

The City Record

Official Publication of the City of Cleveland

December the Twentieth, Two Thousand

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL—LEGISLATIVE

President of Council—Michael D. Polensek

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3232 East 119th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

MAYOR – Michael R. White

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
 Nicholas P. Jackson, 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

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 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 – Myrna Branche, Commissioner, Room 128
 Printing and Reproduction – Diante 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.

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DIVISIONS – 1201 Lakeside Avenue
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 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 – Reuben Sheperd, 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
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 Streets – Randell T. Scott, Commissioner, Room 25
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 Architecture – Paul Burik, Acting Commissioner, Room 517

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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

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 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

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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

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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.

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 87

WEDNESDAY, DECEMBER 20, 2000

No. 4541

CITY COUNCIL

MONDAY, DECEMBER 18, 2000

The City Record

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RUBY F. MOSS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

1:00 P.M.—**Public Health Committee:** Gordon, Chairman; 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, 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, 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, December 18, 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, Reed, Rybka, Sweeney, Westbrook, White and Willis.

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

Pursuant to Ordinance No. 2976-76, the Council Meeting was opened with a prayer offered by Rev. Wesley I. Reid of Lee Memorial AME Church, located at 861 East 150th Street in Ward 10. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 2290-2000.

From the Board of County Commissioners re: Resolution commemorating World AIDS Day, 2000. Received.

File No. 2291-2000.

From the Division of Purchases and Supplies re: Emergency Requisition (RE-28903). Received.

File No. 2292-2000.

From the American Cancer Society re: Cuyahoga Unit Report to the Community 2000, Expanding the Circle of Care. Received.

File No. 2293-2000.

From the Cuyahoga County Board of Election re: Certificate of vote results of Issue 51, November 7, 2000. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 2294-2000.

Re: Transfer of Ownership Application - 5185227 - Liberty Deli Mart, Inc., d.b.a. Liberty Deli Mart, 8806 Almira Avenue, first floor. (Ward 18). Received.

File No. 2295-2000.

Re: Transfer of Ownership Application - 5563409 - Marquise Cafe, Inc., 3085-89 West 25th Street, first floor and basement. (Ward 14). Received.

File No. 2296-2000.

Re: Transfer of Ownership Application - 4418200 - K. K. M. T. Beverage & Deli, Inc., d.b.a. Uncle Sam's Beverage & Deli, 11022 Bellaire Road, first floor. (Ward 19). Received.

STATEMENT OF WORK ACCEPTED

File No. 2297-2000.

From the Department of Parks, Recreation and Properties re: Con-

tract No. 56389, (13-99) Sterling and Thurgood Marshall Recreation Centers Locker Renovation. Received.

VETO

File No. 2221-2000-A.

December 13, 2000

The Honorable Michael Polensek
Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Polensek:

I am returning enclosed Ordinance No. 2221-2000 with my objections. This ordinance is entitled "An emergency ordinance to change the name of a portion of Superior Avenue to 'Plain Dealer Plaza.'" The reasons for my veto are set forth below.

- Section 76-3 of the Cleveland City Charter establishes a mandatory referral to the Cleveland City Planning Commission for ordinances that concern, among other things, the "use of any public improvement." My staff has advised me, and I concur that Ordinance No. 2221-2000 concerns the use of the public improvement of Superior Avenue. Consequently, the failure to achieve Planning Commission review prior to the passage of Ordinance No. 2221-2000 constitutes a violation of the Cleveland City Charter.

- Ordinance No. 2221-2000 violates Chapter 305 of the Codified Ordinances in at least two respects: (a) thoroughfares cannot be classified as "plazas;" and (b) the street numbering would conflict with the numbering for the rest of Superior Avenue.

- The renaming of a one-block stretch of a major City arterial creates significant emergency response risks. Ambulances and other emergency response vehicles depend upon immediate identification of the site of an incident. The confusion implicit in the renaming of a one-block segment is a safety risk the City and its residents should not assume.

- The passage of Ordinance No. 2221-2000 would set a precedent that would invite other significant community stakeholders to seek similar treatment. The end result could be a patchwork system of City streets that is confusing to both residents and visitors.

While I share with the City Council recognition and appreciation of the Plain Dealer's significant investment in the City, my public responsibilities cannot allow me to support passage of Ordinance No. 2221-2000.

However, if City Council chooses to re-introduce Ordinance No. 2221-2000 in its present form as an **introduction** piece rather than a **passage** piece, we stand ready to engage the

Council in a full discussion of all relevant points. As you know, the legally required, time-honored path for an ordinance such as this includes not only Council Committees but also a mandatory review and vote by the City Planning Commission. At that Charter-required Commission hearing, all impacted property owners would have the opportunity to express their views prior to the Commission's final vote.

Finally, I regard this Plain Dealer affair as the latest example of a disturbing trend at City Council meetings. Increasingly, the City Council has chosen to insulate controversial items from public discussion and debate through the means of passing ordinances on first reading as an emergency when clearly no emergency exists. This closed-door, back room dealing approach to public issues is an affront to our residents. I believe that the Plain Dealer ordinance should have been subjected to the same Council Committee scrutiny that is routinely given to legislation submitted by my Administration instead of being passed in the above described manner.

Thank you for your expected attention to these matters.

Sincerely,
Michael P. White
Mayor

Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 2298-2000—Bessie P. Bradford.

Res. No. 2299-2000—William Chambers.

CONGRATULATION RESOLUTIONS

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

Res. No. 2300-2000—Sgt. Francis Bova.

Res. No. 2301-2000—Ed Pfaff.

Res. No. 2302-2000—Ramachandran Balasubramaniam.

WELCOME RESOLUTION

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

Res. No. 2303-2000—Musicians from Slovenia.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 2304-2000.

By Mayor White.
An emergency ordinance to amend the title and Section 1 of Ordinance No. 213-2000, passed June 12, 2000, relating to the oper-

ation of a business service center and the installation of kiosks 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 title and Section 1 of Ordinance No. 213-2000, passed June 12, 2000, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with **BTS/Aerzone** Joint Venture for operation as a business service center and the installation of Internet **and DVD** kiosks at Cleveland Hopkins International Airport.

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is hereby authorized to enter into a Lease By Way of Concession with **BTS/Aerzone** Joint Venture for the use and occupancy of approximately one thousand (1,000) square feet of space in the Airport Terminal Building and the installation of Internet **and DVD** kiosks in various locations throughout the terminal in connection with its operation of a business service center. The annual rent shall be determined as follows: Lessee shall pay to the City a minimum annual guaranteed concession fee of Twenty-Four Thousand One Dollars (\$24,001); one and one-half percent (1 1/2%) of gross revenues realized by Lessee on U.S. currency traded; ten percent (10%) of the gross premium on the sale of travel related insurance and fifteen percent (15%) of gross revenues realized by Lessee from all other operations. The minimum annual guaranteed concession fee shall be subject to an annual increase of four percent (4%). The term shall commence on the date of execution of the Agreement, and unless sooner terminated, shall expire five years thereafter.

Section 2. That the existing title and Section 1 of Ordinance No. 213-2000, passed June 12, 2000, are hereby repealed.

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

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

Ord. No. 2305-2000.**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 the names of the following claimants and charged against the fund numbers opposite the names of the claimants:

Claimant	Claim No.	Amount	Division	Fund
Mildred Bretzel	10946	\$ 892.00	Water Pollution Control	54 SF 001
Maxine Hunter	10953	\$ 205.00	Water Pollution Control	54 SF 001
Barbara Kennedy	10958	\$ 205.00	Water Pollution Control	54 SF 001
Teresa Burrell	10960A	\$1,200.00	Water Pollution Control	54 SF 001
Michelle Goolsby	10960B	\$1,200.00	Water Pollution Control	54 SF 001
Thelma Russell	10960C	\$1,200.00	Water Pollution Control	54 SF 001
Margaret Washington	10960D	\$1,200.00	Water Pollution Control	54 SF 001
Betsy Brown	10960E	\$1,200.00	Water Pollution Control	54 SF 001
John Lake	10974	\$1,500.00	Water Pollution Control	54 SF 001
Henry Whyte	10983	\$1,500.00	Water Pollution Control	54 SF 001
Rich Bogdan	10995	\$1,500.00	Water Pollution Control	54 SF 001
Alice Cantwell	11000	\$ 235.00	Water Pollution Control	54 SF 001
Kirk Mueller	11018	\$1,500.00	Water Pollution Control	54 SF 001
Albert Oliver	11025	\$1,500.00	Water Pollution Control	54 SF 001
Matthew Robinson	11034	\$ 577.78	Water Pollution Control	54 SF 001
Renee Bradley-Mack				
On behalf of				
Clinton Bradley	10853	\$4,825.00	Police	01-600202-672000
Walter Knable	10975	\$ 126.00	Police	01-600202-672000
Alpha Burstion	10978	\$ 799.00	Police	01-600202-672000
Richard Sharp, Jr.	10991	\$ 407.46	Police	01-600202-672000
Essie Minter	11014	\$ 142.31	Police	01-600202-672000
Tina Sisson	11020	\$ 737.00	Police	01-600202-672000
Eric McDonald	11035	\$ 146.00	Police	01-600202-672000
Joseph Corbett	10967	\$ 326.00	Fire	01-600302-672000
RTA	10985	\$ 710.29	Fire	01-600302-672000
Jesse Davis	10993	\$ 750.00	EMS	01-600402-672000
Vonetta Fountain	10964	\$ 500.00	Park Maintenance	01-701205-672000
Michael Jankowski	10968	\$ 365.00	Park Maintenance	01-701205-672000
Delores Junior	10973	\$ 235.00	Park Maintenance	01-701205-672000
Southeast Improvement Assoc.	10989A	\$ 81.80	Park Maintenance	01-701205-672000
Commander				
Michael McGrath	10989B	\$ 150.00	Park Maintenance	01-701205-672000
William Harbison	11005	\$ 150.00	Park Maintenance	01-701205-672000
Timothy Collins	11024	\$ 165.00	Park Maintenance	01-701205-672000
Mark Brinza	11042	\$ 150.00	Park Maintenance	01-701205-672000
Isiah Ellis	11048	\$ 295.00	Park Maintenance	01-701205-672000
Evelyn Babcock	10947	\$ 500.00	Park Maintenance	01-701204-672000
			(Urban Forestry)	
Jerry Carpenter	10959	\$ 250.00	Park Maintenance	01-701204-672000
			(Urban Forestry)	
Eadie Scott	10994	\$1,000.00	Park Maintenance	01-701204-672000
			(Urban Forestry)	
Helen Weber	11007	\$ 250.00	Park Maintenance	01-701204-672000
			(Urban Forestry)	
Andre Keith	11008	\$ 850.00	Park Maintenance	01-701204-672000
			(Urban Forestry)	
Joann Porach	11029	\$ 600.00	Park Maintenance	01-701204-672000
			(Urban Forestry)	
Brian Grancha	11037	\$ 400.00	Park Maintenance	01-701204-672000
			(Urban Forestry)	
Robert Dubac	11045	\$ 650.00	Convention Center	67 SF 001
Patricia Stone	11051	\$ 107.89	Streets	11 SF 401
Stephanie Finlin	10957	\$ 100.00	Waste Collection	01-400303-672000
Gerald Hart	10986	\$ 939.41	Waste Collection	01-400303-672000
Daniel Guthrie, Jr.	11027	\$ 250.00	Waste Collection	01-400303-672000
Tanya Ford	11030	\$ 310.30	Waste Collection	01-400303-672000
Joe Zagaria	11041	\$ 321.61	Waste Collection	01-400303-672000
Mary E. Williams	10641	\$1,000.00	Municipal Clerk	01-011501-672000
			Of Courts	

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. 2306-2000.
By Councilmen O'Malley, Melena, Cimperman, Lewis and Patmon (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 354.01 through 354.14 thereof, relating to wireless telecommunications facilities; and to amend Section 353.06 of said codified ordinances, as amended by Ordinance No 2035-93, passed September 19, 1994, relating to exceptions to height regulations.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 354.01 through 354.14 thereof to read, respectively, as follows:

**CHAPTER 354
WIRELESS TELECOMMUNICATIONS
FACILITIES**

Section 354.01 Purpose

These regulations are established to ensure that outdoor telecommunications facilities will be developed and maintained in a manner which provides adequate telecommunication services to the community while protecting the visual character of the city's neighborhoods and scenic areas.

Section 354.02 Definitions

For the purposes of this Chapter, the following terms shall have the meanings given in this section.

(a) "Telecommunications" means all forms of wireless communication, including, but not limited to voice and data communications.

(b) "Telecommunications Antenna" means a device that transmits and/or receives electromagnetic telecommunications signals.

(c) "Telecommunications Antenna Structure" means a telecommunications antenna and any incidental supporting structures necessary to mount the antenna to a building, tower or other structure.

(d) "Telecommunications Tower" means a ground-mounted structure, other than a building, that is designed for the sole purpose of supporting a telecommunications antenna.

(e) "Telecommunications Facility" means the antennas and ancillary equipment and structures used in transmitting and/or receiving electromagnetic telecommunication signals.

(f) "Lattice Tower" means a tower constructed of vertical metal struts and cross braces forming a square or triangular structure which tapers from the foundation.

(g) "Monopole Tower" means a tower constructed of a single, self-supporting metal tube, anchored to a foundation.

(h) "Co-location" means the sharing of a single tower, building or other structure by two or more telecommunications providers.

(i) "Topmost Element" means the highest point on a building or other ground-mounted structure, excluding existing telecommunications antenna structures mounted on such building or structure.

Section 354.03 Applicability and Exemptions

(a) Applicability. No tower or antenna structure, as defined in this chapter, shall be erected, enlarged or extended without conformance to the provisions of this chapter, and other applicable regulations, as evidenced by the issuance of a Building Permit by the Commissioner of Building and Housing.

(b) Exemptions. The following structures are not subject to the provisions of this chapter:

(1) telecommunications equipment completely enclosed within a permitted building;

(2) a building-mounted antenna structure not more than fifteen (15) feet in height above the topmost element of the building to which it is attached in a non-Residential District and not more than ten (10) feet in height above the topmost element of the building to which it is attached in a Residential District; and

(3) a ground-mounted tower or dish not exceeding fifteen (15) feet in height in a Residential District or thirty-five (35) feet in height in other zoning districts.

Section 354.04 Conditionally Permitted Uses and Permitted Uses

(a) Conditionally Permitted Uses. The following uses shall be permitted only after approval by the City Planning Commission, which shall determine whether the proposed use complies with the applicable conditions set forth in this chapter:

(1) a telecommunications tower not exempted by Section 354.03; and

(2) a telecommunications antenna structure which projects more than fifteen (15) feet in height above the topmost element of the building or other non-telecommunications tower structure to which it is attached and which also exceeds the height limit established on the zoning map for buildings on the subject property.

(b) Permitted Uses. All telecommunications facilities not listed in division (a) of this section are permitted without City Planning Commission approval, except where such approval is required by other regulations of these codified ordinances.

Section 354.05 Co-Location

(a) Co-Location Requirement. No new telecommunications tower exceeding fifty (50) feet in height shall be approved unless the applicant submits an affidavit attesting to the fact that placement of an antenna(s) on an existing tower, building, utility pole or other existing structure, where permitted, is made infeasible by one or more of the following conditions:

(1) No existing towers or other suitable structures are located within the geographic area requiring service.

(2) Existing towers or other structures suitably located are not of sufficient height or are not of sufficient structural strength and cannot be reasonably altered to meet the applicant's engineering requirements.

(3) Co-location would cause electromagnetic interference between the proposed and existing antennas and that such interference cannot be prevented at reasonable cost.

(4) The applicant has made a reasonable offer to co-locate on one or more suitably located towers or

other structures, but the owner of such structure or structures or the owner of the telecommunications equipment thereon has refused permission for co-location.

(b) Accommodation of Co-Located Equipment. Any new telecommunications tower shall be designed with sufficient structural loading capacity and height, or the capability of being extended in height, to accommodate at least three antennas or antenna array platforms of equal loading capacity for use by three separate service providers. Similarly, any associated equipment shelter shall be capable of accommodating three separate users or space shall be reserved on the site for necessary expansion. Furthermore, the owner of any telecommunication facility permitted as a conditional use under the provisions of this chapter shall respond in writing within thirty (30) days of receipt of a written request for co-location made pursuant to the requirement of division (a) of this section.

Section 354.06 Tower Location and Height

(a) Location by Zoning District. A telecommunications tower subject to the regulations of this chapter shall be located in only the following zoning districts: General Retail, Shopping Center, Residence-Industry, Semi-Industry, General Industry and Unrestricted Industry. No telecommunications tower subject to the regulations of this chapter shall be located in a Landmark District.

(b) Setback from Residential or Landmark District. No portion of a telecommunication tower subject to the regulations of this chapter shall be located closer to a Residential District line or Landmark District line than a distance equal to twice the height of the tower.

(c) Setback from Non-Residential Zoning Districts. No portion of a telecommunication tower subject to the regulations of this chapter shall be located closer than ten (10) feet to the lot line of an adjoining non-residential, non-Landmark zoning district.

(d) Setback from Street Lines. No portion of a telecommunication tower subject to the regulations of this chapter shall be located closer than twenty-five (25) feet from a street right-of-way line.

(e) Distance from Public Airport. No telecommunication tower subject to the regulations of this chapter shall be located closer than two (2) miles from a public airport, measured from the center of tower to any border of the airport, unless closer proximity is permitted by the Board of Zoning Appeals based on a recommendation by the Department of Port Control.

(f) Impact on Scenic Vistas. No telecommunications tower shall be so located as to impact adversely on scenic vistas, as determined by the City Planning Commission.

(g) Height. A telecommunication tower may exceed the height limit established on the zoning map for the subject property if the tower meets all other regulations of this chapter.

(h) Spacing from Other Towers. A telecommunications tower that exceeds the height limit established on the zoning map shall be located no closer than four hundred (400) feet from another such tower.

(i) Accessory Buildings. Any building which is accessory to the telecommunications tower shall not exceed fifteen (15) feet in height and shall be set back at least twenty-five (25) feet from any street right-of-way line and at least fifty (50) feet from any Residential zoning district line.

(j) Guy Wires. Any guy wires supporting towers shall be anchored behind the security fence surrounding the tower.

Section 354.07 Tower Design and Lighting

(a) Lighting. Telecommunications towers shall not be illuminated except as required by the Federal Aviation Administration or other applicable authority or by the provisions of Chapter 633 of these Codified Ordinances. If lighting is required, a design that minimizes disturbances to nearby residences shall be utilized.

(b) Structural Design. Telecommunications towers shall be designed to meet all requirements of the Building Code of the City of Cleveland and all applicable state and federal regulations.

(c) Aesthetic Design. Telecommunications towers shall be designed in a manner that makes them as unobtrusive as possible, while meeting safety requirements. To this end, tower design shall be monopole rather than lattice, wherever feasible. With respect to color, towers, if painted, shall be light gray or off-white in order to blend in with the sky and clouds, unless other colors are required by federal regulations or the provisions of Chapter 633 of these Codified Ordinances or unless another color is approved by the City Planning Commission as being more effective in a particular instance. The City Planning Commission shall work with applicants to identify any other design techniques that can be used in reducing the visual prominence of telecommunications towers.

(d) Signs. No signs shall be located on or around a telecommunications tower except for necessary warning signs located at or near ground level.

(e) Accessory Buildings. Any building accessory to a telecommunications tower shall be faced with brick, stone, wood, decorative block, fiberglass or metal, as approved by the City Planning Commission to ensure that the design of such building is compatible with its environs.

Section 354.08 Antenna Location, Height and Design

The regulations of this section shall govern the location, height and design of any telecommunications antenna and antenna structure, subject to the provisions of this chapter, attached to a building or structure other than a telecommunications tower.

(a) Location by Zoning District. A telecommunications antenna may be located in any zoning district other than a One-Family, Two-Family or Townhouse Residential District, except as permitted by the Board of Zoning Appeals in accordance with the provisions of Section 354.14 regarding special exceptions.

(b) Height. A telecommunications antenna or antenna structure may exceed the height limit established on the zoning map for buildings on

the subject property, but such antenna or antenna structure shall not exceed the height limit by more than twenty (20) feet.

(c) Design. A telecommunications antenna structure shall be designed and placed so as to blend in with the appearance of the structure to which it is attached or to be otherwise screened or obscured from view from public streets and adjoining properties to the maximum extent possible. Such design shall be as approved by the City Planning Commission, where installation of the antenna is subject to the Commission's approval.

(d) Accessory Equipment. Equipment that is accessory to a telecommunications antenna shall be located within the subject building or structure or shall be placed so as not to be visible from adjoining public streets, unless the City Planning Commission determines that such screening is not necessary in a particular instance.

Section 354.09 Fencing and Landscaping

(a) Security Fence. The base of any ground-mounted telecommunications tower shall be completely enclosed by a fence or wall not less than six (6) feet and not more than eight (8) feet in height. Such fence or wall shall be set back at least six (6) feet from all property lines. Any fence or wall located within twenty-five (25) feet of a street right-of-way shall be either a wrought iron-style or black vinyl-coated chain link fence or a decorative masonry wall. Barbed wire may be used if permitted by the regulations of Chapter 358 of this code.

(b) Landscaping Location. A landscape strip meeting the standards established in division (c) of this section shall be placed along the outside of the entire perimeter of the security fence, except that the City Planning Commission may alter the required location when it determines that another location would be more effective and may waive the requirement for any particular location where it determines that the landscaping would not be visible from adjacent parcels or public streets or, otherwise, by members of the general public.

(c) Landscaping Requirement. The landscape strip required in division (b) of this section shall be a minimum of ten (10) feet in width and shall include, at a minimum, evergreen trees or shrubs, at least six (6) feet in height, spaced at maximum intervals of eight (8) feet. The landscape requirements may be varied by the City Planning Commission in order to address particular site conditions.

Section 354.10 Existing Nonconforming Towers

A telecommunications tower lawfully existing on the effective date of this chapter or any amendment thereto may be continued in accordance with the regulations of Section 359.01 of this code even if such tower does not conform to the provisions of this chapter, but such tower shall not be made more nonconforming unless the alteration is approved by the Board of Zoning Appeals in accordance with the provisions of Section 354.14 of this chapter.

Section 354.11 Maintenance and Abandonment

(a) Maintenance and Monitoring. All buildings, structures, fences, and property used in connection with a telecommunications facility shall be maintained in good condition and in safe working order. On each biennial anniversary of the issuance of the Certificate of Occupancy for a telecommunications tower, or not more than ninety (90) days prior to that date, the permit holder for such tower shall submit to the Commissioner of Building and Housing a report that verifies continued operation of the telecommunications use and compliance with all requirements of this chapter and other applicable governmental regulations.

(b) Abandonment.

(1) Notice. Not less than thirty (30) days after abandoning or discontinuing operation of a telecommunications facility, the permit holder shall send written notice of this fact to the Commissioner of Building and Housing.

(2) Removal. If use of a telecommunications facility has been discontinued for 180 consecutive days, the facility shall be deemed abandoned. Within ninety (90) days of abandonment, the permit holder or other responsible party shall remove the abandoned tower, antenna, and any accessory structures, and shall restore the site to an attractive landscaped condition. If such actions are not taken, the City may cause the removal of all facilities at the expense of the permit holder or other responsible party.

Section 354.12 Application and Approval Process

(a) Submission of Application. An application to construct or alter a telecommunications facility subject to the regulations of this chapter shall be submitted to the Division of Building and Housing as part of a Building Permit application.

(b) Determination of Compliance. The Division of Building and Housing shall determine if the application conforms to requirements of this chapter and other applicable regulations of the City of Cleveland, except for those provisions that require a determination by the City Planning Commission.

(c) Referral to Public Utilities. The Division of Building and Housing shall refer all applications governed by this chapter to the Office of Radio Communications of the Department of Public Utilities for review and approval. The Office of Radio Communications shall review the application with respect to any issues relating to the technical expertise of that office. No Building Permit shall be issued without the approval of the Office of Radio Communications.

(d) Referral to City Planning Commission. For proposals subject to approval by the City Planning Commission as conditionally permitted uses, under Section 354.04, the Division of Building and Housing shall refer the application to the City Planning Commission for review and approval.

(e) City Planning Commission Action. The City Planning Commission shall review any application subject to conditional approval and shall determine whether the proposal meets all applicable standards established in this chapter to ensure

proper design and compatibility with surrounding uses. The Commission shall take action on the application at a public meeting, subsequent to providing public notice, as provided in division (f) of this section. The Commission may require modifications to the proposal as a condition of approval. The Commission may disapprove an application if it determines that the proposed location does not meet the standards set forth in this chapter and that a suitable alternative location is available. No Building Permit shall be issued without the approval of the City Planning Commission for an application subject to conditional approval.

(f) Notice Requirement. Prior to taking action on a ground-mounted telecommunications tower application subject to conditional approval, the City Planning Commission shall mail notices describing the proposal to all owners of residential property located within a distance of the proposed tower equal to three (3) times the height of the tower. Such notice shall be sent by first class mail or an equivalent method at least ten (10) calendar days prior to the date of the public meeting. The Commission shall also provide notice in the same time frame to the Department of Port Control and to any City Council member who represents an area in which notices are to be mailed to property owners.

Section 354.13 Contents of Application

All applications subject to the provisions of this chapter shall be accompanied by the following information, as applicable, in addition to information required for all Building Permit applications.

(a) Telecommunications Towers. The following information shall be submitted with an application for a telecommunications tower permitted conditionally under the provisions of Section 354.04.

(1) a site plan of the subject property showing adjoining streets, the proposed tower and any proposed and existing buildings, fencing, structures, landscaping, driveways, parking, and curb cuts on the subject property, including specifications for all proposed landscaping.

(2) an elevation drawing showing the proposed tower and all structures and landscaping shown on the required site plan, indicating the height, color and materials of the tower and all proposed fencing and other structures.

(3) a lighting plan for the proposed tower, indicating the location, color and intensity of the lighting, both as it will appear in daylight and at night, and indicating any mechanisms to prevent glare on adjacent properties and streets and to shield the lighting from residences, to the maximum extent feasible.

(4) a vicinity map showing the subject property and the proposed tower and fencing in the context of all property located within a distance from the tower equal to three times the height of the tower, showing within this area, all streets and existing buildings and significant structures and indicating the residential use of any buildings and any property zoned in Residential or Landmarks Districts, such map being marked with topographic contours at five-foot intervals.

(5) color photographs showing the current view of the tower site from any adjoining public street or any other street within 200 feet of the proposed tower and from the closest groupings of residential buildings located within an area from the proposed tower equal to three (3) times the height of the proposed tower, plus a second set of color photographs showing the same views with the proposed tower superimposed onto the photographs.

(6) a map showing all existing telecommunications towers and all buildings and structures exceeding one hundred (100) feet in height located within one (1) mile of the proposed tower, with such map being accompanied by documentation, in accordance with the provisions of Section 354.05, demonstrating that the applicant has investigated all opportunities for co-location or alternative location and has determined that such co-location or alternative location is infeasible or that the owner of any such structure or attached telecommunications equipment has refused a reasonable offer for co-location.

(b) Telecommunications Antennas. The following information shall be submitted with an application for a telecommunications antenna structure proposed to be attached to an existing building or other structure, and permitted conditionally under the provisions of Section 354.04 or otherwise subject to approval by the City Planning Commission or Landmarks Commission.

(1) an elevation drawing of the building or structure to which the proposed antenna will be attached, showing the placement of the antenna and indicating the color of the antenna in relation to the color of the surface to which it will be attached and showing the projection of the antenna from the structure, marked with all necessary dimensions.

(2) a color photograph of the building or structure to which the proposed antenna will be attached, with the proposed antenna superimposed onto such photograph.

Section 354.14 Special Exceptions and Appeals

(a) Special Exceptions. The Board of Zoning Appeals may approve an application to install a telecommunications tower or antenna structure that does not meet the regulations of this chapter if the Board determines that all of the following conditions apply.

(1) The literal application of the regulations of this chapter in a particular instance will prevent adequate provision of wireless communications service, and no conforming alternative is technically feasible.

(2) The proposed installation will not be contrary to the stated purpose of the regulations of this chapter.

(3) Specifically, in the case of a telecommunications tower proposed to be placed in a Residential District, the subject parcel is not occupied by residential uses and is not likely to be occupied by residential uses in the foreseeable future.

(4) Specifically, in the case of a telecommunications antenna proposed to be placed in a Residential District on a building or structure other than a telecommunications tower, such building or structure is a not a residence and is not designed for residential occupancy.

(5) Specifically, in the case of the alteration of an existing telecommunications tower, including the addition of an antenna or antennas, the proposed alteration will not be detrimental to residential areas and will result in public benefits such as reducing the need for additional telecommunications towers in the vicinity or improving the appearance or safety of the existing tower and its site.

(b) Appeals. Any decision of the City Planning Commission or an administrative official made pursuant to the provisions of this chapter may be appealed to the Board of Zoning Appeals, in accordance with the provisions of Chapter 329.

Section 2. That Section 353.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2035-93, passed September 19, 1994, is hereby amended to read as follows:

Section 353.06 Exceptions to Height Regulations

(a) Towers. For towers attached to the ground or mounted on a building, except for roof structures as defined in the Ohio Basic Building Code and as regulated in division (b) of this section, the maximum height specified in Section 353.02 may be exceeded, provided that:

(1) the area of the tower's horizontal cross section above the height limit does not exceed twenty-five percent (25%) of the lot area excluding all required yard area;

(2) the tower is not nearer to any lot lines at the height limit than 25 feet;

(3) the tower is located no closer to a public airport or landing field than one mile, unless closer proximity is specifically permitted by the Board of Zoning Appeals, based on recommendations provided by the Department of Port Control.

(b) Roof Structures. In any height district, stairway and elevator or ventilating equipment penthouses, and penthouses for similar purposes; water tanks, cooling towers, ornamental towers, scenery lofts, poles, chimneys or other necessary appurtenances, when erected upon and as an integral part of the building, may be erected or extended above the maximum height specified in Section 353.02 if such building is more than one mile from a public airport or landing field, or if closer proximity to such airport or landing field is specifically permitted by the Board of Zoning Appeals.

(c) Exemptions. No provision of this section shall apply to any tower regulated by Chapter 354.

Section 3. That existing Section 353.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2035-93, passed September 19, 1994, is hereby repealed.

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

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

Ord. No. 2307-2000.
By Councilmen O'Malley, Cimperman, Lewis and Patmon (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting Section 183.05 thereof, relating to leases of City-owned facilities for towers and antennas.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 183.05 thereof to read as follows:

Section 183.05 Leases of City-owned Facilities for Towers and Antennas

(a) Any City department may enter into a lease granting the privilege of placing a tower, antenna, or other similar structure, including but not limited to commercial broadcasting towers, two-way radio towers, fixed point microwave dishes, commercial satellites and receiving dishes, cellular or personal communication service towers, and their ancillary structures, and fencing and landscaping, as applicable, on City-owned buildings, structures, land, or other property that is under the jurisdiction of the leasing department.

(b) The lease payments and lease term shall be as determined by the Department of Public Utilities, Office of Radio Communications. The lease agreement shall contain such provisions as the Director of Law deems necessary to protect the public interest and shall be executed by the Department of Public Utilities, Office of Radio Communications and the director of the leasing department.

(c) Payments received under a lease agreement authorized pursuant to this section shall be remitted to the department or division from which the property is leased, for the use of that department or division.

(d) A lease shall not be construed as the conveyance of any right, title, or interest in public property but merely as the grant of the privilege to use the property for the purposes described in the lease.

(e) A lessee's tower, antenna, or other similar structure located within the limits of the City of Cleveland shall also comply with all provisions of the codified ordinances.

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 Public Utilities, Community Development, City Planning Commission, Finance, Law; Committees on Public Utilities, Community and Economic Development, City Planning, Legislation, Finance.

Ord. No. 2308-2000.
By Councilmen Polensek and Westbrook.

An emergency ordinance to repeal Sections 670B.01 through 670B.08 and 670B.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 933-A-97 passed June 16, 1997, and to supplement said codified ordinances by enacting new Sections 670B.01 through 670B.08 and 670B.99 thereof, relating to outdoor pay telephones, and to amend Sections 3109.02, 325.71 and 349.05 of the Codified Ordinances of Cleveland, Ohio, 1976 as enacted by various ordinances.

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

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

Section 1. That Sections 670B.01 through 670B.08 and 670B.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 933-A-97, passed June 16, 1997 are hereby repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 670B.01 through 670B.08 and 670B.99 thereof, to read, respectively, as follows:

Section 670B.01 Definitions

As used in this chapter:

(a) "Director" means the Director of Finance or the Director's designee.

(b) "Commissioner" means the Commissioner of Assessments and Licenses or the Commissioner's designee.

(c) "Outdoor Pay Telephone" means any self-service, coin-operated, credit card-operated or other similar telephone which is available outdoors for use by the general public.

"Outdoor Pay Telephone" shall include outdoor pay telephone booths and stands, outdoor pay telephone drive-up and walk-up units, and outdoor pay telephones which are affixed to the exterior walls of a building or structure.

(d) "Owner" means a person in whom is vested ownership, dominion, control or title of an outdoor pay telephone.

(e) "Person" means any individual, firm, partnership, association, corporation, company, organization or legal entity of any kind.

(f) "Public Property" means all City-owned property, and does not include the right-of-way of the City or property owned by a person other than the City.

(g) "Public right-of-way" means any way which has been deeded to the public or dedicated to the public use for pedestrian or vehicular travel, and does not include public property or property owned by a person other than the City.

(h) "Private property" means any property other than the public right-of-way or public property.

(i) "PUCO" means the Public Utilities Commission of Ohio.

(j) "Special telephone service features" include the blocking of incoming calls to a telephone, installation of rotary telephones or telephones that do not permit "touch tone" dialing, restricting coin access to a telephone during late evening and night

hours, and such other service features as are acceptable to the Director.

(k) For the purposes of this chapter, unless otherwise specified, any distance requirement shall be measured from the starting point outward in every direction along the City's right-of-way and on the parcels immediately along such right-of-way, but such measurements shall not continue beyond any human made or natural physical barrier that prevents pedestrians and vehicular traffic from continuing in that direction, nor shall such measurement continue across a rear lot line of a parcel.

Section 670B.02 Requirements for License and Contracts; Permits; Location Requirements

(a) No person shall engage in the business of providing and installing outdoor pay telephones on private property, and no person shall install, place or maintain an outdoor pay telephone on private property, unless the owner has a biennial outdoor pay telephone license. This prohibition applies to any outdoor pay telephone installed prior to or after the effective date of this ordinance.

(b) No person shall engage in the business of providing and installing outdoor pay telephones in the public right-of-way, and no person shall install, place or maintain an outdoor pay telephone within the public right-of-way unless the owner of the telephone has entered into a biennial contract with the Director that grants to such owner the privilege of installing and maintaining outdoor pay telephones in the public right-of-way. This prohibition applies to any outdoor pay telephone installed prior to or after the effective date of this ordinance. This prohibition applies to any outdoor pay telephone that is attached to or mounted on a building or other structure when such telephone extends above or into the right-of-way. This prohibition also applies to any outdoor pay telephone that is located in the right-of-way and is attached to a building or structure by a wire or cable. All contracts entered into by the Director for the installation, placement or maintenance of outdoor pay telephones within the public right-of-way shall be in accordance with the provisions of this Chapter.

(c) No person shall engage in the business of providing and installing outdoor pay telephones on private property or in the right-of-way, and no person shall install, place or maintain an outdoor pay telephone on private property or in the right-of-way unless the owner has a biennial permit for each telephone installed, placed or maintained, issued in accordance with the requirements of this Chapter.

(d) It shall be unlawful for any person to install, own or maintain, or to allow the installation or maintenance of, an outdoor pay telephone on private property or the public right-of-way under any of the following circumstances:

(1) On any vacant private property;

(2) On any private property where there is a vacant building;

(3) On any private property which has a premises licensed for the sale of alcoholic liquor (other than beer or wine);

(4) In a residential use district as defined in the Zoning Code of the City, or within 50 feet of a residential dwelling unit in a residential use district;

(5) At a location where use from a vehicle is possible which would cause the vehicle to stand in a driveway or aisle in a parking lot or in the right-of-way; and

(6) On any property or at any location which has been determined by the Director of Public Safety to create a nuisance based upon prior actual use.

(e) No dial tone provider shall provide dial tone to any outdoor pay telephone on private property or in the right-of-way without first verifying that the pay telephone has been permitted by the City pursuant to this Chapter.

(f) All outdoor pay telephones on private property or in the right-of-way must: automatically block all incoming calls and provide outgoing only service; prevent the use of pagers or beepers; use electric wiring, and not telephone wire, for electric connections; be well lighted, which may include ambient lighting; and be kept free from graffiti and stickers not placed by the owner, and kept clean.

(g) Any outdoor pay telephone placed or installed on private property or in the right-of-way after the effective date of this ordinance shall be either a so-called "smart phone" equipped with a built in computer or a "smart line" phone, and shall have the capability to make the telephone inoperative for designated periods of time, to provide lists of each outgoing call as to the number called, its duration, and the date and time of the call, shall have built in volume control and shall have a key pad that prevents the use of pagers or beepers.

(h) No more than one pay telephone shall be placed or installed on private property within 500 feet of any other pay telephone on private property, and no more than one pay telephone shall be placed or installed in the right-of-way within 500 feet of any other pay telephone in the right-of-way. The Director shall order the removal of any pay telephone not permitted pursuant to the requirements of the City's ordinances or any contract for the right-of-way in effect prior to this ordinance, unless such pay telephone is permitted within 90 days after the effective date of this ordinance. Any pay telephone permitted under Chapter 670B in effect prior to this ordinance shall have preference in siting for purposes of the 500 feet restriction until the expiration of the permit of any such telephone or 90 days after the effective date of this ordinance, whichever is later.

(i) The 500 feet restrictions in this Section shall not apply to any retail gas service station, which may have one outdoor pay telephone, which shall be located so that it cannot be used by a person in the right-of-way. The 500 feet restrictions shall also not apply to: the Central Business District as defined in Section 325.12 of the Codified Ordinances; the Flats Oxbow Revitalization District; the University Circle institutional area defined as the area included within and bounded by both sides of East 105 Street, East Boulevard, Ford Road,

and Euclid Avenue; Regional Transit Authority rapid stations and the adjacent right-of-way; hospitals, universities, and Cuyahoga Community College and the adjacent right-of-way; and strip shopping centers where any outdoor pay telephone must be located at least 100 feet from the right-of-way and any residential dwelling unit. All other requirements of this Chapter apply to outdoor pay telephones in the areas named in this division.

(j) An owner may apply in writing to the Commissioner for an exemption from the 500 feet restriction to place multiple outdoor pay telephones at one location, due to a demonstrated appropriate use or need for additional outdoor pay telephones as a result of a high level of pedestrian and automobile traffic, and a concentration of heavy usage of pay telephones at that location. Any such application shall be referred to the Director of Planning for review and approval, and if so approved, shall be submitted to Council for action. If Council passes an ordinance approving the exemption, such ordinance shall be forwarded to the Commissioner who shall attach the approved exemption to the license of the owner or as an amendment to the owner's contract, and the owner then may apply for permits for additional phones, as approved.

(k) For the purposes of this section, the submission of a completed application for a permit for a telephone on private property or in the right-of-way, shall be considered a placement of a pay telephone.

(l) All outdoor pay telephones shall be located as follows:

(1) On private property, no closer than 5 feet from any public sidewalk, as measured from the edge of the sidewalk to the closest point on the telephone;

(2) On private property or the right-of-way, not within 5 feet of any area used for vehicular ingress or egress, an aisle way in a parking area for vehicular travel, or an area used for parking; however, drive-up outdoor pay telephones are permitted at retail gas service stations, but such phones must comply with all other requirements of this Chapter; and

(3) On private property or in the right-of-way, no outdoor pay telephone shall be located within 5 feet of the entrance or exit to any structure, a crosswalk, a bus shelter, a fire exit or escape, a mail box, parking meter, police or fire call box, traffic control box, fire hydrant or sidewalk elevator, or that blocks or restricts free passage of pedestrians or vehicles.

Section 670B.03 Contracts with Outdoor Pay Telephone Owners; Public Right-of-Way

(a) Any owner may enter into a biennial contract with the Director that grants to the owner the privilege of installing and maintaining outdoor pay telephones in the public right-of-way for a period of two years, subject to the terms and conditions set forth in the contract and this Chapter.

(b) Any contract entered into pursuant to division (a) of this section must include as terms and conditions at a minimum all of the requirements of this Chapter applicable to pay telephones in the right-

of-way; however, the City may impose additional requirements and restrictions on pay telephones in the right-of-way in the contract with an owner, but no such requirements may unnecessarily discriminate in favor of or against any owner.

(c) Any pay telephone located in the right-of-way that is not permitted may be removed by the City without prior notice at the owner's expense. The owner shall reimburse the City for the cost of removing and storing the telephone before the telephone may be reclaimed by the owner. Such costs shall also include the cost of removing any installation ancillary to the outdoor pay telephone and the cost of restoring the public right-of-way to its original condition.

(d) Owners with a contract to install telephones in the right-of-way shall apply for permits under Section 670B.05 for each telephone. All applications submitted for permits for the right of way prior to the 15th day after the effective date of this ordinance, including all applications pursuant to an agreement for the right of way entered prior to this ordinance, shall be considered at the same time. For permit applications submitted within 14 days after the effective date of this ordinance, the 30 day period for approval of permits pursuant to Section 670B.05 (g) shall begin on the 15th day after the effective date of this ordinance. Any applications for telephones for the same location, which shall be defined as any applications that if approved would cause a violation of the distance requirements in Section 670B.02 (h), which are otherwise in full compliance with this Chapter, will be subject to a lottery, with the first application chosen establishing the point of measurement for purposes of meeting the distance requirement. During this 14 day period only, applications submitted pursuant to this ordinance shall take precedence over any applications made pursuant to any agreement with the City for pay telephones in the right of way submitted after the date of introduction of this ordinance. After the 14th day after the effective date of this ordinance, applications for permits shall be given preference for purposes of determining compliance with the distance requirements in the order that they are received.

(e) The Director shall approve the location of any outdoor pay telephone to be installed and maintained pursuant to the contract and this ordinance. In determining whether to approve the installation and maintenance of an outdoor pay telephone at a particular location the Director shall follow the prohibitions and requirements of Section 670B.02 and consider the following factors:

(1) Possible obstruction of pedestrian and vehicular traffic;

(2) The size of the telephone and any booth stand, or pole accompanying the telephone;

(3) The ability to provide access to the outdoor pay telephone by disabled persons;

(4) The proliferation of visual clutter if the outdoor pay telephone is installed in the proposed location; and

(5) Such other factors as are delineated in the contract.

(f) Any outdoor pay telephone installed and maintained in the right-of-way must:

(1) Must allow a "direct dial" of 911 without the need to first use a coin or a credit card or the need to dial the operator;

(2) Have a functioning coin return mechanism;

(3) Have affixed in a readily visible place a notice setting forth the name of the owner, the owner's telephone number for repair and the telephone number or serial number of the outdoor pay telephone;

(4) Be maintained in a properly functioning, clean, neat and attractive condition, free of rust and free of danger of electrical shock;

(5) Not be used for advertising signs or publicity of any sort; and

(6) Be in full compliance with all state and federal laws and regulations, including this Chapter.

(g) The owner of each outdoor pay telephone shall hold the City harmless from any and all liability, for any reason whatsoever, occasioned upon the installation and use of such telephone, other than liability arising from any negligent act or omission which is solely attributable to the City, and shall furnish, at said owner's expense, such general commercial liability insurance as shall protect said owner and the City from all claims for damage to property or bodily injury, including death, which may arise from installation, maintenance and operation of the telephone or in connection therewith. Such policy shall name the City as an additional insured, shall be in an amount to be determined by the Director but not less than one hundred thousand dollars (\$100,000) combined single limit for any injury to persons and/or damage to property, and shall provide that the insurance coverage shall not be canceled or reduced by the insurance carrier without thirty (30) days' prior written notice to the City. A certificate of such insurance shall be provided to the Director at the time of execution of the contract and shall be maintained before and during the installation of any telephone in accordance with the contract and throughout the period that the contract for any telephone is in effect.

Section 670B.04 Biennial Outdoor Pay Telephone License Required

(a) Prior to engaging in the business of installing, placing and maintaining outdoor pay telephones on private property in the City, and biennially thereafter, a person shall submit an application for a license, or the renewal of a license, to the Commissioner upon forms to be prescribed by the Commissioner. The application shall include the following information:

(1) The name, address, telephone number and federal tax identification or social security number of the person;

(2) The name, address and telephone number of the individual or other persons to whom the City shall serve in person or by mail any order required by Section 670B.05;

(3) An affidavit that the business will be and remain in compliance with all relevant City, State and federal laws and regulations and this Chapter;

(4) A disclosure of any violations, or license or permit suspensions or

revocations, involving the business or licensee, with regard to pay telephone laws and regulations in other jurisdictions in which the business or licensee conducts a pay telephone business;

(5) Any other information as the Commissioner deems necessary to ensure compliance with this Chapter.

(b) One license application may be submitted regardless of the number of outdoor pay telephones the owner has or that will be installed. The application for and the issuance of a license do not authorize the person to install, place or maintain any outdoor pay telephone without a permit required by this Chapter.

(c) A biennial license fee of two hundred dollars (\$200.00) shall be submitted with the application. This fee and a license issued based upon the application shall cover the period from the effective date of this ordinance through November 30, 2002, and thereafter the license periods shall be two-year periods beginning December 1 and ending two years later on November 30. This license fee is for the purpose of defraying the expenses incident to the administration of the provisions of this Chapter.

(d) The owner shall promptly notify the Commission in writing of any change in the information required by division (a) of this section. Any misrepresentation or false information contained in a license application, and any failure to disclose information required by this Chapter, shall be considered a violation of this Chapter and the license, and may be the basis of a violation notice or a suspension or revocation of a license, permit or contract.

(e) A copy of each application for a license shall be provided by the Commissioner to the Director of Public Safety and the Clerk of Council. These officials shall notify the Director in writing of any objections to the license within ten business days after receiving the application.

(f) Upon receipt of a completed application that is in compliance with this Chapter and all required information and fees, the Commissioner shall issue to the owner an outdoor pay telephone license, except that a license may be denied if the applicant has a significant history of non-compliance with this Chapter, or if the applicant's license was revoked or an appeal of such a revocation was denied within the previous year.

Section 670B.05 Biennial Outdoor Pay Telephone Permits Required

(a) Prior to the installation or placement of an outdoor pay telephone on private property or in the right-of-way after the effective date of this ordinance, and biennially thereafter, the owner of the telephone shall submit an application for a permit to the Commissioner upon forms to be prescribed by the Commissioner. The applicant may request that documents and information provided to the Commissioner be considered confidential and not public records by labeling such documents or information as "Confidential and Proprietary," and the Commissioner shall disclose such documents or information only to those parties to whom disclosure is

necessary to carry out the provisions of this Chapter, unless otherwise required by law. The application shall include the following information:

(1) The name, address, telephone number and federal tax identification or social security number of the owner;

(2) The number of the owner's outdoor pay telephone license, if applicable;

(3) The serial number or telephone number, location and dimensions of the outdoor pay telephone located on or to be located on private property or in the right-of-way and the dimensions of any telephone enclosure installed or to be installed;

(4) A description of the services provided for the users of the outdoor pay telephone, including any special telephone features or restrictions;

(5) An affidavit that the proposed outdoor pay telephone will be in compliance with all relevant City, State and federal laws and regulations and this Chapter;

(6) If the telephone was or will be placed, installed and maintained by a licensee, the name, address and telephone number of the property owner and any lessees of the property where the outdoor pay telephone is or will be located;

(7) A drawing of the location of the telephone for which the permit is requested and the location of any telephone within 500 feet of that telephone;

(8) A description of the source and brightness of lighting of the telephone by built-in or ambient lighting;

(9) Any other information as the Commissioner deems necessary to ensure compliance with this Chapter.

(b) A separate permit application must be submitted for each outdoor pay telephone by the owner of the telephone, whether or not the owner is required to have an outdoor pay telephone license, and the permit application shall be signed by the owner.

(c) A biennial permit fee of sixty dollars (\$60.00) per telephone installed or to be installed shall be submitted with the application. This fee and a permit issued based upon the application shall cover the period from the effective date of this ordinance through November 30, 2002, and thereafter the permit periods shall be two-year periods beginning December 1 and ending two years later on November 30. This permit fee is for the purpose of defraying the expenses incident to the administration of the provisions of this Chapter.

(d) The owner shall promptly notify the Commissioner in writing of any change in the information required by division (a) of this Section. The owner must submit a written notice of the removal of any telephone to the Commissioner prior to the removal. No refund of fees previously paid shall be made for telephones removed by the owner, the City or otherwise. If the owner plans to install or change the location of a telephone, the owner must submit a new application for a permit with all of the required information, together with a sixty dollar (\$60.00) fee for each new telephone installation or move to defray the expenses incident to

the administration of the provisions of this chapter. No additional fee or permit application is required to replace a broken or defective telephone, to replace an existing authorized telephone with a telephone that has the technological capabilities required in this Chapter, to relocate a telephone on the same property to meet the set back and other location requirements of this chapter other than the 500 feet distance requirements, to permanently relocate a telephone 10 feet or less once per permit period or to relocate a telephone temporarily on the same property for a period of less than 90 days. An owner must notify the Commissioner of any relocation allowed by this division within 30 days of the relocation.

(e) A copy of each application for a permit and any notice of a removal shall be provided by the Commissioner to the Director of Public Safety, the Director of Public Service, and the Council member in whose ward the telephone is proposed to be installed. The Commissioner shall refer each application for a permit to the Commissioner of Building and Housing for review and approval. The Commissioner of Building and Housing shall determine whether or not the provisions of the Building or Zoning Codes would be violated by the installation of the telephone, and particularly, set back requirements, use restrictions, restrictions as to attachments to structures, and if located in a parking lot, the Zoning requirement that a specified number of parking spaces be available for use by the business. These officials shall notify the Director in writing of any objections to the permit within ten business days after receiving the application.

(f) A permit application shall be disapproved if a telephone has been determined to be a nuisance pursuant to this Chapter within 500 feet of the proposed telephone location within the previous one year. A permit application may be disapproved if a telephone has been determined to be a nuisance pursuant to this Chapter within 500 feet of the proposed telephone location at any time prior to the application and no other permit has been approved for a telephone within 500 feet of the proposed location since the nuisance determination, or if the applicant has violated this Chapter within the previous one year.

(g) Upon receipt of a completed application that demonstrates that the telephone will be in compliance with this Chapter and all required information and fees, the Commissioner shall issue to the owner an outdoor pay telephone permit and shall provide the owner with a label to be affixed to each telephone identifying the registration number and location of the telephone. A permit shall either be approved or disapproved within 30 days of the receipt of a completed application and fee. A telephone for which a permit is issued shall be installed within 30 days of the issuance of the permit or the permit is void and no longer effective. No refund of permit fees shall be given if the permit becomes void.

(h) The Commissioner shall provide to the Clerk of Council every six (6) months after the effective

date of this ordinance a report listing all permits issued and the location of the telephone permitted by said permit.

Section 670B.06 Inspection; Enforcement; Removal Orders; License and Permit Suspension and Revocation; Appeal

(a) It shall be the responsibility of the Commissioner to perform an annual inspection of all pay telephones that are installed on private property and in the right-of-way in the City, including the following activities:

(1) Verification that the pay telephone owner is licensed by or has a contract with the City, and that the telephone has a permit;

(2) Verification that the label identifying the registration number and location of the telephone is present on the telephone; and

(3) Verification that the telephone is well lighted, clean, free from graffiti and stickers, other than those placed by the owner, and in working order.

Once inspection of all pay telephones has been completed, the Commissioner will provide a report to the Director listing all pay telephones that have been installed on private property and in the right-of-way within the City that do not have a permit, or for which the owner does not have a license or contract with the City, the owners of such telephones, and the owners of the properties where such telephones are located.

(b) Any owner of a pay telephone who is not in compliance with this Chapter at any time shall be notified in writing by the Commissioner of the violation, a copy of which shall be sent to the property owner or owners where such violations exist, and the owner must correct the violations within five (5) business days. If the owner fails to correct the violations within the time required, the Commissioner may order any telephone in violation removed within five (5) days, and the Commissioner may order the license or permit of the owner suspended until all violations are corrected, or revoked. An owner may appeal a violation notice, a removal order, or an order of suspension or revocation to the Board of Zoning Appeals within 10 days of the date of receipt of the notice or order. The Board shall promptly notify the Clerk of Council of any appeal and of the hearing date. The Board shall hear the appeal within 10 days after the appeal is filed, and the Board shall issue a decision within 10 days after the conclusion of the hearing. No notice of the hearing is required to be provided to adjoining property owners.

(c) If the license or contract of an owner is suspended or revoked, the owner must remove all telephones installed on private property, and the owner may not install anymore telephones until the suspension is lifted or a new license is issued or contract is executed. If the permit of an owner for a telephone is suspended or revoked, the owner must remove that telephone until the suspension is lifted or a new permit is issued. An appeal to the Board of Zoning Appeals of a removal order, or of a suspension or revocation, shall stay such removal order, or the requirement

that one or all telephones be removed by the owner, pending the decision of the Board.

(d) If an owner's license, contract or permit is revoked, the owner must apply for a new license, contract or permit and pay all fees required for a license or permit prior to the installation of any telephone. After the revocation of a permit, the owner may not reapply for a permit for the same location for one year after the date the revocation is effective and after the conclusion of any appeal therefrom.

(e) If an owner does not comply with an order to correct a violation of the requirements to maintain a telephone clean or free of graffiti or stickers within five (5) business days from receipt of such an order, the Commissioner may take action necessary to clean or remove graffiti or stickers from the telephone at the owner's expense. The owner shall reimburse the City for such expenses.

Section 670B.07 Public Nuisance; Removal of Outdoor Pay Telephones

(a) Upon request in writing by the member of Council in whose ward an outdoor pay telephone is located in the right-of-way, or on private property, or upon receipt of verbal or written citizen complaints concerning such an outdoor pay telephone, the Director of Public Safety shall conduct an investigation into whether the installation and maintenance of the outdoor pay telephone constitutes a public nuisance. Upon determination by the Director of Public Safety that a particular outdoor pay telephone constitutes a public nuisance, the Director shall order that special telephone service features as are acceptable to the Director shall be provided by the outdoor pay telephone or, if the Director determines it is necessary, that the telephone be removed. Nothing in this Section shall preclude the Director from ordering the removal of a telephone without first requiring the implementation of special features. A particular outdoor pay telephone shall constitute a public nuisance when the Director of Public Safety determines that one or more of the following conditions exist:

(1) The outdoor pay telephone has been used in the commission of illegal drug transactions or other criminal activity, or substantially contributes by its presence to the commission of illegal drug transactions or other criminal activity as evidenced by significant numbers of such crimes occurring in the vicinity of the telephone;

(2) The existence of the outdoor pay telephone has substantially contributed by its presence to the congregation of persons who have made loud noises and other disturbances that have disrupted persons residing near the telephone or disrupted business enterprises located near the telephone;

(3) The existence of the outdoor pay telephone has substantially contributed by its presence to the congregation of persons consuming alcoholic beverages, except where such consumption is expressly authorized by a state license, or consuming illegal or controlled substances;

(4) The existence of the outdoor pay telephone has substantially contributed by its presence to the congregation of persons who have interfered with pedestrian or vehicular traffic in the public right-of-way near the telephone;

(5) Usage of the outdoor pay telephone between the hours of 1:00 a.m. and 5:00 a.m. is significantly and repeatedly above normal usage for similarly situated outdoor pay telephones during the same hours so as to indicate that the telephone is being used in the commission of illegal drug activity or other criminal activity;

(6) The pay telephone has been used to abuse the 911 system.

(b) The special features shall be instituted, or the owner shall remove the telephone, and restore the right-of-way to its original condition, if applicable, within five (5) business days of an order to institute special features or remove the telephone. Any outdoor pay telephone which does not provide special features or is not removed, as applicable, within five (5) business days of such an order shall be subject to immediate removal by the City at the owner's expense and shall constitute a default of the owner's contract or a violation of the owner's license and permit, as applicable. The owner shall reimburse the City for the cost of removing and storing the telephone before the telephone may be reclaimed by the owner. Such costs shall also include the cost of removing any installation ancillary to the outdoor pay telephone and the cost of restoring the public right-of-way to its original condition.

(c) If the Director determines that the nuisance may be abated by the reduction in the total number of pay telephones in an area, the removal of pay telephones shall be ordered based upon the total period of time that a telephone has been permitted by the City, with the telephones permitted for the least amount of time being ordered removed first.

(d) The Director of Public Safety will inform in writing the member of Council who made the complaint regarding the pay telephone the result of such investigation and the Director shall notify the member in writing of any order issued by the Director.

(e) If an outdoor pay telephone has been removed from a location because it is a nuisance, no other pay telephone may be installed at the same location or within 500 feet of that location for a minimum of one year.

(f) The owner of an outdoor pay telephone may appeal from the determination of a nuisance and the order of special features or removal issued pursuant to this section to the Board of Zoning Appeals within five (5) business days after receipt of the order. The order shall be stayed during the pendency of the appeal before the Board. The Board shall commence to hear the merits of an appeal within thirty (30) days of the filing of an appeal. The Board shall render a decision within ten (10) days of the date of the hearing, which decision may affirm, disaffirm, or grant exception from the order, requirement, decision or determination from which the appeal has been taken. If the Board affirms an order of the Direc-

tor that a telephone constitutes a nuisance, the owner shall have three (3) business days to remove the outdoor pay telephone in question; if the owner fails to correct the violation within that time, the outdoor pay telephone may be removed by the Director at the owner's expense.

Section 670B.08 PUCO Regulations

Nothing in this Chapter shall be read so as to limit the authority of the PUCO to regulate outdoor pay telephones within the City of Cleveland, nor to conflict with the authority of the PUCO to approve any special services for pay telephones.

Section 670B.99 Penalty

Any owner as defined in this Chapter, or any owner, lessee, or person in possession or control of private property where an outdoor pay telephone is or has been located, who violated any part of this Chapter shall be guilty of a misdemeanor and fined a mandatory one hundred (\$100.00) dollars for a first offense and five hundred dollars (\$500.00) for a second or subsequent offense. Each day that a violation occurs or continues constitutes a separate offense.

Section 3. That the contracts for pay telephones in the right-of-way authorized by Section 670B.03, which section is enacted by this ordinance, shall be in the form as set forth in File No. 2308-2000-A on file with the Clerk of Council.

Section 4. All requirements and prohibitions set forth in Chapter 670B enacted by this ordinance shall be effective for pay telephones placed or installed on private property or the right of way prior to the introduction of this ordinance beginning sixty (60) days after the effective date of this ordinance.

Section 5. That Section 3109.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1116-A-85 passed February 10, 1986, Section 325.71 as enacted by Ordinance No. 845-62 passed April 26, 1964 and Section 349.05 as enacted by Ordinance No. 1236-A-67 passed June 28, 1971, are amended to read, respectively, as follows:

Section 3109.02 Relations to Other Code Provisions

(a) For provisions governing the installation and maintenance of signs consult OBBC, Chapter 3113 of this Building Code and the Zoning Code (Chapters 325 to 359.)

(b) For provisions governing the use of sidewalks and streets during construction, demolition or moving of buildings consult Chapter 3115.

(c) No installation permitted by this Chapter shall be made so as to violate any provision of the Zoning Code (Chapters 325 to 359.)

(d) The provisions of this Building Code, including its enforcement and penalty provisions, shall apply to any violation of Chapter 670B related to:

(1) An outdoor pay telephone that is attached to a building or structure by any means, including the attachment of any portion of a pay telephone, a frame or post to which a pay telephone is attached, or a wire or conduit connecting a pay telephone or its lighting source to a building or structure; or

(2) An outdoor pay telephone that is located on a parking lot, yard, or any other part of a premises where such pay telephone is available for public use.

An outdoor pay telephone shall be considered a structure for the purposes of the Building Code to the extent that it is erected on a stand alone basis on a premises, and it shall be considered an appurtenance that is a part of a building or other structure for purposes of this Chapter to the extent that it is attached or connected to a building or other structure.

No building or encroachment permit shall be required for a pay telephone that is permitted under Chapter 670B.

Section 325.71 Structure

"Structure" means anything built or erected including, among other things, **outdoor pay telephones**, buildings, stadia, reviewing stands, bandstands, bleachers, booths, swimming pools, platforms, towers, bridges, trestles, bins, fences, barriers, poles, tanks above or below ground and signs, and also means the supporting framework or supporting parts of a building. "Structure" shall be construed as if followed by "or parts thereof."

Section 349.05 Location of Required Space

(a) The required accessory off-street parking facility shall be located on the same lot as the use for which it is provided or on a lot within 400 feet of the nearest boundary of the lot upon which the use is located measured by a straight line between the two points; or, the Off-Street Parking Committee may determine that the building or use in question is served adequately by a Municipal or private parking facility. All such parking spaces shall be located behind the setback building line. No such parking space shall be located within ten feet of any wall of a residential building or structure if such wall contains a ground floor opening designed to provide light or ventilation for such building or structure.

(b) The separate lot upon which such accessory parking facilities are provided shall be in the same ownership or control as the building or use to which the parking facilities are accessory.

(c) No required accessory off-street parking space shall be occupied by a pay telephone or any other structure.

Section 6. That existing Section 3109.02 as enacted by Ordinance No. 1116-A-85 passed February 10, 1986, Section 325.71 as enacted by Ordinance No. 845-62 passed April 26, 1964 and Section 349.05 as enacted by Ordinance No. 1236-A-67 passed June 28, 1971 are hereby repealed.

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 Public Utilities, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Legislation, Finance.

Ord. No. 2309-2000.
By Councilmen Polensek and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into contract without competitive bidding with IBM Global Systems for the purchase of maintenance of the CAD, other IBM equipment, hubs, printers and monitors, for the Division of Police, Department of Public Safety, for a period of one year, with two one-year options to renew.

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than IBM Global Systems. Therefore, the Director of Public Safety is hereby authorized to make a written contract with said IBM Global Systems, upon the basis of their proposal dated October 25, 2000, for maintenance of the CAD AS400, other IBM equipment, hubs, printers and monitors, for a period of one year, with two (2) options exercisable by the Director of Public Safety, to renew for additional one-year terms, and cancellable upon thirty days written notice by said Director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Police, Department of Public Safety.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund Nos. 01-600200-661500 and 10 SF 025, Request No. 18329.

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. 2310-2000.
By Councilmen Jones, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Sunview Avenue to Amistad 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 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). 142-25-061 and 142-25-062, as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 142-25-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 37 in the Bella Villa Allotment of part of Original Warrensville Township Lot No. 104, as shown by the recorded plat in Volume 28 of Maps, Page 22 of Cuyahoga County Records and being 30 feet front on the Southerly side of Sunview Avenue, S.E., and extending back of equal width 100 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.

P. P. No. 142-25-062

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 36 in the Bella Villa Allotment of part of Original Warrensville Township Lot No. 104, as shown by the recorded plat in Volume 28 of Maps, Page 22 of Cuyahoga County Records, and being 30 feet front on the Southerly side of Sunview Avenue, S.E. and extending back of equal width 100 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 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 inter-

ests 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. 2311-2000.

By Councilman Melena.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 377.01 through 377.08 and 377.99 thereof, relating to Point of Sale Inspections.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 377.01 through 377.08 and 377.99 thereof, to read as follows:

CHAPTER 377 POINT OF SALE INSPECTION

Section 377.01. General Provisions.

(a) As used throughout this chapter, the term "owner" means as defined in division (a) of Section 377.02. This chapter shall not apply to an owner of property who has owned any such property for more than twenty-four (24) months.

(b) As used throughout this chapter, the term "Commissioner" means the Commissioner of Building and Housing of the City.

(c) This chapter sets forth requirements and procedures applicable to relationships between the seller and purchaser at the time of sale of real estate, as to Code violations. Nothing contained in this chapter shall be construed as limiting the City, at any time, from proceeding against the owner of property to require correction of Code violations.

(d) This chapter does not apply to the individual transfer of property through inheritance or gift where no bona fide sale is intended or completed.

(e) This chapter does not apply to transfers or conveyances to or from the City for purposes of demolition or redevelopment.

Section 377.02. Certificate of Inspection Required.

(a) The owner of any dwelling structure, commercial building structure or other building, or land upon which such buildings are located, having owned such property for a period of twenty-four (24) months or

less and entering into an agreement to sell or otherwise convey an interest in such land or building structures, shall obtain from the Commissioner of Building and Housing a certificate of inspection, and present such certificate or an exact copy thereof to any prospective purchaser or grantee prior to the time of transfer of title to the purchaser, in order to permit the escrow agent to comply with the provisions of this chapter. The certificate of inspection shall list thereon all known violations of City codes determined from the inspection, as well as other informational material.

(b) In the event any property as described in division (a) above is sold at Sheriff's sale or other court ordered auction or sale, and no certificate of inspection has been issued for said property within one (1) year prior to the date of such sale, the purchaser of said property shall apply to the Commissioner of Building and Housing for a certificate of inspection within thirty (30) days of the date of sale. The application, fees and compliance schedule shall be as otherwise provided in this chapter.

Section 377.03. Application and Issuance.

(a) Application for a certificate of inspection required by the provisions of this chapter shall be made by the owner, or an agent for the owner, upon forms provided by the Commissioner.

(b) Within ten (10) working days after receipt of the application and required fee, the Commissioner shall cause a general inspection of the applicant's real estate or premises as listed in the application. The Commissioner shall then issue a certificate of inspection within five (5) working days after gaining access to the subject property, which certificate shall contain the following information:

(1) The Street address, permanent parcel number or other identifying characteristics of the property;

(2) The name and address of the owner, as defined in this Chapter;

(3) The authorized use and occupancy of the structures or building;

(4) The listing of violations of the Codified Ordinances of the City existing at the time of such inspection; and

(5) The current listing of water and sewer charges due against the property, the date of the last billing, and a statement contained therein that the purchaser of such property shall be responsible for any unpaid water and sewer charges existing as of the date of transfer.

(c) Except in the case of danger to the public health or safety, the certificate of inspection shall contain the order of the Commissioner for the correction of any Code violations noted on the certificate, which shall be corrected by the owner of the property within ninety (90) days of the issuance of the certificate unless, for good cause shown, the Commissioner has extended that time for compliance. If the owner of a property does not correct the violations enumerated in the certificate of inspection prior to the time the title is transferred

to the purchaser, then the purchaser of that property shall be required to correct the violations contained in the certificate of inspection within the time allotted in the notice given to the prior owner as that time may be extended by the Commissioner.

(d) Such certificate of inspection shall be valid for a period of one (1) year from the date of issuance.

(e) In case of resale within the one (1) year period, the certificate shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.

Section 377.04. Compliance Documents.

(a) Once all violations noted on a specific certificate of inspection have been corrected, the owner of property or his agent may apply for and receive from the City a document of compliance signed and dated by the Commissioner stating that violations listed on said certificate of inspection have been corrected to the City's satisfaction.

(b) The property owner or his agent may apply for and receive from the City a conditional document of compliance signed and dated by the Commissioner stating that some, but not all, of the violations listed on a certificate of inspection have been corrected to the City's satisfaction.

Section 377.05. Fees.

(a) The fee charged for the certificate of inspection shall be fifty dollars (\$50.00) for the first dwelling or business unit in any building or structure, and an additional twenty dollars (\$20.00) for each additional dwelling or business unit in such building or structure. The fee(s) shall be paid at the time the application for a certificate of inspection is filed with the City.

(b) There shall be no fee for any re-inspection requested by the same owner within one (1) year from the date of issuance of a certificate of inspection for the same property.

Section 377.06. Required Use of Certificate of Inspection and Compliance Document.

(a) No person, agent, firm or corporation shall, in a bona fide sale for a good and valid consideration, transfer or convey any interest of an owner, as defined in this chapter, in a dwelling structure, commercial building structure or other building, or land upon which such buildings are located, without first providing the purchaser or prospective purchaser with a current certificate of inspection or an exact copy thereof as provided in this chapter.

(b) The seller shall deposit in escrow a statement signed by the purchaser acknowledging receipt of the certificate of inspection, and such signed statement shall list thereon the date the certificate was given to the purchaser.

(c) If, under the terms of the contract of sale, the seller is obligated to correct all violations listed on the certificate of inspection the seller shall deposit in escrow before transfer of title to the purchaser a com-

pliance document as described in division (a) of Section 377.04.

(d) If, under the terms of the contract of sale, the seller is obligated to correct some, but not all, of the violations listed on the certificate of inspection the seller shall deposit in escrow before transfer of title to the purchaser a conditional document of compliance as described in division (b) of Section 377.04.

Section 377.07. Escrow Agent Obligations.

No person, firm or corporation acting in the capacity of an escrow agent in any real estate transaction involving the bona fide sale or conveyance of any interest of an owner, as defined in this chapter, in a dwelling structure, commercial building structure or other building or land upon which such buildings are located in the City, shall file for record an instrument to transfer title thereto or disburse any funds from such sale unless the provisions of this chapter have been satisfied.

Section 377.08 Reliance on Certificate of Inspection and Compliance Document

(a) In issuing a certificate of inspection, the City does not thereby insure, warrant or guarantee to the holder thereof, to his assignees or any other interested party that such certificate contains all of the violations of the Codified Ordinances of the City or statutes of the State. Such certificate should be considered by all parties as the City's best effort to make known to owners and purchasers of real estate the known violations on a given property at the time the inspection is made. A copy of this section shall be contained in each certificate of inspection.

(b) In issuing a compliance document under the provisions of this chapter, the City does not thereby insure, warrant or guarantee the quality of repair or standard of work completed in the correction of violations listed on a certificate of inspection. Such document should be construed only as a statement by the City that some or all of the violations listed on the certificate of inspection have been corrected to the City's satisfaction. A copy of this section shall be contained in each compliance document.

Section 377.99. Penalty.

Whoever violates any provision of this chapter shall be fined not more than \$500 or imprisoned for not more than 6 months for each offense. Each day such violation occurs or continues to occur shall constitute a separate offense.

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 Community Development, Finance, Law; Committees on Community and Economic Development, Legislation, Finance.

Ord. No. 2312-2000.**By Councilman O'Malley.**

An emergency ordinance to amend Section 5 of Ordinance No. 2380-B-74 passed December 30, 1974, as amended by Ordinance No. 342-75, passed May 12, 1975 relating to the Greater Cleveland Regional Transit Authority.

Whereas, this ordinance constitutes an emergency measure providing for 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 5 of Ordinance No. 2380-B-74, passed December 30, 1974, as amended by Ordinance No. 342-75, passed May 12, 1975 is hereby amended to read as follows:

Section 5. That the Authority shall be governed by a ten-member Board of Trustees (the "Board"). Each member of the Board shall serve a term of three (3) years, except as hereafter provided for the initial term of members of the Board, and shall be eligible for reappointment. Each member of the Board shall at the time of his appointment be a resident of the territory included in the Authority and shall remain a resident of such territory during his term of office. Except as otherwise provided by law, no person shall be disqualified from membership on the Board as a result of holding other public office or employment. Each member of the Board shall receive such lawful compensation as shall be established from time to time by resolution of the Board and shall in addition be reimbursed for his reasonable expenses in the performance of his duties. Members shall be removed as provided by law.

(A) The ten members of the Board shall be appointed as follows:

(1) Four (4) members shall be appointed by the **Council of the City**, all of whom shall be residents of the City of Cleveland and shall so remain during the terms of their office.

(2) Three (3) members shall be appointed by the municipal corporations, other than the City, and the townships located within the territory of the Authority as follows:

(a) The President of the Board of County Commissioners of the County shall call a meeting of the mayors, managers, or other chief executive officers of such municipal corporations and the chairmen of the boards of township trustees of such townships for the purpose of electing the members to be appointed to the Board by such municipal corporations and townships. Such meeting shall be called within thirty (30) days after the creation of the Authority as to the initial appointments, within thirty (30) days after the creation of any vacancy to be filled by such municipal corporations and townships, and at least sixty (60) days prior to the expiration of each term for which the appointment is to be made pursuant to this paragraph. If the President of the Board of County Commissioners should fail to call a meeting within the time prescribed, such meeting shall be called by the mayor or manager of the most populous municipal corporation within the Authority as determined by the then most recent federal decennial census. Such meeting shall be called by giving each such mayor, manager, or other chief executive officer and each such chairman written notice of the time, place, and

purpose of such meeting. Such written notice be sent to each such mayor, manager, or other chief executive officer and each such chairman by First Class U.S. mail (or its equivalent if First Class mail should be abolished) mailed not less than seven (7) days before the date of the meeting specified in such notice. Failure to receive such notice shall not invalidate the call of such meeting.

(b) At the meeting, each member of the Board to be appointed by such municipal corporations and townships shall be elected by a majority of the votes cast. For each appointment to be made or each vacancy to be filled, each such municipal corporation and each such township shall have one (1) vote plus one (1) additional vote for each five thousand (5,000) residents as determined by the then most recent federal decennial census. The mayor, manager, or chief executive officer of each such municipal corporation and the chairman of the Board of each such township, or a duly authorized and appointed delegate of any of the foregoing, shall cast the vote or votes of each such municipal corporation and each such township.

(3) Three (3) members shall be appointed by the Board of County Commissioners of the County, one of whom shall be a resident of the City of Cleveland, and shall so remain during the term of his or her office.

(B) The initial appointments to the Board shall be for the following terms:

(1) The Mayor of the City with the advice and consent of the Council shall appoint two (2) members for a term of three (3) years, one (1) member for a term of two (2) years, and one (1) member for a term of one (1) year.

(2) The municipal corporations, other than the City, and the townships located within the territory of the Authority shall appoint one (1) member for a term of three (3) years, one (1) member for a term of two (2) years, and one (1) member for a term of one (1) year.

(3) The Board of County Commissioners of the County shall appoint one (1) member for a term of three (3) years, one (1) member for a term of two (2) years, and one (1) member for a term of one (1) year.

(C) The size of the Board may be changed from time to time to permit representation from any other county, municipal corporation, township, or combination thereof, which may hereafter be included in the Authority in the manner provided by law by the adoption by the City of an ordinance and by the County of a resolution for such purpose and the approval of such inclusion by the Board.

Section 2. That existing Section 5 of Ordinance No. 2380-B-74, passed December 30, 1974, as amended by Ordinance No. 342-75, passed May 12, 1975 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 Director of Law; Committees on Aviation and Transportation, Legislation, Finance.

**FIRST READING
ORDINANCE REFERRED****Ord. No. 2313-2000.****By Councilman Melena.**

An ordinance to change the Use, Area and Height Districts of lands on both sides of Lorain Avenue between West 67 Street and West 52 Street, (Map Change No. 2025, Sheet Nos. 1 & 2)

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

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

Beginning at the intersection of the center line of Lorain Avenue and the southeasterly extension of the center line of West 68 Place; thence northwesterly along said southeasterly extension and along said center line of West 68 Place to its intersection with the center line of Colgate Court, N.W.; thence northeasterly and easterly along said center line of Colgate Court, N.W. and along its easterly extension to the center line of West 65 Street; thence northerly along said center line of West 65 Street to its intersection with the westerly extension of the center line of Aspen Court, N.W.; thence easterly along said westerly extension and easterly and northeasterly along said center line of Aspen Court, N.W. continuing northeasterly along said center line of Aspen Court, N.W. crossing West 61 Street and West 58 Street to its intersection with the southwesterly line of Sublot No. 19 in the A. M. Kittsteiner Subdivision as recorded in Volume 4, Page 49 of the Cuyahoga County Map Records; thence southeasterly along said southwesterly line of said Sublot No. 19 to its intersection with the southeasterly line thereof; thence northeasterly along said southeasterly line of said Sublot No. 19 and along its northeasterly extension to the center line of West 57 Street; thence northwesterly along said center line of West 57 Street to its intersection with the southwesterly extension of the southeasterly line of Sublot No. 2 in the Wissing Allotment No. 2 as recorded in Volume 39, Page 3 of the Cuyahoga County Map Records; thence northeasterly along said southwesterly extension and along said southeasterly line of said Sublot No. 2 to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 2 to its intersection with the southwesterly extension of the southeasterly line of Sublot No. 202 in the Benedict & Root Allotment as recorded in Volume 1, Page 13 of the Cuyahoga County Map Records; thence northeasterly along said southwesterly extension and northeasterly and easterly along said southeasterly line of said Sublot No. 202 and along its easterly extension to the center line of West 54 Street; thence northerly along said center line of West 54 Street to its intersection with the southwesterly extension of a line located one hundred thirty two (132) feet northwest of the northwesterly line of Lorain Avenue; thence northeasterly along said southwesterly extension and along said line which is parallel to and one hundred thirty two (132) feet northwest of said northwesterly line of Lorain Avenue to its intersection with the northeasterly

line of Sublot No. 157 in said Benedict and Root Allotment; thence southeasterly along said northeasterly line of said Sublot No. 157 to its intersection with a line located approximately one hundred seventeen (117) feet northwest of the northwesterly line of Lorain Avenue; thence easterly from this point to the center line of West 52 Street; thence southerly along said center line of West 52 Street to the center line of Lorain Avenue; thence northeasterly along said center line of Lorain Avenue to its intersection with the northerly extension of the center line of West 52 Street; thence southerly along said northerly extension and along said center line of West 52 Street to its intersection with the northeasterly extension of a line located approximately one hundred thirty two (132) feet southeast of the southeasterly line of Lorain Avenue; thence southwest along said northeasterly extension and along said line which is parallel to and approximately one hundred thirty two (132) feet southeast of said southeasterly line of Lorain Avenue and along its southeasterly extension to the center line of West 53 Street; thence southerly along said center line of West 53 Street to its intersection with the northeasterly extension of the northwesterly Right of Way line of the Northwest Freeway I-90; thence southwest along said northeasterly extension and along said northwesterly Right Of Way line of said Northwest Freeway I-90 to its intersection with the southerly extension of the center line of West 58 Street; thence northerly along said southerly extension of the center line of West 58 Street to its intersection with the easterly extension of the southerly line of Sublot No. 92 in the James Purdy Allotment as recorded in Volume 1, Page 45 of the Cuyahoga County Map Records; thence westerly along said easterly extension and along said southerly line of said Sublot No. 92 and continuing westerly along the southerly line of Sublot No. 79 in said James Purdy Allotment and along its westerly extension to the center line of West 59 Street; thence southerly along said center line of West 59 Street to its intersection with the easterly extension of the northerly line of Sublot No. 7 in said James Purdy Allotment; thence westerly along said easterly extension and along said northerly line of said Sublot No. 7 to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 7 to its intersection with the northerly line of Sublot No. 2 in the John and George Noderer Subdivision as recorded in Volume 4, Page 61 of the Cuyahoga County Map Records; thence westerly along said northerly line of said Sublot No. 2 and along its westerly extension to the center line of West 61 Street; thence southerly along said center line of West 61 Street to its intersection with the easterly extension of a line located approximately two hundred thirty two and five tenths (232.5) feet north of the northerly line of Schott Avenue, S.W.; thence westerly along said easterly extension and along said line which is parallel to and approximately two hundred thirty two and five tenths (232.5) feet north of said northerly

line of Schott Avenue, S.W. to the intersection with the center line of West 61 Place; thence northerly along said center line of West 61 Place to its intersection with the center line of Fanwell Court, S.W.; thence westerly, southwest and westerly along said center line of Fanwell Court, S.W. and along its westerly extension to the center line of West 65 Street; thence southerly along said center line of West 65 Street to its intersection with the easterly extension of the southerly line of Sublot No. 19 in the R. Hineland Subdivision as recorded in Volume 3, Page 11 of the Cuyahoga County Map Records; thence westerly along said easterly extension and along said southerly line of said Sublot No. 19 to its intersection with the westerly line thereof; thence northerly along said westerly line of said Sublot No. 19 to its intersection with a line located approximately one hundred thirty two (132) feet southeast of said southeasterly line of Lorain Avenue; thence southwest along said line which is parallel to and approximately one hundred thirty two (132) feet southeast of said southeasterly line of Lorain Avenue to its intersection with the southwesterly line of Sublot No. 163 in the James M. Hoyt Subdivision as recorded in Volume 3, Page 37 of the Cuyahoga County Map Records; thence northwesterly along said southwesterly line of said Sublot No. 163 and continuing northwesterly along the southwesterly line of Sublot No. 162 in said James M. Hoyt Subdivision and along its northwesterly extension to the center line of West 67 Street; thence northwesterly along said center line of West 67 Street to its intersection with the center line of Lorain Avenue; thence southwest along said center line of Lorain Avenue to the place of beginning, and as outlined in red on the map hereto attached, be and the same are hereby changed to a Local Retail Use District, a 'C' Area and '2' Height District.

Section 2. That said change designation of lands described in Section 1 shall be identified as Map Change No. 2025, Sheet Nos. 1 and 2 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of City Planning Commission, Law; Committee on City Planning.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 2263-A-2000 (As a substitute for Ord. No. 2263-2000).

By Councilman Patmon.

An emergency ordinance requiring the Manager of the Division of Internal Audit to provide to the Council President and the Council Finance Committee Chairman all reports, information and data obtained in the course of his or her duties as Manager of the Division of Internal Audit.

Whereas, this ordinance constitutes an emergency measure providing for 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 Codified Ordinances of the City of Cleveland, 1976, the Manager of the Division of Internal Audit is hereby required to provide to the Council President and the Council Finance Committee Chairman all reports, information and data obtained in the course of his or her duties as Manager of the Division of Internal Audit. Said reports, information and data shall be provided to the Council contemporaneously with the information given to the administration of the City.

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.

Without objection, substitute agreed to. Ordinance No. 2263-2000 Laid on the Table.

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. 2314-2000.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with the Salvation Army Greater Cleveland Area Services for a security system for the 2100 Lakeside Avenue men's shelter and surrounding area, in order to carry out the public purpose of the provision of social services, 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 grant agreement with the Salvation Army Greater Cleveland Area Services for a security system for the 2100 Lakeside Avenue men's shelter and surrounding area, in order to carry out the public purpose of the provision of social services, through the use of Ward 13 Neighborhood Equity Funds.

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

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

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

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. 2315-2000.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cuyahoga Metropolitan Housing Authority for various enrichment programs for the residents and children of Lakeview Terrace Estates, Riverview Towers and Bohn Tower, in order to carry out the public purpose of the provision of social services through the use of Ward 13 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Cuyahoga Metropolitan Housing Authority for various enrichment programs for the residents and children of Lakeview Terrace Estates, Riverview Towers and Bohn Tower, in order to carry out the public purpose of the provision of social services.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

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. 2316-2000.

By Councilman Cintron.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Spanish American Committee for holiday food basket and gift program in order to carry out the public purpose of provision of food for needy families, toys for underprivileged children and the provision of social services, 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 Spanish American Committee for holiday food basket and gift program in order to carry out the public purpose of provision of food for needy families, toys for underprivileged children and the provision of social services, through the use of Ward 14 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. 2317-2000.

By Councilman Cintron.

An emergency ordinance to repeal Ordinance No. 1126-2000, passed June 19, 2000 relating to establishing an equalized rent structure for all interior tenants of the West Side Market.

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

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

Section 1. That Ordinance No. 1126-2000, passed June 19, 2000 relating to establishing an equalized rent structure for all interior tenants of the West Side Market, is hereby repealed.

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

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 19. Nays 1.

Those voting yea were Councilmen Polensek, Brady, Britt, Cintron, Coats, Dolan, Gordon, Jackson, Jones, Lewis, Melena, O'Malley, Patton, Reed, Rybka, Sweeney, Westbrook, White and Willis.

Voting nay was Councilman Cimperman.

Absent: Councilman Johnson.

Ord. No. 2318-2000.

By Councilman Dolan.

An emergency ordinance directing the Director of the Department of Port Control to prepare and publish a protocol for the sound insulation 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, notwithstanding and as an exception to any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control shall prepare and publish a protocol setting forth the eligibility criteria and application procedures for the sound insulation program in accordance with the Noise Compatibility Study completed on behalf of the Port Control and approved in August, 2000 by the Federal Aviation Administration, with the application deadline for the sound insulation program to be no sooner than June 25, 2001. In addition, the protocol shall establish a procedure for inclusion of new home owners acquiring homes within the program eligibility area after the expiration of the deadline date. Immediately upon its completion, such protocol shall be distributed to all members of Council and to the residents of the City of Cleveland and surrounding suburbs identified as living within the program eligibility area. A list of eligible residents, listed alphabetically and in the time sequence that they are to receive insulation to their homes, shall be published by the Department of Port Control at least quarterly each year and a copy of such list shall be provided to the Councilmembers of Wards 20 and Ward 21 and to the branches of the Cleveland Public Library located in or around the noise impacted areas.

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. 2319-2000.**By Councilman Melena.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Detroit Shoreway Community Development Organization for the cost of two water main line connections for two units on West 54th Street being built in connection with Green-Built Ltd. in order to carry out the public purpose of constructing affordable housing through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Detroit Shoreway Community Development Organization for the cost of two water main line connections for two units on West 54th Street being built in connection with GreenBuilt Ltd. in order to carry out the public purpose of constructing affordable housing through the use of Ward 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$15,000 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. 2320-2000.**By Councilman Melena.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Esparanza, Inc. for office relocation and operation expenses, in order to carry out the public purpose of the provision of social services through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Esparanza, Inc. for office relocation and operation expenses, in order to carry out the public purpose of the provision of social services,

through the use of Ward 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$80,000 and shall be paid from Fund No. 10 SF 166.

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

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

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. 2321-2000.**By Councilman Melena.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Women's Center of Greater Cleveland for the purchase and renovation of their office building, in order to carry out the public purpose of supporting the provision of social services through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Women's Center of Greater Cleveland for the purchase and renovation of their office building, in order to carry out the public purpose of supporting the provision of social services, through the use of Ward 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$7,500 and shall be paid from Fund No. 10 SF 166.

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

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

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. 2322-2000.**By Councilman Polensek.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Villa Angela St. Joseph High School for the Eleventh Annual Christmas on Campus holiday meal and gift program, in order to carry out the public purpose of providing food to needy families and toys for underprivileged children 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 a grant agreement with Villa Angela St. Joseph High School for the Eleventh Annual Christmas on Campus holiday meal and gift program, in order to carry out the public purpose of providing food to needy families and toys for underprivileged children through the use of Ward 11 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be for services rendered by the grantee on or after December 1, 2000 and 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. 2323-2000.**By Councilman Polensek.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Northeast Shores Development Corporation to prepare a streetscape improvement plan for Waterloo Road, in order to carry out the public purpose of planning improvements to the public right-of-way through the use of Ward 11 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Northeast Shores Development Corporation to prepare a streetscape improvement plan for Waterloo

Road, in order to carry out the public purpose of planning improvements to the public right-of-way 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 \$35,000 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. 2324-2000.

By Councilmen Polensek and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into contract without competitive bidding with New World Systems for the purchase of maintenance and support services on CAD, for the Division of Police, Department of Public Safety, for a period of one year, with three one-year options to renew.

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than New World Systems. Therefore, the Director of Public Safety is hereby authorized to make a written contract with said New World Systems, for maintenance and support on CAD, for a period of one year, with three (3) options exercisable by the Director of Public Safety, to renew for additional one-year terms, and cancellable upon thirty days written notice by said Director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Police, Department of Public Safety.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund Nos. 01-600200-661500, 600200-632000, and 10 SF 025, Request No. 18325.

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. 2325-2000.

By Councilman Rybka.

An emergency ordinance authorizing and directing the Director of Public Service to enter into a lease agreement with Slavic Village Development Corporation to maintain and improve certain real estate belonging to the City of Cleveland for purposes of a public park.

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

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

Section 1. That notwithstanding any provisions of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary the Director of Public Service shall enter into a lease agreement with Slavic Village Development Corporation ("Lessee") for the maintenance and improvement of a parcel of land of approximately 131 feet by 153 feet located at the corner of Kenyon and East 65th Streets in Ward 12 of the City of Cleveland for the placement of a public park, with the plans for such park contained in File No. 2325-2000-A for a period of thirty (30) years at a rent of One Dollar (\$1.00) per year. In the event that the City determines, by ordinance of Council, that the parcel is needed for a public purpose, Lessee's lease of the property may be terminated prior to the expiration of thirty (30) years.

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. 2326-2000.

By Councilmen Rybka and Cinton.

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to assess and collect rent for the use of space at the West Side Market through March 31, 2001.

Whereas, Section 133.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1027-2000, passed by the Council on June 5, 2000, directs the Director of Parks, Recreation and Properties to establish a schedule of prices for all various parts and sections of the West Side Market as consideration for rental of spaces or for the grant of the right to use the same and to present such schedule, in the form of legislation, to Council for review, approval and modification, if necessary; and

Whereas, the capital improvement program currently underway at the West Side Market is causing dis-

ruption to many of the vendors at the market, both inside and outside, and has resulted in a decreased numbers of customers to the market; and

Whereas, this Council, in reviewing the rent schedule for the West Side Market for 2001 presented by the Department of Parks, Recreation and Properties, acknowledges the difficulties that the construction has presented and desires to take such disruption to business into consideration by establishing a rent schedule for the first quarter of 2001 that differs from that proposed by the Department; and

Whereas, this Council will undertake a review of the rent setting formula at the West Side Market to determine if and how the rent setting formula should be altered for the balance of 2001 and subsequent years; and

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976 to the contrary, the Director of Parks, Recreation and Properties shall assess and collect rent for the use of space, both for inside and outside stands, at the West Side Market for the period of January 1, 2001 through March 31, 2001 at a rate equal to fifty percent (50%) of the regular rent for such space established by the Director for the year 2000.

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

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 RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 2327-2000.

By Councilman Cimperman.

An emergency resolution objecting to the transfer of ownership and location of a D5 and D6 Liquor Permit to 6611 St. Clair Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a D5 and D6 Liquor Permit from Permit No. 8644681, Eric Stringfield, DBA Eroc's Underground, 1127 Euclid Avenue, Basement Only, Cleveland, Ohio 44114 to Permit No. 2434398, Carla D. Edeh, DBA Club Nijer, 6611 St. Clair Avenue, Cleveland, Ohio 44103; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership and location of a D5 and D6 Liquor Permit from Permit No. 8644681, Eric Stringfield, DBA Eroc's Underground, 1127 Euclid Avenue, Basement Only, Cleveland, Ohio 44114 to Permit No. 2434398, Carla D. Edeh, DBA Club Nijer, 6611 St. Clair Avenue, Cleveland, Ohio 44103 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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.

Res. No. 2328-2000.

By Councilman Cimperman.

An emergency resolution objecting to the stock transfer of a D2, D2X, D3, D3A and D6 Liquor Permit to 2000 Lakeside Avenue, 1st Fl., Bsmt. & Patio.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a D2, D2X, D3, D3A and D6 Liquor Permit to Permit No. 2288380, Dow Lak Inc., 2000 Lakeside Avenue, 1st Fl. Bsmt. & Patio, Cleveland, Ohio 44114; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the stock transfer of a D2, D2X, D3, D3A and D6 Liquor Permit to Permit No. 2288380, Dow Lak Inc., 2000 Lakeside Avenue, 1st Fl. Bsmt. & Patio, Cleveland, Ohio 44114 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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 ORDINANCES PASSED

Ord. No. 596-2000.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Finance to enter into contract with the Cleveland Board of Education to conduct recreational, cultural and extracurricular programs for the benefit of school children during the 2000-2001 school year.

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

1. In Section 1, line 6, strike "596-2000-A" and insert in lieu thereof "596-2000-B".

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. 1304-2000.

By Councilmen Brady, Polensek, Patmon and Dolan.

An emergency ordinance to amend Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 848-83, passed June 13, 1983, relating to excess personal property.

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

1. In Section 1 at division (b), line 3, strike "twenty-one (21)" and insert in lieu thereof "twenty-three (23)".

2. In Section 1, at division (b), strike lines 4, 5, 6, 7, 8 and 9 in their entirety and insert in lieu thereof the following: "fighter with more than twenty-three (23) years of service in the Division of Fire, or with respect to the badge of an EMT/Paramedic with more than twenty-three (23) years of service, such weapon, helmet and/or badge shall be turned over to the Commissioner of Purchases and Supplies. Military service time purchased by an officer, fire fighter or EMT/Paramedic following twenty (20) years of service shall be applied to the service time necessary for this provision. This provision shall apply to any officer, fire fighter or EMT/Paramedic under disability retirement. The Commissioner of Purchases and Supplies shall, when so directed by the Board of Control, offer to sell such service weapon, helmet and/or badge to such police officer, fire fighter or EMT/Paramedic for its fair market value. In lieu of paying cash for the weapon, helmet, and/or badge, such police officer, firefighter, or EMT/Paramedic may elect to forego all or any portion of any uniform or uniform".

3. In Section 1, at division (b), strike lines 12, 13 and 14 in their entirety and insert in lieu thereof the following: "market value of the item or items".

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. 1592-2000.

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

An emergency ordinance to amend Sections 403.99 and 433.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, to revise the misdemeanor classifications and penalties for traffic code offenses, and to amend the offense of driving or physical control while under the influence of alcohol or drugs.

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

1. In Section 1, at division (a)(2)B. of Section 403.99, in the last line of the first paragraph, strike "one thousand dollars (\$1,000)" and insert in lieu thereof "one thousand five hundred dollars (\$1,500)".

2. In Section 1, at division (a)(2) of Section 403.99, page 7, after subdivision "H.," reletter subdivision "G.," "H.," and "I.," respectively, to new subdivisions "I.," "J.," and "K.,"

3. In Section 1, at division (a)(2)F. of Section 403.99, page 6, in line 21, strike "twenty" and insert in lieu thereof "sixty".

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. 1593-2000.

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

An emergency ordinance to amend Section 459.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1452-91, passed October 21, 1991, and to amend Section 459.11 thereof, as amended by Ordinance No. 1010-91, passed June 17, 1991, relating to the definition of parking infraction and the penalty for improper use of reserved handicapped parking spaces.

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

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

"An emergency ordinance to amend Sections 405.02, 459.01 and 459.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to the definition of parking infraction and the penalty for improper use of reserved handicapped parking spaces."

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

"Section 3. That Section 405.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 91-96, passed March 18, 1996, is hereby amended to read as follows:

Section 405.02 Impounding of Vehicles

Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

(a) When any vehicle is left unattended upon any street, alley or bridge and constitutes an unreasonable hazard or obstruction to the normal movement of traffic or unreasonably interferes with street cleaning or snow removal operations, or when any vehicle is left on any street or public property for more than seventy-two hours.

(b)(1) Upon complaint of any person adversely affected, when any motor vehicle, other than an abandoned junk motor vehicle as defined in RC 4513.63, has been left on private residential or agricultural property as defined in RC 4513.60 for more than four hours without the permission of the person having the right to the possession of the property. (RC 4513.60(A)(1))

(2) When any motor vehicle, other than an abandoned junk motor vehicle as defined in RC 4513.63, has been left on a public street or other property open to the public for the purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer without notification to the Chief of Police of the reasons for leaving the motor vehicle in such place. (RC 4513.61)

(3) When any motor vehicle is an abandoned junk motor vehicle as defined in RC 4513.63 and removal is authorized by that Section. (RC 4513.63)

(4) When any junk motor vehicle as defined in RC 4513.65 has not been either covered by being housed in a garage or other suitable structure, or removed from the property, within ten days of the date of receipt of a notice meeting the requirements of division (b) of Section 451.27 by the person having the right to possession of the property on which the junk motor vehicle is left.

(c) When any vehicle has been stolen or operated without the consent of the owner.

(d) When any vehicle is parked on any street or other public property and displays illegal plates or fails to display the current lawfully required license plates.

(e) When any vehicle has been used in or connected with the commission of procuring, soliciting, prostitution, soliciting drug sales in violation of Section 607.20, or any felony.

(f) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code, whereby its continued operation would constitute a condition hazardous to life, limb or property.

(g) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator.

(h) When any vehicle has been operated by any person who failed to stop in case of accident or collision.

(i) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked.

(j) When any vehicle is found standing or parked in violation of the provisions of Section 451.04, 451.05, 451.06, 451.11, 451.13, 453.01, 453.02, 455.05, 455.06 or 455.07 of these Codified Ordinances and such vehicle has four or more parking infraction judgments or previously issued outstanding criminal citations or notices of violation of any of the provisions of the Traffic Code.

(k) When any vehicle constitutes an unreasonable hazard to persons or property at the scene of a fire, accident, disaster, riot or emergency of any kind.

(l) When any vehicle is found standing or parked in violation of the provisions of Sections 451.03, 451.041, 451.08 through 451.10, 451.12, 451.15 through 451.25, division (e) or division (f) of Section 451.33, or division (a) of Section 461.15.

(m) When any vehicle is ordered immobilized pursuant to RC Chapters 4503., 4507. or 4511.

(n) When any vehicle that is subject to an order of immobilization and impoundment pursuant to RC 4503.233 is found being operated on any street or highway.

Section 4. That Section 405.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 91-96, passed March 18, 1996, is hereby repealed."

3. Renumber existing Section 3 to new "Section 5".

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. 1761-A-2000 (As a substitute for Ord. No. 1761-2000).

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4618, 4700 Lester Avenue 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. 1762-2000.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating the Convention Center to comply with the Americans with Disabilities Act requirements; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; authorizing said director to employ one or more professional consultants to design the improvement; and authorizing the purchase by contract of labor and materials necessary to install a moveable wall.

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, strike lines 2 - 12 in their entirety and insert in lieu thereof the following: "authorizing the Director of Parks, Recreation and Properties to employ one or more professional consultants to design the improvement of rehabilitating the Convention Center to comply with the Americans with Disabilities Act requirements and".

2. Strike Sections 1 and 2 in their entirety.

3. In existing Section 3, strike line 9 in its entirety and insert in lieu thereof **"design the public improvement of rehabilitating the Convention Center to comply with the Americans with Disabilities Act requirements, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties."**

4. In existing Section 3, line 16, after "shall" insert **"not exceed \$50,000.00 and shall"**.

5. In existing Section 4, line 5, after "contract" insert the following: **"in an amount not to exceed \$20,000.00."**

6. In existing Section 5, line 1, delete "improvement."

7. Renumber existing "Section 3" to new **"Section 1"**, existing "Section 4" to new **"Section 2"**, and existing "Section 5" to new **"Section 3"**.

8. Add a new Section 4 to read as follows:

"Section 4. That the agreement for professional design services authorized herein shall provide for review by the City Planning Commission."

9. Renumber existing "Section 6" to new **"Section 5"**.

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. 1801-2000.

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 Chester Avenue with the two remaining of the four requested double sided banners to be attached to utility poles on Euclid and Chester Avenues (by separate permission) to celebrate and identify the Museum's 175 years in existence.

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. 1802-2000.

By Mayor White and Councilman Polensek.

An emergency ordinance to amend Section 503.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 519-91, passed March 11, 1991, relating to penalty regarding street and sidewalk areas.

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

Ord. No. 1810-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Trio Diversified Company to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to improve its facility with the renovation and construction of real property and the acquisition of personal property located at 4465 Johnston Parkway, located in the Cleveland Area Enterprise Zone.

Approved by Directors of Economic 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. 1873-2000.

By Councilmen Lewis, Westbrook, Cintron, Jones, Rybka, Dolan, Patmon, Polensek, O'Malley, Brady, Melena, Jackson and Robinson.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 135.043 relating to notification of sexual predators.

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

1. In Section 1, at Section 135.043, line 3, after "Police" insert **"unless prohibited by state or federal law."**

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. 1879-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Diner 55, Inc. to provide economic development assistance to partially finance the acquisition and construction of real property and the acquisition of personal property, including machinery, equipment, furniture and fixtures, located at 1328 East 55th Street, Cleveland, Ohio.

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

1. Insert new Section 8 to read as follows:

"Section 8. That the agreement or agreements shall provide for review by the City Planning Commission of any plans for the development of the property."

2. Renumber existing Section 8 to new **"Section 9"**.

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. 1880-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Conveyer & Caster Corporation to provide economic development assistance to partially finance leasehold

improvements and the acquisition of machinery, equipment, furniture and fixtures, located at 3407-3501 Detroit Avenue, Cleveland, Ohio.

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

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

Ord. No. 1959-2000.

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 pump stations, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

Ord. No. 1966-2000.

By Councilman Jackson (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to The City Mission to encroach into the right-of-way of Carnegie Avenue, East 55th Street and Cedar Avenue with an on-going banner program consisting of five (5) banners.

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. 2018-2000.

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

An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 1004-91, passed July 24, 1991, as amended by Ordinance No. 324-97, passed June 2, 1997, and to amend Section 4 of Ordinance No. 1004-97, passed July 24, 1991, relating to consent of the City of Cleveland for participation in the repair and resurfacing of Rocky River Drive, therefore, to cause payment of Cleveland's share.

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 the title, line 7, strike "1004-97" and insert in lieu thereof **"1004-91"**.

2. In Section 1, at amended Section 1, line 9, after "Lane" insert the following: **"including, but not limited to, replacing the decorative retaining wall at the westerly boundary of Rocky River Drive from Edgcliffe Road north to McKinley Avenue"**.

3. In Section 1, at amended Section 2, line 3, delete "hereby proposes to" and insert in lieu thereof: **"shall"**.

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. 2020-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain various types of heavy duty construction equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

1. In Section 2, line 1, after "shall" insert **"not exceed \$30,000 and shall"**.

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. 2021-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Ford tractor, mower and construction equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

1. In the title, strike line 5 in its entirety and insert in lieu thereof **"equipment parts,"**.

2. In Section 1, lines 5 and 6, strike "equipment parts" and insert in lieu thereof **"equipment parts"**.

3. In Section 2, line 1, after "shall" insert **"not exceed \$225,000 and shall"**.

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. 2022-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Cushman-Ransomes equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

1. In Section 2, line 1, after "shall" insert **"not exceed \$60,000 and shall"**.

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. 2025-2000.

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

An emergency ordinance to amend various sections of Chapter 241 of

the Codified Ordinances of Cleveland, Ohio, as amended and enacted by various ordinances; to repeal Section 241.231 as amended by Ordinance No. 1587-90, passed December 17, 1990; to repeal Sections 243.01 through and including 243.17 of said codified ordinances, as amended and enacted by various ordinances and to enact new Section 243.01; to supplement said codified ordinances by enacting new Sections 241.041 and 241.051 thereof; and to repeal Sections 245.01 through and including 245.19 and to enact new Sections 245.01 to 245.12, all relating to licensing and sanitation of food shops.

Approved by Directors of Public Health, Public Safety, Parks, Recreation and Properties, Finance, Law; Recommended by Committees on Public Health, Public Safety, Public Parks, Property and Recreation, Legislation, Finance; when amended as follows:

1. In Section 1, at Section 241.05(i), lines 1 and 2, strike "operation, the fee shall be Forty-Eight Dollars (\$48.00)" and insert in lieu thereof **"operation or a Temporary Food Establishment, the fee shall be Twenty Dollars (\$20.00)"**.

2. In Section 3, at Section 241.051(a)(1), at "Level II", strike **"177.00"**; and at 241.051(a)(3), at "Level II" strike **"108.00"** and insert in lieu thereof **"88.00"**.

3. In Section 7, at 245.02, line 2, strike **"form"** and insert in lieu thereof **"firm"**.

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. 2027-2000.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more Concession Agreements with the Ohio Rehabilitation Services Commission, Bureau of Services for the Visually Impaired for the operation of a snack bar and vending machines at the Carl B. Stokes Building and the Cleveland Public Power Building.

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

1. In the title, lines 2 and 3, and in Section 1, line 3, strike "Parks, Recreation and Properties" and insert in lieu thereof **"Public Utilities"**.

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. 2028-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with The Revere Group to provide for a ten year abatement for certain tangible per-

sonal property taxes as an incentive to acquire personal property located at 2000 Sycamore, Cleveland, Ohio 44113.

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

1. In the title, line 5, strike "ten" and insert in lieu thereof **"five"**.

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. 2032-2000.

By Councilman Dolan.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with George Fischel using Community Development Block Grant funds to provide an emergency one-time three month housing rental subsidy to a low/moderate income family meeting the requirements for Community Development Block Grant Public Services Subsistence Payment.

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

1. In the title, line 3, strike "George Fischel" and insert in lieu thereof **"the owner of the rental unit at 14200 Rainbow Avenue"**.

2. In Section 1, line 2, strike "George Fischel," and insert in lieu thereof **"the owner of the rental unit at"**.

3. In Section 2, at the end, strike the period and insert in lieu thereof **", RL 20698."**

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. 2094-2000.

By Councilman Patmon (by departmental request).

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

Approved by Directors of Finance, Law; Recommended by Committee on Finance; when amended as follows:

1. In the title, strike line 11 in its entirety and insert in lieu thereof the following: **"Four Hundred Eighty-Five Thousand Dollars (\$485,000) of the"**.

2. In the first whereas clause, lines 1 and 2, strike "Fifteen Million Eighty Two Thousand Twenty Six

Dollars (\$15,082,026)" and insert in lieu thereof the following: "**Fourteen Million Nine Hundred Seven Thousand Twenty Six Dollars (\$14,907,026)**".

3. In Section 1, line 3, strike "May 19" and insert in lieu thereof "**October 26**"; and at line 7, at "ENTERPRISE FUNDS", strike "\$660,000" and insert in lieu thereof "**\$485,000**".

4. In Section 1, page 3 at "DEPARTMENT OF PUBLIC UTILITIES", at "Utilities Administration", strike "\$390,000" and insert in lieu thereof "**215,000**"; at "I Personnel and Related Expenses", strike "175,000"; and at "TOTAL DEPARTMENT OF PUBLIC UTILITIES", strike "390,000" from both places and insert in lieu thereof in both places "**215,000**".

5. In Section 1, page 3, at "TOTAL ENTERPRISE FUNDS", strike "660,000" from both places and insert in lieu thereof in both places "**485,000**"; and at "TOTAL GENERAL AND OTHER FUNDS", strike "15,082,026" from both places and insert in lieu thereof in both places "**14,907,026**".

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. 2095-2000.

By Councilman Patmon (by departmental request).

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

Approved by Directors of Finance, Law; Recommended by Committee on Finance.

Ord. No. 2103-2000.

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

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

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

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

Ord. No. 2107-2000.

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

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

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

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

Ord. No. 2119-2000.

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

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

Approved by Directors of Economic 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. 2120-2000.

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

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

Approved by Directors of Economic 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. 2154-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to consent to assignment of Contract Nos. 56573 and 56577 from the AIDS Housing Council of Greater Cleveland, Inc. to the AIDS Taskforce of Greater Cleveland.

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

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

Ord. No. 2155-2000.

By Councilman O'Malley.

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Deaconess Hospital, LLC to maintain, improve and adopt certain real estate belonging to the City; and authorizing the Director of Public Utilities to lease certain City-owned property to the Cleveland Area Soap Box Derby Association, for a term not to exceed twenty years, with two five-year options to renew both for general recreation purposes.

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

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

Ord. No. 2156-2000.

By Councilmen Rybka 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 Education for the 2001 Summer Food Program; authorizing the purchase by requirement contract of breakfasts, lunches and snacks for said Program and for food, food products, beverages, condiments and paper products needed for a food service operation to be served at Camp George L. Forbes as part of said Program, and for the Division of Recreation, Department of Parks, Recreation and Properties; and authorizing said Director to contract with various non-profit organizations for the implementation of said Program.

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

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

Ord. No. 2199-2000.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of a MICR laser check printing system, including but not limited to ancillary devices, training and maintenance for a period of one year, for the Department of Finance, on behalf of the Cleveland Municipal Court.

Approved by Directors of Finance, Law; Recommended by Committee on Finance.

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

Ord. No. 2206-2000.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 141.28 thereof, relating to authorizing the Director of Public Health to enter into contract with educational institutions for training of corrections officers employed by the Division of Corrections.

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

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

Ord. No. 2209-2000.

By Councilmen Polensek and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of DARE supplies, for the Division of Police, Department of Public Safety.

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

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

Ord. No. 2211-2000.

By Councilmen Polensek and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of service and maintenance of the MGE

UPS system and equipment at the Third District Police Station, for the Division of Police, Department of Public Safety.

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

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

Ord. No. 2213-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with B & S Realty Associates to provide economic development assistance to partially finance the acquisition and improvement of real property and the acquisition of personal property located at 6017 Superior Avenue, Cleveland, Ohio 44103.

Approved by Directors of Economic 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. 2215-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Twisted Pine LLC to provide economic development assistance to partially finance the acquisition, construction and making of site improvements at Parcels 1 and 2 located in the Walworth Run Industrial Park, Cleveland, Ohio.

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

1. Insert new Sections 8 and 9 to read, respectively, as follows:

"Section 8. That the design of the project authorized herein shall be reviewed by the Design Review Committee and the City Planning Commission.

Section 9. That a condition of the agreement authorized herein shall be that Twisted Pine LLC shall make certain improvements to Permanent Parcel Nos. 006-20-068 and 006-20-140, which improvement work shall begin no later than April 2001 and shall be completed no later than May 2001. The certain improvements shall include, but shall not be limited to, the following:

a) install storm sewer in accordance with originally approved plans;

b) regrade existing aggregate parking area to shape of 17 car parking lot. Install an aggregate leveling course and apply a finish of ODOT Item 409 bituminous seal and cover aggregate with concrete cures;

c) remove and replace existing concrete apron sidewalk entry to the new parking lot;

d) install a six foot tall board fence along the southern property line with plantings beyond the fence line and a five foot fence along W. 45th Pl. in front of guardrail;

e) install a five foot tall decorative metal fence and gate along W. 45th St. property line with plantings; and
f) remaining areas to be graded and planted with grass".

2. Renumber existing Section 8 to new "Section 10".

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. 2216-2000.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into Enterprise Zone Agreements with Twisted Pine LLC and Great Lakes Merchant Services to provide for ten year abatements for certain tangible personal property and real estate taxes as an incentive to acquire machinery and equipment and to lease real property at 4507 Lorain Avenue located in the Cleveland Area Enterprise Zone.

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

1. In the title, strike lines 11, 12 and 13 in their entirety and insert in lieu thereof **"and improve real property on Walworth Avenue and to acquire personal property to be located on 4507 Lorain Avenue and Walworth Avenue located in the Cleveland Area Enterprise Zone."**

2. Strike the third whereas clause in its entirety and insert in lieu thereof the following:

"Whereas, Twisted Pine LLC and Great Lakes Merchant Services (the "Enterprises") have proposed certain economic development activities within the Zone; and

Whereas, Twisted Pine LLC has proposed to acquire and improve real property at Parcel 1 and 2 on Walworth Avenue in Walworth Industrial Park; and

Whereas, Great Lakes Merchant Services has proposed to acquire personal property to be located at 4507 Lorain Avenue and at Parcel 1 and 2 on Walworth Avenue in Walworth Industrial Park; and"

3. In Section 2, lines 4 and 5, strike "lease real property at 4507 Lorain Avenue" and insert in lieu thereof **"acquire and improve real property at Parcel 1 and 2 on Walworth Avenue in Walworth Industrial Park"**; and in lines 9 and 10, strike "lease real property at 4507 Lorain Avenue" and insert in lieu thereof **"acquire personal property to be located at 4507 Lorain Avenue and at Parcel 1 and 2 on Walworth Avenue in Walworth Industrial Park"**.

4. Insert new Section 6 to read as follows:

"Section 6. That a condition of the agreement authorized herein shall be that Twisted Pine LLC shall make certain improvements to Permanent Parcel Nos. 006-20-068 and 006-20-140, which improvement work shall begin no later than April 2001 and shall be completed no later than May 2001. The certain improvements shall include, but shall not be limited to, the following:

a) install storm sewer in accordance with originally approved plans;

b) regrade existing aggregate parking area to shape of 17 car

parking lot. Install an aggregate leveling course and apply a finish of ODOT Item 409 bituminous seal and cover aggregate with concrete cures;

c) remove and replace existing concrete apron sidewalk entry to the new parking lot;

d) install a six foot tall board fence along the southern property line with plantings beyond the fence line and a five foot fence along W. 45th Pl. in front of guardrail;

e) install a five foot tall decorative metal fence and gate along W. 45th St. property line with plantings; and

f) remaining areas to be graded and planted with grass".

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. 2264-2000.

By Councilman Patmon (by departmental request).

An emergency ordinance to make temporary appropriation for the current payrolls and other ordinary expenses of the City of Cleveland for the period from January 1, 2001 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2001.

Approved by Directors of Finance, Law; Recommended by Committee on Finance.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 19. Nays 1.

Those voting yea were Councilmen: Polensek, Brady, Britt, Cimperman, Cintron, Coats, Gordon, Jackson, Jones, Lewis, Melena, O'Malley, Patmon, Reed, Rybka, Sweeney, Westbrook, White, Willis. Voting nay: Councilman Dolan. Absent: Councilmen Johnson.

Ord. No. 2269-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance to amend Section 3 of Ordinance No. 1711-99, passed November 22, 1999, relating to the Director of Public Health applying and accepting a grant from the Ohio Department of Health for the 2000 AIDS Prevention Program and to enter into contract with various agencies to implement the program.

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

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

**SECOND READING
ORDINANCES PASSED**

Ord. No. 1118-2000.

By Councilmen Brady and Westbrook.

An ordinance establishing the Clifton Road / West Boulevard Historic Landmark District Extension (Map Change No. 2014, Sheet Nos. 1 & 2)

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.

Ord. No. 1643-2000.

By Councilman Jones.
An ordinance establishing the Lee-Harvard Business Revitalization District (BRD). (Map Change No. 2017, Sheet No. 10).

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.

Ord. No. 1763-2000.

By Councilman Brady.
An ordinance to change the Use, Area and Height Districts on both sides of Lorain Avenue, N.W. between W. 119 Street and W. 115 Street and both sides of West 117 Street between Triskett Road, N.W. and Governor Avenue, S.W. (Map Change No. 2020, Sheet Nos. 2 & 12)

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning; when amended as follows:

1. In Section 1, at lines 11, 12 and 13 of the legal description, strike the following: "thence northerly along said center line of West 118 Street to the center line of Lorain Avenue; thence southwesterly" and insert in lieu thereof the following: "thence southerly along said center line of West 118 Street to its intersection with the easterly extension of the northerly line of Sublot No. 101 in said Crawford Land Company No. 1 Subdivision; thence westerly along said easterly extension and along said northerly line of said Sublot No. 101 and continuing westerly along the northerly line of Sublot No. 188 in said Crawford Land Company No. 1 Subdivision and along its westerly extension to the center line of West 119th Street; thence northerly along said center line of West 119th Street to the center line of Lorain Avenue; thence northeasterly".

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. 1882-2000.

By Councilman Melena.
An ordinance to change the Use District of lands located on the northwesterly corner of West 54 Street and Bridge Avenue, N.W. (Map Change No. 2021, Sheet No. 1)

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.

SECOND READING EMERGENCY RESOLUTION ADOPTED**Res. No. 1436-99.**

By Councilman Cimperman (by departmental request).
An emergency resolution declaring the intention to vacate all that portion of East 33rd Street.

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.

THIRD READING EMERGENCY ORDINANCES PASSED**Ord. No. 1868-2000.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract or contracts of solid waste disposal services, for the Division of Waste Collection and Disposal, Department of Public Service.

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

Ord. No. 1869-2000.

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 design the rehabilitation of Martin Luther King, Jr. Drive/East 116th Street.

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

Ord. No. 1967-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to lease a tub grinder to the Greater Cleveland Ecology Association to implement a Christmas tree recycling program for City of Cleveland residents, for a period not to exceed three months.

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

Ord. No. 2019-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain generators, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

Ord. No. 2023-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of diesel fuel, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

Ord. No. 2024-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 1301-97, passed August 13, 1997, relating to the cause payment of the City of Cleveland's share to the County of Cuyahoga and the State of Ohio for the cost of rehabilitating and reconstructing West 53rd Street Bridge; Denison Avenue Bridge, Harvard Avenue Bridge, West 65th Street Bridge and the West 74th Street Bridge.

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

Ord. No. 2029-2000.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance to amend Section 5 of Ordinance No. 159-98, passed June 15, 1998, relating to a Tax Increment Financing Agreement with Third Federal Savings and Loan Association; to supplement said ordinance by adding new Section 6;

and to renumber existing Sections 6 and 7 to new Sections 7 and 8.

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

Ord. No. 2030-2000.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance to amend Section 5 of Ordinance No. 241-98, passed June 15, 1998, relating to the rehabilitating Broadway Avenue and Aetna Avenue, including but not limited to streetscape and roadway improvements.

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

Ord. No. 2118-2000.

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

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

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

Ord. No. 2158-2000.

By Councilmen Patmon and Melena (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Section 108 loan and an Economic Development Initiative Grant Agreement with Famicos Foundation to provide economic development assistance to partially finance the renovation of real property located at 1325 Ansel Road, Cleveland, Ohio 44106.

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

Ord. No. 2159-2000.

By Councilmen Patmon and Melena (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Section 108 loan and an Economic Development Initiative Grant Agreement with Strowder's Funeral Chapel, Inc. to provide economic development assistance to partially finance the acquisition and renovation of real property located at 796-818 East 105th Street, Cleveland, Ohio 44108.

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

Ord. No. 2214-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Mark A. Rivera Production, Inc. to provide economic development assistance to partially finance the acquisition and renovation of the F.L. Thompson Building located at 3101 West 25th Street, Cleveland, Ohio.

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

THIRD READING EMERGENCY RESOLUTIONS ADOPTED**Res. No. 2122-2000.**

By Councilman Patmon (by departmental request).

An emergency resolution requesting the County Auditor to make tax advances during the year 2001 pur-

suant to Section 321.34, Ohio Revised Code.

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

Res. No. 2123-2000.

By Councilman Patmon (by departmental request).

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

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

MOTION

By Councilman Sweeney and seconded by Councilman Brady and unanimously carried that the absence of Councilman Kenneth L. Johnson be and is hereby authorized.

MOTION

The Council adjourned at 9:45 p.m. to meet at the Call of the Chair.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

December 13, 2000

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 13, 2000, at 11:00 a.m. with Director Carter presiding.

Present: Directors Carter, Brooks, Konicek, Acting Director Balraj, Directors Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Absent: Mayor White.

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

On motion, the following resolutions were adopted.

Resolution No. 824-00.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of Boise Cascade Office Products for an estimated quantity of Office Supplies (all items) for the various divisions of City Government, Department of Finance, for the period one (1) year beginning with a one (1) year option to renew beginning with the date of execution of a contract received on November 29, 2000, pursuant to the authority of Ordinance No. 812-2000, passed June 12, 2000, which on the basis of the estimated quantity would amount to Two Hundred Thirty-Three Thousand

Seven Hundred Seventy-Three and 90/100 Dollars, (\$233,773.90), (1%, 30 Days), 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. 3077

which shall be certified against such contract in the sum of Eleven Thousand Seven Hundred and 00/100 Dollars (\$11,700.00).

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: Directors Carter, Brooks, Konicek, Acting Director Balraj, Directors Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 825-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 814-00, adopted December 6, 2000, pursuant to Ordinance No. 1652-2000, approving Herbst Electric Co. for the public improvement of filter monitoring improvements for the Division of Water is hereby amended by adding subcontractors "Barrow Sign (FBE) .14% and Lawrence Hams Construction (MBE) 20%".

Be it further resolved that all other provisions of said Resolution No. 814-00 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Directors Carter, Konicek, Acting Director Balraj, Directors Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White and Director Brooks.

Resolution No. 826-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of R & R Construction for an estimated quantity of Outdoor Lighting Program (Installation), item nos. 1 thru 5 and 7 thru 9, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract received on the 9th day of November 2000, pursuant to the authority of Ordinance No. 822-2000, passed June 12, 2000 on the basis of the estimated quantity would amount to Twenty Six Thousand Three Hundred Twenty Five and no/100 Dollars, (\$26,325.00), (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. 31583

which shall be certified against such contract in the sum of Ten Thousand no/100 Dollars (\$10,000.00).

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: Directors Carter, Konicek, Acting Director Balraj, Directors Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Brooks.

Resolution No. 827-00.

By Director Sheperd.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to the Agreement and Lease between the City of Cleveland and the Original Scheduled Airlines and the Additional Scheduled Airlines, the 2001 Annual Budget and calculation of the Rentals and Landing Fee Rates dated and mailed to the Airlines on September 29, 2000, and discussed by them at the November 1, 2000 and December 4, 2000 meetings shall be adopted and effective January 1, 2001.

Yeas: Directors Carter, Konicek, Acting Director Balraj, Directors Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Brooks.

Resolution No. 828-00.

By Director Sheperd.

Resolved, by the Board of Control of the City of Cleveland that the bid of Warren Associates, Inc. for new seating including items D1 through D8 for terminal areas, for the various divisions of the Department of Port Control, for the period not to exceed one year beginning with the date of execution of a contract, received on the 18th day of October, 2000, pursuant to the authority of Ordinance No. 413-2000 passed on May 15, 2000, which on the basis of the estimated quantity would amount to One Hundred Eight Thousand Two Hundred Eighty Four and 00/100 Dollars, (\$108,284.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control 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. 35710

which shall be certified against such contract in the sum of One Hundred Eight Thousand Two Hundred Eighty Four and 00/100 Dollars (\$108,284.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, not exceeding One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00) in expenditure, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Directors Carter, Konicek, Acting Director Balraj, Directors Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Brooks.

Resolution No. 829-00.

By Director Miller.

Resolved, by the Board of Control of the City of Cleveland that the bid of York Building Maintenance, Inc. for an estimated quantity of cleaning of the West Side Market (items A and B), for the Division of Convention Center, Department of Parks, Recreation & Properties, for a period of two (2) years beginning with the date of execution of contract received on the 25th day of October, 2000, pursuant to the authority of Ordinance No. 366-2000, passed May 1, 2000 which on the basis of the estimated quantity would amount to Three Hundred Nineteen Thousand, Two Hundred 00/100 (\$319,200.00) Dollars, is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation & 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. 0196

which shall be certified against such contract in the sum of One Hundred Fifty Nine Thousand, Six Hundred 00/100 Dollars (\$159,600.00).

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

Be it resolved that the employment of the following subcontractor by York Building Maintenance, Inc. for the above-mentioned requirement contract hereby is approved:

SUBCONTRACTOR

WORK

Janitorial Services
4535 East 71 Street
Cleveland, OH 44105

Custodial

Yeas: Directors Carter, Konicek, Acting Director Balraj, Directors Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Brooks.

Resolution No. 830-00.

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. 130-20-129 (Northern part of) located at 3479 East 117th Street in Ward 3; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commis-

sioner 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, Donna Adams and Betty Jean Adams, 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 3 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 Donna Adams and Betty Jean Adams for the sale and development of Permanent Parcel No. 130-20-129 (Northern part of) located at 3479 East 117th 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: Directors Carter, Konicek, Acting Director Balraj, Directors Ricchiuto, Whitlow, Acting Director Smith, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Directors Brooks and Miller.

Resolution No. 831-00.

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. 131-21-089 located at 3461 East 52nd Street in Ward 12; 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, John E. Conway and Carol Marie Conway, 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 12 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 John E. Conway and Carol Marie Conway for the sale and development of Permanent Parcel No. 131-21-089 located at 3461 East 52nd 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: Directors Carter, Konicek, Acting Director Balraj, Directors Ricchiuto, Whitlow, Acting Director Smith, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Directors Brooks and Miller.

Resolution No. 832-00.

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. 130-20-129 (Southern part of) located at 3479 East 117th Street in Ward 3; 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, Dorothy Jean Robbins, Cynthia Sanders, Linda Robbins, and Glinda Robbins Brown, 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 3 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 Dorothy Jean Robbins, Cynthia Sanders,

Linda Robbins, and Glinda Robbins Brown for the sale and development of Permanent Parcel No. 130-20-129 (Southern part of) located at 3479 East 117th 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: Directors Carter, Konicek, Acting Director Balraj, Directors Ricchiuto, Whitlow, Acting Director Smith, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Directors Brooks and Miller.

Resolution No. 833-00.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 118-24-094, 118-24-095, 118-24-115, 118-24-116, 118-24-118, 118-24-119 under said Land Reutilization Program; and

Whereas, Ordinance No. 1009-2000 passed November 13, 2000, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Cleveland Housing Network, Inc. or designee has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1009-2000 passed November 13, 2000, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Cleveland Housing Network, Inc. or designee for the sale and development of Permanent Parcel Nos. 118-24-094, 118-24-095, 118-24-115, 118-24-116, 118-24-118, 118-24-119, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Directors Carter, Konicek, Acting Director Balraj, Directors Ricchiuto, Whitlow, Acting Director Smith, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Directors Brooks and Miller.

Resolution No. 834-00.

By Director Miller.

Whereas, pursuant to the authority of Ordinance No. 304-96, passed by the Council of The City of Cleveland on March 8, 1996, and Resolutions Nos. 408-96, 27-98, 187-98, 492-98, 511-98, 669-98, 827-98, and 213-00, adopted by this Board of Control on June 12, 1996, January 14, 1998, March 18, 1998, July 1, 1998, September 23, 1998, December 23, 1998 and March 29, 2000, respectively, the City, through its Director of Parks, Recreation

and Properties entered into City Contract No. 49912 and Hellmuth, Obata and Kassabaum, Inc. ("Architect") for the professional architectural services necessary for the construction of the new Cleveland Browns NFL Stadium and First, Second, Third, Fourth, Sixth, and Seventh Modifications thereto; and

Whereas, the City has determined to modify the scope of work further to include the additional professional services necessary for completion of the project; and

Whereas, the City finds Architect's proposal acceptable and desires to modify City Contract No. 49912, as previously modified; now, therefore:

Be it resolved by the Board of Control of the City of Cleveland that the Director of Parks, Recreation and Properties is hereby authorized to enter into an Eighth Modification to City Contract No. 49912, as previously modified, with Hellmuth, Obata and Kassabaum, Inc., to perform the additional professional services necessary for completion of the Stadium project. The compensation for additional services authorized hereby shall not exceed Two Hundred Twenty-One Thousand Four Hundred Fifty-Four Dollars and Forty-Nine Cents (\$221,454.49), thereby increasing the total contract amount to not exceed \$15,567,719.49.

Be it further resolved that all other terms and provisions of City Contract No. 49912, as previously modified, hereby shall remain unchanged and in full force and effect.

Yeas: Directors Brooks, Konicek, Ricchiuto, Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Carter, Acting Director Balraj.

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

TUESDAY, JANUARY 2, 2001

9:30 A.M.

Calendar No. 00-341: Appeal of Michael Rimini, 3098 East 65th Street (Ward 12)

Michael Rimini, owner, and David Jones, attorney, appeal under authority of Section 329.03 from the issuance of a Violation Notice on October 2, 2000 by Robert Vilkas, Commissioner of Building and Housing, regarding the property at 3098 East 65th Street, where there shall be no change or substitution in the use of any building or premises and no extension of any existing use, nor shall any premises be occupied for any new use until a Certificate of Occupancy has been issued as stated in the Enforcement and Penalty Requirements of Section 327.02(c) and is subject to prosecution as stated in Section 327.99(a) of the Codified Ordinances.

Calendar No. 00-342: 4612 Lee Road (Ward 1)

Lee Heights Community Church, owner c/o Reverend Robin Miller, Pastor, and Golden Rule Day Care c/o Sharon Phillips, appeal to expand the use of an existing church by using the basement as a day care facility for 12 pre-school students, 3-5 years of age, and 36 school age students, 5-12 years of age, for a total of 48 students and 5 employees all situated on a 210' x 120' parcel and located in a Two-Family District on the west side of Lee Road at 4612 Lee Road; said expansion being contrary to the Residential District Requirements of Section 337.02(e) where churches are required to be 15' from an adjoining premises in a residence district not used for a similar purpose and the property in question is adjacent to One and Two-Family Districts, and a day care requires the Board of Zoning Appeals approval to determine adequate yard space and other safeguards to preserve the character of the neighborhood and appropriately designed and that it meets the community need without adversely affecting the neighborhood and subject to the expansion of non-conforming use limitations of Section 359.01 of the Codified Ordinances.

Calendar No. 00-345: 9801 Denison Avenue (Ward 18)

Edward Hulesch, owner, appeals to change the use of an existing 2-1/2-story "L" shaped building with 5 stores and 12 dwelling units into 12 dwelling units and a restaurant all situated on an irregular shaped corner parcel located in a General Retail Business District on the northwest corner of West 98th Street and Denison Avenue at 9801 Denison Avenue; said change of use being contrary to the Enforcement and Penalty Requirements of Section 327.02 where adequate scaled site and floor plans are required and all uses shall be indicated on every floor for parking calculations and contrary to the Off-Street Parking and Loading Requirements where 6 parking spaces are provided and 20 are required as stated in Section 349.04 of the Codified Ordinances.

Calendar No. 00-346: Appeal of James Wilkoff, 2700 East 47th (Ward 5)
S. Wilkoff & Sons Company, owner c/o James Wilkoff, appeal

under authority of Section 329.03 from the issuance of a Violation Notice on August 15, 2000 by Robert Vilkas, Commissioner of Building and Housing regarding a proposed scrap yard at 2700 East 47th Street where there shall be no change or substitution in the use of any building or premises and no extension of any existing use, nor shall any premises be occupied for any new use until a Certificate of Occupancy has been issued as stated in the Enforcement and Penalty Requirements of Section 327.02(c) and is subject to prosecution as stated in Section 327.99(a) of the Codified Ordinances.

Calendar No. 00-347: 785-787 East 185th Street (Ward 11)

Irene Pasalaqua, owner, and William Scimenes, tenant, appeal to change the use of an existing one-story 25' x 40' four car garage into an office and garage for detailing and cleaning cars for auto sales and to expand an existing 50' x 75' two-story tavern to former store space and maintain 3 dwelling units upstairs all situated on a 100' x 169' corner parcel located in a Local Retail Business District on the northeast corner of East 185th Street at 785-787 East 185th Street; said use being contrary to the Business District Requirements of Section 343.01(G)(4) where auto cleaning and detailing are not permitted automotive service use and contrary to the Specific Uses Regulations of Section 347.08 where trash areas and refuse containers must be screened with opaque fencing not lower than the height of the refuse containers therein, and must be placed on a concrete slab and no opaque fence is proposed and contrary to the Off-Street Parking and Loading Requirements of Section 349.04 where 23 parking spaces are required and 17 are proposed, 8 of which are proposed on unpaved gravel surface, and parking for the auto sales lot is not shown; and Section 349.07 where parking spaces and vehicle maneuvering areas must be hard surfaced and drained and contrary to the Landscaping and Screening Requirements of Section 352.11 where an 8' wide transition strip is required along the rear property line screening the residential district and a 2' to 3' strip is proposed and a 6' wide landscaped strip is required to screen the parking lot from Cherokee Avenue and subject to the expansion of non-conforming use limitations of Section 359.01 of the Codified Ordinances.

Calendar No. 00-348: Appeal of Ray Dobrota, d.b.a. Raymel Investment Co., Inc. 2400 Superior Avenue (Ward 13)

Ray Dobrota, d.b.a. Raymel Investment Company, Inc., owners, appeal under authority of Section 367.09 from the issuance of a Violation Notice on August 15, 2000 by Robert Vilkas, Commissioner of Building and Housing, regarding a proposed office / warehouse at 2400 Superior Avenue where parking spaces and vehicle maneuvering areas must be hard surfaced and drained as stated in the Off-Street Parking and Loading Requirements of Section 349.07(a) of the Codified Ordinances.

Calendar No. 00-358: 14402 Puritas Avenue (Ward 20)

SSS Properties of Ohio Ltd., owners, appeal to change the use of an

existing 124' x 82' one-story masonry former post office building to a retail store use, situated on an approximate 135' x 200' parcel located in a General Retail Business District and a Single Family District on the north side of Puritas Avenue at 14402 Puritas Avenue; said change of use being contrary to the Residential District Requirements of Section 337.02 where retail store and accessory parking lot use is not permitted in a residential district and contrary to the Landscaping and Screening Requirements of Section 352.09 and Section 352.11 where a 10' wide landscaped strip is required at the rear of the property where the property abuts the Single-Family Residential District and no transition strip is shown and Section 352.10 where a 6' landscaped frontage strip is required to screen the parking lot from Puritas Avenue and contrary to the substitution of non-conforming use limitations of Section 359.01 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 18, 2000

At the meeting of the Board of Zoning Appeals on Monday, December 18, 2000, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 00-333: 3035 West 47th Street

Ed Polk, owner, appealed to construct an 18' x 6' one-story open front porch to an existing one dwelling unit house in a B-1 Two-Family District.

Calendar No. 00-334: 17325 Lorain Avenue

Steak N' Shake, owner c/o Joe Scott, appealed to construct a 93' x 41' one-story restaurant with a drive-through in a Local Retail Business District.

Calendar No. 00-343: 7010 St. Clair Avenue

Sonia Johnson, d.b.a. Happy Feet Child Care, appealed to change the use of a one-story masonry retail store building into a day care facility in a Local Retail Business District.

Calendar No. 00-344: 3735 West 136th Street

Brian Peterson, owner, appealed to install 55 linear feet of 6' high wooden fencing to the east of a corner parcel in a Two-Family District.

Calendar No. 00-365: 2201 West 93rd Street

City of Cleveland, owner, and WTech, LP c/o George Hannen, appealed to change the use of a four-story masonry high school building into a 184 unit apartment building in a Two-Family District; approved and adopted consecutively with the Board's vote to approve, with the understanding that any new evidence can be presented within a seven day period.

The following appeal was **Denied**:

Calendar No. 00-276: 3525 Henritze Avenue

Robert L. Goff, owner, appealed to install 172 linear feet of 8' high chain link fencing to the north, west and south of a vacant parcel in a Two-Family District.

The following appeals were **Postponed**:

Calendar No. 00-336: 11620 Edgewater Drive postponed to January 22, 2001.

Calendar No. 00-339: 1278 West 9th Street postponed to January 29, 2001.

Calendar No. 00-340: 2601 Henninger Road postponed to January 29, 2001.

Calendar No. 00-256: 5007-09 Fleet Avenue postponed to January 16, 2001.

On Monday, December 18, 2000, in Executive Session:

The following appeals were heard on Monday, December 11, 2000 and said decisions were approved and adopted by the Board on December 18, 2000.

The following appeals were **Approved**:

Calendar No. 00-323: 5402 Bridge Avenue

Bridge Housing Corporation, owners, appealed to construct a 15' x 38' three-story one family dwelling with an attached one car garage as part of a seven unit townhouse on a 25' x 84' parcel in a Multi-Family District.

Calendar No. 00-324: 5404 Bridge Avenue

Bridge Housing Corporation, owners, appealed to construct a 15' x 38' three-story one family dwelling with an attached one car garage as part of a seven unit townhouse on a 15' x 84' parcel in a Multi-Family District.

Calendar No. 00-325: 5406 Bridge Avenue

Bridge Housing Corporation, owners, appealed to construct a 15' x 38' three-story one family dwelling with an attached one car garage as part of a seven unit townhouse on a 15' x 84' parcel in a Multi-Family District.

Calendar No. 00-326: 5408 Bridge Avenue

Bridge Housing Corporation, owners, appealed to construct a 15' x 38' three-story one family dwelling with an attached one car garage as part of a seven unit townhouse on a 15' x 84' parcel in a Multi-Family District.

Calendar No. 00-327: 5410 Bridge Avenue

Bridge Housing Corporation, owners, appealed to construct a 15' x 38' three-story one family dwelling with an attached one car garage as part of a seven unit townhouse on a 15' x 84' parcel in a Multi-Family District.

Calendar No. 00-328: 5412 Bridge Avenue

Bridge Housing Corporation, owners, appealed to construct a 15' x

38' three-story one family dwelling unit with an attached one car garage as part of a seven unit townhouse on a 15' x 84' parcel in a Multi-Family District.

Calendar No. 00-329: 5414 Bridge Avenue

Bridge Housing Corporation, owners, appealed to construct a 15' x 38' three-story one family dwelling with an attached one car garage as part of a seven unit townhouse on a 32' x 84' parcel in a Multi-Family District.

The following appeal was **Denied:**

Calendar No. 00-332: Appeal of John McDonald, 818 East 185th Street John McDonald, owner, and Ted Roberts, tenant, d.b.a. Peddler's Exchange, appealed from a Warning Notice issued by the Division of Building and Housing for failure to comply with the Business District Regulations where the display of merchandise in the front yard of a setback building line is prohibited.

EUGENE CRANFORD, JR.,
Secretary

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

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certifi-

cation 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."

FRIDAY, DECEMBER 29, 2000

Diesel Fuel, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2023-2000, passed by the Council of the City of Cleveland.

December 13, 2000 and December 20, 2000

FRIDAY, JANUARY 19, 2001

Master Landside Signage Project, for the Department of Port Control.

BEGINNING DECEMBER 15, 2000, PLANS AND SPECIFICATIONS MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 FOR THE NON-REFUNDABLE FEE OF THREE HUNDRED (\$300.00) (CERTIFIED CHECK OR MONEY ORDER ONLY). PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER FOR BID DOCUMENTS. OUT OF AREA BIDDERS - PLEASE PROVIDE FEDERAL EXPRESS, UPS OR OTHER ACCOUNT NUMBER FOR SHIPMENT. PACKAGE/FEE INCLUDES PLANS, TECHNICAL SPECIFICATIONS, GENERAL AND CONTRACTUAL REQUIREMENTS AND ANY ADDENDA. A PRE-BID MEETING WILL BE HELD ON THURSDAY, JANUARY 4, 2001, 10:00 A.M. TO 12:00 P.M. IN THE PROGRAM MANAGEMENT TEAM (PMT) CONFERENCE ROOM, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135. FOR ADDITIONAL INFORMATION, FAX QUESTIONS TO DEBORAH MIDGETT IN THE DIVISION OF PURCHASES AND SUPPLIES AT (216) 664-2177.

PROJECT DETAILS: FURNISH AND INSTALL OVER 1,000 NEW INTERIOR AND EXTERIOR, IDENTIFICATION AND DIRECTIONAL SIGNS AT ROADWAYS, CURBSIDES, PARKING GARAGE, TICKETING/BAGGAGE AND CONCOURSES A, B AND C AREAS. SCOPE CONSISTS OF DEMOLITION AND REPLACEMENT OF EXISTING LANDSIDE SIGNS, NEW/REVISIONS TO MOUNTING STRUCTURES, ELECTRONIC DISPLAY AND NEW ILLUMINATION FIXTURES. ALL SIGN TYPES FROM #201 THROUGH #806, INCLUDING AIRPORT IDENTITY MONUMENT, AIRLINE IDENTITY, GATES AND ALL OTHER FACILITIES. ENGINEER'S ESTIMATED CONSTRUCTION COST IS \$2.0 - \$2.5 MILLION.

December 13, 2000 and December 20, 2000

FRIDAY, JANUARY 12, 2001

Commercial Gases, for various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1862-2000, passed by the Council of the City of Cleveland, November 20, 2000.

December 20, 2000 and December 27, 2000

WEDNESDAY, JANUARY 17, 2001

Powdered Activated Carbon, 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.

December 20, 2000 and December 27, 2000

THURSDAY, JANUARY 18, 2001

Paper Products, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 827-2000, passed by the Council of the City of Cleveland, June 12, 2000.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, JANUARY 11, 2001, 10:00 A.M. AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. ATTENDANCE IS MANDATORY.

December 20, 2000 and December 27, 2000

FRIDAY, JANUARY 19, 2001

Runway Brooms and Replacement Heads, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1685-2000.

December 20, 2000 and December 27, 2000

FRIDAY, JANUARY 26, 2001

One (1) Cab and Chassis with Heavy-Rescue Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 904-2000, passed by the Council of the City of Cleveland, August 7, 2000.

December 20, 2000 and December 27, 2000

THURSDAY, FEBRUARY 8, 2001

Mobile Autotransformer Substation Unit and Mobil Zigzag Grounding Transformer Unit, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1391-2000, passed by the Council of the City of Cleveland, October 9, 2000. A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, JANUARY 17, 2001, 10:00 A.M. AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. ATTENDANCE IS MANDATORY.

December 20, 2000 and December 27, 2000

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 2280-2000.

By Councilman Britt.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 1107 Mt. Carmel 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. 6200949, Mount Carmel Inc., DBA Mt. Carmel Market, 1107 Mt. Carmel Rd., 1st Fl. & Bsmt., Cleveland, Ohio 44104, to Permit No. 19304690005, Dari Co., 1107 Mt. Carmel 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, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 6200949, Mount Carmel Inc., DBA Mt. Carmel Market, 1107 Mt. Carmel Rd., 1st Fl. & Bsmt., Cleveland, Ohio 44104, to Permit No. 19304690005, Dari Co., 1107 Mt. Carmel 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 is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two

copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted December 11, 2000.

Effective December 20, 2000.

Res. No. 2281-2000.

By Councilman Cimperman.

An emergency resolution objecting to the transfer of ownership and location of a D5 and D6 Liquor Permit to 806 Literary.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a D5 and D6 Liquor Permit from Permit No. 2755387, Zvonimir Fisc Est. Katherine Fisc Extr., 390 East 156th Street, 1st Fl. & Bsmt., Cleveland, Ohio 44110 to Permit No. 0348514, BIMG Inc., DBA Literary, 806 Literary, Cleveland, Ohio 44113; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership and location of a D5 and D6 Liquor Permit from

Permit No. 2755387, Zvonimir Fisc Est. Katherine Fisc Extr., 390 East 156th Street, 1st Fl. & Bsmt., Cleveland, Ohio 44110 to Permit No. 0348514, BIMG Inc., DBA Literary, 806 Literary, Cleveland, Ohio 44113 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted December 11, 2000.

Effective December 20, 2000.

Res. No. 2282-2000.

By Councilman Cintron.

An emergency resolution objecting to the stock transfer of a D5 Liquor Permit to 3245 West 25th Street.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a D5 Liquor Permit to Permit No. 4180511, JNCC Inc., 3245 West 25th Street, Cleveland, Ohio 44109; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to

Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the stock transfer of a D5 Liquor Permit to Permit No. 4180511, JNCC Inc., 3245 West 25th Street, Cleveland, Ohio 44109 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted December 11, 2000.

Effective December 20, 2000.

Res. No. 2283-2000.

By Councilman Johnson.

An emergency resolution objecting to the transfer of location of a D1, D2, D3, D3A and D6 Liquor Permit to 9216-9218 Kinsman Rd.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of location of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 6362689, New Gold Inc., DBA Double Exposure Bar & Deli, 3081 E. 93rd St., Cleveland, Ohio 44104 to Permit No. 63626890001, New Gold Inc., DBA Genays, 9216-9218 Kinsman Rd., 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, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the transfer of location of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 6362689, New Gold Inc., DBA Double Exposure Bar & Deli, 3081 E. 93rd St., Cleveland, Ohio 44104 to Permit No. 63626890001, New Gold Inc., DBA Genays, 9216-9218 Kinsman Rd., 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 is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted December 11, 2000.

Effective December 20, 2000.

Res. No. 2284-2000.

By Councilman Jones.

An emergency resolution urging Ohio Governor Robert Taft to oppose and veto SB 179 as it pertains to juvenile offenders.

Whereas, Senate Bill 179 if passed will change the entire juvenile justice system, where the focus will no longer be on rehabilitation, but punitive measures for young offenders; and

Whereas, Senate Bill 179 will cause permanent psychological and emotional damage to young children caught in a deficient and ill equipped penal system, thus impeding their rehabilitation; and

Whereas, Senate Bill 179 will make children as young as ten years old go to juvenile prison if they have committed a serious offense; and

Whereas, more African American and Latino males will be affected by Senate Bill 179 than any other group if this legislation is passed; and

Whereas, Senate Bill 179 will allow a child to be convicted on evidence that is "clear and convincing"

rather than by the adult constitutional standard "beyond a reasonable doubt"; and

Whereas, Senate Bill 179 will severely restrict the bind over discretion privilege of juvenile court judges and give it to the county prosecutors; and

Whereas, Senate Bill 179 is placing emphasis on punishing children by placing them in a penal system that is already overcrowded and under funded, which will not guarantee the safety and security of young offenders, exposing them to rape, torture and even murder; and

Whereas far too many children are already entwined in the prison system and often lose hope for living a productive and meaningful life; now, therefore,

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

Section 1. That Council does hereby reject Senate Bill 179, which is a stinging indictment against all Ohio's children and strongly urges Governor Robert Taft to veto this legislation.

Section 2. That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution to Ohio Governor Robert Taft.

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 December 11, 2000.

Effective December 20, 2000.

Res. No. 2285-2000.

By Councilman Lewis.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 1136 East 79th Street, 1st Fl. Only.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 8601226, Malissie Stokes, DBA Grocery Deli, 1136 East 79th Street, 1st Fl. Only, Cleveland, Ohio 44103 to Permit No. 1273808, Carolyn C. Crain, DBA Success Beverage & Deli, 1136 East 79th Street, 1st Fl. Only, Cleveland, Ohio 44103; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 8601226, Malissie Stokes, DBA Grocery Deli, 1136 East 79th Street, 1st Fl. Only, Cleveland, Ohio 44103 to Permit No. 1273808, Carolyn C. Crain, DBA Success Beverage & Deli, 1136 East 79th Street, 1st Fl. Only, Cleveland, Ohio 44103 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted December 11, 2000.
Effective December 20, 2000.

Res. No. 2286-2000.
By Councilman Lewis.
An emergency resolution objecting to the stock transfer of ownership of a C2 and C2X Liquor Permit to 7001 Hough Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a C2 and C2X and Liquor Permit, to Permit No. 7658201, Sabrina Inc., DBA Kwik Shop, 7001 Hough Avenue, Cleveland, Ohio 44103; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the stock transfer of a C2 and C2X and Liquor Permit, to Permit No. 7658201, Sabrina Inc., DBA Kwik Shop, 7001 Hough Avenue, Cleveland, Ohio 44103 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted December 11, 2000.
Effective December 20, 2000.

Res. No. 2287-2000.
By Councilman Sweeney.
An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4200 West 130th Street, and repealing Res. No. 1366-2000 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1

and C2 Liquor Permit to 4200 West 130th Street by Res. No. 1366-2000 adopted by Council on July 28, 2000; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4200 West 130th Street, be and the same is hereby withdrawn and Res. No. 1366-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted December 11, 2000.
Effective December 20, 2000.

Res. No. 2288-2000.
By Councilman White.
An emergency resolution withdrawing objection to the stock transfer of a C1 Liquor Permit to 3832 Martin Luther King Jr. Dr., and repealing Res. No. 2004-99 objecting to said stock transfer.

Whereas, this Council objected to the stock transfer of a C1 Liquor Permit to 3832 Martin Luther King Jr. Dr. by Res. No. 2004-99 adopted by Council on November 15, 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 C1 Liquor Permit to 3832 Martin Luther King Jr. Dr., be and the same is hereby withdrawn and Res. No. 2004-99, 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 December 11, 2000.
Effective December 20, 2000.

Ord. No. 1747-99.
By Councilmen Cimperman, Jones, Robinson and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, or otherwise improving City Hall; 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 carpeting, furniture and equipment necessary for the improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating, renovating, or otherwise improving City Hall, for the Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract, in an amount not to exceed \$520,000.00, 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 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: carpeting, furniture and equipment necessary for said improvement, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Parks, Recreation and Properties.

Section 4. That the cost of said improvement and purchases hereby authorized shall be paid from Fund Nos. 11 SF 006, 20 SF 362 and 20 SF 351, Request No. 5029.

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 December 11, 2000.
Effective December 20, 2000.

Ord. No. 162-A-2000 (As a substitute of Ord. No. 162-2000).

By Councilmen Polensek, Patmon, Melena, Jones, White, Robinson and Rybka.

An emergency ordinance to repeal Sections 665.01 through 665.12 and 665.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances; to supplement said ordinances by enacting new Sections 665.01 through 665.21 and 665.99 thereof, relating to fair housing; to repeal Section 667.01 of said Codified Ordinances, as amended by Ordinance No. 77-94, passed March 14, 1994; and to supplement said ordinances by enacting new Sections 667.01, 667.011, 667.012 and 667.013, relating to unlawful discriminatory conduct.

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

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

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

Sections 665.01, 665.02, 665.03, 665.04, as amended by Ordinance No. 90-96, passed March 18, 1996,

Section 665.05, as enacted by Ordinance No. 2783-87, passed January 11, 1988,

Sections 665.06, 665.07, 665.08, 665.09, as amended by Ordinance No. 90-96, passed March 18, 1996,

Sections 665.10, 665.11, as enacted by Ordinance No. 2783-87, passed January 11, 1988,

Section 665.12, as amended by Ordinance No. 90-96, passed March 18, 1996, and

Section 665.99, as enacted by Ordinance No. 2783-87, passed January 11, 1988,

are hereby repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 665.01 through 665.21 and 665.99 thereof, to read, respectively, as follows:

CHAPTER 665 FAIR HOUSING

Section 665.01 Purpose

It is hereby declared to be the purpose of this chapter to provide, within constitutional limitations, fair housing throughout the City of Cleveland (hereinafter, the City), to assure that all persons have full and equal opportunity to consider all available housing for themselves and their families within the City without discrimination based on race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, and to promote a stable, racially integrated community.

Section 665.02 Definitions

As used herein —

(a) "Aggrieved person" includes any person who

(1) claims to have been injured by a discriminatory housing practice; or

(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

(b) "Covered multi-family dwellings" means buildings consisting of four or more units, if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.

(c) "Disability"

(1) means, with respect to a person:

A. a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self such as: performing manual tasks, walking, hearing, speaking, breathing, learning, and/or working;

B. a record of a physical or mental impairment; or

C. being regarded as having a physical or mental impairment.

(2) does not include current, illegal use of, or addiction to, a controlled substance, as defined in 21 U.S.C. Section 802.

(d) "Fair Housing Administrator" means the Administrator as established and defined in Section 665.051.

(e) "Fair Housing Board" means the Board as established and defined in Section 665.05 hereof.

(f) "Familial status" refers to the status of

(1) one or more individuals (who have not attained the age of eighteen years) being domiciled with:

A. a parent or another person having legal custody of such individual or individuals; or

B. the designee of such parent or other person having such custody, with the written permission of such parent or other persons.

(2) any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(g) "Housing for older persons" means

(1) housing provided under any State or Federal program that the Secretary of the United States Department of Housing and Urban Development (hereafter HUD) determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program);

(2) housing intended for, and solely occupied by, persons 62 years of age or older; or

(3) housing intended and operated for occupancy by at least one person 55 years or older per unit. The determination as to whether housing qualifies as housing for older persons under this subsection shall be consistent with regulations promulgated by the Secretary of HUD, providing at least the following factors are present:

A. the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

B. that at least eighty percent (80%) of the units are occupied by at least one person 55 years of age or older per unit; and

C. the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide hous-

ing for persons 55 years of age or older.

(4) Housing shall not fail to meet the requirements for housing for older persons by reason of:

A. there being persons residing in such housing as of the date of enactment of the Fair Housing Act of 1988 who do not meet the age requirements of subsection (i)(2) or (3); provided that the new occupants of such housing meet the age requirements of subsection (i)(2) or (3); or

B. there being unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of subsection (i)(2) or (3).

(h) "Lending institution" means any bank, savings and loan association, insurance company, or other organization or person regularly engaged in the business of lending money, guaranteeing loans for profit, or otherwise providing financial assistance or insurance in connection with the purchase, sale or rental of dwellings.

(i) "Person" means one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, appraiser, agent, employee, and lending institution.

(j) "Property", as used herein, means any building, structure, facility or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied:

(1) as the residence, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not living independently of each other, and includes any housing accommodations held or offered for sale or rent by a real estate broker, salesman, or agent, or by any other person pursuant to authorization of the owner, by the owner, or by such person's legal representative;

(2) for the purpose of operating a business, an office, a factory or public accommodation; or

(3) any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, facility, business concern or public accommodation.

(k) "Protected group" or "protected class" refers to persons who are or may be discriminated against on the basis of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry.

(l) "Purchase" means to obtain property through sale.

(m) "Real estate broker" means a real estate agent or salesperson, or a limited real estate broker or salesperson as defined in Section 4735.01 of the Revised Code.

(n) "Rent" or "rental" means to lease, sublease, assign or otherwise grant or obtain the right to occupy property not owned by the occupant in return for consideration, or a contract or option to do any of the foregoing.

(o) "Sale or sell" means to convey, exchange, transfer or assign legal or equitable title to, or beneficial interest in, property in return for consideration, or a contract or option to do any of the foregoing.

(p) "Sexual orientation" means a person's actual or perceived homosexuality, bisexuality or heterosexuality, by orientation or practice.

(q) "Solicitation" or "solicit" means the mailing or delivery of any printed matter or any oral communication either in person or by telephone to the owner or occupant of property by any real estate broker, agent, sales representative or other person for any of the following purposes:

(1) advertising the accomplishments and/or abilities of the real estate broker, agent, sales representative or other person to sell or rent property;

(2) requesting or suggesting that the owner or occupant list his property for sale or rent; or

(3) offering to purchase or rent the owner's property.

(r) "Unlawful discriminatory housing practices" means any act prohibited by Section 665.03, but shall not include special outreach efforts conducted by, or under the authority of units of local government (including agencies, departments and commissioners thereof) or non-profit fair housing corporations or agencies to administer the programs and activities relating to housing and urban development in a manner which affirmatively furthers the policies of this chapter.

(s) "Watch area" means an area of the City designated by the Fair Housing Board exhibiting certain conditions of change which have historically led to panic selling, racial change and/or incidents with considerations of the factors listed in division (b) of Section 665.17.

Section 665.03 Unlawful Discriminatory Housing Practices

It shall be an unlawful discriminatory housing practice for any person to:

(a) refuse to sell, transfer, assign, rent, lease, sublease, finance, or negotiate after the making of a bona fide offer, or otherwise deny or make unavailable, because of membership in a protected class, a property to any person;

(b) represent to any person, because of membership in a protected class, that a property is not available for sale, rental, inspection, purchase, transfer, assignment, lease or sublease when, in fact, it is available;

(c) discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, if such person's business includes engaging in residential real estate-related transactions, because of race, color, religion, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry. As used in this section, the term "residential real estate-related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

A. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

B. secured by residential real estate.

(2) The selling, brokering or appraising of real property;

(d) discriminate against any person in the terms or conditions of selling, renting, transferring, assigning, brokering, leasing or subleasing any property, or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any property because of membership in a protected class or because of the racial composition or presence of any other protected groups in the area in which the dwelling is located;

(e) discriminate against any person in the provision of property and casualty, including but not limited to, fire, extended coverage, renter's or homeowner's insurance ("insurance") or insurance related services because of membership in a protected class of a current or prospective purchaser, renter, or occupant, or of other residents in the area or community, by any one or more of the following practices:

(1) making insurance or insurance related services unavailable or making them available on different terms or conditions;

(2) refusing to sell or renew or by canceling insurance or an insurance policy;

(3) varying the terms or conditions under which an insurance policy or insurance related services is available;

(4) establishing different qualifications, requirements or standards for making insurance or insurance related services available;

(5) offering different services, facilities or privileges in the provision of insurance or insurance related services;

(6) discouraging potential applicants from applying for insurance, including not but limited to utilizing different sales and marketing practices, except as provided in Section 665.02(r);

(7) evaluating, settling, or paying insurance claims;

(f) refuse to consider the combined income of both husband and wife for the purpose of extending mortgage credit to a married couple or either member thereof;

(g) print, publish or circulate, or cause to be printed, published or circulated, any statement or advertisement, or make or cause to be made any written or oral statement, relating to the sale, transfer, assignment, rental, lease, sublease or acquisition of any property or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of a property, which indicates any preference, limitation, specification or discrimination based upon protected group membership, or an intention to make any such preference, limitation, specification or discrimination;

(h) include in any sale, transfer, rental, lease or sublease of a property any restrictive covenant based on protected group membership, or honor or exercise, or attempt to honor or exercise any such restrictive covenant;

(i) induce or solicit or attempt to induce or solicit including, but not limited to a property listing, sale, rental or transaction by representing that a change has occurred or may occur with respect to the protected class or classes of the area in which the property is located, or induce or solicit or attempt to induce or solicit such listing, sale, or transaction by representing that the actual or anticipated presence of persons of any protected class in the area will or may have results such as:

(1) the lowering of property values;

(2) a change in the composition of the area in which the property is located based upon a protected class or classes;

(3) an increase in criminal or anti-social behavior in the area;

(4) a decline in the quality of the schools serving the area.

(j) coerce, injure, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this section;

(k) discriminate against any person because of protected group status in appraising the value of any property in connection with the sale, brokering or rental or because of the composition of the area based upon protected class or classes;

(l) deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' association or other service association or facility relating to the business of selling or renting housing accommodations or commercial property, or to discriminate against any person in the terms or conditions of such access, membership or participation, on account of membership in a protected class;

(m) refuse to permit, at the expense of a disabled person, reasonable modifications to existing premises occupied or to be occupied by such person, if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, a landlord may — where it is reasonable to do so — condition his or her consent to a modification on a renter's agreement, which can include the establishment of an escrow account, to restore the interior of the premises to the condition that existed prior to the modification, reasonable wear and tear excepted;

(n) refuse to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling including associated public and common use areas;

(o) construct covered multi-family dwellings that do not provide for accessibility and usability for physically disabled persons in compliance with 42 USC §3604(f)(3)(c);

(p) discriminate in any manner against any other person because that person has opposed any unlawful practice defined in this section, or because that person has made a charge, testified, assisted or partici-

pated in any manner in any investigation, proceeding or hearing under Sections 4112.01 to 4112.07 of the Revised Code;

(q) aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, or obstruct or prevent any person from complying with Sections 4112.01 to 4112.11 of the Revised Code, 42 USC §3601 et seq., or any order issued pursuant thereto, or attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice. (ORC 4112.02 (H), (I), (J)).

Section 665.04 Exemptions

The provisions of this chapter shall not be construed to:

(a) prohibit a religious or denominational institution, organization, society or association or any non-profit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin, nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members;

(b) require any person selling or renting property to modify such property in any way at his or her expense, provided that such person does not refuse to permit reasonable modifications by a disabled person, which are necessary for that person to fully enjoy the premises in which he or she resides, when such modifications are made at the expense of the disabled person, which permission may be reasonably based on the disabled person's promise, pursuant to division (o) of Section 665.03, to restore the premises to the condition in which it previously existed before granting permission for such modification, nor shall this chapter be construed to relieve any disabled person of any obligation generally imposed on all persons, regardless of disability, in a written lease, rental agreement or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of the lease, agreement or contract, so long as such distinctions are not based on the disability, or on the landlord's refusal to make reasonable modifications in the lease, agreement or contract conditions for the purpose of denying a disabled person equal opportunity to the use and enjoyment of the premises. (ORC 4112.02 (K), (N));

(c) prohibit the restriction of a sale or rental of a property on the basis of disability when such a property is authorized, approved, financed or subsidized, in whole or

in part, for the benefit of disabled persons by a unit of the local, state or federal government, so long as such restrictions do not discriminate against an otherwise qualified disabled person;

(d) require that a property be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;

(e) prohibit the application of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a property;

(f) with regard to familial status, apply to properties provided under any state or federal program provided that HUD has determined that such program or housing is exempt, which determination shall be conclusive, or to housing for older persons;

(g) prohibit a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than membership in a protected class.

Section 665.05 Fair Housing Board; Powers; Duties; Responsibilities

(a) There is hereby established a Fair Housing Board which shall consist of five members: one (1) appointed by the Mayor; one (1) appointed by the Council; and three (3) citizen members nominated by the Mayor and confirmed by Council. The member appointed by the Mayor and the member appointed by Council each shall be appointed for a term of three (3) years. Of the citizen members first appointed, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, and one (1) for a term of three (3) years; thereafter appointments shall be for three (3) years.

(b) The Fair Housing Board shall have the responsibility to administer the provisions of this chapter and to adjudicate complaints alleging violations of any section. The Fair Housing Board shall have and may exercise the following powers to implement the purposes of this chapter:

(1) to hold adjudicative hearings, make findings of fact, issue orders, enforce such orders and seek judicial and/or administrative relief with respect to any such complaints in accordance with the provisions of this chapter;

(2) to subpoena witnesses, compel their attendance, administer oaths, take sworn testimony and, in connection therewith, to require the production for examination of any documents relating to any matter under investigation or in question before the Fair Housing Board, and enforce such powers by proper petition to any court of competent jurisdiction;

(3) to adopt such rules and regulations as the Fair Housing Board may deem necessary or desirable for the conduct of its business and to carry out the purposes of this chapter;

(4) to do such other acts as are necessary and proper to perform those duties with which the Fair Housing Board is charged under this chapter, including the provision of referral services for the community;

(5) to collect, analyze and study the results of investigations made under this chapter and report to the Mayor and City Council on or before January 31 of each calendar year on the working of this chapter for the purpose of advising on and recommending amendments to this chapter;

(6) to conduct a continuing program of education and community organization throughout the City;

(7) to initiate an investigation without the filing of an official complaint, provided a majority of the Fair Housing Board elects to proceed based upon reasonable cause to believe that violations of this chapter are occurring or have occurred. The Fair Housing Board shall have the same powers following this initiated investigation as it has with an investigation based on the filing of a complaint;

(8) to enter into cooperative agreements with other governmental agencies to effectuate the purposes of this chapter;

(9) to refer persons allegedly aggrieved by unlawful discriminatory housing practices to the Ohio Civil Rights Commission or other governmental or private agencies, as appropriate.

Section 665.051 Fair Housing Administrator

The Mayor, upon recommendation of the Fair Housing Board, shall appoint a Fair Housing Administrator, who shall be confirmed by Council and who may be a City employee. Said Administrator shall have such duties, responsibilities and powers as may be provided by the Fair Housing Board, including, but not limited to, receipt and processing of complaints on behalf of the Fair Housing Board. Said Administrator shall be provided adequate staff to whom the Administrator's duties under this chapter may be delegated.

Section 665.06 Complaints

(a) Any aggrieved person may allege that a violation of Section 665.03 has occurred by filing with the Fair Housing Board, within one hundred and eighty (180) days of the alleged violation, a sworn, written complaint setting forth his or her grievance. The complaint shall state the name and address of the aggrieved party (hereinafter the "complainant"), the name and address of the person(s) alleged to have committed a violation of Section 665.03 (hereinafter the "respondent"), a description and address of the property involved in the discriminatory incident and the particular facts thereof and such other information as may be required by the Board. A complaint may be amended at any time prior to the hearing conducted pursuant to Section 665.09, and thereafter only with permission of the Fair Housing Board. Upon the filing of a complaint, the Fair Housing Board shall acknowledge the receipt of the complaint and serve notice thereof to the complainant, which notice shall also contain information as to the time limits, notice of procedural rights and obligations and choice of forum provided in this chapter.

(b) Within ten (10) days after a complaint has been received by the Fair Housing Board, it shall serve or cause to be served, in person or by certified mail, a copy of the complaint on the respondent alleged to have committed a violation of Section 665.03. Along with the service of the complaint, the Fair Housing Board shall advise the respondent, in writing, of his or her procedural rights and obligations under this chapter. The respondent may file a written verified answer to the complaint with the Fair Housing Board within ten (10) days after receipt of notice of said complaint, and thereafter only with permission of the Fair Housing Board.

Section 665.07 Investigation of Complaints

(a) Investigations shall be commenced by the Fair Housing Administrator or his or her designee or designees within thirty (30) days after a complaint has been received. Conciliation, pursuant to Section 665.08, shall be attempted beginning with the filing of the complaint and ending with the filing of a charge or a dismissal of the complaint. If conciliation has failed and the investigation has been completed, the Fair Housing Administrator shall determine that:

(1) there are reasonable grounds to believe that a violation of Section 665.03 has occurred, in which case the Fair Housing Administrator shall issue a charge stating the facts forming the basis for the finding of reasonable grounds to believe discrimination occurred or is about to occur under Section 665.03. The Fair Housing Administrator shall then forward the complaint to the Fair Housing Board for a hearing, pursuant to Section 665.09; or

(2) there are no reasonable grounds to believe that a violation of Section 665.03 has occurred, in which case the Fair Housing Administrator shall prepare and issue a written notice of dismissal, within five (5) days of the finding of no reasonable grounds, by serving a copy of the notice of dismissal by certified mail on the parties. The notice of dismissal shall advise the complainant of his or her right of appeal under this section. Within fourteen (14) days of receipt of notice of dismissal, the complainant may request, in writing, reconsideration by the Fair Housing Board of the dismissal. By a majority vote, the Fair Housing Board may affirm or reverse the dismissal. If the Fair Housing Board reverses, it shall refer the complaint to the Fair Housing Administrator for conciliation and other actions consistent with this chapter.

(b) The Fair Housing Administrator shall complete the investigation within one hundred (100) days after receipt of the complaint, unless impracticable, in which case the Fair Housing Board shall inform, in writing, the complainant and the respondent of the reasons why the investigation cannot be completed within the time prescribed.

(c) The Fair Housing Administrator and his or her designee and staff may be assisted in the investigation by a fair housing agency

or other appropriate organization or person under contract with the City.

Section 665.08 Conciliation Process

(a) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Fair Housing Board, the Fair Housing Board shall, to the extent feasible, engage in conciliation with respect to such complaint. As appropriate, the Fair Housing Administrator or his or her designee shall:

(1) notify the complainant and respondent of the time, place and date of the conciliation conference at least ten (10) days prior thereto, and both parties shall appear at the conciliation conference in person or by attorney; and

(2) attempt to resolve the complaint by methods of conference, conciliation and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during such conferences shall be made public unless the parties agree thereto in writing. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, subject to approval by the Fair Housing Board. The terms of the conciliation agreement shall be made public, unless the complainant and the respondent agree otherwise and the Fair Housing Board determines that disclosure is not required to further the purposes of this chapter.

(b) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

Section 665.09 Hearings

(a) Within thirty (30) days after the complaint is received by the Fair Housing Board pursuant to division (a)(1) of Section 665.07, the Fair Housing Board shall, upon due and reasonable notice to all parties, hold a hearing on the complaint. Parties to the hearing shall be the complainant and respondent and such other persons as the Fair Housing Board may deem appropriate. The hearing shall be open to the public. At the time it determines to hold such hearing, the Fair Housing Board shall serve upon the respondent a summons requiring the attendance of named persons and the production of relevant documents and records.

(b) At any time prior to the conclusion of the hearing, the parties may request the Fair Housing Board to issue subpoenas for individuals or documents in the Fair Housing Board's name. Failure to comply with a summons or subpoena shall constitute a violation of this chapter. The parties may appear before such Board in person or by duly authorized representative and may be represented by legal counsel. The parties shall have the right to present witnesses and to cross-examine witnesses, and all testimony and evidence shall be given under oath or by affirmation.

(c) If a charge is issued pursuant

to Section 665.07 (a)(1), either the complainant or the respondent, in lieu of participating in the administrative hearing process, as outlined in this Section 665.09, may elect to have the case heard in a civil action. Such civil action shall be maintained on behalf of the aggrieved person at the expense of the Fair Housing Board. Such election must be made within twenty (20) days after the receipt of the charge.

Section 665.10 Hearing Decisions

(a) Within thirty (30) days of the close of the hearing, the Fair Housing Board shall deliver its decision, which shall be rendered in the form of a written order and which shall include findings of fact and a statement as to whether the respondent has violated Section 665.03 and such remedial actions as the Fair Housing Board may order pursuant to Section 665.13. The order shall be served upon the parties by certified mail within fifteen (15) days of the date of the decision. The order shall be available for public inspection, and a copy shall be provided to any person upon request and payment of reproduction costs.

(b) If the Fair Housing Board is unable to make a recommendation within the prescribed time frame in section (a), the Fair Housing Board shall notify the Fair Housing Administrator, the complainant and the respondent in writing of the reasons for not doing so.

Section 665.11 Hearing Officer

The Fair Housing Board, in lieu of conducting a hearing upon complaint, may appoint a hearing officer for the purpose of conducting hearings and reporting the findings thereof to the Fair Housing Board. The hearing officer shall be an attorney licensed to practice law in the State of Ohio. In conducting such hearings, the hearing officer shall be delegated all powers conferred upon the Fair Housing Board pursuant to this chapter as to subpoenaing witnesses, compelling their attendance, administering oaths, taking sworn testimony, and requiring the production for examination of any documents relating to any matter under investigation or question before the Fair Housing Board. Notice of hearing and the procedures therefor shall be in accordance with Section 665.09. After the conclusion of any hearing, the hearing officer shall report his or her findings to the Board within seven (7) days. Within fifteen (15) days after receipt of the findings of the hearing officer, the Board shall render its decision in accordance with Section 665.10.

Section 665.12 Injunctive Relief

At any time after the filing of a complaint referred to in Section 665.07, the Fair Housing Board may request the City's Director of Law to petition the appropriate court for temporary or preliminary relief pending final determination of the proceedings under this chapter, or as otherwise necessary to carry out the purposes of this chapter, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual any order or action by the Fair Housing Board.

Section 665.13 Remedial Actions

(a) If the Fair Housing Board finds that the respondent has not violated Section 665.03, its order under Section 665.10 shall dismiss the complaint.

(b) If the Fair Housing Board finds that the respondent has violated Section 665.03, its order under Section 665.10 shall provide for the taking of such remedial action, as it deems appropriate, which may include but not be limited to:

(1) directing the respondent to cease and desist from violations of Section 665.03 and to take such affirmative steps as necessary to effectuate the purposes of this chapter;

(2) initiating, at the Fair Housing Board's expense, an appropriate court action for the enforcement of Section 665.03, and for such other or further relief as the court may deem appropriate including, but not limited to, injunctive relief, compensatory damages, punitive damages to the complainant and/or attorneys' fees and costs incurred by the complainant and/or the Fair Housing Board and/or the City; such court action shall be required in the event the respondent does not voluntarily comply with remedial actions ordered by the Fair Housing Board;

(3) initiating proceedings based upon violation of federal or state law and/or regulations;

(4) initiating proceedings with any contracting agency, in the case of any violation of Section 665.03 by respondent in the course of performing under a contract or subcontract with the State or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, for the purpose of terminating such contract or any portion thereof, or obtaining other relief;

(5) initiating proceedings with the State of Ohio, where applicable, to revoke, suspend or refuse to renew the license of any person found to have violated any provision of Section 665.03;

(6) directing the respondent to reimburse the complainant and/or the City, as applicable, for his or her actual and reasonable expenses incurred and to be incurred as a result of each violation found including, but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection with the purchase or rental of a dwelling for alternative accommodations, and reasonable attorneys' fees and costs;

(7) directing the respondent to reimburse the City for its actual reasonable direct expenses incurred and to be incurred as a result of each violation found including reasonable attorneys' fees and costs.

(8) assessing compensatory damages, as appropriate, or arrange to have adjudicated in court, at the Fair Housing Board's expense, the award of compensatory damages against the respondent.

(9) assessing civil penalties, as appropriate, or arranging to have adjudicated in court at the Fair Housing Board's expense, the award of punitive damages against the respondent. For purposes of this chapter, civil penalties are defined as penalties assessed against the respondent to vindicate the public interest in an amount:

A. not exceeding \$50,000 for a first violation; and

B. not exceeding \$100,000 for any subsequent violation.

(10) such other further relief as the Fair Housing Board may deem appropriate for enforcement of Section 665.03.

(c) The Fair Housing Board shall make a final administrative disposition of a complaint within one (1) year after the complaint has been filed, unless it is impracticable to do so, in which case the complainant and respondent shall be notified, in writing, of the reasons why disposition of the complaint cannot be made within the time prescribed.

(d) Nothing herein shall be construed to prevent the City, at its own expense, from initiating appropriate court action on behalf of the complainant in order to enforce the provisions of this chapter.

(e) The complainant and the respondent shall have the right to appeal an adverse final determination by the Board to the Cuyahoga County Common Pleas Court pursuant to Chapter 2506 of the Revised Code, or in such other forum or court of competent jurisdiction as provided by law.

Section 665.14 Judicial Relief

The City, the complainant, or any person aggrieved by a violation of any provision of this chapter may at any time within one (1) year from the date of the alleged violation and in lieu of proceeding with the administrative process set forth in this chapter, apply to any court of competent jurisdiction for appropriate relief including, but not limited to:

(a) injunctive relief or an order otherwise compelling compliance with this chapter;

(b) compensatory damages and/or punitive damages;

(c) reasonable attorneys' fees and costs to complainant and/or the City as applicable; and/or

(d) such other or further relief as is appropriate for the enforcement of this ordinance and elimination of violations thereof.

The City shall notify the complainant of all statutes of limitations for the filing of complaints in state and/or federal court.

Section 665.15 Intimidation or Interference in Housing

No person, whether or not acting under color of law, shall by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with any of the following:

(a) any person because of race, religion, color, sex, sexual orientation, national origin, age, disability, or ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry and because that person is or has been selling, purchasing, renting, financing, occupying, contracting, or negotiating for the sale, purchase, rental, financing, or occupation of any property; or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations;

(b) any person because that person is, or has been, or is considering:

(1) participating, without discrimination on account of race, religion, color, sex, sexual orientation,

national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, in any of the activities, services, organizations or facilities described in division (a)(1) of this section;

(2) affording another person or class of persons opportunity or protection so to participate;

(c) any person because that person is, or is considering lawfully aiding or encouraging other persons to participate, without discrimination on account of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, in any of the activities, services, organizations or facilities described in division (a)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

Section 665.16 Watch Area Designation

(a) Upon consideration of the factors listed in division (b) of Section 665.17, the Fair Housing Board may designate, by a simple majority, any area of the City as a "watch area". A watch area designation shall signify that the area is sensitive to change and that real estate brokers, agents, salespersons or other persons who are licensed or required to be licensed pursuant to Chapter 4735 of the Revised Code are advised to solicit the area only with due caution. Whenever an area of the City is designated as a watch area, the Fair Housing Board shall monitor the situation and actively work towards eliminating or reducing the factors that caused the area to be designated as a watch area. In any area designated as a watch area, the Fair Housing Board may seek a voluntary real estate solicitation moratorium for such length of time as appropriate, but only if such voluntary moratorium is warranted in the opinion of the Fair Housing Board by the circumstances in a given watch area.

(b) At any time that an area is not under a non-solicitation area designation pursuant to Section 665.17, the Fair Housing Board may cancel a watch area designation if it finds that the factors that caused the area to be designated as a watch area have been eliminated or reduced and that the designation is no longer warranted.

(c) Upon each designation or cancellation of a watch area, the Fair Housing Board shall promptly notify the Mayor and the Council, in writing, and publish a notice in the City Record or newspaper of general circulation describing the boundaries of the area by reference to streets, census tracts or common landmarks. Each designation or cancellation shall take effect upon publication. The Fair Housing Board shall maintain a list of designated watch areas and make it available to any person upon request.

Section 665.17 Non-solicitation

(a) No real estate broker, agent, sales representative or other person who is licensed or required to be licensed pursuant to Chapter 4735 of the Revised Code shall solicit the owner or occupant of any housing accommodation located within a

non-solicitation area designed by the Fair Housing Board.

(b) Any area that the Fair Housing Board has designated as a watch area may be designated as a non-solicitation area for an initial period of up to forty-five (45) days upon making written findings based on substantial evidence introduced at a public hearing that real estate solicitation in the area is or is likely to cause or contribute to blockbusting or panic selling. A vote of two-thirds (2/3) of the Fair Housing Board is needed in order to designate an area as a non-solicitation area. In determining whether a non-solicitation area should be designated, the Fair Housing Board shall consider the following factors, and such other factors it may deem appropriate, as they pertain to the area under consideration:

(1) the frequency of real estate solicitation;

(2) the content of the solicitations;

(3) the racial composition and rate of racial changes;

(4) the frequency of home sales and other real estate activity; and

(5) the number, severity and history of racial incidents.

(c) The Fair Housing Board may extend the designation of a non-solicitation area for one (1) additional consecutive period of forty-five (45) days upon making written findings based on substantial evidence that continuation of the solicitation ban is warranted. If an area is designated as a non-solicitation area and the designation is extended one more time, the designation shall cease after the extension expires.

(d) The Fair Housing Board may, following a public hearing, cancel the designation of a non-solicitation area or extension of any such designation made pursuant to this section.

(e) If the designation of a non-solicitation area expires without extension or is canceled, or if an extension made pursuant to division (a) of this section expires or is canceled, the Fair Housing Board may, no earlier than ninety (90) days following such expiration or cancellation, designate the area anew as a non-solicitation area pursuant to division (b) of this section.

(f) Upon expiration or cancellation of a designation or extension of a non-solicitation area, the area shall remain a watch area until the watch area designation is canceled by the Fair Housing Board pursuant to division (b) of Section 665.16.

(g) Upon each designation, extension or cancellation made pursuant to this section, the Fair Housing Board shall promptly notify the Mayor and Council in writing and publish a notice in the City Record or newspaper of general circulation describing the boundaries of the area by reference to streets, census, tracts, or common landmarks. Each designation or cancellation shall take effect upon publication. The Fair Housing Board shall maintain a list of designated non-solicitation areas and make it available to any person upon request.

Section 665.18 Pattern or Practice of Discrimination

Whenever the Fair Housing Board has reasonable cause to believe that any person or persons are engaged in a pattern or practice of resistance to a person's or persons' full enjoy-

ment of the rights granted by Section 665.03 or 665.19, of this chapter, or that any group of persons has been denied any of the rights granted by such section and the denial raises an issue of public policy, the Fair Housing Board may refer the matter to the Director of Law for commencement of a civil action in a court of competent jurisdiction on behalf of the City. The Director of Law may seek any relief considered necessary to ensure the full enjoyment of the rights granted by this chapter.

Section 665.19 Prohibitions Against Real Estate Steering

No person who receives or expects to receive pecuniary gain from the sale or rental of housing accommodations shall:

(a) influence or attempt to influence any other person who purports or represents himself or herself to be a prospective purchaser, occupant or tenant of housing accommodations to refrain from purchasing or renting housing accommodations by referring to race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, of occupants or prospective occupants of other housing accommodations in the neighborhood;

(b) influence or attempt to influence, by any words, acts, or failure to act, any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of housing accommodations, in connection with the sale or rental of housing accommodations, so as to promote or tend to promote the continuance or maintenance of segregated housing or so as to retard, obstruct or discourage integrated housing on or in any street, block or neighborhood;

(c) discriminate against any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of housing accommodations by any influence, suggestion, act or failure to act, or accord any differential treatment among such persons, in connection with the sale or rental of housing accommodations or in the furnishing of information, services, or facilities relative thereto because of the race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry of any person.

Section 665.20 Additional Remedies

This chapter shall not prevent the City or any person from exercising any right or seeking any remedy to which that person might otherwise be entitled, or from filing any complaint with any other agency or court of law or equity.

Section 665.21 Scope/Severability

(a) Scope. The provisions of this chapter shall apply to all property, as defined herein, located within the territorial limits of the City of Cleveland, Ohio.

(b) Severability. If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction,

the remaining provisions of the chapter shall not be invalidated.

Section 665.99 Penalty

(a) Whoever violates division (b) of Section 665.09 of this chapter is guilty of a misdemeanor of the third degree.

(b) Whoever violates division (a) of Section 665.17 of this chapter is guilty of a misdemeanor of the second degree on the first offense, and a misdemeanor of the first degree on the second and all subsequent offenses.

(c) Whoever violates Section 665.15 of this chapter is guilty of a misdemeanor of the first degree.

(d) The Fair Housing Board may not initiate any criminal proceeding arising under this chapter. However, nothing in this Section 665.99 shall prevent such Board from referring a possible criminal violation to the appropriate authorities.

Section 3. That Section 667.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 77-94, passed March 14, 1994, is hereby repealed.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 667.01, 667.011, 667.012, and 667.013 to read, respectively, as follows:

Section 667.01 Unlawful Discriminatory Public Accommodations Practices

It shall be an unlawful discriminatory practice in a place of public accommodation for any person who is the owner, operator, lessee, manager, administrator, servant, agent or employee of any place of public accommodation:

(a) to refuse, deny, segregate, discriminate or make a distinction, directly or indirectly, in offering its goods, services, facilities or accommodations to any person because of membership in a protected class;

(b) To refuse, deny, segregate, separate, discriminate, or make a distinction, directly or indirectly in any way, against any person in the full and equal use and enjoyment of the services, facilities, privileges, advantages or enforcement powers of the City, or any unit or office thereof, because of membership in a protected class;

(c) For any person, whether or not specifically prohibited from discriminating under any provisions of this section, to aid, abet, incite, compel, or coerce the doing of any act declared to be an unlawful discriminatory practice by this section, or to attempt to do so;

(d) To coerce, intimidate, threaten, retaliate against, or otherwise interfere with any person, or attempt to do so, because he or she has promoted the provisions of this section, or because he or she has filed a complaint, testified, or assisted in any proceeding, investigation or hearing authorized by Sections 667.011 through 667.013 or by appropriate state or federal law;

(e) Nothing in this section shall prohibit a religious or denominational institution, organization, society or association or any non-profit charitable or educational organization that is operated,

supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities and accommodations to persons of the same religion, or from giving preference to such persons, provided that such offerings mentioned above are not, in fact, offered for commercial purposes;

(f) Nothing in this section shall prohibit the establishment of programs or other public accommodations designed and operated for a particular age group. However, such public accommodations shall not discriminate on the basis of membership in a protected class.

Section 667.011 Definitions

(a) As used herein, "public accommodation" or "place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store or other place for the sale of merchandise or provision of services, amusement or accommodation of which the accommodations, advantages, facilities, or privileges are offered or available to the public.

(b) All other terms used in Sections 667.01 through 667.013 shall have the meanings and definitions given in Chapter 665, except as may be specifically provided herein or as required by the context.

Section 667.012 Complaints; Procedure; Hearings

Any aggrieved person may allege that a violation of Section 667.01 has occurred by filing a complaint with the Fair Housing Board in the time, manner and form prescribed under Section 665.06 for complaints of unlawful practices under Section 665.03. The Fair Housing Board shall have the same powers, duties and responsibilities with respect to a complaint alleging a violation of Section 667.01 as it has under Sections 665.05 through 665.10 with respect to a complaint alleging a violation of Section 665.03, except as may be inapplicable or required by the context or by law.

Section 667.013 Remedies and Relief

The City, the Fair Housing Board, any person aggrieved by a violation of Section 667.01 and any respondent thereto shall have the same rights, powers, duties and responsibilities with respect to remedies and relief for violation of Section 667.01 as they have under Section 665.11 through Section 665.13 with respect to a violation of Section 665.03, except as may be inapplicable or required by the context or by law.

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 December 4, 2000.

Effective December 14, 2000, without the signature of the Mayor.

Ord. No. 643-2000.

By Mayor White.

An emergency ordinance determining the method of making the public improvement of installing navigational and lighting systems at Cleveland Hopkins International Airport; authorizing the Director of Port Control to enter into an Agreement with Continental Airlines for the making of such Improvement; authorizing the Director to reimburse Continental Airlines for the making of such Improvement; 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, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary and pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing a precision approach navigation system ("PAPI") and a land and hold short lighting system ("LAHSO") on Runway 5R at Cleveland Hopkins International Airport (the "Improvement"), for the Division of Cleveland Hopkins International Airport, Department of Port Control, by entering into an Agreement with Continental Airlines ("Continental") for the Improvement.

Section 2. That the Director of Port Control is authorized to enter into an agreement with Continental to provide for the City to reimburse Continental for costs incurred by Continental in the design, construction and installation of navigational and lighting systems at Cleveland Hopkins International Airport in accordance with Federal Aviation Administration requirements, consisting of a PAPI and LAHSO; and to provide for the city to reimburse Continental for certain costs involved in the design, construction and installation of such PAPI and LAHSO systems, in an amount not to exceed \$279,867.88.

Section 3. That, in the event Continental is unable or unwilling to make the Improvements, 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 4. That, in the event Continental is unable or unwilling to make the Improvements, 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 design the 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 5. That the Director of Port Control is further authorized to execute any documents necessary and appropriate to issue such credits.

Section 6. That the cost of said improvement, professional services and reimbursement hereby authorized shall be paid from Fund No. 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 improvement and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above improvement, Request Nos. 8253 and 8254.

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

Passed December 11, 2000.
Effective December 20, 2000.

Ord. No. 1796-2000.
By Councilman Patmon (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 996-2000, passed June 19, 2000, relating to a grant from the State of Ohio, Department of Justice for the 2000 TEAM Approach to Violence Against Women Program, and to appropriate the remaining grant 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 Section 1 of Ordinance No. 996-2000, passed June 19, 2000, is hereby amended to read as follows:

Section 1. That the Director of Law is hereby authorized to apply for and accept a grant in the amount of \$200,000, from the State of Ohio, Department of Justice, to conduct the 2000 TEAM Approach to Violence Against Women Program, for the purposes set forth in the summary and according thereto; that the Director of Law is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant;

that one-half of said grant funds are appropriated for the purposes set forth in the summary of the grant, and that appropriation of the remainder of said grant funds shall require further legislation of this Council.

Section 2. That existing Section 1 of Ordinance No. 996-2000, passed June 19, 2000, is hereby repealed.

Section 3. That the remainder of the grant funds are hereby appropriated for the purposes set forth in the summary of the grant.

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 December 11, 2000.
Effective December 20, 2000.

Ord. No. 1875-2000.
By Councilmen Polensek and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair, maintain and service MSA breathing apparatus, for the Division of Fire, Department of Public Safety.

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

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

Section 1. That the Director of 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 labor and materials necessary to repair, maintain and service MSA breathing apparatus 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 Fire, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24272)

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 December 11, 2000.
Effective December 20, 2000.

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

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

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

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

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

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

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

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

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

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

Section 5. That the lease may provide for the City's payment of appro-

appropriate utility and other operating costs of the leased premises.

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

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

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

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

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

Passed December 11, 2000.
Effective December 20, 2000.

Ord. No. 2157-2000.
By Councilmen Cimperman, Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into Enterprise Zone Agreements with Pubco Corporation, Kelley Avenue Partnership and Smith Corona Corporation to provide for ten year abatements for certain tangible personal property and real estate taxes as an incentive to acquire machinery and equipment, to transfer and acquire inventory, and to make improvements to real property at 3830 Kelley Avenue located in the Cleveland Area Enterprise Zone.

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

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, Pubco Corporation, Kelley Avenue Partnership and Smith Corona Corporation (the "Enterprises") have proposed to acquire machinery and equipment, to transfer and acquire inventory, and to

make improvements to real property at 3830 Kelley Avenue; and

Whereas, the Enterprises have certified to the City that, but for abatement of personal property and real estate taxes the Enterprises would be at competitive disadvantages by operating at this location; and

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

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

Section 1. That this Council hereby approves the applications of the Enterprises for enterprise zone incentives on the basis that the Enterprises are qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into Enterprise Zone Agreements with the Enterprises to provide for ten (10) year abatements for certain tangible personal property and real estate taxes as an incentive to acquire machinery and equipment, to transfer and acquire inventory, and to make improvements to real property at 3830 Kelley Avenue; said abatements shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatements shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 2157-2000-A. The terms of said file notwithstanding, the terms of the tax abatements shall not be amended, nor shall the tax abatements be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

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

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

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

Passed December 11, 2000.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 2276-2000.

By Councilman Cintron.

An emergency ordinance to amend the Title and Section 1 of Ordinance No. 661-2000, passed March 20, 2000 and as amended by Ordinance No. 2038-2000, passed November 13, 2000, to authorize a grant agreement with Mark A. Rivera Production, Inc. for the revitalization of 3101 West 25th Street, to carry out the public purpose of creating or retaining jobs and employment opportunities to preserve the economic welfare of the State, through the use of 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 Title and Section 1 of Ordinance No. 661-2000, passed March 20, 2000 and as amended by Ordinance No. 2038-2000, passed November 13, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Mark A. Rivera Production, Inc. for the revitalization of the FL Thompson Building, 3101 West 25th Street to carry out the public purpose creating or retaining jobs and employment opportunities to preserve the economic welfare of the State, through the use of Ward 14 Neighborhood Equity Funds.

Section 1. That Director of Economic Development is authorized to enter into a grant agreement with the Mark A. Rivera Production, Inc. for the revitalization of the FL Thompson Building, 3101 West 25th Street to carry out the public purpose creating or retaining jobs and employment opportunities to preserve the economic welfare of the State, through the use of Ward 14 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 661-2000, passed March 20, 2000 and amended by Ordinance No. 2038-2000, passed November 13, 2000, are hereby repealed.

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

Passed December 11, 2000.
Effective December 20, 2000.

Ord. No. 2277-2000.

By Councilman Cintron.

An emergency ordinance to amend the Title and Section 1 of Ordinance No. 1817-2000, passed October 16, 2000, relating to a grant agreement with the May Dugan Center for the "Holiday Event" gift and foodbasket program, in order to carry out the public purpose of providing food for needy families, toys for underprivileged children and the provision of social service programs, 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 Title and Section 1 of Ordinance No. 1817-2000, passed October 16, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with the May Dugan Center for the "Holiday Event" gift and foodbasket program and rent assistance program, in order to carry out the public purposes of providing food for needy families, toys for underprivileged children and the provision of social service programs, through the use of Ward 14 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with the May Dugan Center for the "Holiday Event" gift and foodbasket program and rent assistance program, in order to carry out the public purposes of providing food for needy families, toys for underprivileged children and the provision of social service programs, through the use of Ward 14 Neighborhood Equity Funds.

Section 2. That the existing Title and Section 1 of Ordinance No. 1817-2000, passed October 16, 2000 are hereby repealed.

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

Passed December 11, 2000.
Effective December 20, 2000.

Ord. No. 2278-2000.
By Councilmen O'Malley, Patmon and Polensek.

An emergency ordinance authorizing an amendment to the cable television franchise agreement to increase the annual fee paid for operation of community access channels.

Whereas, pursuant to Ordinance No. 1422-86, passed by Council on July 17, 1986, the City entered a television franchise agreement with North Coast Cable Limited and entered into a franchise agreement designated City Contract No. 37286; and

Whereas, pursuant to Ordinance No. 1641-91 passed by Council on December 9, 1991, Council authorized an amendment to the section of the franchise agreement entitled "Franchise Fee Entitlement" to allocate a sum of One Hundred Fifty Thousand Dollars (\$150,000.00) to be paid annually from the Franchise Fee to Cleveland Community Access Corporation for the operation of community access channels; and

Whereas, the right to own, operate and maintain a cable television franchise in the City of Cleveland was transferred from North Coast Cable Limited to Cablevision of Cleveland, L.P., in 1994 pursuant to

Ordinance No. 305-94, passed March 9, 1994; and

Whereas, pursuant to Ordinance No. 1729-2000, passed by the Council on October 16, 2000, the City consented to transfer the cable television franchise from Cablevision to Adelphia Cleveland, LLC, and to extend the franchise until September 15, 2006; and

Whereas, this Council desires to amend the franchise agreement to increase the sum to be paid annually from the Franchise Fee to Cleveland Community Access Corporation; 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 cable television franchise agreement, City Contract 37286, is hereby amended to provide that the annual sum allocated from the Franchise Fee to be paid to Cleveland Community Access Corporation for the operation of community access channels shall be in an amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) in 2000.

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

Passed December 11, 2000.
Effective December 20, 2000, without the signature of the Mayor.

Ord. No. 2279-2000.
By Councilman Polensek.
An emergency ordinance to amend the Title and Section 1 of Ordinance No. 1316-2000, passed July 27, 2000 to authorize the Director of Economic Development to enter into a grant agreement for the renovation of Fanny's Restaurant in order to carry out the public purpose of creating or retaining jobs and employment opportunities to preserve the economic welfare of the State and promote investment in the neighborhood, 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 Title and Section 1 of Ordinance No. 1316-2000, passed July 27, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Fanny's Restaurant for their renovation, in order to carry out the public purpose of creating or retaining jobs and employment opportunities to preserve the economic welfare of the State and promote investment in the neighborhood, through the use of Ward 11 Neighborhood Equity Funds.

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with Fanny's Restaurant for their renovation, in order to carry out the public purpose of creating or retaining jobs and employment opportunities to preserve the economic welfare of the State, through the use of Ward 11 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 1316-2000, passed July 27, 2000, are hereby repealed.

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

Passed December 11, 2000.
Effective December 20, 2000.

REPRINT

Ord. No. 2222-2000.
By Councilman Polensek.
An emergency ordinance authorizing the purchase by contract of labor and materials necessary to install a security system for Cleveland City Council offices.

Whereas, this ordinance constitutes an emergency measure providing for 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 Cleveland City Council is hereby authorized to make written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install a security system for Cleveland City Council offices, to be purchased by the Commissioner of Purchases and Supplies for a gross price for Cleveland City Council.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 20 SF 371, Request No. 18137.

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 December 4, 2000.
Effective December 13, 2000, without the signature of the Mayor.

COUNCIL COMMITTEE MEETINGS

Monday, December 18, 2000

Committee of the Whole: 9:30 a.m.—
Present: Polensek, Brady, Britt, Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Jones, Lewis, O'Malley, Patmon, Reed, Rybka, Sweeney, White, Willis. Excused: Johnson, Melena. Absent: Westbrook.

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