

The City Record

Official Publication of the City of Cleveland

December the Thirteenth, 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 Stillman, 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

DEPT. OF FINANCE – Ronald E. Brooks, Director, Room 104;
 Frank Badalamenti, Manager, Internal Audit
DIVISIONS – Accounts – Marilyn Henderson, Commissioner, Room 19
 City Treasury – Algeron Walker, Treasurer, Room 115
 Assessments and Licenses – Robert C. Brown, Commissioner, Room 122
 Purchases and Supplies – 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.

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

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

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

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

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

Parking Facilities – Dennis Donahue, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
 Park Maintenance and Properties – Richard L. Silva, Commissioner, Public Auditorium – E. 6th & Lakeside.

Recreation – Michael Cox, Commissioner, Room 8
 Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

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WEDNESDAY, DECEMBER 13, 2000

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CITY COUNCIL

MONDAY, DECEMBER 11, 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 11, 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, Gordon, Jackson, Johnson, Jones, Lewis, Melena, O'Malley, Patmon, Rybka, Sweeney, Westbrook, White and Willis.

Also present were Directors Carter, Brooks, Konicek, Sheperd, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Alexander, Dove, Morrison, McCall and Acting Director Owens.

Absent: Mayor White and Director Ricchiuto.

Pursuant to Ordinance No. 2976-76, the Council Meeting was opened with a prayer offered by Elder Lawrence W. Boone of Covenant Community Church of Christ, located at 3342 East 119th Street in Ward 3. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 2228-2000.

From the Ohio Environmental Protection Agency, (OEPA) re: Cuyahoga County Cleveland Water Sys-

tem - Plans for "Kirtland Lane" proposed waterline extensions. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 2229-2000.

Re: New Application - 08983560130 - BP Exploration & Oil, Inc., 2701 Chester Avenue. (Ward 13). Received.

File No. 2230-2000.

Re: Transfer of Ownership Application - 62768740005 - N. C. & H., Inc., 4423 Detroit Avenue. (Ward 14). Received.

File No. 2231-2000.

Re: Transfer of Ownership Application - 9951773 - Zishan, Inc., d.b.a. Zishan Grocery, 3778 West 117th Street. (Ward 19). Received.

File No. 2232-2000.

Re: Transfer of Ownership Application - 6548676 - 14th Street Cafe, Inc., 3146 West 14th Street. (Ward 13). Received.

File No. 2233-2000.

Re: Transfer of Ownership Application - 89958630035 - TOPS Markets, LLC, d.b.a. TOPS, 7300 St. Clair Avenue. (Ward 8). Received.

File No. 2234-2000.

Re: Transfer of Ownership Application - 89958630010 - TOPS Markets, LLC, d.b.a. TOPS, 10950 Lorain Avenue. (Ward 19). Received.

File No. 2235-2000.

Re: Transfer of Ownership Application - 89958630015 - TOPS Markets, LLC, d.b.a. TOPS, 3024 Clark Avenue. (Ward 14). Received.

File No. 2236-2000.

Re: Transfer of Ownership Application - 89958630045 - TOPS Markets, LLC, d.b.a. TOPS, 11905 Superior Avenue. (Ward 9). Received.

File No. 2237-2000.

Re: Transfer of Ownership Application - 89958630085 - TOPS Markets, LLC, d.b.a. TOPS, 6711 Broadway Avenue. (Ward 12). Received.

File No. 2238-2000.

Re: Transfer of Ownership Application - 89958630110 - TOPS Markets, LLC, d.b.a. TOPS, Lee Harvard Shopping Center, 16820 Harvard Avenue. (Ward 1). Received.

File No. 2239-2000.

Re: Transfer of Ownership Application - 89958630235 - TOPS Markets, LLC, d.b.a. TOPS, 18501 Neff Road. (Ward 11). Received.

File No. 2240-2000.

Re: Transfer of Ownership Application - 89958630200 - TOPS Markets,

LLC, d.b.a. TOPS, 17400 Lorain Avenue. (Ward 21). Received.

File No. 2241-2000.

Re: Transfer of Location Application - 71780790001 - Raiz Ell Outing Club, Inc., d.b.a. Raiz Ell Outing Club, 5803 Outhwaite. (Ward 5). Received.

File No. 2242-2000.

Re: Transfer of Ownership and Location Application - 8028062 - Shaker Square Cinemas, LLC, 13116 Shaker Square. (Ward 4). Received.

File No. 2243-2000.

Re: Transfer of Ownership and Location Application - 1550346 - Cleveland Speedway, Inc., d.b.a. CITGO, 3350 East 116th Street. (Ward 3). Received.

File No. 2244-2000.

Re: Stock Transfer Application - 2288380 - Dow Lak, Inc., 2000 Lakeside Avenue, first floor, basement, patio. (Ward 13). Received.

File No. 2245-2000.

Re: Stock Transfer Application - 5304669 - Lou & Eddy's Corp., d.b.a. Lou Eddy's, first floor, basement & patio, 5800, 5806, 5808 Detroit Avenue. (Ward 17). Received.

File No. 2246-2000.

Re: Stock Transfer Application - 19062600002 - Dalmatian Bay Wine, Co., Inc., 1384-86 East 40th Street. (Ward 13). Received.

COMMUNICATIONS

File No. 2247-2000.

December 11, 2000

Michael D. Polensek,
Council President
Ruby F. Moss, Council Clerk
and all Members of Cleveland
City Council
601 Lakeside Avenue, Room 216
Cleveland, Ohio 44114

Dear Mike, Ruby and Colleagues:

After eleven years of service with this astute body, I have made the decision to retire from Cleveland City Council on Monday, December 11, 2000, effective at 5:00 p.m.

With the consent of my community, I have chosen Mr. Zachary Reed to complete my term. He will be an asset to this distinguished body and loyal to the legislative branch.

I extend my personal thanks to each of you for your friendship and support. My prayers will always be with you as you continue to serve our city.

Sincerely yours,
Odelia V. Robinson
Councilwoman, Ward 3

Received.

**ELECTION TO FILL
VACANCY IN WARD 3**

The Clerk of Council read letter of resignation from Councilwoman Odelia V. Robinson of Ward 3. The President of Council accepted the resignation and declared a vacancy in Ward 3. Council Majority Leader Nelson Cintron, Jr. nominated Mr. Zachary Reed to serve a Councilmember representing Ward 3. Council Majority Whip William W.

Patmon seconded the nomination. Without objection, the nominations were closed.

The President of Council instructed the members of Council to state the name of the candidate when responding to the roll call, and requested the Clerk to call the roll upon the election of the Councilmember of Ward 3. Upon completion of the roll call, the Clerk announced that Mr. Zachary Reed received 19 votes. Those who voted for Mr. Reed were Councilmen: Polensek, Brady, Britt, Cimperman, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Melena, O'Malley, Patmon, Rybka, Sweeney, Westbrook, White and Willis.

The Chair declared Mr. Zachary Reed, having received the unanimous vote of all the members elected to Council to be the duly elected Councilmember of Ward 3. The Council President requested the Council Majority Leader and Majority Whip, along with Councilmembers Robert White, Joe Jones, and Edward Rybka to escort the duly elected member of Council to the podium to have the oath of office administered by Reverend C. J. Mathews. Also accompanying Councilman Reed to the podium were Lee Fisher, Gregory France, Noah Brooks, Leona Reed and Colin Sharpe.

Councilman Reed took his seat in the Council Chambers and thanked his family, friends, constituents, and colleagues and then assumed the duties of the Council, representing Ward 3.

OATH OF OFFICE

File No. 2289-2000.

**Oath of Office, Ward 3 Councilman
Cleveland City Council**

State of Ohio)
)SS:
County of Cuyahoga)

I, Zachary Reed, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio and the Charter of the City of Cleveland, and that I will faithfully, honestly, and impartially discharge the duties of the office of Ward 3 Councilman of Cleveland City Council, of the City of Cleveland, State of Ohio, during my continuance in said office.

ZACHARY REED

Sworn before me and subscribed in my presence this 11th day of December, 2000.

TINA MARIE PERRY
Notary Public
State of Ohio

Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 2248-2000—Lou Groza.

Res. No. 2249-2000—Sally Winters Morillas.

Res. No. 2250-2000—Myrtle E. Wiggins.

Res. No. 2251-2000—Marion E. Holoman.

Res. No. 2252-2000—Eugene Donaldson.

Res. No. 2253-2000—Brenda Wynn.

Res. No. 2254-2000—Edward "Shoji" Akiya.

Res. No. 2255-2000—Duane Deany Tabor.

CONGRATULATION RESOLUTIONS

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

Res. No. 2256-2000—Judge Diane Karpinski.

Res. No. 2257-2000—Dennis J. Kucich.

Res. No. 2258-2000—Steven La-Tourette.

Res. No. 2259-2000—Dr. George Kulchycky.

Res. No. 2260-2000—Daria Kulchycky.

Res. No. 2261-2000—Tony Petkovsek.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 2262-2000.

By Mayor White.

An emergency ordinance authorizing the Director of Port Control to enter into an agreement with START-A-HEART, INCORPORATED for the acquisition of automated external defibrillators and related items at no cost to the City to be located at Cleveland Hopkins International Airport.

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

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

Section 1. That the Director of Port Control is hereby authorized to enter into an agreement with START-A-HEART, INCORPORATED for the acquisition of automated external defibrillators and related items at no cost to the City to be located at Cleveland Hopkins International Airport. The agreement shall provide, among other things, that the City of Cleveland will agree to cooperate with START-A-HEART, INCORPORATED to promote the "Concourse of Fame™ at CHIA". The agreement shall be for a six (6) month term commencing upon execution of the agreement, and may be renewed for successive six (6) month periods upon written agreement executed by both parties, and cancellable upon thirty days' written notice by said Director.

Section 2. That the agreement shall be prepared by the Director of Law and shall contain such additional terms and conditions as are necessary to protect the public interest.

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

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

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.

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

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.

Whereas, it is desired to postpone the passage of the annual appropriation ordinance until the amended certificate is received, based on the actual balances as the same may be determined by the Director of Finance and the County Budget Commission; 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. To provide for the current payrolls, sinking fund 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, there be and there is hereby appropriated for the period from January 1, 2001, to the effective date of the Annual appropriation Four hundred nine million seven hundred seventeen thousand five dollars (\$409,717,005) out of taxes due the City of Cleveland and any other revenues accrued or occurring during said period of time and said funds are respectively appropriated as follows:

GENERAL FUND

LEGISLATIVE BRANCH

Council and Clerk of Council		\$1,382,890
I. Personnel and Related Expenses	\$918,830	
II. Other Expenses	464,060	
TOTAL LEGISLATIVE BRANCH	\$1,382,890	\$1,382,890

MUNICIPAL COURT

Judicial Division		\$5,435,819
I. Personnel and Related Expenses	\$4,311,434	
II. Other Expenses	1,124,384	
Clerks Division		\$3,670,502
I. Personnel and Related Expenses	\$2,390,874	
II. Other Expenses	1,279,628	
Housing Division		\$577,221
I. Personnel and Related Expenses	\$543,986	
II. Other Expenses	33,236	
TOTAL MUNICIPAL COURT	\$9,683,542	\$9,683,542

EXECUTIVE BRANCH

Office of the Mayor		\$522,780
I. Personnel and Related Expenses	\$423,007	
II. Other Expenses	99,773	
TOTAL EXECUTIVE BRANCH	\$522,780	\$522,780

DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$3,776,440
I. Personnel and Related Expenses	\$3,434,807	
II. Other Expenses	341,633	
Division of Police		\$60,859,155
I. Personnel and Related Expenses	\$55,834,370	
II. Other Expenses	5,024,785	

Division of Fire		\$28,428,213
I. Personnel and Related Expenses	\$26,823,804	
II. Other Expenses	1,604,410	
Division of Emergency Medical Services		\$6,115,659
I. Personnel and Related Expenses	\$5,575,586	
II. Other Expenses	540,073	
Division of Traffic Engineering		\$1,669,044
I. Personnel and Related Expenses	\$993,032	
II. Other Expenses	676,012	
Division of Dog Pound		\$329,212
I. Personnel and Related Expenses	\$219,602	
II. Other Expenses	109,610	
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$101,177,724	101,177,724
COMMUNITY RELATIONS BOARD		
Community Relations Board		\$336,850
I. Personnel and Related Expenses	\$307,480	
II. Other Expenses	29,370	
TOTAL COMMUNITY RELATIONS BOARD	\$336,850	\$336,850
DEPARTMENT OF PUBLIC SERVICE		
Public Service Administration		\$130,956
I. Personnel and Related Expenses	\$122,239	
II. Other Expenses	8,717	
Division of Architecture		\$194,915
I. Personnel and Related Expenses	\$174,686	
II. Other Expenses	20,229	
Division of Waste Collection and Disposal		\$11,641,282
I. Personnel and Related Expenses	\$7,022,929	
II. Other Expenses	4,618,353	
Division of Engineering and Construction		\$1,885,912
I. Personnel and Related Expenses	\$1,678,529	
II. Other Expenses	207,383	
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$13,853,065	\$13,853,065
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Parks, Recreation, and Prop. Admin.		\$223,176
I. Personnel and Related Expenses	\$201,283	
II. Other Expenses	21,894	
Division of Research, Planning, and Dev.		\$220,236
I. Personnel and Related Expenses	\$178,800	
II. Other Expenses	41,436	
Division of Recreation		\$3,409,220
I. Personnel and Related Expenses	\$2,308,908	
II. Other Expenses	1,100,312	
Division of Parking Facilities-On Street		\$390,320
I. Personnel and Related Expenses	\$286,908	
II. Other Expenses	103,412	
Division of Property Management		\$4,220,857
I. Personnel and Related Expenses	\$3,052,094	
II. Other Expenses	1,168,763	
Division of Park Maintenance and Properties		\$3,714,353
I. Personnel and Related Expenses	\$2,741,779	
II. Other Expenses	972,574	
TOTAL PARKS, RECREATION, AND PROPERTIES	\$12,178,163	\$12,178,163
BOXING AND WRESTLING COMMISSION		
Boxing and Wrestling Commission		\$2,805
I. Personnel and Related Expenses	\$2,805	
II. Other Expenses	—	
TOTAL BOXING AND WRESTLING COMMISSION	\$2,805	\$2,805

URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Director's Office		\$37,433
I. Personnel and Related Expenses	\$37,433	
Division of Administrative Services		\$472,000
I. Personnel and Related Expenses	\$472,000	
Division of Building and Housing		\$3,285,457
I. Personnel and Related Expenses	\$2,984,250	
II. Other Expenses	301,207	
Division of Neighborhood Services		\$297,750
I. Personnel and Related Expenses	\$297,750	
Division of Neighborhood Development		\$529,154
I. Personnel and Related Expenses	\$432,250	
II. Other Expenses	96,904	
TOTAL COMMUNITY DEVELOPMENT	\$4,621,794	\$4,621,794
REGULATORY BOARDS AND COMMISSIONS		
Landmarks Commission		\$40,181
I. Personnel and Related Expenses	\$34,342	
II. Other Expenses	5,839	
Bd. of Bldg. Standards and Appeals		\$46,309
I. Personnel and Related Expenses	\$42,166	
II. Other Expenses	4,143	
Board of Zoning Appeals		\$94,120
I. Personnel and Related Expenses	\$87,444	
II. Other Expenses	6,676	
Bd. of Examiners of Plumbers and Elect.		\$41,645
I. Personnel and Related Expenses	\$39,996	
II. Other Expenses	1,650	
Fair Campaign Finance Commission		\$5,911
II. Other Expenses	\$5,911	
TOTAL REGULATORY BOARDS	\$228,166	\$228,166
DEPARTMENT OF ECONOMIC DEVELOPMENT		
Economic Development		\$476,584
I. Personnel and Related Expenses	\$444,223	
II. Other Expenses	32,361	
Office of Equal Opportunity		\$336,494
I. Personnel and Related Expenses	\$260,341	
II. Other Expenses	76,153	
City Planning Commission		\$543,666
I. Personnel and Related Expenses	\$522,355	
II. Other Expenses	21,311	
Port Control-Harbor Development		\$22,234
I. Personnel and Related Expenses	\$22,234	
II. Other Expenses	—	
TOTAL URBAN PLANNING AND DEVELOPMENT	\$1,378,978	\$1,378,978
DEPARTMENT OF PUBLIC HEALTH		
DEPARTMENT OF PUBLIC HEALTH		
Health Administration		\$279,329
I. Personnel and Related Expenses	\$215,750	
II. Other Expenses	63,579	
Division of Correction		\$2,682,940
I. Personnel and Related Expenses	\$1,995,636	
II. Other Expenses	687,304	
Division of Health		\$1,204,610
I. Personnel and Related Expenses	\$882,646	
II. Other Expenses	321,964	

Division of Environment		\$799,936
I. Personnel and Related Expenses	\$693,999	
II. Other Expenses	105,938	
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$4,966,816	\$4,966,816
DEPARTMENT OF AGING		
DEPARTMENT OF AGING		
I. Personnel and Related Expenses	\$81,798	\$100,539
II. Other Expenses	18,740	
TOTAL DEPARTMENT OF AGING	\$100,539	\$100,539
SUPPORT FUNCTIONS		
FINANCIAL AND LEGAL ADMINISTRATION		
DEPARTMENT OF FINANCE		
Finance Administration		
I. Personnel and Related Expenses	\$124,935	\$144,558
II. Other Expenses	19,624	
Division of Accounts		\$617,387
I. Personnel and Related Expenses	\$ 262,382	
II. Other Expenses	355,005	
Division of Assessments and Licenses		\$369,032
I. Personnel and Related Expenses	\$289,496	
II. Other Expenses	79,536	
Division of Treasury		\$137,766
I. Personnel and Related Expenses	\$113,709	
II. Other Expenses	24,057	
Division of Purchases and Supplies		\$228,754
I. Personnel and Related Expenses	\$185,252	
II. Other Expenses	43,502	
Bureau of Internal Audit		\$290,316
I. Personnel and Related Expenses	\$95,425	
II. Other Expenses	194,891	
Division of Financial Reporting and Control		\$362,185
I. Personnel and Related Expenses	\$314,212	
II. Other Expenses	47,973	
TOTAL DEPARTMENT OF FINANCE	\$2,149,998	\$2,149,998
Office of Budget and Mgmt.-Budget Admin.		\$165,537
I. Personnel and Related Expenses	\$137,560	
II. Other Expenses	27,977	
Law		\$2,742,597
I. Personnel and Related Expenses	\$1,669,059	
II. Other Expenses	1,073,539	
TOTAL FINANCE AND LEGAL ADMINISTRATION	\$5,058,132	\$5,058,132
PERSONNEL ADMINISTRATION		
Office of Personnel		
I. Personnel and Related Expenses	\$426,826	\$982,793
II. Other Expenses	555,968	
Civil Service Commission		\$770,023
I. Personnel and Related Expenses	\$270,106	
II. Other Expenses	499,917	
TOTAL PERSONNEL ADMINISTRATION	\$1,752,817	\$1,752,817
NONDEPARTMENTAL		
TRANSFERS TO OTHER FUNDS		
II. Other Expenses	\$13,364,160	\$13,364,160
OTHER ADMINISTRATIVE		\$9,823,830
II. Other Expenses	\$9,823,830	
TOTAL NONDEPARTMENTAL	\$23,187,990	\$23,187,990
TOTAL SUPPORT FUNCTIONS	\$29,998,939	\$29,998,939
TOTAL GENERAL FUND	\$180,433,051	\$180,433,051

SPECIAL REVENUE FUND

Restricted Income Tax		\$29,039,144
I. Capital	\$17,039,144	
II. Debt Service	12,000,000	
Schools Recreation & Cultural Activities		\$2,000,000
II. Other Expenses	\$2,000,000	
Street Construction, Maintenance		\$13,595,435
I. Personnel and Related Expenses	\$5,919,323	
II. Other Expenses	7,676,112	
TOTAL SPECIAL REVENUE FUND	\$44,634,579	\$44,634,579

INTERNAL SERVICE FUND

Information Systems Services-Telecommunications		\$2,209,006
I. Personnel and Related Expenses	\$123,668	
II. Other Expenses	2,085,338	
Information Systems Services		\$1,317,541
I. Personnel and Related Expenses	\$540,032	
II. Other Expenses	777,509	
Division of Motor Vehicle Maintenance		\$7,518,977
I. Personnel and Related Expenses	\$1,913,977	
II. Other Expenses	5,605,000	
Division of Printing and Reproduction		\$548,078
I. Personnel and Related Expenses	\$214,313	
II. Other Expenses	333,764	
City Storeroom and Central Warehouse		\$464,818
I. Personnel and Related Expenses	\$36,935	
II. Other Expenses	427,883	
TOTAL INTERNAL SERVICE FUNDS	\$12,058,419	\$12,058,419

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$471,104
I. Personnel and Related Expenses	\$303,480	
II. Other Expenses	167,624	
Division of Fiscal Control		\$576,127
I. Personnel and Related Expenses	\$532,238	
II. Other Expenses	43,888	
Division of Radio		\$1,035,107
I. Personnel and Related Expenses	\$34,960	
II. Other Expenses	1,000,147	
Division of Water		\$77,744,570
I. Personnel and Related Expenses	\$24,095,365	
II. Other Expenses	53,649,204	
Division of Water Pollution Control		\$8,109,460
I. Personnel and Related Expenses	\$2,908,773	
II. Other Expenses	5,200,687	
Division of Cleveland Public Power		\$37,969,831
I. Personnel and Related Expenses	\$8,839,801	
II. Other Expenses	29,130,029	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$124,871,091	\$124,871,091

DEPARTMENT OF PORT CONTROL		
Airports - Operations		\$27,395,932
I. Personnel and Related Expenses	\$7,121,293	
II. Other Expenses	20,274,639	
Airports - Development		\$7,059
II. Other Expenses	\$7,059	
TOTAL DEPARTMENT OF PORT CONTROL	\$27,402,991	\$27,402,991
DEPARTMENT OF PARKS, RECREATION AND PROPERTIES		
Division of Cemeteries		\$703,730
I. Personnel and Related Expenses	\$483,836	
II. Other Expenses	219,895	
Golf Course Fund		\$726,529
I. Personnel and Related Expenses	\$243,605	
II. Other Expenses	482,924	
Division Parking Facilities-Off Street		\$4,759,651
I. Personnel and Related Expenses	\$260,933	
II. Other Expenses	4,498,718	
Convention Center & Stadium-Convention Ctr		\$2,356,273
I. Personnel and Related Expenses	\$894,852	
II. Other Expenses	1,461,421	
Convention Center & Stadium-Market		\$418,285
I. Personnel and Related Expenses	\$128,932	
II. Other Expenses	289,353	
Property Management - East Side Market		\$83,851
I. Personnel and Related Expenses	\$26,826	
II. Other Expenses	57,025	
TOTAL PARKS, RECREATION, & PROPERTIES	\$9,048,319	\$9,048,319
TOTAL ENTERPRISE FUNDS	\$161,322,401	\$161,322,401
AGENCY FUND		
Central Collection Agency		\$1,906,566
I. Personnel and Related Expenses	\$1,196,794	
II. Other Expenses	709,771	
TOTAL AGENCY FUND	\$1,906,566	\$1,906,566
DEBT SERVICE FUND		
Sinking Fund Commission		\$8,911,989
I. Personnel and Related Expenses	\$48,923	
II. Other Expenses	61,619	
III. Debt Service	8,801,446	
Stadium Fund		\$450,000
I. Debt Service	\$450,000	
TOTAL DEBT SERVICE FUND	\$9,361,989	\$9,361,989
TOTAL OTHER FUNDS	\$219,921,965	\$219,921,965
TOTAL GENERAL FUND	\$180,433,051	\$180,433,051
TOTAL GENERAL AND OTHER FUNDS	\$409,717,005	\$409,717,005

Section 2. That all expenditures and payments made under and pursuant to the ordinance appropriating such sum or sums of money shall be charged against the annual appropriation ordinance for the fiscal year ending December 31, 2001, when such appropriation ordinance shall become effective, and to the various departments and divisions and payment of whose officers and employees and operating expenses such sum or sums of money hereunder shall then have paid out or expended. Provided, however, that no payment shall be made under the authority of this ordinance after the effective date of said Annual Appropriation Ordinance for the fiscal year ending December 31, 2001.

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. 2265-2000.
By Councilmen Patmon and Lewis
(by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, be enacting new Section 189.031 thereof, relating to health care insurance preference.

Whereas, Council passed Ordinance No. 2009-A-99 on June 19, 2000 enacting Chapter 189 of the Codified Ordinances, known as the Cleveland Fair Employment Law; and

Whereas, newly enacted Codified Ordinance 189.02(d)(1)(A) directs the Division of Purchases and Supplies to promulgate regulations for the evaluation of bids and proposals that provide for meaningful consideration of the offering of reasonably health care insurance in determining the lowest and best or lowest responsible bid; and

Whereas, newly enacted Codified Ordinance 189.02(d)(1)(A) requires that the regulations be reviewed and approved by the Council; and

Whereas, the Division of Purchases and Supplies through the Director of Finance submits these proposed regulations regarding bids, proposals and health care insurance to the Council; 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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting Section 189.031, to read as follows:

Section 189.031 Health Care Insurance Preference

(a) All bid specifications and requests for proposals for Service Contracts shall request the bidder to specify the information required in the preceding section about the health care insurance offered to its Covered Employees who work thirty (30) or more hours a week.

(b) In evaluating bids or proposals for a Service Contract, the Commissioner of Purchases and Supplies or the Applicable Department may give preference to a prospective Service Contractor who provides reasonable health care insurance to its Covered Employees who work thirty (30) or more hours a week. If a prospective Service Contractor can demonstrate that it has offered reasonable health care insurance to its employees, but as a group the employees have refused the health care insurance coverage, that prospective Service Contractor may be entitled to a preference. However, no preference shall be given if the price bid for the Service Contract exceeds by more than five percent (5%) the lowest price bid for the Service Contract.

(c) In order to be eligible for a preference, the bidder shall submit with its bid or proposal the following information as to all of its health care insurance plans:

- (1) the amount of employee contribution to the health care plan; and
- (2) the amount of any deductible; and
- (3) the amount of any copayments; and
- (4) whether dental insurance is provided; and
- (5) the range of services covered.

(d) Health care insurance is reasonable if the health care insurance offered is comparable or superior to that offered by the City of Cleveland to its employees with respect to all of the following factors:

(1) the amount of employee contribution to the health care plan; and

(2) the amount of any deductible; and

(3) the amount of any copayments; and

(4) whether dental insurance is provided; and

(5) the range of services covered.

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

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

Ord. No. 2266-2000.
By Councilmen O'Malley, Cimperman and Patmon (by departmental request).

An emergency ordinance to supplement Ordinance No. 716-99, passed June 14, 1999, by adding additional whereas clauses and new Sections 4 and 5; renumbering existing Section 4 to be new Section 6; and amending the first existing whereas clause, relating to the sale of City-owned property no longer needed for public use located in the City of Independence on Brecksville Road to the City of Independence.

Whereas, this ordinance constitutes an emergency measure providing for 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. 716-99, passed June 14, 1999, is hereby supplemented by adding the following additional whereas clauses following the first one and by adding new Sections 4 and 5, to read, respectively, as follows:

Whereas, the City of Cleveland entered into an Indenture of Mortgage agreement with National City Bank, known as the Trustee, for the issuance of Waterworks Improvement First Mortgage Revenue Bonds on November 1, 1977, as amended and supplemented from time to time; and

Whereas, Article VII of the Indenture of Mortgage provides the method of requesting from the Trustee a release of real property from the operation and lien of the Indenture of the Indenture of Mortgage; and

Section 4. That the City of Cleveland hereby requests pursuant to Article VII of the Indenture of Mortgage that National City Bank, Trustee, release from the operation and lien of that Mortgage the above-described property.

Section 5. That the Directors of Public Utilities and Finance are authorized to execute documents and sign such instruments and take such actions as may be requested by the Trustee to secure the release of the above-described property.

Section 2. That existing Section 4 of Ordinance No. 716-99, passed June 14, 1999, is hereby renumbered to new "Section 6."

Section 3. That the first existing whereas clause of Ordinance No. 716-99, passed June 14, 1999, is hereby amended to read as follows:

Whereas, the **Director of Public Utilities** has requested the sale of City-owned property no longer needed for public use and located on Brecksville Road in the City of Independence; and

Section 4. That the first existing whereas clause of Ordinance No. 716-99, passed June 14, 1999, is hereby repealed.

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

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

Ord. No. 2267-2000.
By Councilman Cintron (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Stonebridge Building and Design, Inc. for Phase II Stonebridge Apartments Project for architectural, aerial and streetscape encroachments into the right-of-way of Detroit Avenue and the Superior Viaduct.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Stonebridge Building and Design, Inc. for the Phase II Stonebridge Apartments Project, its successors and assigns, for the construction, use and maintenance of architectural, aerial and streetscape encroachments, which will encroach into the public right-of-way of Detroit Avenue and the Superior Viaduct and are more fully described as follows:

**STONEBRIDGE APARTMENTS
 PHASE II / FRONT /
 ENCROACHMENT AREA**

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Detroit Avenue, width varies, and being further described as follows:

Beginning at the intersection of the Northwesterly line of Detroit Avenue, width varies, and the Southwesterly line of Center Street, 66.00 feet wide, said point of beginning being the most Easterly corner of said Sublot No. 732 in the Buffalo Company's Allotment of Part of Original Brooklyn Township Lot Nos. 51 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 51 of Cuyahoga County Records;

Thence South 30°-26'-21" West along said Northwesterly line of Detroit Avenue, a distance of 40.00 feet to the Principal Place of Beginning of the Encroachment herein described;

Course No. 1: Thence South 59°-33'-39" East, a distance of 10.00 feet to a point;

Course No. 2: Thence South 30°-26'-21" West parallel to the Northwesterly line of said Detroit Avenue, a distance of 79.59 feet to a point;

Course No. 3: Thence South 34°-50'-55" West parallel to the Northwesterly line of said Detroit Avenue, a distance of 311.45 feet to a point;

Course No. 4: Thence South 50°-09'-05" East, a distance of 12.00 feet to a point;

Course No. 5: Thence South 19°-50'-06" West, a distance of 46.00 feet to a point;

Course No. 6: Thence North 50°-09'-05" West, a distance of 34.00 feet to the Northwesterly line of said Detroit Avenue at the most Easterly corner of Parcel 1 of land conveyed to Westbank Development Corporation by deed dated June 20, 1994 and recorded in Volume 94-06036, Page 28 of Cuyahoga County Deed Records;

Course No. 7: Thence North 34°-50'-55" East along the Northwesterly line of said Detroit Avenue, a distance of 353.58 feet to an angle point therein;

Course No. 8: Thence North 30°-26'-21" East along said Northwesterly line of Detroit Avenue, a distance of 79.21 feet to the place of beginning and containing 5,113 square feet of land be the same more or less.

**STONEBRIDGE APARTMENTS
PHASE II / REAR /
ENCROACHMENT AREA**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of the Superior Avenue Viaduct, 80.00 feet wide, and being further described as follows:

Beginning at the intersection of the Northwesterly line of Detroit Avenue, width varies, and the Southwesterly line of Center Street, 66.00 feet wide, said point of beginning being the most Easterly corner of said Sublot No. 732 in the Buffalo Company's Allotment of part of Original Brooklyn Township Lot Nos. 51 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 51 of Cuyahoga County Records;

Thence North 71°-13'-59" West along the Southwesterly line of said Center Street, a distance of 63.66 feet to the Southeasterly line of the Superior Avenue Viaduct, 80.00 feet wide, and the Principal Place of Beginning of the Encroachment herein described;

Course No. 1: Thence South 29°-07'-58" West, along said Southeasterly line of the said Superior Avenue Viaduct, a distance of 175.22 feet to an angle point therein;

Course No. 2: Thence South 40°-04'-28" West continuing along the Southeasterly line of said Superior Avenue Viaduct, a distance of 50.00 feet to a point;

Course No. 3: Thence South 49°-55'-32" East along a Northeasterly line of the Superior Avenue Viaduct, a distance of 1.50 feet to a point;

Course No. 4: Thence South 40°-04'-28" West along a Southeasterly line of Superior Avenue Viaduct, a distance of 25.00 feet to a point;

Course No. 5: Thence North 49°-55'-32" West along a Southwesterly line of Superior Avenue Viaduct, a distance of 1.50 feet to a point;

Course No. 6: Thence South 40°-04'-28" West along a Southeasterly line of the Superior Avenue Viaduct, a distance of 178.61 feet to the most Northerly corner of Parcel 1 of land conveyed to the Westbank Development Corporation by deed dated June 20, 1994 and recorded on Volume 94-06036, Page 28 of Cuyahoga County Deed Records;

Course No. 7: Thence North 49°-55'-32" West a distance of 6.25 feet to a point;

Course No. 8: Thence North 40°-04'-28" East parallel to the Southeasterly line of said Superior Avenue Viaduct, a distance of 253.01 feet to a point;

Course No. 9: Thence North 29°-07'-58" East parallel to the Southeast-

erly line of said Superior Avenue Viaduct, a distance of 173.48 feet to the Northwesterly prolongation of the Southwesterly line of said Center Street;

Course No. 10: Thence South 71°-13'-59" East along the said prolongation of the Southwesterly line of said Center Street, a distance of 6.35 feet to the place of beginning and containing 2,710 square feet of land be the same more or less.

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

Section 3. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

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

Ord. No. 2268-2000.

By Councilman Cintron (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Near West Theatre to hang approximately ten (10) banners, using utility poles (by separate permission), within the public right-of-way of West 38th St. and Bridge Ave. and westerly of Fulton Ave.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Near West Theatre, 2012 West 25th Street, Suite 908, Cleveland, Ohio 44113-4131, its successors and assigns, for the construction, use and maintenance of approximately ten (10) special event banners which will encroach into the public right-of-way of West 38th Street and Bridge Avenue, and westerly of Fulton Avenue at the locations described as follows:

BANNER LOCATION:	POLE NUMBER:	OWNER:
BRIDGE AVENUE —		
1st pole E. of W. 38th St. (S)	42381	C.P.P.
2nd pole E. of W. 38th St. (S)	42380	C.P.P.
4th pole E. of W. 38th St. (S)	42378	C.P.P.
5th pole E. of W. 38th St. (S)	(42395) No Tag	C.P.P.
6th pole E. of W. 38th St. (S)	42377	C.P.P.
1st pole W. of Fulton (N)	No Tag (New Pole)	C.P.P.
2nd pole W. of Fulton (N)	(42376) No Tag	C.P.P.
WEST 38TH STREET —		
3rd pole N. of Bridge (E)	AOM-43-58	C.P.P.
2nd pole N. of Bridge (E)	423120	C.P.P.
1st pole N. of Bridge (E)	AOM-43-57	C.P.P.

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

Section 3. That this permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

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

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.

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

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

Section 1. That Section 3 of Ordinance No. 1711-99, passed November 22, 1999, is hereby amended to read as follows:

Section 3. That the Director of Public Health is hereby authorized to enter into one or more contracts for the implementation of the program as described in the application contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance with the following agencies, in the following amounts:

Agency	Amount
Cleveland Treatment Center	\$204,000.00
HUMADOP	78,175.00
Free Clinic of Greater Cleveland	94,500.00
BlackOut Unlimited	20,000.00
AIDS Taskforce of Greater Cleveland	331,000.00
Neighborhood Counseling Service, Inc.	20,000.00
NEON	33,325.00
Xchange Point	20,000.00

Section 2. That existing Section 3 of Ordinance No. 1711-99, passed November 22, 1999, is hereby repealed.

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

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

Ord. No. 2270-2000.
By Councilmen Britt, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Woodland Avenue (now Larchmere Boulevard) to the Cleveland Board of Education.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 129-03-042 and 129-03-043, as more fully described in Section 2 below, to Cleveland Board of Education.

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

P. P. No. 129-03-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Western part of a 5 foot walk, vacated by City Ordinance No. 10366, of part of Original One Hundred Acre Lot No. 420 and bounded and described as follows:

Beginning on the Northerly line of Woodland Avenue at the Southeast corner of Sublot No. 13 in the East Boulevard Subdivision, as shown by the recorded plat in Volume 54 of Maps, Page 9 of Cuyahoga County Records; thence Northerly along the Easterly line of said Sublot 128.85 feet to the Northeast corner of said Sublot; thence Easterly 2.5 feet to the Westerly line of land conveyed to Anthony Regano by deed recorded in Volume 7205, Page 561 of Cuyahoga County Records; thence Southerly along said Westerly line of land so conveyed to Anthony Regano, about 128.92 feet to the Northerly line of Woodland Avenue; thence Westerly 2.5 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

P. P. No. 129-03-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 14 and the Easterly part of a five foot walk, vacated by the City Ordinance No. 10366 in the East Boulevard Subdivision of part of Original One Hundred Acre Lot No. 420, as shown by the recorded plat in Volume 54 of Maps, Page 9 of Cuyahoga County

Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Woodland Avenue, S.E., at the Southeast corner of Sublot No. 14; thence Westerly along the Northerly line of Woodland Avenue, S.E., 42.50 feet to the centerline of said five foot walk, now vacated; thence Northerly along the centerline of said five foot walk, now vacated, 128.92 feet to its intersection with the Westerly prolongation of the Northerly line of said Sublot No. 14; thence Easterly along said Westerly prolongation and along the Northerly line of said Sublot No. 14, about 42.52 feet to the Northeast corner of said Sublot No. 14; thence Southerly along the Easterly line of said Sublot No. 14, 130.04 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to restrictions in Volume 1470, Page 452 of Cuyahoga County Records.

Also subject to zoning ordinances, if any.

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

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

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

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

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

Ord. No. 2271-2000.
By Councilmen Robinson, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3418 East 132nd Street to Mt. Pleasant Baptist Church.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 130-08-029, as more fully described in Section 2 below, to Mt. Pleasant Baptist Church.

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

P.P. No. 130-08-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 2 in the Kinsman Allotment of part of Original One Hundred Acre Lot No. 446 as shown by the recorded plat in Volume 44 of Maps, Page 26 of Cuyahoga County Records, bounded and described as follows: Beginning in the Westerly line of East 132nd Street at a point distant Northerly 84.50 feet measured along said Westerly line of East 132nd Street from its intersection with the Northerly line of Kinsman Road S.E., thence Northerly along said Westerly line of East 132nd Street 72.48 feet to an iron pin set in the Northeastly corner of Sublot No. 2; thence Westerly along the Northerly line of Sublot No. 2 as aforesaid 52.50 feet to an iron pin set in the Northwestly corner of Sublot No. 2; thence Southerly along the Westerly line of Sublot No. 2 a distance of 74.48 feet to a point; thence Easterly parallel with the Northerly line of Sublot No. 2, 20.0 feet to a point; thence Easterly in a direct line about 32.56 feet to the place of beginning.

Subject to zoning ordinances, if any.

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

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

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

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force 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. 2272-2000.

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

An emergency ordinance to amend Section 3 of Ordinance No. 1117-2000, passed October 16, 2000, relating to the public improvement of constructing Phase IV improvements to the Mill Creek Housing Development Project.

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

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

Section 1. That Section 3 of Ordinance No. 1117-2000, passed October 16, 2000, is hereby amended to read as follows:

Section 3. That the cost of the improvements shall be paid from **Fund Nos. 20 SF 363 and 20 SF 372, including an additional amount not to exceed \$700,000, payable from**

Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 58 SF 213, 58 SF 217 and 58 SF 223. Request No. 20694.

Section 2. That existing Section 3 of Ordinance No. 1117-2000, passed October 16, 2000, is hereby repealed.

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

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

Ord. No. 2273-2000.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Greater Cleveland Media Development Corporation to administer a program for marketing the City of Cleveland as a production venue for film, television and commercials.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a grant agreement with Greater Cleveland Media Development Corporation to administer a program for marketing the City of Cleveland as a production venue for film, television and commercials.

Section 2. That the terms of said grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 2273-2000-A.

Section 3. That the costs of said grant shall not exceed Seventy-Five Thousand Dollars (\$75,000.00), and shall be paid from Fund No. 17 SF 652, Request No. 26643.

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

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

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

Ord. No. 2274-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance to amend Section 42 of Ordinance No. 434-2000, passed March 20, 2000, as amended by Ordinance No. 1487-2000, passed October 2, 2000, relating to compensation for various classifications.

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

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

Section 1. That Section 42 of Ordinance No. 434-2000, passed March 20, 2000, as amended by Ordinance No. 1487-2000, passed October 2, 2000, is hereby amended to read as follows:

Section 42. Part-Time/Seasonal Group

That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Box Office Cashier	\$10.33 per hour	\$13.97 per hour
2. Chaplain	\$ 6.74 per hour	\$11.04 per hour
3. Checker	\$ 5.15 per hour	\$ 8.20 per hour
4. Conservation Aide	\$ 5.15 per hour	\$ 8.20 per hour
5. Dentist	\$13.38 per hour	\$27.48 per hour
6. Head Usher	\$ 5.15 per hour	\$10.91 per hour
7. Medical Examiner	\$21.40 per hour	\$56.36 per hour
8. Organ Tuner	\$ 9.63 per hour	\$24.11 per hour
9. Park Maintenance Aide	\$ 5.15 per hour	\$ 8.25 per hour
10. Ranger	\$ 5.15 per hour	\$10.77 per hour
11. School Crossing Guard	\$25.00 per day	\$25.00 per day
12. Section Supervisor.....	\$ 5.50 per hour	\$ 8.20 per hour
13. Snow Removal Vehicle Operator	\$10.40 per hour	\$13.56 per hour
14. Stage Hand	\$18.55 per hour	\$24.66 per hour
15. Stage Hand Casual	\$20.00 per hour	\$24.35 per hour
16. Stage Hand — Show Rate	\$63.00 per show	\$81.02 per show
17. Student Aide	\$ 6.00 per hour	\$ 8.33 per hour
18. Student Assistant	\$ 5.15 per hour	\$ 8.20 per hour
19. Usher	\$ 5.15 per hour	\$ 8.20 per hour
20. Usher Captain	\$ 5.89 per hour	\$ 8.20 per hour

Section 2. That existing Section 42 of Ordinance No. 434-2000, passed March 20, 2000, as amended by Ordinance No. 1487-2000, passed October 2, 2000, is hereby repealed.

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

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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 2275-2000.

By Councilman Coats.

An emergency resolution calling upon the Cleveland School District to establish a civil service class taught at the 9th, 10th, 11th and 12th grade levels and resolving to seek legislative authority to permit every successful graduate of such a civil service class to receive 10 points toward a civil service examination for City jobs requiring such examination.

Whereas, it is necessary that the Civil Service seek and find qualified candidates for public sector positions; and

Whereas, high school students should learn about the importance of public service and about what it takes to run and work for City government; and

Whereas, it is important for the City to help our high school graduates obtain jobs in public service within our City; and

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

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

Section 1. That this Council hereby calls upon the Cleveland School District to establish a civil service class to be taught at the 9th, 10th, 11th and 12th grade levels and resolves to seek legislative authority to permit every successful graduate of such civil service class to receive 10 points toward a civil service examination for a City job requiring such examination.

Section 2. That the Clerk of Council be and is hereby directed to transmit certified copies of this resolution to Barbara Byrd-Bennett, CEO of the Cleveland School District, the members of the Cleveland Board of Education and the Secretary of the Civil Service Commission.

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

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.

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. 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 and rent assistance 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.

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. 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.

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. 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.

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. 2280-2000.

By Councilman Britt.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 11007 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, 11007 Mt. Carmel Rd., 1st Fl. & Bsmt., Cleveland, Ohio 44104, to Permit No. 19304690005, Dari Co., 11007 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, 11007 Mt. Carmel Rd., 1st Fl. & Bsmt., Cleveland, Ohio 44104, to Permit No. 19304690005, Dari Co., 11007 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.

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. 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 Fistic Est. Katherine Fistic Extrx., 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 Fistic Est. Katherine Fistic Extrx., 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.

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. 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.

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. 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.

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. 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.

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. 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.

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. 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.

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. 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.

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. 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.

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.

Councilman White left the meeting.

**SECOND READING
EMERGENCY ORDINANCES**

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.

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

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.

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

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.

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

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.

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

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.

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 "contract" insert "**shall not exceed \$1,100,000 and**".

Amendment agreed to.

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 recon-

structing West 53rd Street Bridge; Denison Avenue Bridge, Harvard Avenue Bridge, West 65th Street Bridge and the West 74th Street Bridge.

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

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.

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

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.

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

Ord. No. 2118-2000.

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

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

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

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.

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

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.

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

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.

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

Councilman Rybka left the meeting.

**SECOND READING
EMERGENCY RESOLUTIONS**

Res. No. 2122-2000.

By Councilman Patmon (by departmental request).

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

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

Res. No. 2123-2000.

By Councilman Patmon (by departmental request).

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

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

**SECOND READING EMERGENCY
ORDINANCE PASSED**

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.

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

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**THIRD READING EMERGENCY
ORDINANCES PASSED****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.

Read third time. Passed. Yeas 18. Nays 0.

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.

Read third time. Passed. Yeas 18. Nays 0.

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.

Read third time. Passed. Yeas 18. Nays 0.

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.

Read third time. Passed. Yeas 18. Nays 0.

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.

Read third time. Passed. Yeas 18. Nays 0.

MOTION

By Councilman Coats and seconded by Councilman Jones, and unanimously carried that the absence of Councilman Michael A. Dolan be and is hereby authorized.

MOTION

The Council adjourned at 9:00 p.m. to meet on Monday, December 18, 2000, at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

ORDINANCES**Ord. No. 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.

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.

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.

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.

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.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of diesel fuel in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 not exceed \$1,100,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 17939)

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

Ord. No. 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.

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.

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.

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.

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.

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.

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.

RESOLUTIONS**Res. No. 2122-2000.**

By Councilman Patmon (by departmental request).

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

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.

BOARD OF CONTROL

December 6, 2000

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 6, 2000, at 11:00 a.m. with Director Carter presiding.

Present: Directors Carter, Brooks, Konicek, Sheperd, Acting Director

Owens, Directors Whitlow, Guzman, 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. 807-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1005-95, passed by the Council of the City of Cleveland on June 19, 1995, Stanley Consultants, P.C., is hereby selected upon the nomination of the Director of Public Utilities from a list of professional engineering firms determined, after a full and complete canvass by said Director, as the firm to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City of Cleveland in order to provide professional services necessary to perform a cost of service and unbundling of retail electric rates study for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a written contract with Stanley Consultants, P.C. based upon its proposal dated September 1, 2000, which contract shall be prepared by the Director of Law and shall provide for furnishing of professional services as contained in such proposal and shall contain such terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the work shall commence upon execution of said contract and shall further provide that the aggregate fee will not be in excess of \$151,700.00.

Be it further resolved that the employment of the following subcontractors to Stanley Consultants, P.C., is hereby approved:

SUB-CONTRACTOR WORK

Ralph Tyler Companies
Electric Rate/Financial
\$23,050.00 — MBE

Dar Public Relations, Inc.
Communications Strategy
\$9,775.00 — FBE

Yeas: Directors Carter, Brooks, Konicek, Sheperd, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Directors Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Patterson.

Resolution No. 808-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1080-99, passed by the Council of the City of Cleveland on May 22, 2000, Montgomery Watson Americas, Inc. is hereby selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities, as the firm to be employed by contract to provide project implementation con-

sultant services for the Citywide Geographic Information System Program, for the various divisions of City Government.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a contract with Montgomery Watson Americas, Inc. based upon its proposal dated August 4, 2000, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as contained in said proposal, for an aggregate fee not in excess of \$6,575,286.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Montgomery Watson Americas, Inc. for the above mentioned professional service is hereby approved:

SUBCONTRACTOR WORK

Ralph Tyler Companies
\$1,315,000.00 — MBE

New Concepts Consulting, Inc.
\$328,800.00 — FBE

Yeas: Directors Carter, Brooks, Konicek, Sheperd, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Directors Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Patterson.

Resolution No. 809-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Woodhill Supply, Inc. for an estimated quantity of copper pipe (all items), for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract received on the 18th day of October, 2000, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity Thirty-Five Thousand Three Hundred Eight Dollars (\$35,308.00) (2%, 10 days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 33691 which shall be certified against such contract in the sum of One Thousand Seven Hundred Sixty-Five Dollars and 40/100 (\$1,765.40).

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, Brooks, Konicek, Sheperd, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Directors Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Patterson.

Resolution No. 810-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Victory White for an estimated quantity of adjustable valve boxes (item nos. 1, 2, 3, 5, and 6), for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract received on the 25th day of October, 2000, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to Seventy Thousand Four Hundred Seventy Dollars (\$70,470.00) (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. 33516

which shall be certified against such contract in the sum of Three Thousand Five Hundred Twenty-Three Dollars and 50/100 (\$3,523.50).

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, Brooks, Konicek, Sheperd, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Directors Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Patterson.

Resolution No. 811-00.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland, that the bid of D & M Painting including a 10% contingency allowance for the public improvement of Water Tank Rehabilitation — Cycle D for the Division of Water, Department of Public Utilities, received on November 22, 2000, pursuant to the authority of Ordinance No. 1881-98, passed December 14, 1998, for a unit basis for the improvement in the aggregate amount of Three Million Nine Hundred Eighty-Five Thousand Seven Hundred Twenty-Two and 40/100 Dollars (\$3,985,722.40), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by D & M Painting for the above mentioned public improvement is hereby approved:

SUBCONTRACTOR WORK

Steward Supply
MBE — \$122,496.00

Cook Paving
MBE — \$444,500.00

Thanos Contracting
FBE — \$161,800.00

Ballast Fence
FBE — \$20,700.00

Collinwood Concrete
FBE — \$17,000.00

Yeas: Directors Carter, Brooks, Konicek, Sheperd, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Directors Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Patterson.

Resolution No. 812-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Fabrizi Trucking & Paving Company for the public improvement of Sheldon Road 30" water supply main (Items 1A, 1B, 1C, 2A, 2B, 4A, 4B, 4C2, 4D, 4E, 4F2, 5A, 5B, 6A, 6B, 6C, 7A, 7B, 7C, 8, 9, 10A, 10B, 11A, 11B, 11C, 13, 14A, 14B, 15A, 15B, 16, and item special signs including 10% contingency allowances) for the Division of Water, Department of Public Utilities, received on October 25, 2000, pursuant to the authority of Ordinance No. 964-93, passed June 14, 1993, for a unit basis for the improvement in the aggregate amount of Two Million Five Hundred Twenty-Nine Thousand Nine Hundred Seventy-Two and 50/100 Dollars (\$2,529,972.50), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Fabrizi Trucking & Paving Company for the above mentioned public improvement is hereby approved:

SUBCONTRACTOR WORK

Cook Paving Company
MBE — \$450,000.00

Friedel Trucking Company
FBE — \$150,000.00

Yeas: Directors Carter, Brooks, Konicek, Sheperd, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Directors Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Patterson.

Resolution No. 813-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Varian, Inc. for the following: upgrade of existing Varian gas chromatograph and accessories (all items) for the Division of Water, Department of Public Utilities, received on the 15th day of November, 2000, pursuant to the authority of Section 129.28 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the order quantities would amount to Fifty-Two Thousand Five Hundred Sixty-Nine Dollars (\$52,569.00) (Net 30 Days), is hereby approved as the lowest and best bid; and the Director of Public Utilities is hereby requested to enter into contract of such items.

Yeas: Directors Carter, Brooks, Konicek, Sheperd, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Directors Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Patterson.

Resolution No. 814-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Herbst Electric Co. for the public improvement of filter monitoring improvements for the Division of Water, Department of Public Utilities, received on November 17, 2000, pursuant to the authority of Ordinance No. 1652-2000, passed September 18, 2000, for a gross price for the improvement in the aggregate amount of Eight Hundred Eighty-Three Thousand Two Hundred Fifty-Two Dollars (\$883,252.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Yeas: Directors Carter, Brooks, Konicek, Sheperd, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Directors Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Patterson.

Resolution No. 815-00.

By Director Sheperd.

Resolved by the Board of Control of the City of Cleveland that the bid of Richmond Pipe & Valve Company for the following: 30"/42" Valves for the Brookpark Road Relocation Project for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on the 31st day of August, 2000, pursuant to the authority of Ordinance No. 552-2000 and 1234-2000, passed June 19 and July 17, 2000, respectively, which on the basis of order quantity would amount to \$326,304.00 is hereby approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into contract for such items.

Yeas: Directors Carter, Brooks, Konicek, Sheperd, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 816-00.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Carastar Industries, Inc. for an estimated quantity of office paper, for recycling, Items Nos. 1 and 2, for the Division of Waste Collection and Disposal, Department of Public Service, for the period of one (1) year beginning with execution of a contract, received on November 1, 2000, pursuant to the authority of Section 181.18 of the Codified Ordinances of Cleveland, Ohio 1976, for market price plus \$50.00 per ton for Item No. 1, and for market price plus \$20.00 per ton for Item No. 2, is hereby affirmed and approved as the highest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for the sale of such commodities, which shall provide for the sale as the initial amount of such contract of the quantity of Item No. 1, sorted office paper, contained in four (4) full Otto containers.

Said requirement contract shall further provide that the Contractor will purchase the remainder of the availability of such commodities, whether more or less than said estimated quantity, as may be available during the term of said contract.

Yeas: Directors Carter, Brooks, Konicek, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Sheperd.

Resolution No. 817-00.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Nozzle New, Inc. for an estimated quantity of fuel storage tank removal, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on October 20, 2000, pursuant to the authority of Ordinance No. 924-2000, passed June 12, 2000, which on the basis of the estimated quantity would amount to Two Hundred Sixty One Thousand Two Hundred Seventy Eight and 80/100 Dollars, (\$261,278.00), (2%, Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 29341

which shall be certified against such contract in the sum of Twenty Five Thousand and no/100 Dollars (\$25,000.00).

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

Yeas: Directors Carter, Brooks, Konicek, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Sheperd.

Resolution No. 818-00.

By Director Miller.

Resolved, by the Board of Control of the City of Cleveland that the bid of Valley Ford Truck Sales, Inc. for the following: Two (2) 4 X 4 cab/chassis, Ford, with Cenweld dump body, including Option B for the Division of Park Maintenance and Properties, Department of Park, Recreation and Properties, received on October 27, 2000, pursuant to the authority of Ordinance No. 104-2000, passed April 17, 2000, which on the basis of the order quantity would amount to One Hundred One Thousand One Hundred Twenty-Four and 00/100 Dollars (\$101,124.00) (Net 30 Days) is hereby approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a contract for such items.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Valley Ford Truck Sales, Inc., for the above-mentioned purchase is hereby approved:

Logical-Services, Inc.
MBE — \$375.00 per truck

Yeas: Directors Carter, Brooks, Konicek, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Sheperd.

Resolution No. 819-00.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 126-04-012 under said Land Reutilization Program; and

Whereas, Ordinance No. 1061-2000 passed October 9, 2000, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Greater Cleveland Habitat for Humanity has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1061-2000 passed October 9, 2000, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Greater Cleveland Habitat for Humanity for the sale and development of Permanent Parcel No. 126-04-012, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Carter, Brooks, Konicek, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Sheperd.

Resolution No. 820-00.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 012-15-017 under said Land Reutilization Program; and

Whereas, Ordinance No. 1598-2000 passed October 23, 2000, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, George Jicha has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1598-2000 passed October 23, 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 George Jicha for the sale and development of Permanent Parcel No. 012-15-017, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Carter, Brooks, Konicek, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Sheperd.

Resolution No. 821-00.

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. 138-02-147 and 138-02-152 under said Land Reutilization Program; and

Whereas, Ordinance No. 1599-2000 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, Union Miles Development Corporation 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. 1599-2000 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 Union Miles Development Corporation for the sale and development of Permanent Parcel Nos. 138-02-147 and 138-02-152, 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, Brooks, Konicek, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Sheperd.

Resolution No. 822-00.

By Director Brooks.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor, Concretech, a Division of Libby Construction Company, Inc. contractor for the provision of ready mix concrete, under City Contract No. 56176, pursuant to the authorized Ordinance No. 705-99, passed May 17, 1999, and

Board of Control Resolution No. 239-00, adopted April 19, 2000, hereby approved.

**SUB-CONTRACTOR
WORK**

McTech Corp., d.b.a. Tech Ready Mix
Ready Mix (all items)

Yeas: Directors Carter, Brooks, Konicek, Sheperd, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 823-00.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of Rice Business Systems, Inc., d.b.a. DOPCO for an estimated quantity of typewriter maintenance (all items) for the various divisions of City Government, Department of Finance, for a period of two (2) years beginning with the date of execution of a contract received on October 4, 2000, pursuant to the authority of Ordinance No. 1864-2000, passed November 20, 2000, which on the basis of the estimated quantity would amount to Forty-Two Thousand Seven Hundred Seventy-Seven & 50/100 Dollars, (\$42,777.50), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. RE-32223

which shall be certified against such contract in the total sum of Nine Thousand Six Hundred-Ninety One & 50/100 Dollars (\$9,691.50).

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, Sheperd, Acting Director Owens, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

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**

**THE BOARD OF ZONING APPEALS
WILL NOT MEET ON
DECEMBER 26, 2000**

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, DECEMBER 11, 2000

At the meeting of the Board of Zoning Appeals on Monday, December 4, 2000, the following appeals were heard by the Board:

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 7 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.

The following appeals were **Postponed:**

Calendar No. 00-253: 3981 Rocky River Drive postponed to January 8, 2001.

Calendar No. 00-330: 4703 Pearl Road postponed to January 22, 2001.

The following appeals were **Withdrawn:**

Calendar No. 00-313: 2197 East 78th Street

Chariclea Springer, owner, and Irv Epstein, agent, appealed to construct a 30' x 20' three car garage to the north of an existing two dwelling unit in a Two-Family District.

Calendar No. 00-331: 13605 Puritas Avenue

Kimberly L. Hess, owner, appealed to install 200 linear feet of 6' high wooden fencing to the north, west, south and east of a corner parcel in a One-Family District.

On Monday, December 11, 2000, in Executive Session:

The following appeals were heard on Monday, December 4, 2000 and said decisions were approved and adopted by the Board on December 11, 2000.

The following appeals were **Approved:**

Calendar No. 00-312: 2189 Professor Avenue

Primo Acquisitions, owner c/o Adam Waldbaum, president, appealed to change the use of an existing two-story building into a store and office on the first floor and an office on the second floor situated on a parcel located in zoning for a General Retail Business District and a Multi-Family District.

Calendar No. 00-314: 3702 East 14th Street

Beatrice Jordan, owner, appealed to enclose an existing 8' x 20' front porch of a one and one-half dwelling house in a Two-Family District.

Calendar No. 00-316: 6900 Harvard Avenue

Harvard Elderly Ltd. Partnership, owner, appealed to change the use

of (2) three-story school buildings and (2) two-story school buildings (all attached) into an elderly apartment complex in a Multi-Family District.

Calendar No. 00-317: 10602-10708 Shaker Boulevard

SB-92 Ltd. Partnership, owner, and Borchert Fencing Company appealed to install 676 linear feet of 6' high tubular ornamental fencing to the north, west and southeast of a parcel in a Multi-Family District.

Calendar No. 00-318: 10800-10950 Shaker Boulevard

SB-92 Ltd. Partnership, owner, and Borchert Fencing Company appealed to install 600 linear feet of 6' high tubular ornamental fencing to the north, west and east of a parcel in a Multi-Family District.

Calendar No. 00-320: 3919 Lorain Avenue

Rach-Land, Inc., owners c/o Mark Pestak and Chuck Fiala, appealed to change the use of a one-story masonry store building into a day care facility in a Local Retail Business District and Two-Family District.

Calendar No. 00-279: 1075 East 145th Street

Juanita Griffin, owner, appealed to enclose an existing 6' x 20' front porch of a two dwelling unit in a Two-Family District.

Calendar No. 00-294: 741 East 96th Street

Ronald Simpson, owner, appealed to enclose an existing 8' x 20' front porch of an existing two dwelling unit in a Two-Family District.

The following appeal was **Denied:**

Calendar No. 99-321: 6703 Fleet Avenue

Mary Miller, owner, and Psychic c/o Barbara Miller, tenant, appealed to change the use of a two-story one family dwelling house into a psychic office in a Multi-Family District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
December 6, 2000

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

* * *

Docket L-22-00.

RE: Appeal of Thomas C. Jecker, appeals from a LETTER OF DENIAL FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated October 31, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit Mr. Jecker to renew his ELECTRICAL CONTRACTOR LICENSE without retaking the test and without payment of the late filing fees. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket A-142-00.

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

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to present the proper documentation and apply for the Certificate Of Occupancy to the Division of Building and Housing. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-143-00.

RE: Appeal of Michael S. Weiss, Owner of the One Story Masonry Semi Industry Manufacturing Factory located on the premises known as 3819 Ridge Road from a NOTICE OF VIOLATION/COMMERCIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated July 25, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to present the proper documentation and apply for the Certificate Of Occupancy to the Division of Building and Housing. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

* * *

Docket A-144-00.

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

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to present the proper documentation and apply for the Certificate Of Occupancy to the Division of Building and Housing. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

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

Docket A-148-00.

RE: Appeal of The First National Bank of Chicago, Mortgagee of the Two & One-half Story Brick Residential Property located on the premises known as 2903 East 123rd Street from a 30 DAY CONDEMNATION ORDER/MS of the Commissioner of the Division of Building and Housing dated August 8, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION ORDER/MS and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three (3) months in which to obtain permits and the violations, noting that the property must remain boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the 30 DAY CONDEMNATION ORDER/MS and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by March 20, 2001. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-157-00.

RE: Appeal of Adelphia Foods, Owner of the Two Story Masonry Business/Multi-Family Property, located on the premises known as 5901 Franklin Avenue from a NOTICE OF VIOLATION/GENERAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated August 18, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DISMISS the articles of the appeal statement relating to building code issues, with the understanding that the building code violations have been abated; noting that the Board of Building Standards and Building Appeals does not have jurisdiction over those articles relating to the health issues. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket A-168-00.

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

Docket A-168-00 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-190-00.

RE: Appeal of Tower City Land Corp., Owner of the Tower City/Federal Courthouse Pedestrian Walkway Connector located on the premises known as 230 West Huron Road from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated November 2, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to:

• (OBBC Section 3106.4 — two hour rated fire separation wall shall extend at least ten (10) feet below the walkway along the existing south exterior wall of the Tower City structure) — to require a ten (10) foot separation in the vertical plain from the walkway, noting that the wall between the walkway and the garage is a two-hour wall extending above the walkway, and that the floor of the walkway is a two-hour wall and the opinion is that, that provides equivalent protection to the occupants of the walkway area and protection from hazards on the walkway;

• (Section 1014.11 — elevator at mezzanine level cannot open into the required means of egress stairway enclosure) — to require that other than normal exiting doors cannot open into a fire stair with the provision that the elevator openings be protected both at the top of the elevator shaft and in the stairwell with smoke detectors that will close the fire smoke shutter and return the elevator to the ground floor and that the smoke shutter be able to be raised automatically. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

Docket A-195-00.

RE: Appeal of Brotherhood Of Locomotive Engineers, Owner of the Property located on the premises known as 1370 Ontario Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated November 24, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the remote means of egress and permit the corridor to be installed between the two tenants as proposed, recognizing that the two stairways most close to the remaining tenants on the floor will suffice for the egress stairs; and to alleviate the dead-end corridor situation by providing a security method on the door out of the tenant space complying with the seven (7) required special locking arrangements. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

APPROVAL OF RESOLUTIONS:

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

- L-21-00—Jerome M. Mikonsky.
- A40-00—GMSManagement Co., Inc. & Stuart J. Graines.
- A-161-00—William Kozik.
- A-176-00—United Companies Lending Corporation.
- A-181-00—Donald Lyle.

Yeas: Messrs. Williams, Saunders, Sullivan. Nays: None. Not Voting: Messrs. Denk, Bowes.

* * *

APPROVAL OF MINUTES:

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

November 22, 2000

Yeas: Messrs. Williams, Saunders, Sullivan. Nays: None. Not Voting: Messrs. Denk, Bowes.

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before

doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, DECEMBER 20, 2000

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

Hybrid MiniLab, for the Department of Community Development, as authorized by Ordinance No. 1210-2000, passed by the Council of the City of Cleveland, August 7, 2000.

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

December 6, 2000 and December 13, 2000

THURSDAY, DECEMBER 28, 2000

Various Dump Bodies, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1685-2000, passed by the Council of the City of Cleveland, October 30, 2000.

Aerial Ladder Platform, 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 14, 2000.

Hopper/Spreader Inserts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1685-2000, passed by the Council of the City of Cleveland, October 30, 2000.

December 6, 2000 and December 13, 2000

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

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1605-2000.
By Councilman Rybka (by request).

An emergency resolution declaring the intention to vacate a portion of East 73rd Place.

Whereas, this Council; is satisfied that there is good cause to vacate a portion of East 73rd Place, as hereinafter described; 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 it hereby declares its intention to vacate the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of EAST 73RD PLACE (40.00

feet wide), extending Southerly from the Southerly line of Aetna Road S.E. (40.00 feet wide) to its Southerly terminus.

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

Adopted November 27, 2000.
Effective December 7, 2000.

Res. No. 1690-2000.
By Councilmen Dolan, O'Malley, Rybka, Melena, Polensek, Patmon, Lewis and Coats.

An emergency resolution strongly opposing proposed mergers of major air carriers including the proposed merger of US Airways and United Airlines and urging the U.S. Senate to disapprove said proposed merger as not being in the public interest.

Whereas, airport authorities, consumer groups, economists, and many members of Congress have raised many problems with the proposed merger of United Airlines and US Airways; and

Whereas, most observers agree that the United Airlines/US Airways merger would be the beginning of a final industry consolidation that could result in only three major carriers (eg. American/Northwest; Delta/Continental/TWA; and United/US Airways) serving 80-90% of domestic air travelers; and

Whereas, approval of proposed mergers such as that of United Airlines and US Airways would substantially reduce competition at most airports, potentially increase air fares for local travelers and adversely affect existing relationships between airlines and airports; and

Whereas, approval of proposed mergers such as that of United Airlines and US Airways would cause all airports to have a more difficult time attracting low fare competitors; and

Whereas, such mergers could enable the three remaining air carriers, without violating antitrust laws, to divide the U.S. market into three locational monopolies where they would have absolute control of pricing and schedules; and

Whereas, on July 25, 2000, Senate Commerce Committee Chairman McCain and Aviation Subcommittee Chairman Gorton introduced Resolution 344 stating that the United Airlines/US Airways merger is not in the public interest and should be disapproved; and

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

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

Section 1. That this Council strongly opposes proposed mergers of major air carriers, including the proposed merger of United Airlines and US Airways and urges the U.S. Senate to follow Resolution 344 calling for the disapproval of the United Airlines/US Airways merger as not being in the public interest.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Senate Commerce Committee Chairman McCain and Aviation Subcommittee Chairman Gorton; to U.S. Senators Mike DeWine and George Voinovich; to U.S. Representatives Dennis Kucinich, Stephanie Tubbs-Jones, Sherrod Brown, Steven LaTourette and Ralph Regula to Airports Council International — North America, and to Association of American Airport Executives.

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 4, 2000.
Effective December 13, 2000.

Res. No. 1813-2000.
By Councilman Cimperman.
An emergency resolution declaring the intention to vacate a portion of Marquette Street N.E.

Whereas, this Council; is satisfied that there is good cause to vacate a portion of Marquette Street N.E. as hereinafter described; 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 it hereby declares its intention to vacate the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of MARQUETTE STREET N.E. (100.00 feet wide), extending Southerly from the Southerly line of St. Clair Avenue N.E. (99.00 feet wide) to its intersection with the Northerly line of Stanard Avenue N.E. (50.00 feet wide) and the Westerly line of East 55th Street (100.00 feet wide).

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

Adopted November 27, 2000.
Effective December 7, 2000.

Res. No. 2166-2000.
By Councilman Brady.
An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 13429 Lakewood Hgts. Blvd., 1st Fl. & Bsmt. Excl. 2nd Fl.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 1410123, Cheer-Up Inc., 13429 Lakewood Hgts. Blvd., 1st Fl. &

Bsmt. Excl. 2nd Fl., Cleveland, Ohio 44107 to Permit No. 8850749, Terrapin Station Ltd., 13429 Lakewood Hgts. Blvd., 1st Fl. & Bsmt. Excl. 2nd Fl., Cleveland, Ohio 44107; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 1410123, Cheer-Up Inc., 13429 Lakewood Hgts. Blvd., 1st Fl. & Bsmt. Excl. 2nd Fl., Cleveland, Ohio 44107 to Permit No. 8850749, Terrapin Station Ltd., 13429 Lakewood Hgts. Blvd., 1st Fl. & Bsmt. Excl. 2nd Fl., Cleveland, Ohio 44107 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 27, 2000.
Effective December 7, 2000.

Res. No. 2167-2000.

By Councilman Brady.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 11730 Lorain Avenue, 1st Fl./Front.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 7220737, Ray Bons Inc., 11730 Lorain Avenue, 1st Fl./Front to Permit No. 2095642, Desolve Inc., DBA Neighborhood Bar & Grill, 11730 Lorain Avenue, 1st Fl./Front; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 7220737, Ray Bons Inc., 11730 Lorain Avenue, 1st Fl./Front to Permit No. 2095642, Desolve Inc., DBA Neighborhood Bar & Grill, 11730 Lorain Avenue, 1st Fl./Front and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

Adopted November 27, 2000.
Effective December 7, 2000.

Res. No. 2168-2000.

By Councilman Cimperman.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 819 Jefferson Avenue, 1st Fl.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 4121072, Ideal Market Inc., 819 Jefferson Avenue, 1st Fl., Cleveland, Ohio 44113 to Permit No. 1595175, Thomas K. Bell, 819 Jefferson Avenue, 1st Fl., 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 of a C1 and C2 Liquor Permit from Permit No. 4121072, Ideal Market Inc., 819 Jefferson Avenue, 1st Fl., Cleveland, Ohio 44113 to Permit No. 1595175, Thomas K. Bell, 819 Jefferson Avenue, 1st Fl., 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 November 27, 2000.
Effective December 7, 2000.

Res. No. 2169-2000.
By Councilman Gordon.
An emergency resolution withdrawing objection to the stock transfer of a C1 and C2 Liquor Permit to 2118 Broadview Road, and repealing Res. No. 1534-2000 objecting to said stock transfer.

Whereas, this Council objected to the stock transfer of a C1 and C2 Liquor Permit to 2118 Broadview Road by Res. No. 1534-2000 adopted by Council on August 28, 2000; and

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

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

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

Section 1. That objection to the stock transfer of a C1 and C2 Liquor Permit to 2118 Broadview Road, be and the same is hereby withdrawn and Res. No. 1534-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate stock transfer thereof.

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

Adopted November 27, 2000.
Effective December 7, 2000.

Res. No. 2170-2000.
By Councilman Jones.
An emergency resolution urging the Administration to issue at least \$10 million in general obligation bonds in 2001, doubling the amount from 2000, for the repair and rehabilitation of our streets and sidewalks throughout the neighborhoods of the City of Cleveland.

Whereas, many streets and sidewalks throughout the neighborhoods of the City of Cleveland are in deteriorated condition; and

Whereas, the deteriorated condition of our streets and sidewalks present safety hazards for our residents and detract for the quality of life in our neighborhoods; and

Whereas, the City of Cleveland allocates money annually for the resurfacing and rehabilitation of the City's streets and sidewalks, with \$4 million being allocated in 2000 for street resurfacing and \$1 million

being allocated in 2000 for sidewalk repair; and

Whereas, this Council of the City of Cleveland believes that such funding should be increased by 100% in 2001 and that the Administration should plan to issue at least \$10 million in general obligation bonds in 2001 for street and sidewalk repairs in our neighborhoods; and

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

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

Section 1. That this Council of the City of Cleveland urges the Administration to plan on issuing at least \$10 million in general obligation bonds in 2001, doubling the amount from 2000, for the repair and rehabilitation of our streets and sidewalks throughout the neighborhoods of the City of Cleveland.

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

Adopted November 27, 2000.
Effective December 7, 2000.

Res. No. 2171-2000.
By Councilman Sweeney.
An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 4611 West 130th Street.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 84189840500, Speedway Superamerica LLC, DBA Speedway #3371, 4611 West 130th Street, Cleveland, Ohio 44135 to Permit No. 91610350015, United Petroleum Marketing LLC, DBA UPM 201, 4611 West 130th Street, Cleveland, Ohio 44135; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 84189840500, Speedway Superamerica LLC, DBA Speedway #3371, 4611 West 130th Street, Cleveland, Ohio 44135 to Permit No. 91610350015, United Petroleum Marketing LLC, DBA UPM 201, 4611 West 130th Street, Cleveland, Ohio 44135 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 27, 2000.
Effective December 7, 2000.

Res. No. 2225-2000.
By Councilman Lewis.
An emergency resolution calling for a vigil to pray for good works to be done in the City of Cleveland.

Whereas, the Council of the City of Cleveland strives to do the work of the people of the City of Cleveland and to make our neighborhoods a safe, livable place; and

Whereas, Mayor White and certain members of his Administration launch daily vitriolic attacks against members of Council, many of which are not only personal but are also without merit; and

Whereas, reasoned and intelligent people, particularly those charged with representing the interests of the public, should engage in reasoned and intelligent public discourse, absent personal and vicious name calling; and

Whereas, the persistent and negative attacks perpetuated by Mayor White have created an environment in which evil can flourish; and

Whereas, this Council can not sit idly by and allow evil to grow and permeate Cleveland City Hall; and

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

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

Section 1. That this Council of the City of Cleveland calls for prayer vigil, at a date and time to be announced, in which the religious leaders, Council members and people of Cleveland can join together to pray for the triumph of good over evil and pray for the good works being done and to be done in our City.

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 4, 2000.
Effective December 13, 2000.

Res. No. 2226-2000.
By Councilman Polensek.
An emergency resolution supporting the proposal by Northeast Shores Development Corporation for the development and construction of a multi-family residential development funded by the Ohio Housing Finance Agency.

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

Whereas, Northeast Shores Development Corporation is proposing a multi-family residential development, located at 276 East 156th Street in Ward 11 of the City of Cleveland, comprised of 5 residential units including the conversion of one storefront to a residential unit; and

Whereas, this Council of the City of Cleveland supports the proposal of Northeast Shores Development Corporation to develop this affordable housing for the benefit of the citizens of Cleveland; now, therefore,

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

Section 1. That the Council of the City of Cleveland supports the proposal of Northeast Shores Development Corporation to construct a multi-family residential development at 276 East 156th Street, in Ward 11 of the City of Cleveland, through use of housing tax credits from Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to Anne Coan, Executive Director of the Northeast Shores Development Corporation and to Richard Everhart, Executive Director of the Ohio Housing Finance Agency.

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 4, 2000.
Effective December 13, 2000.

Res. No. 2227-2000.
By Councilmen Rybka and White.
An emergency resolution supporting the OEPA in its objection to the plan of the Northeast Ohio Regional Sewer District and its contractor to dump shale from its sewer interceptor project into the Mill Creek Valley.

Whereas, the Council of the City of Cleveland, through passage of resolution, has expressed its strong support of the Mill Creek improvement project and the positive impact it will have on the development of our neighborhoods; and

Whereas, the Northeast Ohio Regional Sewer District (NEORS) is preparing to start a 2.5 mile long sewer tunnel under Garfield Heights that will greatly reduce the amount of pollution spewing into Mill Creek during rainstorms; however, NEORS is contracting to dump approximately 250,000 cubic yards of shale from the sewer project into the Mill Creek Valley; and

Whereas, the dumping of shale into Mill Creek would ultimately cause pollution and degradation of the water stream and riparian areas adjacent to the stream; and

Whereas, the dumping of shale into the Mill Creek Valley has been opposed by the Ohio Environmental Protection Agency; and

Whereas, this Council of the City of Cleveland is opposed to the dumping of shale into the Mill Creek Valley by NEORS and its contractor and, as such, is supportive of the position of the Ohio Environmental Protection Agency; and

Whereas, this City Council opposes an alternative dumping location that would re-open a now closed sanitary landfill in the Warner Road area; and

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

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

Section 1. That this Council of the City of Cleveland strongly opposes the plan of the Northeast Ohio Regional Sewer District and its contractor to dump shale from its sewer interceptor project into the Mill Creek Valley and, as such, is supportive of the position of the Ohio Environmental Protection Agency to prohibit such dumping that will ultimately cause pollution and degradation to the water stream.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to Governor Robert Taft and to Chris Jones, Director of the Ohio Environmental Protection Agency.

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 4, 2000.
Effective December 13, 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, seeing, 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 housing 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 manufactory 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 homo-

sexuality, 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 sub-

leasing 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 participated 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 block-busting 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 enjoyment 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, 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 nonprofit 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.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 849-2000.

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

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

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-30-021, as more fully described in Section 2

below, to Diocese of Cleveland, Bishop Anthony Pilla (St. Adalbert Church).

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

P. P. No. 119-30-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 39 in Clewell and Worley's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records and being 50 feet front on the Easterly side of East 83rd Street (formerly Lincoln Street) 176 feet 9 inches deep on the Northerly line, 177 feet deep on the Southerly line and 50 feet wide in the rear, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed November 27, 2000.

Effective December 7, 2000.

Ord. No. 850-2000.
By Councilmen Britt, Melena, Cimperman and Patmon (by departmental request).

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

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 128-03-014, as more fully described in Section 2 below, to The Pentecostal Faith Holiness Church of God.

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

P. P. No. 128-03-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 55 in Barbara and Albert Stastny's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat of said Subdivision in Volume 32 of Maps, Page 24 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Woodland Avenue, S.E., and extending back between parallel lines 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

shall take effect and be in force from and after the earliest period allowed by law.

Passed November 27, 2000.

Effective December 7, 2000.

Ord. No. 905-2000.

By Councilman Patmon (by departmental request).

An emergency ordinance determining the method of making the public improvement of relocating the offices of Internal Audit to Rooms 22, 24 and 30 of City Hall, and improving Room 15 of City Hall for use by the Department of Law; renovating Rooms 1, 2, and 6 for other City offices; and improving Cleveland City Council offices and authorizing the Director of Finance and the Director of Law to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of relocating the offices of Internal Audit to Rooms 22, 24 and 30 of Cleveland City Hall, including but not limited to, reconstructing these three separate areas into one central office space, and renovating Rooms 1, 2 and 6 for other City offices, for the Department of Finance, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

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

Section 3. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of improving Room 15 of City Hall for use by the Department of Law, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 4. That the Director of Law is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement provided however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 5. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of improving the Cleveland City Council offices for use by Cleveland City Council, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 6. That the Clerk of Council is hereby authorized to enter into contract, in an amount not to exceed \$200,000, 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 7. That the cost of said improvements hereby authorized shall be paid from Fund No. 11 SF 006, Request No. 4660.

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

Passed December 4, 2000.

Effective December 13, 2000.

Ord. No. 995-2000.

By Mayor White and Councilman Polensek.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Section 443.051 of the Codified Ordinances of Cleveland, Ohio, 1976, to require the installation of protective shields or a surveillance system in taxicabs and to amend Section 621.03 thereof to increase the penalty for assault upon a taxicab driver.

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

Whereas, the Center for Disease Control (CDC) in Atlanta has reported the findings of the National Institute for Occupational Safety and Health (NIOSH) concerning high risk workplaces and occupations, issued in May 1995 as NIOSH Publication No. 93-109; and

Whereas, the NIOSH found that the occupation with the highest rate of occupational homicide for the years 1980 through 1989 was taxicab driver/chauffeur, with a rate 21 times the national average; and

Whereas, among the measures suggested by the CDC and NIOSH for reducing occupational homicides is the use of bullet-proof barriers or enclosures, or the use of surveillance cameras; 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 Codified Ordinances of Cleveland, Ohio, 1976 are

hereby supplemented by enacting new Section 443.051 to read as follows:

443.051 Safety Partitions or Surveillance Cameras for Taxicabs

(a) Effective six months from the date of passage of this ordinance, each taxicab shall be equipped with at least one of the following:

(1) A safety partition meeting the requirements of division (b) to completely separate the driver from the passenger section of the taxicab, and power windows and door locks that can be operated by the driver; or

(2) A surveillance camera or cameras meeting the requirements of division (c); or

(3) A safe meeting the requirements of division (d).

The Commissioner shall inspect each taxicab for compliance with these requirements as part of the vehicle inspections conducted pursuant to Section 443.05.

(b) All safety partitions installed in taxicabs shall meet the following design standards, and such additional requirements as may be established by regulation:

(1) The partition shall be constructed of a bullet-resistant material.

(2) The partition shall be designed to prevent a person in the passenger compartment from reaching the driver.

(3) The partition shall be designed to afford the driver safe rearview vision.

(4) The design of the partition shall allow for ventilation and heat to the passenger compartment of the vehicle.

(5) The partition shall be designed to enable the driver collect payment without leaving the vehicle, by use of a change slot, sliding partition, or similar means.

(6) The partition shall not contain any sharp edges or sharp points that may injure the driver or passengers.

(c) All surveillance cameras installed in taxicabs shall be suitable in design and placement to record the actions of the driver and passengers and, without limiting the scope of this requirement, suitable in design and placement to record acts or attempted acts of violence or criminal conduct. The camera(s) shall meet such additional requirements as may be established by regulation.

(d) All safes installed in taxicabs shall be suitable in design to provide a taxicab driver with the ability to deposit money in a safe that may not be removed from the taxicab and may only be opened under limited circumstances so as to protect the driver of the taxicab. The safe shall meet any additional requirements that may be established by regulation. Each taxicab driver with a safe shall possess no more than ten dollars (\$10.00) in cash and a sign shall be posted conspicuously stating, "Driver carries no more than \$10.00 in cash." Such sign shall be legible from the interior and exterior of the taxicab.

(e) Each owner or independent operator shall submit its design proposal for safety partitions, surveillance cameras or safes prior to the installation of the same, or if partitions, cameras or safes were installed prior to the effective date of this ordinance, then the owner or

independent operator shall instead submit a detailed description of that equipment to the Commissioner within thirty days of the effective date of this ordinance. No taxicab partitions, surveillance cameras or safes, whether or not installed prior to the effective date of this ordinance, shall be permitted from and after six months after passage of this ordinance unless the Commissioner determines that they comply with all requirements of this section.

(f) No taxicab company, association or independent operator shall increase its drivers' lease rates for the cost of compliance with this section. Any increase in drivers' expenses that may otherwise be allowable under Section 443.261 may not be implemented unless the taxicab company, association or independent operator first certifies to the Commissioner by affidavit that the costs of compliance with this section will not be borne by the taxicab drivers. The Commissioner may require the taxicab company, association or independent operator to produce books and records to demonstrate compliance with this division.

(g) The Commissioner of Licenses and Assessments is hereby authorized to issue such rules and regulations, not inconsistent with the provisions of this chapter, as the Commissioner deems necessary to carry out the provisions of this section. Such rules and regulations shall become effective ten (10) days after their publication in the City Record.

Section 2. That Section 621.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2057-A-99, passed April 17, 2000, is hereby amended to read as follows:

621.03 Assault

(a) No person shall knowingly cause or attempt to cause physical harm to another.

(b) No person shall recklessly cause serious physical harm to another.

(c) Whoever violates this section is guilty of assault, a misdemeanor of the first degree.

(d) Notwithstanding the provisions of division (c) of this section, if the sentencing court determines that the victim of the offense was any of the following:

(1) an official or employee of the Cleveland City School District or the City of Cleveland; or

(2) a member of the City's Auxiliary Police Force; or

(3) a school crossing guard or his or her alternate; or

(4) a volunteer working on school property, whether public or private, or at a City-owned recreation center; or

(5) a taxicab driver licensed under Chapter 443 of the Codified Ordinances; and the court further determines that the victim was performing his or her official duties at the time of the offense, the court shall set the offender's fine at \$1,000.00 and in addition to said fine shall sentence the offender to not less than sixty (60) days' and not more than six (6) months' imprisonment. The minimum fine and imprisonment to be imposed by the court pursuant to this division (d) are mandatory. The court shall not suspend all or

any portion of said fines and imprisonment.

(e) Notwithstanding the provisions of division (c) of this section, if the sentencing court determines that the victim of the offense was a child between the ages of six and seventeen and was in attendance in a facility owned by the Cleveland City School District at the time of the offense, the court shall set the offender's fine at \$1,000.00 and, in addition to said fine, shall sentence the offender to not less than sixty (60) days' and not more than six (6) months' imprisonment. The minimum fine and imprisonment to be imposed by the court pursuant to this division (d) are mandatory. The court shall not suspend all or any portion of said fines and imprisonment.

(f) This section does not apply where the offense constitutes a felony pursuant to Section 2903.13 of the Revised Code.

Section 3. That existing Section 621.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2057-A-99, passed April 17, 2000, is hereby repealed.

Section 4. That this Council urges the Administration to fill the position of Chief of the Bureau of Taxicab Regulation as contemplated by Sections 127.39 and 127.40 of these codified ordinances.

Section 5. That this Council shall conduct annual hearings to review this legislation for necessary changes.

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 the after the earliest period allowed by law.

Passed December 4, 2000.

Effective December 13, 2000.

Ord. No. 1103-2000.

By Mayor White.

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

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

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

Section 1. That the Director of Port Control ("Director") is authorized to enter into a Lease By Way of Concession ("Lease") with Air Services of Cleveland, Inc. ("Lessee") for use and occupancy of approximately 36,400 square feet of space known as Bays D and E, and 46,800 square feet of adjacent preferential use ramp area, and 12,480 square feet of space known as Bay F and 18,720 square feet of adjacent preferential use ramp area in the Secondary Hangar, and preferential use of the parking lot immediately adjacent to the Secondary Hangar (together, the "Premises") at Cleve-

land Hopkins International Airport for operation of an aircraft hangar and for jet maintenance services. The term of the Lease shall be for a period of ten (10) years beginning upon execution of the Lease (the "Initial Term") with an option by Lessee to extend the term of the Lease for two (2) additional five-year periods (the "First Extended Term" and "Second Extended Term", respectively). In the event that Lessee chooses to exercise its option to extend the term of the Lease, Lessee shall, at least one hundred twenty (120) days prior to expiration of the term of the Lease, notify the President of City Council, the Chairman of the Aviation & Transportation Committee, and the Clerk of City Council of its decision to extend the term of the Lease.

Lessee shall pay rent for use of the Premises as follows: Bays D and E, including associated ramp and parking areas - \$8.50 per square foot per year; Bay F, including associated ramp and parking areas - \$8.65 per square foot per year. The annual rent shall be increased by 5% for the First Extended Term and increased an additional 5% for the Second Extended Term.

Lessee shall make a minimum of \$189,060 in capital improvements to the Premises and purchase \$173,530 in new equipment during the first year of the Initial Term. The City shall issue credits against rent for the capital improvements made to the Premises by Lessee, provided such improvements are first approved by the Director, in writing. The credits against rent shall be amortized over the first five years of the Initial Term of the Lease. Notwithstanding rent credits issued by the City, Lessee shall pay to the City a minimum annual guaranteed rent of \$7,500 during the Initial Term. Any rent credits not applied during the Initial Term shall be forfeited by Lessee.

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

The City reserves the right to recapture the Premises, wholly or partially, any time during the Initial Term, First Extended Term, or Second Extended Term, upon six (6) months written notice, in the event that City Council, by ordinance, determines that such recapture of the leased Premises or any portion thereof is required by the City in order to comply with federal, state or local laws or regulations governing airports, or for general airport purposes. In the event of such recapture, the Lessee shall not be entitled to a credit, reimbursement, payment, or any other type of compensation for termination of the Lease and recapture of the Premises. Notwithstanding the foregoing provision, if the City shall recapture the leased Premises within the first five (5) years of the Initial Term, Lessee shall be entitled to compensation equal to: (a) any unamortized facility investment cost; and/or (b) any amortized rent credits approved by the Director and not received by Lessee. In the event of recapture, the City shall work cooperatively with Lessee to find a suitable location at which Lessee may operate, under such terms and conditions as may be mutually agreed to by the City and Lessee.

Section 3. That the Lease authorized herein shall be prepared by the Director of Law and shall contain such other terms and conditions as said Director deems necessary to protect and benefit the public interest.

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

Passed November 27, 2000.

Effective December 7, 2000.

Ord. No. 1107-2000.

By Councilman Cimperman.

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

Whereas, on the 15th day of December 1999, the Council of the City of Cleveland adopted Resolution No. 1854-99 declaring its intention to vacate a portion of Branch Avenue S.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1854-99 has been served upon the owners of all the property abutting Branch Avenue S.W., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 14th day of June, 2000, the Board of Revision of Assessments approved the vacation of Branch Avenue S.W., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Branch Avenue S.W., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of Branch Avenue S.W. (60.00 feet wide), extending Easterly from the Easterly line of West 14th Street (100.00 feet wide) to the Southerly prolongation of the Westerly line of Sublot Number 68 in the Branch Subdivision as shown in Volume 5, Page 9 of Cuyahoga County Map Records, is hereby vacated.

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

The description is as follows:

That portion of Branch Avenue S.W. (60.00 feet wide), extending Easterly from the Easterly line of West 14th Street (100.00 feet wide) to the Southerly prolongation of the Westerly line of Sublot Number 68 in the Branch Subdivision as shown in Volume 5, Page 9 of Cuyahoga County Map Records.

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

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

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1397-2000.

By Mayor White.

An emergency ordinance authorizing the purchase by contract of transformers, switchgear and circuitry for the Redundant Electrical Source, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized to 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: transformers, switchgear, and other equipment necessary for the Redundant Electrical Source, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 2. That the cost of any expenditures authorized herein shall not exceed a total amount of \$2,200,000.00 and shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and the fund and/or subfunds to which are credited the proceeds of any general airport revenue bonds issued for the purpose of the Project authorized herein. All expenditures authorized herein shall occur within one (1) year from the passage date of this ordinance. (Request No. 8296)

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.

Ord. No. 1401-2000.

By Councilmen Jackson and Cimperman (by request).

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

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Maingate Business Development Corporation, 3800 Orange Avenue, Cleveland, Ohio 44115, its successors and assigns, for the construction, use and maintenance of six (6) Entryway Identification Signs to be attached to fourteen (14) foot high poles owned by Maingate, Business Development Corporation which will encroach into the public right-of-way of various streets in Wards 5 and 13 at the locations more fully shown in File No. 1401-2000-A, on file with the Clerk of the Council of the City of Cleveland and further described as follows:

MAINGATE BUSINESS DEVELOPMENT CORPORATION SIGNAGE SITES:

SITE 1: This sign is located forty (40) feet East of the Interstate 77 Exit Ramp at Woodland Avenue and East 34th Street on the grass three (3) feet South of the sidewalk area.

SITE 1A: This sign is located on the Southwest corner six and one-half (6-1/2) feet South of Woodland Avenue and five (5) feet West of the West curb of East 40th Street.

SITE 2: This sign is located at Northwest side of Woodland Avenue and East 55th Street, about forty (40) feet East of an RTA sign and about two and one-half to three (2-1/2 to 3) feet North of the curb area.

SITE 3: This sign is located at the Easterly side of East 55th Street near Grand Avenue about forty-five (45) feet South of a Cleveland Public Power Utility Pole about two and one-half to three (2-1/2 to 3) feet East of the curb area.

SITE 4: This sign is located on the Easterly side of Broadway near Dille Avenue, and is about eight (8) feet East of the curb area and twenty (20) feet North of a fire hydrant.

SITE 5: This sign is located on Broadway near its intersection with East 14th Street just South of Orange Avenue, and about fifteen (15) feet West of a utility pole #BO-18-6, which is on the South side of Broadway in the grass immediately back from the curb area.

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

Section 3. That the permit herein authorized shall be prepared by the

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

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1409-2000.

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

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

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Brett-Zanick LLC to provide economic development assistance to partially finance site improvements, machinery and equipment acquisition and the construction and renovation of real property located at 2850 West 3rd Street, Cleveland, Ohio 44113.

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

Section 3. That the costs of said contract shall not exceed Four Hundred Thousand Dollars (\$400,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 26624.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept collateral as said Director shall deem adequate in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

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

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

Section 7. That the Director of Law is hereby authorized to prepare

said contract and such other documents as may be appropriate to complete the transaction.

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1410-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Bredt-Zanick LLC to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to make site improvements, acquire machinery and equipment and construct on and renovate the real property located at 2850 West 3rd Street, Cleveland, Ohio 44113.

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, Bredt-Zanick LLC (the "Enterprise") has proposed to make site improvements, acquire machinery and equipment and construct on and renovate the real property located at 2850 West 3rd Street, Cleveland, Ohio 44113; and

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

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

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

Section 1. That this Council hereby approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland

Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to make site improvements, acquire machinery and equipment and construct on and renovate the real property located at 2850 West 3rd Street, Cleveland, Ohio 44113; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1410-2000-A. That terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferred to any entity, without the prior legislative authorization by Cleveland City Council.

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

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

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1584-2000.

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

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

Whereas, this ordinance constitutes an emergency measure providing for 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 declared to be in the public interest that the consent of the City of Cleveland is hereby given to the Director of Transportation of the State of Ohio (the "Director of Transportation") to make the following improvements in accordance with the plans, speci-

cations and estimates approved by said Director of Transportation: The resurfacing of East 13th Street/Chester Avenue between Superior Avenue and East 22nd Street in the City of Cleveland, a distance of 0.58 miles (the "Improvement").

Section 2. That the City hereby proposes to cooperate with the Director of Transportation in the cost of the Improvement by assuming and contributing twenty percent (20%) of the cost and expense of the construction phase of this improvement determined to be eligible for State Highway Fund. In addition, the City agrees to assume and contribute one hundred percent (100%) of the cost of any work included in the construction contract, at the request of the City, which are in addition to those now existing and not provided for elsewhere in the Agreement.

Section 3. That the Director of Public Service is hereby authorized to enter into such agreements with the Director of Transportation as are necessary to complete the planning and construction of the Improvement.

Section 4. That upon completion of the Improvement, the City thereafter will:

(a) Keep the affected highway open to traffic at all times;

(b) Maintain the Improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance;

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the Director of Transportation and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the right-of-way;

(d) Place and maintain all traffic control devices in accordance with the Ohio Manual of Uniform Traffic Control Devices pursuant to the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

(e) Regulate parking by maintaining existing parking restrictions within the limits of the Improvement.

Section 5. a) That all existing streets and public rights-of-way within the City which are necessary for the Improvement shall be made available therefor.

b) That the City agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs.

c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvement, that said companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement and that said companies have agreed to make such necessary rearrangements immediately after notification by the City or the State of Ohio.

d) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other City-owned utilities and appurtenances thereto which do not comply with the provisions of ODOT Directive No. 38-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that said rearrangements shall be done at such time as requested by the State.

e) That the construction, reconstruction and rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by such utility rearrangement shall be performed in accordance with the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the State.

f) That the City hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in this section.

g) That stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected on same except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the aforesaid Manual are met.

h) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is hereby rescinded.

i) That the installation of all utility facilities on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

Section 6. That the Council of the City hereby requests the State to proceed with the Improvement.

Section 7. That this Council hereby authorizes payment to the State for the City's share of the cost of the Improvement.

Section 8. That the Clerk of Council is hereby authorized to transmit to the Director of Transportation three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvement.

Section 9. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1587-2000.

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

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

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating East 40th Street, Phase 3, for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 20 SF 400, 20 SF 364, 58 SF 001, 52 SF 223 and 54 SF 001, Request No. 26564.

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1588-2000.

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

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

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating East 55th Street, Phase 3, for the Division of Engineering and Construction, Department of Public Service, by con-

tract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

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

Section 4. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 20 SF 401, 20 SF 364, 58 SF 001, 52 SF 001 and 54 SF 001, Request No. 26563.

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1589-2000.

By Councilman Westbrook.

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

Whereas, on the 27th day of March 2000, the Council of the City of Cleveland adopted Resolution No. 2180-99 declaring its intention to vacate a portion of Tuscan Avenue N.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 2180-99 has been served upon the owners of all the property abutting Tuscan Avenue N.W., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 24th day of August, 2000, the Board of Revision of Assessments approved the vacation of Tuscan Avenue N.W., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Tuscan Avenue N.W., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of TUSCAN AVENUE N.W. (15.00 feet wide) extending Westerly from the Westerly line of West 111th Street (50.00 feet wide) to the Easterly line of West 112th Street (50.00 feet wide), is hereby vacated.

Section 2. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Tuscan Avenue N.W., herein provided by sending him a copy of this Ordinance.

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1590-2000.

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

An emergency ordinance to amend the title, Section 1 and Section 3 of Ordinance No. 1000-2000, passed June 19, 2000, relating to the public improvement of rehabilitating sewers on Westpark and Lydian Roads and authorizing the Director of Public Utilities to enter into contract therefor; to supplement said ordinance by adding new Section 4 relating to an agreement with the Northeast Ohio Regional Sewer District to allow the City to accept additional allocations to partially finance the improvement; and to renumber existing Section 4 to Section 5.

Whereas, this ordinance constitutes an emergency measure providing for 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, Section 1 and Section 3 of Ordinance No. 1000-2000, passed June 19, 2000, are hereby amended to read, respectively, as follows:

An emergency ordinance determining the method of making the public improvement of rehabilitating the Westpark Road and Lydian Avenue sewers and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating the Westpark road sewer between Rocky River Drive and Lydian Avenue and Lydian Avenue between Westpark Road and West 155th Street, for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001 and from any fund or funds to which are credited any allocations received from the Northeast Ohio Regional Sewer District to contribute to the cost of this improvement.

Section 2. That the title, Section 1 and Section 3 of Ordinance No. 1000-2000, passed June 19, 2000, are hereby repealed.

Section 3. That Ordinance No. 1000-2000, passed June 19, 2000, is hereby supplemented by adding new Section 4 thereof to read as follows:

Section 4. That the Director of Public Utilities is hereby authorized to enter into an agreement with the Northeast Ohio Regional Sewer ("NEORS") to allow the City to accept additional allocations from NEORS to partially finance the improvement described above. Such agreement shall contain such additional terms as are acceptable to the Director of Law to protect the public interest. The Director of Public Utilities is further authorized to file all papers and execute all documents necessary to receive the additional allocation from NEORS; and that said additional allocations are hereby appropriated for the purposes described herein.

Section 4. That existing Section 4 of Ordinance No. 1000-2000, passed June 19, 2000, is hereby renumbered to new Section 5.

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1594-2000.

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

An emergency ordinance to amend the title and Section 2 and Section 8 of Ordinance No. 930-2000, passed June 19, 2000, relating to a grant from the Ohio Department of Natural Resources for Phase II of the Woodland Recreation Center site improvements.

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

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

Section 1. That the title and Section 2 and Section 8 of Ordinance No. 930-2000, passed June 19, 2000, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Natural Resources for Phase II of the Woodland Recreation Center site improvement; determining the method of making the public improvement of constructing the improvement; and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.

Section 2. That the program description for said grant, File No. 930-2000-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide twenty-five percent (25%) of the total project cost to be

paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued for the purpose which includes the above improvement, is hereby approved in all respects.

Section 8. That the cost of said improvement hereby authorized shall be paid from the fund or funds to which are credited the proceeds of the grant accepted pursuant to this ordinance and the cash match and the amount of \$300,000 or less from Fund No. 10 SF 166.

Section 2. That the title and Section 2 and Section 8 of Ordinance No. 930-2000, passed June 19, 2000, are hereby repealed.

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1595-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Hough Avenue to Mansfield S. Frazier and Brenda W. Frazier.

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). 118-05-045 (Westerly parts of), as more fully described in Section 2 below, to Mansfield S. Frazier and Brenda W. Frazier.

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

P. P. No. 118-05-045
(Westerly parts of)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 30 and 31 in the Stevens and Cass Re-Subdivision of part of Original One Hundred Acre Lot No. 338, as shown by the recorded plat

in Volume 15, Page 12 of Cuyahoga County Maps Records;

Beginning at a 5/8" iron pin found at the intersection of the Southerly line of Hough Avenue, 66 feet wide, and the Easterly line of East 66th Street, 60 feet wide, the Northwest corner of aforesaid Sublot No. 29; thence South 88° 10' 40" East along the Southerly line of Hough Avenue and the Northerly line of Sublot No. 29, 130.00 feet to a 5/8" iron pin found at a Northeast corner of land conveyed to Levy Builders by deed dated October 19, 1999 and recorded in A.F.N. 199910190064 of Cuyahoga County Records; thence South 01° 30' 00" West along the Easterly line of land so conveyed, 44.99 feet to the principal point of beginning; thence North 88° 11' 02" West along a Southerly line of land so conveyed, 10.00 feet to a point; thence South 01° 30' 00" West along an Easterly line of land so conveyed, 40.00 feet to a point; thence North 88° 11' 23" East along a Southerly line of land so conveyed, 15.00 feet to a point; thence South 01° 30' 00" West along an Easterly line of land so conveyed, 40.00 feet to a point; thence South 88° 11' 43" East along the Southerly line of land so conveyed, 25.00 feet to a point; thence North 01° 30' 00" East, 80.00 feet to the principal point of beginning and containing 0.0321 acres of land as calculated and described by North Coast Engineering and Surveying Company, Inc. in August 2000, be the same more or less, but subject to all legal highways.

Note: all 5/8" iron pins set and capped, E.B. Dudley, P.L.S. No. 6747

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

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

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

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1600-2000.
By Councilmen Willis, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11307 Parklawn Avenue to Northeastern Development Corporation or designee.

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). 110-18-039, as more fully described in Section 2 below, to Northeastern Development Corporation or designee.

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

P. P. No. 110-18-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 10 and 11 in the Parklawn Improvement Company's Parklawn Subdivision of part of Original One Hundred Acre Lot No. 371, as shown by the recorded plat in Volume 91 of Maps, Page 37 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning in the Northeasterly line of Parklawn Drive, N.E., at a point distant Southeasterly (measured along said Northeasterly line), 25 feet from the most Westerly corner of Sublot No. 11; thence Northwesterly along said Northeasterly line of Parklawn Drive, N.E., 50 feet to a point which is distant Easterly (measured along the Northerly line of Parklawn Drive N.E.) 15 feet from the Southwesterly corner of said Sublot No. 10; thence Northeasterly parallel with the Northwesterly line of said Sublot No. 10, about 136 feet to the Northerly line of said Sublot No. 10; thence Easterly along the Northerly line of said Sublot No. 10, about 1.92 feet to an angle; thence Southeasterly along the Northeasterly line of said Sublot No. 10, 60 feet to the most Easterly corner of said Sublot No. 10; thence Southwesterly in a direct line, about 125 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall

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

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

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

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1636-2000.
By Mayor White and Councilman Polensek.

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2001 Federal AIDS Prevention Program and to enter into contract with various agencies to implement the program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$878,532.00, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2001 Federal AIDS Prevention Program, for the purposes set forth in the executive summary and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the executive summary for said grant.

Section 2. That the executive summary for said grant, File No. 1636-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized to enter into one or more contracts for the implementation of the program as described in the executive summary contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance with the following agencies, in the following amounts:

Agency	Amount
AIDS Taskforce of Greater Cleveland	\$91,997
AIDS Taskforce of Greater Cleveland	\$32,167
AIDS Taskforce of Greater Cleveland	\$68,002
AIDS Taskforce of Greater Cleveland	\$32,167
AIDS Taskforce of Greater Cleveland	\$75,000
AIDS Taskforce of Greater Cleveland	\$31,667
BlackOut Unlimited	\$20,000
Cleveland Treatment Center	\$64,000
Cleveland Treatment Center	\$40,000
Cleveland Treatment Center	\$100,000
Free Clinic	\$40,000
Free Clinic	\$54,500
HUMADAOP	\$20,000
HUMADAOP	\$18,175
HUMADAOP	\$40,000
NEON	\$32,325
Recovery Resources	\$20,000
Xchange Point	\$20,000

Section 4. That in addition to the contracts authorized above, the Director of Public Health is hereby authorized to enter into contract in an amount not to exceed \$20,000, with one additional entity for implementation of the program as described in the executive summary contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance.

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1638-2000.

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

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding of various infrastructure capital improvement projects and state funding to obtain credit enhancements and loan assistance in support of the City's 2000 general obligation issued for road and bridge improvements; and authorizing the Mayor to accept grants from the Ohio Public Works Commission for improvements to Central Avenue, Western Avenue East 79th Street, Kinsman Road, Bellaire Road and St. Clair Avenue.

Whereas, pursuant to Article VIII, Section 2k of the Ohio Constitution,

the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

Whereas, pursuant to Section 164.03 of the Revised Code, the District One Public Works Integrating Committee has been created to evaluate applications for state financing of capital improvement projects of local subdivisions in Cuyahoga County; 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 Mayor is hereby authorized to apply to the District One Public Works Integrating Committee for state funding of the following infrastructure capital improvement projects:

1. Central Avenue (from East 22nd Street to East 55th Street);
2. Western Avenue (from West Boulevard to West 117th Street);
3. East 79th Street (from Chester Avenue to St. Clair Avenue);
4. Kinsman Road (from East 93rd Street to the east corporation line);
5. Bellaire Road (from West 105th Street to West 130th Street);
6. St. Clair Avenue (from East 26th Street to East 55th Street).

Section 2. That the Mayor is hereby authorized to apply to the District One Public Works Integrating Committee for state funding to obtain credit enhancements and loan assistance in support of the City's 2000 general obligation bond issued for bridge and road improvements.

Section 3. That the Mayor is hereby authorized to accept a grant in the approximate amount of \$4,240,000, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating Central Avenue from East 22nd Street to East 55th Street; that the Mayor is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds are hereby appropriated for the purposes of the grant including the obligation of the City of Cleveland to provide cash matching funds in the approximate amount of \$1,060,000, to be paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued for this purpose.

Section 4. That the Mayor is hereby authorized to accept a grant in the approximate amount of \$2,320,000, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating Western Avenue from West Boulevard to West 117th Street; that the Mayor is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds are hereby appropriated for the purposes of the grant including the obligation of the City of Cleveland to provide cash matching funds in the approximate amount of \$580,000, to be paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued for this purpose.

Section 5. That the Mayor is hereby authorized to accept a grant in the approximate amount of \$5,705,000, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating East 79th Street from Chester Avenue to St. Clair Avenue; that the Mayor is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds are hereby appropriated for the purposes of the grant including the obligation of the City of Cleveland to provide cash matching funds in the approximate amount of \$1,426,400, to be paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued for this purpose.

Section 6. That the Mayor is hereby authorized to accept a grant in the approximate amount of \$3,963,200, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating Kinsman Road from East 93rd Street to the east corporation line; that the Mayor is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds are hereby appropriated for the purposes of the grant including the obligation of the City of Cleveland to provide cash matching funds in the approximate amount of \$990,800, to be paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued for this purpose.

Section 7. That the Mayor is hereby authorized to accept a grant in the approximate amount of \$6,304,000, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating Bellaire Road from West 105th Street to West 130th Street; that the Mayor is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds are hereby appropriated for the purposes of the grant including the obligation of the City of Cleveland to provide cash matching funds in the approximate amount of \$1,576,000, to be paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued for this purpose.

Section 8. That the Mayor is hereby authorized to accept a grant in the approximate amount of \$3,840,000, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating St. Clair Avenue from East 26th Street to East 55th Street; that the Mayor is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds are hereby appropriated for the purposes of the grant including the obligation of the City of Cleveland to provide cash matching funds in the approximate amount of \$960,000, to be paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued for this purpose.

Section 9. That this ordinance is hereby declared to be an emergency

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1639-2000.

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

An emergency ordinance giving consent of the City of Cleveland for the cleaning of the structure and drainage system and the removal of a portion of the catwalk of the Main Avenue Bridge No. 193 over the Cuyahoga River to the County of Cuyahoga; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

Whereas, this ordinance constitutes an emergency measure providing for 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 declared to be in the public interest that the consent of the City of Cleveland is hereby given to the County of Cuyahoga (the "County") to construct the following improvement in accordance with plans, specifications and estimates approved by the County: The cleaning of the structure and drainage system and the removal of a portion of the catwalk of the Main Avenue Bridge No. 193 over the Cuyahoga River (the "Improvement").

Section 2. That the City hereby proposes to cooperate with the County in the cost of the Improvement by cooperating to the extent of funds received by an allocation from the County Motor Vehicle \$5.00 License Tax Fund; and by applying to the Board of County Commissioners to use the License Tax Fund for said Improvement.

Section 3. That the Director of Public Service is hereby authorized to enter into such agreements with the County as are necessary to complete the planning and construction of the Improvement.

Section 4. That upon completion of the Improvement, the City thereafter will:

a) Keep the affected highway open to traffic at all times;

b) Maintain the Improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance;

c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the County, hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the right-of-way;

d) Place and maintain all traffic control devices in accordance with the Ohio Manual of Uniform Traffic Control Devices pursuant to the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

e) Prohibit all parking within the limits of the roadway which is a part of the Improvement in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by City ordinance or resolution.

Section 5. a) That all existing streets and public rights-of-way within the City which are necessary for the Improvement shall be made available therefor.

b) That in the event any additional right-of-way is required for the Improvement, the County will arrange for the acquisition thereof.

c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement in accordance with applicable sections of the Ohio Revised Code.

d) That the street within the limits of the Improvement is hereby designated a through highway within the meaning of Section 4511.07(F) of the Ohio Revised Code.

e) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvement, that said companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement and that said companies have agreed to make such necessary rearrangements immediately after notification by the City or the County.

f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other City-owned utilities and appurtenances thereto which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that said rearrangements shall be done at such time as requested by the County.

g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

h) That the construction, reconstruction and rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operations of the contractor constructing the Improvement, and all backfilling of trenches made necessary by such utility rearrangement shall be performed in accordance with the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the County.

i) That the City hereby agrees that the County shall be and hereby is saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions a), b), e), f) and h), of this section.

j) That stop signs affecting the movement of traffic on any street within the limits of the Improve-

ment shall be removed and no stop signs will be erected on same except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met.

k) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is hereby rescinded.

Section 6. That the Council of the City hereby requests the Board to County Commissioners to proceed with the Improvement.

Section 7. That the Director of Public Service is hereby authorized to enter into an agreement with the Board of Commissioners of the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

a) That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current County Engineer standards for construction of County roads and bridges.

b) That the County will arrange for the supervision and administration of the construction contract for the Improvement, and will review the construction plans for conformance with division a) of this section and make an inspection of the completed project.

c) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of such additional items is approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of said additional construction and of preliminary and design engineering therefor, but the City shall not be responsible for the cost of supervision of said additional construction.

d) That the City hereby agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project.

e) That if the project is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the aforesaid funds.

Section 8. That the Director of Public Service is hereby authorized to apply to the County for an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project, and to enter into such agreements with the County as are necessary to finance the Improvement.

Section 9. That the Director of Public Service is hereby authorized to apply to the County Board of Commissioners for approval to use County Motor Vehicle License Tax

funds to pay for the Improvement, to accept said funds and to file all papers and execute all documents necessary to receive said funds; and that said funds be and are hereby appropriated for the purposes set forth above.

Section 10. That the Clerk of Council is hereby authorized and directed to transmit to the County three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvement.

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

Passed November 27, 2000.

Effective December 7, 2000.

Ord. No. 1640-2000.

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

An emergency ordinance giving consent of the City of Cleveland for the sealing of the concrete decks of various bridges to the County of Cuyahoga; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

Whereas, this ordinance constitutes an emergency measure providing for 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 declared to be in the public interest that the consent of the City of Cleveland is hereby given to the County of Cuyahoga (the "County") to construct the following improvement in accordance with plans, specifications and estimates approved by the County: The sealing of concrete decks of the following county bridges in the City of Cleveland: Pearl Road Bridge over the B & O and N & W Railroads and Big Creek; Lorain Road Bridge over the Rocky River; Brookpark Road Bridge over the Rocky River; and the Main Avenue Bridge over the Cuyahoga River (the "Improvement").

Section 2. That the City hereby proposes to cooperate with the County in the cost of the Improvement by cooperating to the extent of funds received by an allocation from the County Motor Vehicle \$5.00 License Tax Fund; and by applying to the Board of County Commissioners to use the License Tax Fund for said Improvement.

Section 3. That the Director of Public Service is hereby authorized to enter into such agreements with the County as are necessary to complete the planning and construction of the Improvement.

Section 4. That upon completion of the Improvement, the City thereafter will:

a) Keep the affected highway open to traffic at all times;

b) Maintain the Improvement in accordance with the provisions of

the statutes relating thereto and make ample financial and other provisions for such maintenance;

c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the County, hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the right-of-way;

d) Place and maintain all traffic control devices in accordance with the Ohio Manual of Uniform Traffic Control Devices pursuant to the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

e) Prohibit all parking within the limits of the roadway which is a part of the Improvement in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by City ordinance or resolution.

Section 5. a) That all existing streets and public rights-of-way within the City which are necessary for the Improvement shall be made available therefor.

b) That in the event any additional right-of-way is required for the Improvement, the County will arrange for the acquisition thereof.

c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement in accordance with applicable sections of the Ohio Revised Code.

d) That the street within the limits of the Improvement is hereby designated a through highway within the meaning of Section 4511.07(F) of the Ohio Revised Code.

e) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvement, that said companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement and that said companies have agreed to make such necessary rearrangements immediately after notification by the City or the County.

f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other City-owned utilities and appurtenances thereto which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that said rearrangements shall be done at such time as requested by the County.

g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

h) That the construction, reconstruction and rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operations of the contractor constructing the Improvement,

and all backfilling of trenches made necessary by such utility rearrangement shall be performed in accordance with the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the County.

i) That the City hereby agrees that the County shall be and hereby is saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions a), b), e), f) and h), of this section.

j) That stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected on same except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met.

k) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is hereby rescinded.

Section 6. That the Council of the City hereby requests the Board to County Commissioners to proceed with the Improvement.

Section 7. That the Director of Public Service is hereby authorized to enter into an agreement with the Board of Commissioners of the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

a) That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current County Engineer standards for construction of County roads and bridges.

b) That the County will arrange for the supervision and administration of the construction contract for the Improvement, and will review the construction plans for conformance with division a) of this section and make an inspection of the completed project.

c) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of such additional items is approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of said additional construction and of preliminary and design engineering therefor, but the City shall not be responsible for the cost of supervision of said additional construction.

d) That the City hereby agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project.

e) That if the project is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the aforesaid funds.

Section 8. That the Director of Public Service is hereby authorized to apply to the County for an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project, and to enter into such agreements with the County as are necessary to finance the Improvement.

Section 9. That the Director of Public Service is hereby authorized to apply to the County Board of Commissioners for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept said funds and to file all papers and execute all documents necessary to receive said funds; and that said funds be and are hereby appropriated for the purposes set forth above.

Section 10. That the Clerk of Council is hereby authorized and directed to transmit to the County three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvement.

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1641-2000.
By Councilmen Jones, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Florida Avenue to Amistad Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 142-27-061 as more fully described in Section 2 below, to Amistad Development Corporation or designee.

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

P. P. No. 142-27-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 228 in 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 Northerly side of Florida Avenue, S.E., and extending back of equal width, 100 feet deep, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 142-27-062 as more fully described in Section 4 below, to Amistad Development Corporation or designee.

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

P. P. No. 142-27-062

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 229 in 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 Northerly line of Florida Avenue, S.E., and extending back of equal width 100 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 142-27-063 as more fully described in Section 6 below, to Amistad Development Corporation or designee.

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

P. P. No. 142-27-063

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 234 in 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. Said Sublot No. 234 has a frontage of 30 feet on the Southerly side of Florida Avenue, and extending back between parallel lines 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 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 147-27-064 as more fully described in Section 8 below, to Amistad Development Corporation or designee.

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

P. P. No. 142-27-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 235 in the Bella Villa Allotment recorded in Volume 28 of Maps, Page 22 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 142-26-083 as more fully described in Section 10 below, to Amistad Development Corporation or designee.

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

P. P. No. 142-26-083

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 233 in Bella Villa Allotment Subdivision of part of Original One Hundred Acre Lot No. 104 as shown by the recorded plat in Volume 28 of Maps, Page 22 of City 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 11. 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 12. 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 13. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 14. That this ordinance is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1677-2000.
By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of one folding/insert system, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one folding/insert system, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Cleveland Public Power, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 58 SF 001, Request No. 31513.

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

Passed November 27, 2000.
 Effective December 7, 2000.

Ord. No. 1678-2000.
By Councilmen O'Malley and Patmon (by departmental request).

An Emergency Ordinance authorizing the purchase by contract of not to exceed fifteen meter reading computers, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed fifteen (15) meter reading computers, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis, for the Division of Cleveland Public Power, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall not exceed Seventy-Five Thousand Dollars (\$75,000) and shall be paid from Fund No. 58 SF 001, Request No. 31511.

Section 3. That within one year of the passage of this ordinance, the Director of Public Utilities shall make a report to this Council concerning the benefits and shortcomings of the meter reading computers. The report shall include an analysis of whether the computers help to reduce reliance on estimated meter readings.

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

Passed November 27, 2000.
 Effective December 7, 2000.

Ord. No. 1681-2000.
By Councilmen Cintron, Cimperman and Patmon (by departmental request).

An emergency ordinance determining the method of making the public improvement of grinding pavement and authorizing the Director of Public Service to enter into a public improvement requirement contract for the making of such improvement.

Whereas, this ordinance constitutes an emergency measure providing for 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 grinding pavement, for the Division of Streets, Department of Public Service, by a public improvement requirement contract duly let to the lowest responsible bidder upon a unit basis for the improvement.

Section 2. That the Director of Public Service is hereby authorized to enter into a requirement contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the period of not to exceed one year. 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 Director of Public Service until provision is made for the requirements for the entire year. (RL 29213)

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

Passed November 27, 2000.
 Effective December 7, 2000.

Ord. No. 1687-2000.
By Councilmen Jones, Melena and Patmon (by departmental request).

An emergency ordinance to amend the title and Section 2 of Ordinance No. 944-2000, passed June 19, 2000, relating to the sale of City-owned property no longer needed for public use located in Block A-5 of the Cleveland Industrial Park.

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

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

Section 1. That the title and Section 2 of Ordinance No. 944-2000, passed June 19, 2000, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in Block A-5 of the Cleveland Industrial Park to Scovil-Hanna Realty, LLC d.b.a. Arrowhead Industries Corp. and Trio Diversified Company.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the one-half of the above-described property to Scovil-Hanna Realty, LLC d.b.a. Arrowhead Industries Corp. and the other half to Trio Diversified Company, at prices not less than fair market value as determined by the Board of Control.

Section 2. That the existing title and Section 2 of Ordinance No. 944-2000, passed June 19, 2000, are hereby repealed.

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

Passed December 4, 2000.
 Effective December 13, 2000.

Ord. No. 1688-2000.
By Councilmen Westbrook, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a Neighborhood Development Investment Fund contract and a grant agreement with the Eliza Jennings Group to provide economic development assistance to partially finance the renovation of real property and the acquisition of personal property located at 10603 Detroit Avenue, Cleveland, Ohio.

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

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

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

Section 1. That, subject to the provisions of Section 9 of this ordinance, the Director of Economic Development is hereby authorized to enter into a Neighborhood Development Investment Fund contract and a Neighborhood Development Investment Fund grant agreement with The Eliza Jennings Group to provide economic development assistance to partially finance the renovation of real property and the acquisition of personal property located at 10603 Detroit Avenue, Cleveland, Ohio.

Section 2. That the terms of said contract and grant agreement shall comply with the requirements of the Neighborhood Development Investment Program and NDIF, as set forth in Section 1 of Ordinance No. 56-94, passed June 13, 1994, and shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1688-2000-A.

Section 3. That the costs of said contract shall not exceed One Million Two Hundred Thousand Dollars (\$1,200,000.00), and shall be paid from Fund No. 10 SF 501, Request No. 26622.

Section 4. That the costs of said grant shall not exceed Four Hundred Thousand Dollars (\$400,000.00), and shall be paid from Fund No. 10 SF 501, Request No. 26621.

Section 5. That the Director of Economic Development is hereby authorized to accept collateral as set forth in the Executive Summary contained in the file referenced in this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 6. That the Director of Economic Development is hereby authorized to accept monies in repayment of such loan and to deposit said monies in Fund No. 10 SF 502.

Section 7. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such loan shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 8. That the Director of Law is hereby authorized to prepare said contract, grant agreement and such other documents as may be appropriate to complete the transaction.

Section 9. That, prior to entering into any contract authorized herein, the Director of Finance is required to certify that un-appropriated funds equal to the contract amount set forth in this ordinance have been collected by the City and are available to be allocated to such contract.

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 November 27, 2000.
Effective December 7, 2000.

Ord. No. 1723-2000.

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

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and replace various water, sewer and gas lines and labor and materials necessary to make plumbing repairs to various items damaged by pole replacements, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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

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

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

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 31514)

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1803-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of inmate clothing, bedding and shoes, for the Division of Corrections, Department of Public Health.

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

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

Section 1. That the Director of Public Health is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the re-

quirements for the period of one year for the necessary items of inmate clothing, bedding and shoes 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 Correction, Department of Public Health. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 21857)

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1804-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of prescription and non-prescription drugs for inmates, for the Division of Corrections, Department of Public Health.

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

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

Section 1. That the Director of Public Health is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of prescription and non-prescription drugs for inmates 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 Corrections, Department of Public Health. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 21856)

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1807-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 15231 Plato Avenue, and 791 East 156th Street to Northeast Shores Development Corporation.

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). 115-22-031, and 115-24-063, as more fully described in Section 2 below, to Northeast Shores Development Corporation.

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

P. P. No. 115-22-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 16 in J. Hale's Subdivision of part of Original Euclid Township Lot No. 42, as shown by the recorded plat in Volume 11 of Maps, Page 20 of Cuyahoga County Records and being 44 feet 8 inches front on the Northerly side of Plato Avenue, N.E., (formerly Laurel Street), and extending back 130 feet on the Easterly line

(which is also the Westerly side of East 154th Street), 130 feet on the Westerly line, and having a rear line of 44 feet 8 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 115-24-063

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 45 in Moses and Burton's Subdivision of part of Original Euclid Township Lot No. 42, Tract No. 10, as shown by the recorded plat of said Subdivision in Volume 9 of Maps, Page 33 of Cuyahoga County Records. Said Sublot No. 45 has a frontage of 40 feet on the North-easterly side of East 156th Street (formerly Putnam Street) and extends back between parallel lines 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1870-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2001 Cardiovascular Disease Grant.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$60,000, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2001 Cardiovascular Disease Grant, for the purposes set forth in the proposal and budget narrative and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the proposal and budget narrative for said grant.

Section 2. That the proposal and budget narrative for said grant, File No. 1870-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Health shall submit quarterly reports to the Committee on Public Health beginning March 1, 2001, detailing the progress and findings on the study.

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1871-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Solid Waste District for the 2001 Solid Waste Program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$96,160, and any other funds as they become available during the grant term, from the Cuyahoga County Solid Waste District, to conduct the 2001 Solid Waste Program, for the purposes set forth in the award letter and budget narrative and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the award letter and budget narrative for said grant.

Section 2. That the award letter and budget narrative for said grant, File No. 1871-2000-A, made a part hereof as if fully rewritten herein,

is hereby approved in all respects.

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1876-2000.
By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend funds and to enter into contract with various non-profit agencies for the implementation of homeless assistance activities and with Cuyahoga County for the operation of the Cleveland/Cuyahoga County Office of Homeless Services.

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

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

Section 1. That the Director of Community Development is hereby authorized to expend funds and enter into contract with the following non-profit agencies for the implementation of homeless assistance activities:

Bishop Cosgrove Center (Catholic Charities)
Care Alliance
Cleveland Women, Inc.
Continue Life
Cornerstone Connection
East Side Catholic Shelter
Family Transitional Housing
Mental Health Services, Inc.
Salvation Army
Transitional Housing, Inc.
University Settlement
West Haven Youth Shelter (Lutheran Metropolitan Ministry)
West Side Community Mental Health

Section 2. That the aggregate cost authorized in Section 1 of this ordinance shall be in an amount not to exceed \$1,479,000.00 and shall be paid from Fund No. 13 SC 894, 14 SC 026 Request No. 20699.

Section 3. That the Director of Community Development is hereby authorized to enter into contract with Cuyahoga County to operate the Cleveland/Cuyahoga County Office of Homeless Services.

Section 4. That the cost of said contract authorized in Section 3 of this ordinance shall be in an amount not to exceed \$45,000.00 and shall be paid from Fund No. 14 SC 026 and Request No. 20699.

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 1881-2000.
By Councilmen Jackson, Britt, Lewis, Patmon, Willis, Cimperman and Melena (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the U.S. Department of Labor for the School-to-Work Grant, Year II; and to enter into contract with the Cleveland Municipal School District and Youth Opportunities Unlimited to implement the program.

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

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

Section 1. That the Director of Economic Development is hereby authorized to apply for and accept a grant in the amount of \$450,000, from the U.S. Department of Labor for the purposes set forth in the executive summary and according thereto; that the Director of Economic Development is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the executive summary for said grant.

Section 2. That the executive summary for said grant, File No. 1881-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Economic Development is hereby authorized to enter into contract with the Cleveland Municipal School District and Youth Opportunities Unlimited to implement the School-to-Work strategy to benefit youth in the Cleveland Empowerment Zone, payable from the fund or funds to which are credited the proceeds accepted pursuant to Section 1 of this ordinance.

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

Passed December 4, 2000.
Effective December 13, 2000.

Ord. No. 1965-2000.
By Councilman Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Network Parking Company, LTD to encroach into a four (4) foot area of the public right-of-way of Columbus Road N.W. for landscaping and a parking lot.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Network Parking Company, LTD, 848

Terminal Tower, 50 Public Square, Cleveland, Ohio 44113, its successors and assigns, for the construction, use and maintenance of a four (4) foot area which will encroach into the public right-of-way of Columbus, Road N.W. for landscaping and a parking lot at the location more fully described as follows:

LEGAL DESCRIPTION/4-FOOT ENCROACHMENT AREA/ COLUMBUS ROAD N.W.

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Cleveland Centre as shown by the recorded plat in Volume 2, Page 21 of Cuyahoga County Map Records and more fully described as follows:

Beginning at a point on the Easterly line of Columbus Road N.W., now 60.00 feet wide, and the South-westerly corner of that portion of Columbus Road N.W., 80.00 feet wide, vacated by City of Cleveland Ordinance No. 29532, passed August 27, 1900;

Thence South 89°-39'-22" West along the Westerly prolongation of the Southerly line of said vacated portion of Columbus Road N.W., a distance of 4.00 feet to a point;

Thence North 0°-20'-38" West parallel with the Westerly line of said vacated portion of Columbus Road N.W. and the Northerly prolongation thereof a distance of 747.07 feet to a point;

Thence South 89°-02'-41" East parallel with the Southerly line of Columbus Road N.W., 60.00 feet wide, a distance of 24.00 feet to a point;

Thence South 0°-20'-38" East a distance of 4.00 feet to a point and the Northeasterly corner of said vacated portion of Columbus Road N.W.;

Thence North 89°-02'-41" West along the Northerly line of vacated portion of Columbus Road N.W., a distance of 20.00 feet to a point and the Northwesterly corner thereof;

Thence South 0°-20'-38" East along the Westerly line of said vacated portion of Columbus Road N.W., a distance of 742.98 feet to a point a place of beginning, be the same more or less.

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

Section 3. That this permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed December 4, 2000.
Effective December 13, 2000.

Ord. No. 1969-2000.
By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to lease space at the Mural Building, located at 1925 St. Clair Avenue, and associated parking lots, from Mural Properties Company, or its designee, for a term not to exceed two years, for the purpose of providing office and administrative space for the Department of Public Health.

Whereas, the City of Cleveland requires certain space located in the Mural Building, 1925 St. Clair Avenue, and associated parking lots, for the public purpose of providing office and administrative space for the Department of Public Health; and

Whereas, Mural Properties Company, or its designee, has proposed to lease said space to the City of Cleveland; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is authorized to lease from Mural Properties Company, or its designee, approximately 26,000 square feet of space located on two stories and in the basement of the Mural Building, 1925 St. Clair, and two (2) surrounding parking lots.

Section 2. That the term of the lease authorized herein shall not exceed two years, commencing January 1, 2001 and ending December 31, 2002, cancellable upon thirty days written notice by the Director of Public Health.

Section 3. That, subject to annual appropriation, in consideration for the leasing of the premises described above by Lessor, Lessee covenants and agrees to pay to Lessor as rent for said premises during the period of this lease extending from January 1, 2001 to December 31, 2002, the sum of two hundred fourteen thousand two hundred forty dollars (\$214,240.00) per year, payable in equal monthly installments of seventeen thousand, eight hundred and fifty-three dollars and 33/100 (\$17,853.33) per month. Said payments shall be due and payable on the first day of each month.

Section 4. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the public purpose of providing office and administrative space to the Department of Public Health.

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

Section 6. That the costs of the lease shall be paid from Fund Nos. 01-500500-636000, 01-500600-636000, 13 SF 570, 13 SF 560 and from the fund or funds appropriated for such purpose and subject to annual appropriation, Request No. 18483.

Section 7. That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

Section 8. That the Director of Public Health and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 9. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 2160-2000.
By Councilman Cimperman.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Cleveland Municipal School District for partial support of their "Count Me Smart" program at Case Elementary School to carry out the public purpose of providing education and tutoring services to residents of the City of Cleveland 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 a grant agreement with the Cleveland Municipal School District for partial support of their "Count Me Smart" program at Case Elementary School to carry out the public purpose of providing education and tutoring services to residents of the City of Cleveland 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 \$12,000, and shall apply to purchases or services rendered by the grantee on or after July 1, 2000, and shall be paid from Fund No. 10 SF 166.

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

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 2161-2000.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Slavic Village Development for assisting with the acquisition and construction of new housing in order to carry out the public purpose of providing housing through the use of Ward 13 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Slavic Village Development for assisting with the acquisition and construction of new housing in order to carry out the public purpose of providing housing 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 \$50,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 2162-2000.

By Councilman Cintron.

An emergency ordinance to amend the Title and Sections 1 and 2 of Ordinance No. 429-2000, passed March 20, 2000, relating to the Roberto Clemente Little League Baseball Program, to carry out the public purpose of providing recreational programs for the residents of the City of Cleveland, 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 Sections 1 and 2 of Ordinance No. 429-2000, passed March 20, 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 Spanish American Committee for the Roberto Clemente Little League Baseball Program, to carry out the public purpose of providing recreational programs for the residents of the City of Cleveland, 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 Spanish American Committee for the Roberto Clemente Little League Baseball Program, to carry out the public purpose of providing recreational programs for the residents of the City of Cleveland, 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 2. That the existing Title and Sections 1 and 2 of Ordinance No. 429-2000, passed March 20, 2000 are hereby repealed.

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 2163-2000.

By Councilman Gordon.

An emergency ordinance authorizing the Director of City Planning to enter into an agreement with Northeast Ohio Areawide Coordinating Agency for partial support of the Big Creek Environmental Study to carry out the public purpose of conducting an environmental planning study through the use of Ward 15 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 City Planning is authorized to enter into an agreement with Northeast Ohio Areawide Coordinating Agency for partial support of the Big Creek Environmental Study to carry out the public purpose of conducting an environmental planning study through the use of Ward 15 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$68,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 2164-2000.

By Councilmen Gordon and O'Malley.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Senior Resources, Inc. for assistance with rent expenses for its office located at 5202 Memphis Avenue to carry out the public purpose of supporting the operations of a non-profit social service agency through the use of Wards 15 and 16 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Senior Resources, Inc. for rent expenses for its office located at 5202 Memphis Avenue to carry out the public purpose of supporting the operations of a non-profit social service agency through the use of Wards 15 and 16 Neighborhood Equity Funds.

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

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

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

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 2165-2000.

By Councilman Polensek.

An emergency ordinance authorizing the Clerk of Council to further extend the term of the current contract with Legal News Publishing Company, City Contract No. 52710, for a period not to exceed one year.

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

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

Section 1. Notwithstanding and as an exception to Ordinance No. 1444-98, the Clerk of Council is hereby authorized to further extend the term of the contract with Legal News Publishing Company, City Contract No. 52710, for a period not to exceed one year provided, however, that all other terms of said contract shall remain the same.

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

shall take effect and be in force from and after the earliest period allowed by law.

Passed November 27, 2000.
Effective December 7, 2000.

Ord. No. 2172-2000.

By Councilman Jackson.

An emergency ordinance to amend the Title and Section 1 of Ordinance No. 1237-2000, passed July 17, 2000, relating to a commemorative sculpture for Colonel Charles Young Square at East 46th Street and Prospect Avenue, through the use of Ward 5 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 1237-2000, passed July 17, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Midtown Cleveland for a commemorative sculpture for Colonel Charles Young Square at East 46th Street and Prospect Avenue, to carry out the public purpose of making improvements to a public park through the use of Ward 5 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Midtown Cleveland for a commemorative sculpture for Colonel Charles Young Square at East 46th Street and Prospect Avenue, to carry out the public purpose of making improvements to a public park through the use of Ward 5 Neighborhood Equity Funds.

Section 2. That the existing Title and Section 1 of Ordinance No. 1237-2000, passed July 17, 2000 are hereby repealed.

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

Passed November 27, 2000.
Effective November 30, 2000.

Ord. No. 2220-2000.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cuyahoga Metropolitan Housing Authority to provide educational, recreational and social service programs in order to carry out the public purpose of such programs to increase the quality of life of the residents of the City of Cleveland 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 to provide educational, recreational and social service programs in order to carry out the public purpose of such programs to increase the quality of life of the residents of the City of Cleveland 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 \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed December 4, 2000.

Effective December 13, 2000.

Ord. No. 2221-2000.

By Councilmen Cimperman and Polensek.

An emergency ordinance to change the name of a portion of Superior Avenue to "Plain Dealer Plaza".

Whereas, this ordinance constitutes an emergency measure providing for 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 name of that portion of Superior Avenue (width varies) from East 18th Street extending Easterly to East 21st Street, is changed to "Plain Dealer Plaza".

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 4, 2000.

Vetoed December 13, 2000.

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.

Ord. No. 2223-2000.

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

An emergency ordinance authorizing the President of Council to pay for certain costs associated with the Winter Festival for underprivileged children sponsored by the Cuyahoga County Commissioners, Cuyahoga County Department of Children & Family Services, NAACP and IX Center.

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

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

Section 1. That the President of Council is authorized to expend twenty thousand dollars (\$20,000.00) to help underwrite expenses associated with the Winter Festival for underprivileged children sponsored by the NAACP, Cuyahoga County Commissioners, Cuyahoga County Department of Children & Family Services and the IX Center to be held on December 10, 2000.

Section 2. That the cost shall be paid from Fund 01 001 Org. 9998000.

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.

Ord. No. 2224-2000.

By Councilmen Polensek, Patmon, White, Jones and Melena.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 173.67 thereof, relating to compensation for members of the Fair Housing Board.

Whereas, this ordinance constitutes an emergency measure providing for 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 173.67 thereof, to read as follows:

Section 173.67 Fair Housing Board

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

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 4, 2000.

Effective December 13, 2000.

COUNCIL COMMITTEE MEETINGS

Monday, December 11, 2000

Public Parks, Property and Recreation Committee: 9:30 a.m.—Present: Rybka, Chairman; Dolan, Vice Chairman; Brady, Britt, Johnson, Sweeney, White.

Finance Committee: 2:00 p.m.—Present: Patmon, Chairman; Rybka, Vice Chairman; Cintron, Johnson, Lewis, Melena, O'Malley, Polensek, Robinson, Sweeney. Excused: Dolan.

Tuesday, December 12, 2000

Community & Economic Development Committee: 9:30 a.m.—Present: Melena, Chairman; Lewis, Vice Chairman; Brady, Cimperman, Jones, Willis. Excused: Cintron, Jackson.

Public Health Committee: 1:00 p.m.—Present: Gordon, Chairman; Brady, Cimperman, Westbrook, Willis. Excused: Jackson.

Wednesday, December 13, 2000

Public Safety Committee: 10:00 a.m.—Present: Polensek, Chairman; Britt, Cimperman, Coats, Gordon, Jackson, Sweeney. Excused: Patmon, Vice Chairman; Melena.

City Planning Committee (Zoning): 1:00 p.m.—Present: Cimperman, Chairman; Rybka, Vice Chairman; Jackson, O'Malley, White. Excused: Dolan.

City Planning Committee: 1:30 p.m.—Present: Cimperman, Chairman; Rybka, Vice Chairman; Dolan, Jackson, O'Malley, White.

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O—Ordinance; R—Resolution; F—File

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;

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