pollution Control, Department of Public Utilities received on the 23rd day of March 2000, pursuant to the authority of Ordinance No. 1959-99 passed February 7, 2000, which upon a unit basis for the improvement to be performed as ordered during the period of one (1) year beginning with the date of execution of a contract at the unit prices set forth in the said bid, which on the basis of the estimated work to be done would amount to One Hundred Ninety-Eight Thousand Eight Hundred Eighty and 00/100 Dollars, (\$198,880.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for said improvement, which shall provide for the initial performance of the following work hereunder:

Requisition No. 22335 which shall be certified against such contract in the sum of One Hundred Ninety Thousand and 00/100 Dollars (\$190,000.00).

Said requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against said requirement contract, whether the same shall be less than the total estimate of work to be performed under said contract or shall exceed the same by not more than ten percent.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Lott Construction Co. for the contract authorized herein is approved:

**SUBCONTRACTOR  
MBE/FBE WORK**

Steward Supply and Construction  
MBE  
Concrete walks, drives,  
curbs and asphalt

Julian Supply  
FBE  
Pipe and Fittings

United Ready Mix  
MBE  
Ready Mix Concrete

Yeas: Mayor White, Directors Carter, Brooks, Konicsek, Acting Director Williams, Directors Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 336-00.**

By Director Konicsek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Reed City Power Line Supply for an estimated quantity of cable, item nos. 1 thru 5 and 15 thru 17, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract received on March 16, 2000, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to Four Hundred Fifteen Thousand Two Hundred Eighty and no/100 Dollars, (\$415,280.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 16616 which shall be certified against such contract in the sum of One Hundred Ninety One Thousand Three Hundred Four and no/100 Dollars (\$191,304.00).

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

Yeas: Mayor White, Directors Carter, Brooks, Konicsek, Acting Director Williams, Directors Ricchi-

uto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 337-00.**

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that all bids received on February 25, 2000 for various mower parts and labor, Items 3 and 17, for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 2174-98, passed by the Council of the City of Cleveland on March 1, 1999, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Brooks, Konicsek, Acting Director Williams, Directors Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 338-00.**

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that all bids received on April 26, 2000 for labor and materials necessary to repair police motorcycles, for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 2163-99, passed by the Council of the City of Cleveland on February 14, 2000, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Brooks, Konicsek, Acting Director Williams, Directors Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 339-00.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that all bids received on March 16, 2000 for Shotgun Range Bullet Trap, for the Division of Police, Department of Public Safety, pursuant to the authority of Ordinance No. 182-99, passed June 7, 1999, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Brooks, Konicsek, Acting Director Williams, Directors Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 340-00.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that all bids received on February 4, 2000 for a C-41 Film Processor, for the Division of Police, Department of Public Safety, pursuant to the authority of Ordinance No. 182-99, passed June 7, 1999, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Brooks, Konicsek, Acting Director Williams, Directors Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 341-00.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid

of Relco Sales Company, Inc., for an estimated quantity of mobile radar units, 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 22, 1999, pursuant to the authority of Ordinance No. 1954-98, passed December 14, 1998, which on the basis of the estimated quantity would amount to Twenty Three Thousand, Nine Hundred Ninety-One and 00/100 Dollars, (\$23,991.00), (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. 12678

Item one as specified which shall be certified against such contract in the sum of Twenty Three Thousand, Five Hundred Eighty and 00/100 Dollars (\$23,991.00).

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

Yeas: Mayor White, Directors Carter, Brooks, Konicsek, Acting Director Williams, Directors Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 342-00.**

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of Sanese Services, Inc. for an estimated quantity of Meals for the Summer Food Program (Item 1 - approximately one hundred and twenty four thousand unitized lunches complete as specified) (Item 2 - approximately twenty seven thousand breakfasts complete as specified), for the Division of Recreation, Department of Parks, Recreation and Properties, for a period of three (3) months, beginning with the date of execution of a contract received on the 10th day of May, 2000, pursuant to the authority of Ordinance No. 211-2000, passed April 10, 2000 which on the basis of the estimated quantity would amount to Two Hundred Twenty Five Thousand Four Hundred and 00/100 Dollars, (\$225,400.00), Dollars, is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into 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. 19128

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

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



under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Carter, Brooks, Koniczek, Acting Director Williams, Directors Ricchitto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 343-00.**

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. 120-05-094 located at 1354 East 120th Street in Ward 9; 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, Lindsey Nathaniel Craig and Kimberly Smith, 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 9 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 Lindsey Nathaniel Craig and Kimberly Smith for the sale and development of Permanent Parcel No. 120-05-094 located at 1354 East 120th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Brooks, Koniczek, Acting Director Williams, Directors Ricchitto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 344-00.**

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. 109-13-080 located at Columbia Avenue in Ward 8; 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, Mary L. Brown, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Mary L. Brown for the sale and development of Permanent Parcel No. 109-13-080 located at Columbia Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Brooks, Koniczek, Acting Director Williams, Directors Ricchitto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 345-00.**

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. 126-01-069 located at 2427 East 82nd Street in Ward 6; and

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

Whereas, Kay Kirksey and Willie Kirksey, 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 6 has consented to the proposed sale;

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

3. The proposed 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 Kay Kirksey and Willie Kirksey for the sale and development of Permanent Parcel No. 126-01-069 located at 2427 East 82nd Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Brooks, Koniczek, Acting Director Williams, Directors Ricchitto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 346-00.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 106-11-075 under said Land Reutilization Program; and

Whereas, Ordinance No. 1874-99 passed December 13, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Harry Arrington has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1874-99 passed December 13, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Harry Arrington for the sale and development of Permanent Parcel No. 106-11-075, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Brooks, Koniczek, Acting Director Williams, Directors Ricchitto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 347-00.**

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

Whereas, City has acquired Permanent Parcel No. 133-26-051 under said Land Reutilization Program; and

Whereas, Ordinance No. 1759-99 passed December 13, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Ernest R. D'Amato and Kathleen D'Amato have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1759-99 passed December 13, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Ernest R. D'Amato and Kathleen D'Amato for the sale and development of Permanent Parcel No. 133-26-051, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1,000.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Acting Director Williams, Directors Ricchitto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 348-00.**

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

Whereas, City has acquired Permanent Parcel No. 006-07-083 under said Land Reutilization Program; and

Whereas, Ordinance No. 1752-99 passed December 13, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, William J. Ripcho has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1752-99 passed December 13, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with William J. Ripcho for the sale and development of Permanent Parcel No. 006-07-083, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1,000.00, which amount is hereby determined to be not less than the fair market value of said parcel for

uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Acting Director Williams, Directors Ricchitto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 349-00.**

By Director Warren.  
Whereas, Ordinance No. 1569-99, passed December 13, 1999 by the Council of the City of Cleveland authorized the sale of land in the Lee-Seville/Cleveland Outerbelt Industrial Park to Jaylin Group, Inc.

Whereas, Resolution No. 33-00, adopted by this Board of Control on January 18, 2000 fixed the compensation to be paid by Jaylin Group, Inc.; and

Whereas, Ordinance No. 478-2000, passed May 9, 2000 by the Council of the City of Cleveland amended Ordinance No. 1569-99 to authorize the sale of said land to Jaylin Development Corp.; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 33-00, adopted by this Board of Control on January 18, 2000, is hereby amended by deleting "Jaylin Group, Inc." and replacing it with "Jaylin Development Corp." wherever it appears.

Be it further resolved that all other provisions of said Resolution No. 33-00 not expressly amended shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Acting Director Williams, Directors Ricchitto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 350-00.**

By Director Guzman.  
Resolved by the Board of Control of the City of Cleveland, that all bids received on September 22, 1999 for Pen-Based Computer Patient Care System, for the Division of EMS, Department of Public Safety, pursuant to the authority of Ordinance No. 1954-98, passed December 14, 1998, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Acting Director Williams, Directors Ricchitto, 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, JUNE 5, 2000

9:30 A.M.

**Calendar No. 00-91:** 478 East 152nd Street (Ward 11)

Tom Raddell, owner dba Raddell's Sausage, appeals to construct a 42' x 30' one-story addition to the north and a 32' x 16' one-story addition to the west of an existing 1,145 sq. ft. one-story irregular shaped building situated on a triangular acreage parcel on the northwesterly corner of East 152nd Street and Westropp Avenue, located in split zoning between Local Retail Business, Two-Family and Multi-Family Districts at 478 East 152nd Street; said construction being contrary to the Residential District Regulations of Sections 337.03 and 337.08 where a sausage shop is not permitted in Multi-Family or Two-Family Districts and contrary to the Landscaping and Screening Regulations of Sections 352.10 and 352.11 where a 6' landscaped strip is required along Westropp Avenue and 0' is proposed and an expansion of a non-conforming use requires Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

**Calendar No. 00-92:** 13000 Lorain Avenue (Ward 19)

Donarae A. Horwitz, d.b.a. Thirteen Thousand Lorain Inc., appeals under Section 76-6 of the Charter of the City of Cleveland, and Section 347.12(a) of the Codified Ordinances (where no such use shall be established within 500' of a residential district or day care, kindergarten, elementary or secondary school, public library, church, playground, public or non-profit recreation center); and from the refusal to issue a coined operated pool table license for the premises at 13000 Lorain Avenue; said refusal being by the Commissioner of Assessments and Licenses upon the recommendation of the Commissioner of Building and Housing under authority of Chapter 692A.06 of the Codified Ordinances.

**Calendar No. 00-93:** 5454 Broadway Avenue (Ward 13)

GPI Distributors Inc., owner, and Academy Child Care c/o Gloria J. Strong, tenant, appeal to expand an existing day care to the second floor of an existing 37' x 70' two-story masonry building situated on a 37' x 150' parcel and located in a General Retail Business District on the

south side of Broadway Avenue at 5454 Broadway Avenue, said expansion being contrary to the General Retail Business District Regulations of Section 343.11(b)(1) as regulated in the least restricted residence district and contrary to the Local Retail Business District Regulations of Section 343.01(b)(1) as regulated in the least restricted residence district and contrary to the Residential District Regulations where a day care facility must be located at least 30' from an adjoining premises in a Residential District and requires the Board of Zoning Appeals approval for adequate side yard spaces and other safeguards to preserve the character of the neighborhood as stated in the One-Family District Regulations of Section 337.02(f)(3)(c) of the Codified Ordinances.

**Calendar No. 00-94:** 1448 West 32nd Street (Ward 14)

Raymond J. Wolf, owner, d.b.a. Athletic Ventures of Ohio, appeals to construct a 34' x 81' two-story masonry building addition to an existing 111' x 116' two-story "L" shaped health club building all situated on a 144' x 116' irregular shaped parcel located in a Two-Family District on the west side of West 32nd Street at 1448 West 32nd Street; said construction being contrary to the Enforcement and Penalty Regulations of Section 327.02 where the lot consolidation plan must be approved by the Department of Engineering and construction; and contrary to the Residential District Regulations of Section 337.02(3)(b) where a health club shall be located more than 30' from an adjoining premises not used for similar use and subject to the Board of Zoning Appeals approval and contrary to the Off-Street Parking and Loading Requirements of Section 349.03 where 41 parking spaces are proposed and 73 are required and Section 349.05(a) where no such parking shall be located within 10' of any wall of a residential district containing windows and no parking is permitted within the 10' front yard setback line on West 32nd Street, and Section 349.07 where all access and maintenance driveways and maneuvering areas shall be properly graded for drainage and the maximum width shall be 30' and 0' is proposed and where parking spaces are to be surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material and Section 349.08 where a 4' wide landscape strip is required and Section 349.13(c) where parking in a residence district requires the Board of Zoning Appeals approval and contrary to the Landscaping and Screening Requirements of Section 352.12 where a table containing landscaping plan is required and contrary to the Area Requirement Regulations of Section 355.04 where the maximum gross floor area shall be 1/2 the lot area and the lot area equals 16,588 sq. ft. and 9,985 sq. ft. is proposed, and contrary to the Yards and Courts Requirements of Section 357.04(a) where a front yard setback of 30' is required and 23' is proposed and the proposed rear yard setback is 11' and the required rear yard shall not be less than 20' as stated in Section 357.08 of the Codified Ordinances.

**Calendar No. 00-95:** 12817 Brookfield Avenue (Ward 19)

John Griffin, owner, appeals to construct a 14' x 20' one-story

frame car port to the west of an existing 22' x 20' garage situated on a 40' x 105' parcel and located in a One-Family District on the south side of Brookfield Avenue at 12817 Brookfield Avenue; said construction being contrary to the Residential District Regulations of Section 337.23(a) where the proposed construction to be 1'-6" from the property line and 1'-0" is proposed and the maximum floor area of an access building proposed is 700 sq. ft. and the maximum floor area permitted is 650 sq. ft. as stated in Section 337.23(a)(7)(a) of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 22, 2000

At the meeting of the Board of Zoning Appeals on Monday, May 22, 2000, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 00-87:** 2860 East 130th Street

Amos Norwood, owner, and Thresa Whitt, tenant, appealed to change the use of the second floor of a 2-story commercial building from offices to an expansion of day care use to match the existing day care use on the first floor in a Residence Office District; subject to submission and approval of modified plan showing installation of bollards at front of existing fence enclosure for parking area and appellant's agreement to provide a more child friendly surface than the existing asphalt play area by or before May 2001.

**Calendar No. 00-90:** 16700 Lorain Avenue

Kamcor Realty Company, owner, and Carom, Inc., d.b.a. BJ Diamond Mine, tenant, and Dan Marguilles, agent, appealed to change the use of a commercial building into a night club and billiards parlor on a 170' x 120' parcel in a Local Retail District; subject to submission of parking lease agreement, section in property lease which prohibits adult entertainment and the "house" rules of operation.

**Calendar No. 00-96:** 8937 Cedar Avenue

Charles Scott, owner, d.b.a. Lou's Diner, appealed to install 14 accessory off-street parking spaces in the front of a corner parcel in a Local Retail District; subject to approval of revised plan identifying fencing material and installation.

**Calendar No. 00-51:** 3224 Payne Avenue

Cleveland Chinese Christian Church, owner c/o Ho Man Yeung, appealed to demolish a 24' x 36' building and add a 50' x 64' one-story Classroom Fellowship Hall building to the rear of a 25' x 58' building in a Local Retail District.

**Calendar No. 00-73:** 5512 Memphis Avenue

Ken Wayne, owner, appealed to change the use of a 2-story two dwelling unit house into a karate

studio on a corner parcel in a Local Retail District; appellant to provide written parking agreement with neighboring property owner.

**Calendar No. 00-78:** 7508 Donald Avenue

Ruthie Mae Owens, owner, appealed to construct a 20' x 6' front porch addition to an existing one and one-half dwelling house in a Two-Family District.

**Calendar No. 00-45:** 9215 Madison Avenue

John Nyerghes, owner, appealed to construct a one-story addition for storage of used and new auto parts to the east of an auto repair garage on a corner parcel in a General Retail District; approved upon revised plan submitted May 22, 2000.

The following appeal was **Denied**:

**Calendar No. 00-84:** 17115 Amber Drive

David McGuirk appealed under the authority of Section 329.02(d) against the issuance of a building permit, No. B129810, by the Commissioner of Building and Housing, Department of Community Development.

The following appeal was **Withdrawn**:

**Calendar No. 00-86:** 14213 Clifford Avenue

Jeffery Sommer, owner, appealed to construct an 11' x 24' one-story frame garage addition to an existing 26' x 24' one-story garage on a 40' x 120' parcel in a One-Family District.

The following appeals were **Postponed**:

**Calendar No. 00-88:** 3381 West Boulevard postponed to June 5, 2000.

**Calendar No. 99-552:** 10721-23 St. Clair Avenue postponed to June 5, 2000.

**On Monday, May 22, 2000, in Executive Session:**

The following appeals were heard on Monday, May 15, 2000 and said decisions were approved and adopted by the Board on May 22, 2000.

The following appeals were **Approved**:

**Calendar No. 00-80:** 12711 Bennington Avenue

Catholic Charities Facilities and Annunciation Limited Partnership, owner, appealed to construct a three-story, 44 unit elderly housing apartment building on a corner parcel in a Two-Family B-1 District.

**Calendar No. 00-81:** 3200 West 33rd Street

Catholic Charities Facilities and Mercedarian Limited Partnership, owner, appealed to construct a three-story, 44 unit elderly housing apartment building on a corner parcel in a Two-Family B-1 District.

**Calendar No. 00-85:** 8 Lake Front Walk

Drew Carson, owner, appealed to construct a 42' x 44' triangular two-story single family dwelling in a Single-Family District.

**Calendar No. 00-89:** 6419 Lawn Avenue

Catholic Charities Facilities, owner, appealed to construct a four-story, 40 unit elderly housing apartment building on a corner parcel in a General Retail Business District.

The following appeal was **Denied:**

None.

EUGENE CRANFORD, JR.,  
Secretary

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

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NO MEETING

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**PUBLIC NOTICE**

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NONE

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**NOTICE OF PUBLIC HEARING**

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**Notice of Public Hearing  
By the Council Committee  
On City Planning**

Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Wednesday, May 31, 2000  
1:00 P.M.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, May 31, 2000, at 1:00 P.M., to consider the following ordinances now pending in the Council:

**Ord. No. 866-98.**

By Councilman Cintron.

An ordinance to change the Use District and to establish a Planned Unit Development Overlay District and approve the corresponding Planned Unit Development project on properties located at the northwest corner of Center Street and Riverbed, the southwest corner of Center Street and Riverbed, and the southeast corner of Center Street and Washington. (Map Change No. 1974, Sheet No. 1)

**Ord. No. 528-2000.**

By Councilman Gordon.

An ordinance to change the Use and Area Districts of lands north of Memphis Avenue between West 57th Street and West 56th Street (Map Change No. 2009, Sheet No. 2)

**Ord. No. 601-2000.**

By Councilman Patmon.

An ordinance to change the Use District of lands on the southerly side of St. Clair Avenue, N.E. and the west side of East 93rd Street. (Map Change No. 2010, Sheet No. 4)

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

JOSEPH C. CRIMPERMAN,  
Chairman  
Committee on City Planning

May 24, 2000 and May 31, 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."**

**WEDNESDAY, MAY 31, 2000**

**Computer Room Air Conditioning Improvements**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance Nos. 1254-92 and 2096-92, passed by the Council of the City of Cleveland, June 15, 1992 and December 14, 1992, respectively.

**A PRE-BID MEETING WILL BE HELD ON FRIDAY, MAY 26, 2000, 10:00 A.M. IN THE 5TH FLOOR ENGINEERING CONFERENCE ROOM, PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO.**

May 17, 2000 and May 24, 2000

**THURSDAY, JUNE 8, 2000**

**ADA Improvements of Existing Elevators at Various Health Centers**, for the Department of Public Health, as authorized by Ordinance No. 1964-99, passed by the Council of the City of Cleveland.

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

**A PRE-BID MEETING WILL BE HELD ON THURSDAY, JUNE 1,**

**2000, 2:00 P.M., AT THE McCAFERTY HEALTH CENTER, 4242 LORAIN AVENUE, CLEVELAND, OHIO.**

May 17, 2000 and May 24, 2000

**FRIDAY, JUNE 9, 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.

**Refill, Repair and Replace Fire Extinguishers**, for the Various Divisions of City Government, Department of Port Finance, as authorized by Ordinance No. 316-2000, passed by the Council of the City of Cleveland, April 17, 2000.

May 17, 2000 and May 24, 2000

**THURSDAY, JUNE 8, 2000**

**Landscape Maintenance**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 516-2000, passed by the Council of the City of Cleveland, May 22, 2000.

**A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, JUNE 1, 2000, 10:00 A.M., IN THE 3RD FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE.**

**Tree Lawn Repair**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 516-2000, passed by the Council of the City of Cleveland, May 22, 2000.

**A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, JUNE 1, 2000, 11:30 A.M., IN THE 3RD FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE.**

May 24, 2000 and May 31, 2000

**WEDNESDAY, JUNE 14, 2000**

**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.

May 24, 2000 and May 31, 2000

**THURSDAY, JUNE 15, 2000**

**Police Headquarters Parking Garage and Plaza Renovation - Re-Bid**, for the Department of Public Safety, as authorized by Ordinance No. 1578-90, passed by the Council of the City of Cleveland.

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

**A PRE-BID MEETING WILL BE HELD ON TUESDAY, JUNE 6, 2000, AT THE POLICE HEADQUARTERS, 1300 ONTARIO AVENUE, CLEVELAND, OHIO.**

**Rockefeller Park Greenhouse Heating System Rehabilitation - Phase II**, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1748-99, passed by the Council of the City of Cleveland.

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

A PRE-BID MEETING WILL BE HELD ON THURSDAY, JUNE 1, 2000, AT THE ROCKEFELLER PARK GREENHOUSE, 750 EAST 88TH STREET, CLEVELAND, OHIO.

May 24, 2000 and May 31, 2000

**FRIDAY, JUNE 16, 2000**

**Lamps**, for the Various Divisions of City Government, Department of Finance.

**Paper Stock and Envelopes**, for the Division of Printing and Reproduction, as authorized by Ordinance No. 253-2000, passed by the Council of the City of Cleveland, May 1, 2000.

May 24, 2000 and May 31, 2000

**THURSDAY, JUNE 22, 2000**

**Pen-Based Computer Patient Care Report System**, for the Department of Public Safety, as authorized by Ordinance No. 1954-98, passed by the Council of the City of Cleveland, December 22, 1998.

May 24, 2000 and May 31, 2000

#### **ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 782-2000.**  
**By Councilman Cimperman.**  
**An emergency resolution directing the Director of the Department of Public Service to provide notification to Council members in the event of closures to the public right of ways for maintenance or repair.**

Whereas, the Director of the Department of Public Service is charged with the responsibility of planning, constructing, improving, repairing and maintaining streets, sidewalk, bridges and other public right of ways throughout the City of Cleveland; and

Whereas, this Council of the City of Cleveland is aware that, from time to time, certain public right of ways must be closed for maintenance and repair; and

Whereas, in order to facilitate better communication of such closures with the residents of the City of Cleveland, it is imperative that the Director of Public Service ensure that the member of Council is whose ward the maintenance or repair must be done is notified prior to the closure, or if that is not possible due to an emergency situation, then as soon as possible of the right of way closure; 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, in the event of closure of a public right of way for maintenance or repair, the Director of the Department of Public Service is directed to provide notification, either verbally or in writing, prior to the closure to the member of Council in whose ward the work is being performed and to the Clerk of Council; if prior notification is not possible due to an emergency, then the Council member and Clerk of Council must be notified of such closure as soon as possible.

**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 May 8, 2000.  
Effective May 18, 2000, without the signature of the Mayor.

**Res. No. 783-2000.**  
**By Councilmen Dolan, Patmon, White, Sweeney, Rybka, O'Malley, Cimperman, Melena, Polensek, Lewis, Coats and Brady.**

**An emergency resolution denouncing the discriminatory practices and policies prevalent at Bob Jones University.**

Whereas, this Council of the City of Cleveland adamantly rejects the practice of racism, bigotry and intolerance; and

Whereas, the leaders of Bob Jones University have historically enforced a racist and segregationist policy of prohibiting interracial dating; and

Whereas, the administration of Bob Jones University has denigrated African Americans, Asian Americans and people of different religious beliefs other than their own; and

Whereas, the leaders of Bob Jones University have described Pope John Paul II as an "antichrist and a man of sin" and "demon-possessed;" and

Whereas, Dr. Ian Paisley of Northern Ireland, a renowned anti-Catholic preacher, currently sits on the Board of Trustees and the Cooperating Board of Bob Jones University; and

Whereas, Dr. Ian Paisley, who has described Pope John Paul II as "the great fornicator" and "the Anti-Christ" was celebrated and honored at Bob Jones University with an honorary doctorate degree; and

Whereas, elementary school textbooks produced at Bob Jones University teach that Catholicism is a "false religion;" and

Whereas, this Council is disturbed that Governor George Bush of Texas visited and spoke at Bob Jones University in February, 2000; 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 denounces the practices at Bob Jones University that attempt to foster and perpetrate racism, bigotry and intolerance, and urges the administration of the university to embrace the racial, cultural and religious diversities that make the United States a richer and more interesting nation.

**Section 2.** That the Clerk of Council is hereby directed to transmit a copy of this resolution to the President of Bob Jones University and to Governor George W. Bush.

**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 May 8, 2000.  
Effective May 18, 2000.

**Res. No. 784-2000.**  
**By Councilman Jackson.**  
**An emergency resolution objecting to the issuance of a C1 Liquor Permit to 7109 Central.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 5432683, Saeed H. Mahmoud, DBA Central Foods, 7109 Central, Cleveland, Ohio 44104; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the issuance of a C1 Liquor Permit to

Permit No. 5432683, Saeed H. Mahmoud, DBA Central Foods, 7109 Central, Cleveland, Ohio 44104 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 8, 2000.

Effective May 18, 2000.

**Res. No. 785-2000.**

**By Councilman Johnson.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 9621 Mt. Auburn Rd., 1st Fl. & Bsmt.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 9725521, Woddi II Inc., DBA Cousins Superette, 9621 Mt. Auburn Rd., 1st Fl. & Bsmt., Cleveland, Ohio 44104 to Permit No. 2403466, East 97th Food Market Inc., 9621 Mt. Auburn Rd., 1st Fl. & Bsmt., Cleveland, Ohio 44104; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 9725521, Woddi II Inc., DBA Cousins Superette, 9621 Mt. Auburn Rd., 1st Fl. & Bsmt., Cleveland, Ohio 44104 to Permit No. 2403466, East 97th Food Market Inc., 9621 Mt. Auburn Rd., 1st Fl. & Bsmt., Cleveland, Ohio 44104 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 8, 2000.

Effective May 18, 2000.

**Res. No. 786-2000.**

**By Councilman Patmon.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 970 Lakeview Rd. Front, 1st Fl. & Bsmt.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 4980630, Lakeview Supermarket II Inc., DBA Lakeview Superette, 970 Lakeview Rd., Front, 1st Fl., Cleveland, Ohio 44108, 4027 Rocky River Dr. to Permit No. 6234793, Karimeh A. Muntaser, DBA Lakeview Superette, 970 Lakeview Rd. Front, 1st Fl. & Bsmt., Cleveland, Ohio 44108; and

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

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

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

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

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public

decency, sobriety, peace or good order; and

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 4980630, Lakeview Supermarket II Inc., DBA Lakeview Superette, 970 Lakeview Rd., Front, 1st Fl., Cleveland, Ohio 44108, 4027 Rocky River Dr. to Permit No. 6234793, Karimeh A. Muntaser, DBA Lakeview Superette, 970 Lakeview Rd. Front, 1st Fl. & Bsmt., Cleveland, Ohio 44108 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 8, 2000.

Effective May 18, 2000.

**Res. No. 787-2000.**

**By Councilman Patmon.**

**An emergency resolution objecting to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit to 7901 St. Clair Avenue, 1st Fl. & Bsmt.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D2, D2X, D3 and D3A and Liquor Permit from Permit No. 3243035, Willie J. Goins, DBA California Club, 7901 St. Clair Avenue, 1st Fl. & Bsmt., Cleveland, Ohio 44103 to Permit No. 9053079, Triple Threat Inc., DBA Club Odyssey, 7901 St. Clair Avenue, 1st Fl. & Bsmt., Cleveland, Ohio 44103; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D2, D2X, D3 and D3A and Liquor Permit from Permit No. 3243035, Willie J. Goins, DBA California Club, 7901 St. Clair Avenue, 1st Fl. & Bsmt., Cleveland, Ohio 44103 to Permit No. 9053079, Triple Threat Inc., DBA Club Odyssey, 7901 St. Clair Avenue, 1st Fl. & Bsmt., Cleveland, Ohio 44103 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 8, 2000.

Effective May 18, 2000.

**Res. No. 788-2000.  
By Councilmen Polensek and White.**

**An emergency resolution authorizing an inquire into and investigation of the conduct of the Civil Service Commission, including its current and past administrative staff, with respect to certain safety personnel appointments and creation of certain eligible lists.**

Whereas, Charter Section 46 provides that the Council or any person or committee authorized by the Council shall have the power to

inquire into the conduct of any department, office, officer or employee of the City and to make investigation as to City affairs; and

Whereas, pursuant to Charter Section 46 and Section 11.09 of the Codified Ordinances of Cleveland, Ohio, 1976, the Council has provided that the chairperson of a standing committee of the Council that is authorized to conduct such inquiry or investigation, with the approval of the President of Council, may subpoena witnesses, administer oaths and compel testimony and the production of books, papers and other evidence; and

Whereas, the citizens of the City of Cleveland must have confidence that the Civil Service Commission, including its administrative staff, properly fulfills its duties with respect to executing impartially the civil service provisions of the Charter and the civil service rules and regulations and enforcing the merit system of appointment to the classified service, including its responsibilities for offering open competitive tests to ascertain the relative fitness of applicants for appointment; creating eligible lists from the results of such examinations; and certifying names from such eligible lists at the request of appointing authorities to fill vacancies in the manner provided by law; and

Whereas, questions have arisen with respect to the manner in which the Civil Service Commission, including its administrative staff, has performed or is performing those duties with respect to appointments to the position of Patrol Officer subsequent to the 119th Police Academy Class and with respect to the 1998 Patrol Officer examination and resulting eligible lists;

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety in that there needs to be inquiry into matters involving the safety forces of the City; now, therefore,

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

**Section 1.** That the Committees on Public Safety and Employment, Affirmative Action and Training are hereby authorized to inquire into and investigate the conduct of the Civil Service Commission, including its current and past administrative staff, with respect to appointments to the position of Patrol Officer subsequent to the 119th Police Academy Class and with respect to the 1998 Patrol Officer examination and resulting eligible lists. The Chairperson of the Joint Committee shall determine the procedure for conducting such inquiry and investigation, consistent with Charter Section 46 and Section 11.09 of the Codified Ordinances of the City of Cleveland, 1976.

**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 May 8, 2000.

Effective May 18, 2000.

**Res. No. 879-2000.**

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

**An emergency resolution declaring the necessity and intention to appropriate properties located on Midvale Avenue and Springdale Avenue for public use for the municipal purpose of construction of a public right-of-way.**

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that construction of a public right-of-way will benefit all citizens; now, therefore,

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

**Section 1.** That for the municipal purpose of construction of a public right-of-way, it is necessary to appropriate in fee simple interest and this Council hereby declares its intent to appropriate the fee simple interest in and to the following described property:

Permanent Parcel No. 029-17-011

Vacant Lot on Springdale

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

Permanent Parcel No. 029-18-008

18801 Midvale Avenue

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

Permanent Parcel No. 029-18-007

18809 Midvale Avenue

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

**Section 2.** That the Director of Finance is hereby authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession or having an interest of record in the

above-mentioned premises, and such notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

**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 May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 880-2000.**

**By Councilman Cintron.**

**An emergency resolution withdrawing objection to the stock transfer of a D5 Liquor Permit to 3194 West 25th Street, 1st Fl. & Bsmt., and repealing Res. 2133-99 objecting to said stock transfer.**

Whereas, this Council objected to the stock transfer of a D5 Liquor Permit to 3194 West 25 Street, 1st Fl. & Bsmt., by Res. No. 2133-99, adopted by Council December 6, 1999; and

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

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

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

**Section 1.** That objection to the stock transfer of a D5 Liquor Permit to 3194 West 25th Street, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 2133-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate stock transfer thereof.

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

Adopted May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 881-2000.**

**By Councilman Cimperman.**

**An emergency resolution urging the Department of Public Service to establish a tire recycling program.**

Whereas, discarded tires are an unsightly nuisance throughout the City of Cleveland, presenting both a health hazard and a situation that deteriorates property values; and

Whereas, the Council of the City of Cleveland urges the Director of the Department of Public Service to establish a recycling program for tires, wherein residents of the City would receive \$1.00 in exchange for each used tire that is returned to the Department of Public Service; and

Whereas, the Department of Public Service could recycle such tires,

thereby minimizing debris in the City and providing a program that is of benefit to the environment; 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 the Director of the Department of Public Service is urged to establish a recycling program for used tires, wherein residents of the City of Cleveland would receive \$1.00 for each used tire that is returned to the Department of Public Service for recycling by that department, and that such program should be established in the amount of \$1 million annually.

**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 May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1852-99.**

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

**An emergency ordinance appropriating funds obtained from Norfolk Southern and CSX; authorizing the Director of Economic Development to enter into agreements with Cudell Improvement, Lutheran Housing Corporation and Cleveland Housing Network to implement the Home Insulation Program to mitigate railroad noise; and authorizing the Director of Economic Development to enter into such other agreements necessary to complete this improvement authorizing the Commissioner of Purchases and Supplies to purchase real property in connection with the Home Insulation Program.**

Whereas, pursuant to Ordinance No. 978-98, passed June 8, 1998, this Council approved and ratified an agreement entered into by the Mayor with Norfolk Southern Corporation ("Norfolk Southern") which, among other things, required a financial contribution of up to \$10,000,000.00 to Cleveland from the railroad to establish a Community Impacts Fund ("CIF") to be used to mitigate adverse environmental impacts ensuing from implementation of the Agreement, including but not limited to the railroad noise mitigation (the "Agreement"); and

Whereas, pursuant to Ordinance No. 1041-98, passed June 8, 1998, this Council approved and ratified an agreement entered into by the Mayor with CSX Corporation ("CSX") which, among other things, required specified financial contributions from the railroad to the City for various purposes delineated in the agreement; and

Whereas, this Council wishes to appropriate funds received in accordance with the agreements with Norfolk Southern and CSX for various purposes consistent with the agreements with the railroads and consistent with the goals of eco-

nomie development and the elimination of slum and blight; and

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

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

**Section 1.** That this Council hereby appropriates the funds received from Norfolk Southern and CSX pursuant to their agreements, from Fund No. 10 SF 526, for the purpose of providing railroad noise mitigation treatments in residential homes, pursuant to the following schedule and further described in File No. 1852-99-B:

Personnel . . . . .	\$ 726,595
Other Expenses . . . . .	6,938,750

**Section 2.** That the Director of Economic Development is hereby authorized to enter into agreements with Cudell Improvement, Lutheran Housing Corporation and Cleveland Housing Network to provide and implement the Home Insulation Program, which agreements shall contain such terms and conditions as the Director of Law determines shall best protect the public interest, including without limitation, a contract term requiring that all contractors that install noise mitigation treatments comply with the requirements of Chapter 187 of the Codified Ordinances. A budget for the Home Insulation Program is included in the above mentioned file.

**Section 3.** That the Director of Economic Development is hereby authorized to enter into such other agreements, including agreements with affected homeowners, as are necessary to complete the planning, construction and implementation of the Home Insulation Program, which agreements shall contain such terms and conditions as the Director of Law determines shall best protect the public interest. Central air conditioning will be installed in a targeted home if it can be installed to code for an amount not to exceed \$1,800.00.

**Section 4.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the real property located at 1617 Catalpa Road, Permanent Parcel No. 117-10-002, and 1614 Catalpa Road, Permanent Parcel No. 117-10-045, further described in the above-mentioned file.

**Section 5.** That the Director of Economic Development is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such real property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits and all other costs necessary for the acquisition of such real property.

**Section 6.** That in March of 2001, 2002 and 2003, the Director of Economic Development shall appear before the Finance Committee of Council to give a report on the expenses from the prior year and the projected expenses for the current year. In addition, before the end of calendar year 2000, the director shall appear before the Finance Committee to report the following:



the addresses of all homes that have had noise mitigation treatments under this program, the names of the homeowners who benefited, the name of the contractor(s) that performed the work, and a description of the work that was done.

**Section 7.** That the costs of the contracts and real property acquisition for the Home Insulation Program herein contemplated shall be paid from Fund No. 10 SF 526.

**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 May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 267-2000.**

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

**An emergency ordinance authorizing the purchase by requirement contract of International truck parts, including labor to install if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of International truck parts including labor to install if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall 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. All expenditures under the contract authorized herein shall not exceed ten percent (10%) over the amount purchased during the immediately preceding year. (RL 17523)

**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 May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 268-2000.**

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

**An emergency ordinance authorizing the purchase by requirement contract of Ford passenger and police car parts, including labor to install if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of Ford passenger and police car parts, including labor to install if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall 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. All expenditures under this contract authorized herein shall not exceed the amount purchased during the immediately preceding year. (RL 17509)

**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 May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 269-2000.**

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

**An emergency ordinance authorizing the purchase by requirement contract of EZ Pack packer parts, including labor to install if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of EZ Pack packer parts, including labor to install if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall 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. All expenditures under the contract authorized herein shall not exceed ten percent (10%) over the amount purchased during the immediately preceding year. (RL 17518)

**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 May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 321-2000.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into an amendment with American Airlines, Inc., City Contract No. 31083 to provide for the deletion of certain space from the Lease, for the Division of Cleveland Hopkins International Airport, Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to enter into an Amendment to lease between the City and American Airlines, Inc. ("Lessee"), City Contract No. 31083, to delete from lessee's right and obligation under the lease approximately 1680 square feet of Hold Room space.

All other terms and conditions contained in the original lease shall remain the same.

**Section 2.** That the Amendment to the Lease herein authorized shall be prepared by the Director of Law and shall contain such terms and conditions as said Director deems necessary to protect and benefit the public interest.

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

Passed May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 331-2000.**

**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 labor and materials, including software, necessary for evaluation, implementation and maintenance of the CMMS work order system.**

Whereas, this ordinance constitutes an emergency measure providing for 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 computer consultants or one or more firms of computer 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 labor and materials, including software, necessary for evaluation, implementation and maintenance of the CMMS work order system.

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 approval.

**Section 3.** That the costs for such services herein shall not exceed \$25,000.00 and shall be paid from Fund No. 60 SF 001, Request No. 8259.

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

Passed May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 367-2000.**

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

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain movable doors and walls, security shutters, electric gates and other means of access, for the Division of Property Management, Department of Parks, Recreation and Properties, 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 Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to repair and maintain movable doors and walls, security shutters, electric gates and other means of access, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Property Management, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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. All expenditures under the contract authorized herein that not exceed \$50,000. (RL 5039)

**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 May 8, 2000.

Effective May 18, 2000.

**Ord. No. 411-2000.**

**By Mayor White.**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials needed to repair and service Oshkosh broom trucks for the various divisions of the Department of Port Control.**

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

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

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

**Section 2.** That the cost of said contract shall 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 8270) All expenditures under the contract authorized herein shall not exceed \$22,443.00.

**Section 3.** That the contract authorized herein shall not be amended, extended or modified without City Council approval.

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

Passed May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 413-2000.**

**By Mayor White.**

**An emergency ordinance authorizing the purchase by requirement contract of new or refurbished seating for the terminal areas of the various divisions of the Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of new or refurbished seating for the terminal areas, in the estimated sum of \$120,000.00 to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 8252). All expenditures under the contract authorized herein shall not exceed \$120,000.00.

**Section 3.** That the contract authorized herein shall not be amended, extended or modified without City Council approval.

**Section 4.** That the Director of Port Control shall, upon receipt and review of the bids solicited pursuant to the authority of this ordinance, provide the Chairman of the Aviation and Transportation Committee with a written analysis of the cost differential between purchasing new seating and refurbishing of current seating.

**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 May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 414-2000.**  
By Councilmen O'Malley and Patmon (by departmental request).

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain combination sewer and catch basin cleaners, including appurtenances, for the Division of Water Pollution Control, 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 con-

tract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to repair and maintain combination sewer and catch basin cleaners, including appurtenances, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water Pollution Control, 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. All expenditures under the contract authorized herein shall not exceed \$140,000.00. (RL 11433)

**Section 3.** That the contract authorized herein shall not be amended, extended or modified without City Council approval.

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

Passed May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 478-2000.**  
By Councilmen Jones, Melena, Cimperman and Patmon (by departmental request).

**An emergency ordinance to amend the title, the first whereas clause and Section 2 of Ordinance No. 1569-99, passed December 13, 1999, relating to the sale of City-owned property no longer needed for public use located in Block C-1 of the Cleveland Industrial Park.**

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

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

**Section 1.** That the title, the first whereas clause and Section 2 of Ordinance No. 1569-99, passed December 13, 1999, be and the same are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in Block C-1 of the Cleveland Industrial Park to the Jaylin Development Corp.

Whereas, the Director of Economic Development has requested the sale of City-owned property no longer needed for public use and located in Block C-1 of the Cleveland Industrial Park to the Jaylin Development Corp.; and

**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 Jaylin Development Corp. at a price not less than fair market value as determined by the Board of Control.

**Section 2.** That the existing title, the first whereas clause and Section 2 of Ordinance No. 1569-99, passed December 13, 1999, be and the same 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 May 8, 2000.

Effective May 18, 2000.

**Ord. No. 514-2000.**

By Councilman Patmon (by departmental request).

**An emergency ordinance authorizing the purchase by requirement contract of a criminal and civil filing system, including materials necessary to file and retrieve cases, for the Department of Finance, on behalf of the Cleveland Municipal Court.**

Whereas, this ordinance constitutes an emergency measure providing for 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, on behalf of the Clerk of the Cleveland Municipal Court 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 the 2001 criminal and civil filing system, including folders, labels, tabs, envelopes, shelving, and other materials necessary to file and retrieve cases 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 Department of Finance, on behalf of the Cleveland Municipal Court. 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 not exceed \$60,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Com-

missioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 7904)

**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 May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 517-2000.**

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

**An emergency ordinance authorizing the purchase by requirement contract of equipment, materials and supplies necessary for safety and environmental monitoring, including labor and maintenance, if necessary, for the various divisions of Port Control.**

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

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

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

**Section 2.** That the cost of said contract shall 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 8271). **The expenditures under the contract authorized herein shall not exceed \$30,000.00.**

**Section 3.** That the contract authorized herein shall not be amended, extended, or modified without City Council approval.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

Passed May 15, 2000.  
Awaiting the approval or disapproval of the Mayor.

**Ord. No. 589-2000.**

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

**An emergency ordinance authorizing the purchase by contract of one uninterrupted power supply unit and associated appurtenances necessary to protect Sun computer equipment, for the Division of Taxation, Department of Finance.**

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

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

**Section 1.** That the Director of Finance is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one (1) uninterrupted power supply unit and associated appurtenances necessary to protect Sun computer equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Taxation, Department of Finance.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 81 SF 001, Request No. 15384.

**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 May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 591-2000.**

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

**An emergency ordinance authorizing the purchase by contract of not to exceed four bronze impellers, one pattern, not to exceed eight impeller rings and not to exceed eight case rings, for the Division of Water, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed four bronze impellers, one pattern, not to exceed eight impeller rings and not to exceed eight case rings, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Water, Department of Public Utilities.

**Section 2.** That the cost of said contract hereby authorized shall be

paid from Fund No. 52 SF 001, Request No. 18756.

**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 May 15, 2000.  
Awaiting the approval or disapproval of the Mayor.

**Ord. No. 594-2000.**

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

**An emergency ordinance to amend Section 7 of Ordinance No. 1786-97, passed September 22, 1997, as amended by Ordinance No. 506-99, passed June 14, 1999, relating to the rehabilitation of Grayton Road access and spine road leading to Cleveland Business Park Phase II.**

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

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

**Section 1.** That Section 7 of Ordinance No. 1786-97, passed September 22, 1997, as amended by Ordinance No. 506-99, passed June 14, 1999, is hereby amended to read as follows:

Section 7. That the costs of the Improvement, services and property acquisition herein contemplated shall be paid from Fund Nos. 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, 20 SF 342, 20 SF 364, 52 SF 223 and 52 SF 225, Request No. 21959.

**Section 2.** That existing Section 7 of Ordinance No. 1786-97, passed September 22, 1997, as amended by Ordinance No. 506-99, passed June 14, 1999, is hereby repealed.

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

Passed May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 769-2000.**

**By Councilman Britt.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Alta House for the repair or replacement of the boiler for the Alta House Recreation Center 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 Alta House for the repair or replacement of the boiler for the Alta House Recreation Center.

**Section 2.** That the costs of said contract shall be in an amount not to exceed \$18,322 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 May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 770-2000.**

**By Councilman Brady.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Ministerial Day Care/Headstart Association to stretch six banners at 3645 West 117th Street (west side of West 117th Street - pole nos. #4596, #4592, east side of West 117th Street - pole nos. #680155, #537724, #537725, #537726), for the period from June 1, 2000 to July 5, 2000, inclusive, publicizing the Children First Learning & Enrichment Center, Our Children are #1.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Ministerial Day Care/Headstart Association to install, maintain and remove a six banner at 3645 West 117th Street (west side of West 117th Street - pole nos. #4596, #4592, east side of West 117th Street - pole nos. #680155, #537724, #537725, #537726), for the period from June 1, 2000 to July 5, 2000, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 771-2000.**

**By Councilman Cimperman.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Grace Hospital to stretch banners at 2307 West 14th Street, for the period from August 1, 2000 to August 31, 2000, inclusive, publicizing the Grace Hospital Health Fair.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Grace Hospital to install, maintain and remove banners at 2307 West 14th Street, for the period from August 1, 2000 to August 31, 2000, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 772-2000.**

**By Councilman Cimperman.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Disability Coalition Movement of Cleveland to stretch banners across Lakeside Avenue at the intersection of Lakeside Avenue and East 9th Street, across Lakeside Avenue at the intersection of Lakeside Avenue and Ontario and across Euclid Avenue at the intersection of Euclid Avenue and East 9th Street, for the period from June 21, 2000 to July 28, 2000, inclusive, publicizing the 10th Anniversary of ADA Day - a Celebration.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Disability Coalition Movement of Cleveland to install, maintain and remove banners across Lakeside Avenue at the

intersection of Lakeside Avenue and East 9th Street, across Lakeside Avenue at the intersection of Lakeside Avenue and Ontario and across Euclid Avenue at the intersection of Euclid Avenue and East 9th Street, for the period from June 21, 2000 to July 28, 2000, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 773-2000.**

**By Councilman Cimperman.**

**An emergency ordinance to amend Section 341.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 527-2000, passed April 17, 2000, relating to pedestrian retail area restrictions.**

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

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

**Section 1.** That Section 341.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 527-2000, passed April 17, 2000, is hereby amended to read as follows:

**Section 341.07 Pedestrian Retail Area Restrictions**

(a) Purpose. The regulations of this section are established to achieve, among others, the following purposes.

(1) ensuring the continued economic viability of retail corridors that depend on the patronage of customers who seek a shopping environment that is convenient and comfortable for pedestrians;

(2) enhancing the vitality of downtown streets, thereby strengthening the district's attractiveness as a location for residences, offices and tourism;

(3) increasing the marketability of housing located on upper floors of historic buildings in the district;

(4) providing necessary retail services to downtown residents and office workers;

(5) reducing traffic congestion by allowing downtown residents and employees to patronize retail businesses by walking rather than by traveling in automobiles or other vehicles;

(6) furthering economic development in the City of Cleveland and providing additional employment for City residents.

(b) Applicability. The regulations of this section shall apply to the ground floor or "street-level floor area" of any property located both in the Public Land Protective District and in a Retail Business District on a "pedestrian-oriented shopping street," as defined herein. No use in such location shall be established or changed except in accordance with the provisions of this section.

(c) Pedestrian-Oriented Shopping Street. A "pedestrian oriented shopping street" is any side of any block of a street characterized by a predominance of retail businesses situated at or near the public sidewalk. The City Planning Commission shall prepare and adopt a map designating pedestrian-oriented streets within the area to which the regulations of this section apply. The Planning Commission shall review and update that map periodically. The Planning Commission shall also consider for designation as a pedestrian-oriented shopping street any block that is designated for retail use in the adopted general plan for the development and improvement of the City, regardless of the current uses located on that block.

(d) Referral by Division of Building and Housing. The Division of Building and Housing shall refer to the City Planning Commission any application for establishment or change of a ground floor use in a building located both in the Public Land Protective District and in a Retail Business District.

(e) Planning Commission Determination. Upon receipt of an application to establish a new street-level use in a location subject to the provisions of this section, the City Planning Commission shall determine whether the space is located on a pedestrian-oriented street and whether the proposed use is permitted by the regulations of this section. The Commission shall make its determination within thirty (30) days of receipt of a complete application, unless the applicant approves an extension of time.

(f) Prohibited Uses. Street-level floor area in a building located on a pedestrian-oriented shopping street, as determined by the City Planning Commission in accordance with the provisions of this section, shall not be occupied principally for purposes of storage or warehousing or operation of telecommunications devices, telephone switching equipment or other automated or remotely controlled machinery or equipment.

(g) Facade and Window Treatment. If any uses prohibited in street-level areas are proposed for upper floors in buildings subject to the provisions of this section, the City Planning Commission or, if applicable, the Landmarks Commission during its review shall ensure that the entire facade and window areas are treated in a manner that does not convey the appearance of a space used for storage or warehousing purposes, but rather conveys the appearance of a space used actively by employees, customers or residents.

(h) Nonconforming Uses. Legally-established uses made nonconforming by the initial adoption of this section may continue but may not be expanded or otherwise changed so as to create a greater degree of nonconformity, unless approved by the Board of Zoning Appeals in accordance with Chapter 359.

(i) For any use subject to the regulations of this section, no exhaust vents (including, without limitation, any exhaust vents serving any diesel or other powered emergency generator) shall be placed along the designated pedestrian-oriented shopping street on the first floor, second floor or in the sidewalk area.

(j) Exceptions. Notwithstanding the variance powers outlined in Section 329.03, the Board of Zoning Appeals may vary or modify the application of these provisions in harmony with the general purpose and intent of the Zoning Code so that the public health, safety, morals and general welfare may be safeguarded and substantial justice done. The decision to vary or modify the application of these provisions shall consider the following factors: (1) the proximity of the proposed use to the pedestrian-oriented street frontage, in the case of a use that will occupy only a portion of the street-level floor space; (2) the physical size, shape or other characteristics of the premises; and (3) whether refusal of the variance appealed for will deprive the owner of substantial property rights.

**Section 2.** That Section 341.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 527-2000, 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 May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 774-2000.**

**By Councilman Cintron.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Blessed Sacrament School to stretch one banner at Fulton Rd. using a utility pole (by separate permission) for the period of May 18, 2000 to June 14, 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 the Department of Public Service is hereby authorized and directed to issue a permit to Blessed Sacrament School, 3389 Fulton Road, Cleveland, Ohio 44109, to install, maintain and remove one (1) banner to be stretched on a Cleveland Public Power utility pole, (by separate permission) for their special event, for the period of May 18, 2000 to June 14, 2000 inclusive, on the following pole location: Fulton Road - the 2nd pole South of Storer Avenue (E), and which banner shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and

maintained under the requirements of law or ordinance. The permission of the owner or 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 May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 775-2000.**

**By Councilman Cintron.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Project Afford, Inc. for the construction and rehabilitation of homes in Ward 14 through the use of Ward 14 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Project Afford, Inc. for the construction and rehabilitation of homes in Ward 14.

**Section 2.** That the costs 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 May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 776-2000.**

**By Councilman Gordon.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Archwood/Denison Concerned Citizens to stretch banners across Pearl Road at the NW corner of Pearl Road and Archwood, for a period from May 10, 2000 to June 10, 2000, inclusive, publicizing the 13th Annual Archwood Street Sale.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Archwood/Denison Concerned Citizens to install, maintain and remove banners across Pearl Road at the NW corner of Pearl Road and Archwood (pole no. CPTB397), for a period from May 10, 2000 to June 10, 2000, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 777-2000.**

**By Councilman Gordon.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to stretch banners at 4125 Fulton (pole no. #HC11) and 4102 Fulton (pole no. #GOM1825), for the period from August 31, 2000 to September 30, 2000, inclusive, publicizing the Senior Citizen Resources Annual Garage Sale.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Senior Citizen Resources, Inc. to install, maintain and remove banners at 4125 Fulton (pole no. #HC11) and 4102 Fulton (pole no. #GOM1825), for the period from August 31, 2000 to September 30, 2000, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency

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

Passed May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 778-2000.**

**By Councilman White.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Straight Eight Productions to stretch a banner across Miles Avenue at 11417 Miles, for the period from June 2, 2000 to June 30, 2000, inclusive, publicizing the Straight Eight Productions Second Annual Cabaret.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Straight Eight Productions to install, maintain and remove a banner across Miles Avenue at 11417 Miles, for the period from June 2, 2000 to June 30, 2000, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 779-2000.**

**By Councilmen Willis and Britt.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle Incorporated to stretch banners on Martin Luther King, Jr., Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar Hill, for the period from May 15, 2000 to June 15, 2000, inclusive, publicizing Parade the Circle Celebration.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to University Circle Incorporated to install, maintain and remove banners on Martin Luther King, Jr., Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar Hill, for the period from May 15, 2000 to June 15, 2000, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 780-2000.**

**By Councilman Patmon.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Glenville Development Corporation for partial support of a youth program and additional funds for Ward 8 home improvement programs through the use of Ward 8 Workers' Compensation Neighborhood Development Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Glenville Development Corporation for partial support of a youth program and additional funds for Ward 8 home improvement programs.

**Section 2.** That the costs of said contract shall be in an amount not to exceed \$8,800 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 May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 781-2000.**

**By Councilman Patmon.**

**An emergency ordinance consenting and approving the issuance of a permit for the 11th Annual Miles Standish Miler Fun Run on June 1, 2000 (raindate: June 2, 2000), sponsored by the Miles Standish Elementary School.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 11th Annual Miles Standish Elementary School, on June 1, 2000 (raindate: June 2, 2000), beginning at the school, 1000 East 92nd Street, west on Parkgate Rd. to East Blvd. to Parkside Rd., north on Parkside Rd. to Parkgate Rd., east on Parkgate Rd. and finish back at the school, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed May 8, 2000.  
Effective May 18, 2000.

**Ord. No. 871-2000.**

**By Councilman Britt.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Ward 6 Multi-Cultural Community Festival to stretch one banner at Woodland Avenue using a utility pole (by separate permission) for the period of July 12, 2000 to August 13, 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 Ward 6 Multi-Cultural Community Festival, 2450 MLK Jr. Drive, (at the corner of

Woodstock Avenue), Cleveland, Ohio 44104, to install, maintain and remove one (1) banner to be stretched on a Cleveland Public Power utility pole, (by separate permission) publicizing their annual festival, for the period of July 12, 2000 to August 13, 2000, inclusive, on the following pole location: Woodland Avenue on Pole E14-192, and which banner shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not 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 May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 872-2000.**

**By Councilman Cimperman.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Slavic Village Development Corporation for a senior citizen tree and yard maintenance program 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 Slavic Village Development Corporation for a senior citizen tree and yard maintenance program.

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

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

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

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

Passed May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 873-2000.**

**By Councilman Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for a Foot Race, on Saturday, May 27, 2000, sponsored by FM 92.3 and Hermes Race Systems in conjunction with the National Rib Cook-off.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of a Foot Race sponsored by FM 92.3 and Hermes Race Systems in conjunction with the National Rib Cook-off, on Saturday, May 27, 2000, with the participants beginning the foot race at Burke Lakefront Airport loop to North Marginal east to East 55th Street turn around and return the same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 874-2000.**

**By Councilman Patmon.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with FAMICOS for the Glenville Safezone program and the renovation of the Rockefeller Park and Cultural Gardens through the use of Ward 8 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with FAMICOS for the Glenville Safezone program and the renovation of the Rockefeller Park and Cultural Gardens.

**Section 2.** That the costs of said contract shall be in an amount not to exceed \$6,800 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 May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 875-2000.**

**By Councilman Cimperman.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Immaculate Conception Church for lighting improvements to the church towers, a historic landmark 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 Immaculate Conception Church for lighting improvements to the church towers, a historic landmark.

**Section 2.** That the costs 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 May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 876-2000.**

**By Councilman Patmon.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with FAMICOS for assistance with the neighborhood office accommodations for the Cuyahoga County Prosecutor's Office through the use of Ward 8 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement

with FAMICOS for assistance with the neighborhood office accommodations for the Cuyahoga County Prosecutor's Office.

**Section 2.** That the costs 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 May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 877-2000.**

**By Councilman Sweeney.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Bellaire-Puritas Development Corporation for additional support of the Safety Patrol program through the use of Ward 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 Bellaire-Puritas Development Corporation for additional support of the Safety Patrol program.

**Section 2.** That the costs 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 May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 878-2000.**

**By Councilman Jackson.**

**An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Total Learning Center, Infant Child Care, Inc. for assistance with start-up costs for the day care facility, located at 3868 Carnegie Avenue through the use of Ward 5 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into an agreement with Total Learning Center, Infant & Child Care, Inc. for assistance with start-up costs for the day care facility, located at 3868 Carnegie Avenue.

**Section 2.** That the costs 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 May 15, 2000.

Awaiting the approval or disapproval of the Mayor.

**COUNCIL COMMITTEE MEETINGS**

**Monday, May 22, 2000**

**Public Parks, Property & Recreation Committee: 9:30 a.m.—Present:** Rybka, Chairman; Brady, Britt, Sweeney, White. **Excused:** Dolan, Vice Chairman; Johnson.

**Finance Committee: 1:00 p.m.—Present:** Patmon, Chairman; Rybka, Vice Chairman; Cintron, Dolan, Lewis, Melena, O'Malley, Polensek, Robinson, Sweeney. **Excused:** Johnson.

**Tuesday, May 23, 2000**

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

**Legislation Committee: 1:30 p.m.—Present:** Lewis, Chairman; Jones, Vice Chairman; Brady, Coats, Gordon, Westbrook. **Excused:** Johnson.

**Wednesday, May 24, 2000**

**Public Safety Committee: 10:00 a.m.—Present:** Polensek, Chairman; Britt, Cimperman, Coats, Gordon, Jackson, Melena, Sweeney. **Excused:** Patmon, Vice Chairman.

**Public Utilities Committee: 1:30 p.m.—Present:** O'Malley, Chairman; Britt, Coats, Dolan, Melena, Polensek, Willis. **Excused:** Patmon, Vice Chairman.

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Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
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