

The City Record

Official Publication of the City of Cleveland

September the Twentieth, Two Thousand

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

Containing	PAGE
City Council	3
The Calendar	14
Board of Control	14
Civil Service	18
Board of Zoning Appeals	19
Board of Building Standards and Building Appeals	20
Public Notices	21
Public Hearings	21
City of Cleveland Bids	21
Adopted Resolutions and Ordinances	23
Committee Meetings	40
Index	40

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL—LEGISLATIVE

President of Council—Michael D. Polensek

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

MAYOR – Michael R. White

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

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

DEPT. OF FINANCE – Ronald E. Brooks, Director, Room 104;
 Frank Badalamenti, Manager, Internal Audit
DIVISIONS – Accounts – Marilyn Henderson, Commissioner, Room 19
 City Treasury – Algeron Walker, Treasurer, Room 115
 Assessments and Licenses – Robert C. Brown, Commissioner, Room 122
 Purchases and Supplies – Myrana Branche, Commissioner, Room 128
 Printing and Reproduction – 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 – LaVonne Sheffield-McClain, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;
 Cleveland Hopkins International Airport – Mark D. Vanloh, Commissioner
 Burke Lakefront Airport – _____, Commissioner

DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113
DIVISIONS – Waste Collection and Disposal – Randell T. Scott, Acting Commissioner, 5600 Carnegie Avenue.
 Streets – Randell T. Scott, Commissioner, Room 25
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 Architecture – Paul Burik, Acting Commissioner, Room 517

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

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WEDNESDAY, SEPTEMBER 20, 2000

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CITY COUNCIL

MONDAY, SEPTEMBER 18, 2000

The City Record

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Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL

1998-2001

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, September 18, 2000.

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

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

Also present were Mayor White and Directors Carter, Brooks, Konicek, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Alexander, Dove and Morrison and Acting Director Balraj.

Absent: Director Sheffield-McClain.

Pursuant to Ordinance No. 2976-76, the Council Meeting was opened with a prayer offered by Rev. Dr. Rodney S. Thomas of St. James A.M.E. Church, located at 8401 Cedar Avenue in Ward 6. Pledge of Allegiance.

MOTION

On the motion of Councilman O'Malley, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Councilman Robinson.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 1622-2000.

Re: Transfer of Ownership Application - 5381112 - MYA, Inc., d.b.a. Boy, 11619 Lorain Avenue, first floor and basement. (Ward 19). Received.

File No. 1623-2000.

Re: Transfer of Ownership Application - 2916712 - Frenchies Escape Lounge, Inc., 3829 Denison Avenue, first floor. (Ward 15). Received.

OATH OF OFFICE

File No. 1624-2000.

For Sandra Morgan, oath of office, member of the Landmarks Commission. Received.

File No. 1625-2000.

For Jim Gibans, oath of office, member of the Landmarks Commission. Received.

File No. 1626-2000.

For Paul Volpe, oath of office, member of the Landmarks Commission. Received.

File No. 1627-2000.

For Ted Sande, oath of office, member of the Landmarks Commission. Received.

File No. 1628-2000.

For Richard Schanfarber, oath of office, member of the Landmarks Commission. Received.

File No. 1629-2000.

For Randall Shorr, oath of office, member of the Landmarks Commission. Received.

File No. 1630-2000.

For Galen Leigh Schuerlein, oath of office, member of the Landmarks Commission. Received.

CONDOLENCE RESOLUTION

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

Res. No. 1631-2000—Charles Christopher Knight III.

CONGRATULATION RESOLUTIONS

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

Res. No. 1632-2000—Beth-el A.M.E. Zion Church.

Res. No. 1633-2000—Robert W. Gillespie.

Res. No. 1634-2000—Rev. Richard Sering.

RECOGNITION RESOLUTION

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

Res. No. 1635-2000—John Farina.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 1636-2000.

By Mayor White.

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 Cleveland Treatment Center	\$331,000.00
Free Clinic of Greater Cleveland Hispanic Urban Minority Alcohol and Drug Addiction Outreach Program (HUMADAOP)	\$204,000.00
Neighborhood Counseling Service, Inc.	\$ 94,500.00
Northeast Ohio Neighborhood Health Services, Inc. (NEON)	\$ 78,175.00
Xchange Point	\$ 20,000.00
	\$ 33,325.00
	\$ 20,000.00

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.

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

Ord. No. 1637-2000.

By Mayor White.

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to install not to exceed six work stations, for the Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install not to exceed six (6) work stations, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Department of Port Control.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 60 SF 001, Request No. 30902.

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

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

Ord. No. 1638-2000.

By Councilmen Cintron, Cimprman 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.

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

Ord. No. 1639-2000.

By Councilmen Cintron, Cimperman 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 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 vehi-

cle 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.

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

Ord. No. 1640-2000.

By Councilmen Cintron, Cimperman 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.

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

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.

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

Ord. No. 1642-2000.
By Councilmen White, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance to amend the title, the third whereas clause, Section 1 and Section 2 of Ordinance No. 1571-99, passed November 29, 1999, relating to an Enterprise Zone Agreement with the Garland Company for property located at 3800 East 91st Street.

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

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

Section 1. That the title, the third whereas clause, Section 1 and Section 2 of Ordinance No. 1571-99, passed November 29, 1999, is hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with **Garland Industries, Inc.** and The Garland Company to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to assist with the construction and renovation of their existing facility and to allow the expansion of their roofing and material manufacturing line located at 3800 East 91st Street located in the Cleveland Area Enterprise Zone.

Whereas, **Garland Industries, Inc.** and The Garland Company (the "Enterprise") has proposed to expand its facilities at its operation in the City of Cleveland; and

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

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the **Enterprise** to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to assist with the construction and renovation of their existing facility and to allow the expansion of their roofing and material manufacturing line located at 3800 East 91st Street in Cleveland Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 2. That the existing title, the third whereas clause, Section 1 and Section 2 of Ordinance No. 1571-99, passed November 29, 1999, is hereby repealed.

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

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

FIRST READING ORDINANCE REFERRED

Ord. No. 1643-2000.
By Councilman Jones.
An ordinance establishing the Lee-Harvard Business Revitalization District (BRD). (Map Change No. 2017, Sheet No. 10).

Whereas, the Board of Trustees of Miles Ahead Development Corporation and Amistad Development Corporation have submitted a written request dated June 2, 2000 to the Planning Commission to establish a Business Revitalization District in accordance with the procedures outlined in Chapter 303 of the Codified Ordinances of the City of Cleveland; and

Whereas, such request is accompanied by a map identifying the boundaries of the proposed district; and

Whereas, the City Planning Commission has determined that the proposed District meets the criteria for designation set forth in Section 303.04 of Chapter 303 of the Codified Ordinances of the City of Cleveland, Ohio 1976; therefore,

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

Section 1. That the following, area, further defined and outlined on the map hereto attached, be and the same is hereby designated the Lee-Harvard Business Revitalization District.

Beginning at the intersection of the westerly line of Sublot No. 1 in the Registered Land Co. Subdivision No. 1 as recorded in Volume 76, Page 24 of the Cuyahoga County Map Records and the City of Cleveland Boundary line; thence easterly along said City of Cleveland Boundary line to its intersection with a line located approximately one hundred thirty (130) feet east of the easterly line of Lee Road, S.E.; thence southerly along said line which is parallel to and approximately one hundred thirty (130) feet east of said easterly line of Lee Road, S.E. and along its southerly prolongation to its intersection with a line located approximately one hundred thirty (130) feet south of the southerly line of Throckley Avenue, S.E.; thence westerly along said line which is parallel to and approximately one hundred thirty (130) feet south of said southerly line of Throckley Avenue, S.E. to its intersection with a line located approximately one hundred twenty five (125) feet east of said easterly line of Lee Road, S.E.; thence southerly along said line and along its southerly prolongation to its intersection with the southerly line of Sublot No. 456 in the Shaker Lee Subdivision as recorded in Volume 98, Page 8 of the Cuyahoga County Map Records; thence easterly along said southerly line of said Sublot No. 456 to its intersection with the easterly line of Sublot No. 457 in said Shaker Lee Subdivision; thence southerly along said easterly of said Sublot No. 457 and along its southerly extension to the center line of Glendale Avenue, S.E.; thence continuing southerly along the northerly extension of the easterly line of Sublot No. 548 in said Shaker Lee Subdivision and along said easterly line of said Sublot No. 548 to its intersection with the southerly line thereof; thence westerly along said southerly line of said Sublot No. 548 to its intersection with a line located approximately one hundred twenty five (125) feet east of said easterly line of Lee Road, S.E.; thence southerly along said line which is parallel to and approximately one hundred twenty five (125) feet east of said easterly line of Lee Road, S.E.; and along its southerly extension to the center line of Biltmore Avenue, S.E.; thence southerly along said center line of Biltmore Avenue, S.E. to its intersection with the northeasterly extension of the southeasterly line of Sublot No. 640 in said Shaker Lee Subdivision; thence southwesterly along said northeasterly extension and along said southeasterly line of said Sublot No. 640 to its intersection with the southerly line thereof; thence westerly along said southerly line of said

Sublot No. 640 to its intersection with the easterly line of Sublot No. 660 in said Shaker Lee Subdivision; thence southerly along said easterly line of said Sublot No. 660 and along its southerly extension to the center line of Stockbridge Avenue, S.E.; thence westerly along said center line of Stockbridge Avenue, S.E. to its intersection with the northerly extension of a line located approximately one hundred twenty five (125) feet east of said easterly line of Lee Road, S.E.; thence southerly along said northerly extension and along said line which is parallel to and approximately one hundred twenty five (125) feet east of easterly line of Lee Road, S.E. and along its southerly prolongation to its intersection with a line located approximately one hundred ten (110) feet north of the northerly line of Harvard Avenue, S.E.; thence easterly along said line which is parallel to and approximately one hundred ten (110) feet north of said northerly line of Harvard Avenue, S.E. to its intersection with a line located approximately one hundred twenty (120) feet west of the westerly line of East 176 Street; thence northerly along said line which is parallel to and approximately one hundred twenty (120) feet west of said westerly line of East 176 Street to its intersection with a line located approximately one hundred twenty (120) feet north of said northerly line of Harvard Avenue, S.E.; thence easterly along said line which is parallel to and approximately one hundred twenty (120) feet north of said northerly line of Harvard Avenue, S.E.; thence easterly along said line which is parallel to and approximately one hundred twenty (120) feet north of said northerly line of Harvard Avenue, S.E. and along its easterly prolongation to its intersection with a line located one hundred twenty (120) feet east of the easterly line of East 176 Street; thence southerly along said line which is parallel to and one hundred twenty (120) feet east of said easterly line of East 176 Street and along its southerly extension to said center line of Harvard Avenue, S.E.; thence westerly along said center line of Harvard Avenue, S.E. to its intersection with the northerly extension of the center line of East 176 Street; thence southerly along said northerly extension and along said center line of East 176 Street to its intersection with the easterly extension of a line located one hundred fifty (150) feet south of the southerly line of Harvard Avenue, S.E.; thence westerly along said easterly extension and along said line which is parallel to and one hundred fifty (150) feet south of said southerly line of Harvard Avenue, S.E. to its intersection with the easterly line of Sublot No. 33 in the Kolar Hanus Subdivision as recorded in Volume 104, Page 40 of the Cuyahoga County Map Records; thence southerly along said easterly line of said Sublot No. 33 to its intersection with the southerly line thereof; thence westerly along said southerly line of said Sublot No. 33 and along its westerly extension to the center line of East 175 Street; thence northerly along said center line of East 175 Street to its intersection with the easterly extension of the northerly line of Sublot No. 4 in said Kolar Hanus Subdivision; thence westerly along said easterly extension and along said northerly

line of said Sublot No. 4 to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 4 and continuing southerly along the westerly lines of Sublots Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 in said Kolar Hanus Subdivision to its intersection with the northeasterly line of Sublot No. 57 in the Adler Subdivision as recorded in Volume 149, Page 10 of the Cuyahoga County Map Records; thence northwesterly along said northeasterly line of said Sublot No. 57 and continuing northwesterly along the northeasterly line of Sublot No. 69 in said Adler Subdivision and along its northwesterly extension to the center line of East 173 Street; thence continuing along the southeasterly extension of the northeasterly line of Sublot No. 70 in said Adler Subdivision and along the northeasterly lines of Sublots Nos. 77, 78, 84, 85, 86, and 95 in said Adler Subdivision and its westerly extension to the center line of East 169 Street; thence continuing northwesterly along the southeasterly extension of the northeasterly line of Sublot No. 96 in said Adler Subdivision and continuing northwesterly along the northeasterly lines of Sublots Nos. 96, 105, 106, 107 and 108 in said Adler Subdivision to its intersection with the westerly line thereof; thence southerly along said westerly line of Sublot No. 108 and continuing southerly along the westerly lines of Sublots Nos. 109 and 110 in said Adler Subdivision and along its southerly extension to the center line of Judson Drive, S.E.; thence northwesterly along said center line of Judson Drive, S.E. to its intersection with the northerly extension of the westerly line of Sublot No. 1 in said Adler Subdivision; thence southerly along said northerly extension and along said westerly line of said Sublot No. 1 to its intersection with the northerly line of Sublot No. 3 in the Cortland Heights (Jos. Laronge Co.) Subdivision as recorded in Volume 106, Page 8 of the Cuyahoga County Map Records; thence westerly along said northerly line of said Sublot No. 3 and continuing westerly along the northerly line of Sublot No. 2 in said Cortland Heights (Jos. Laronge Co.) Subdivision to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 2 and along its southerly extension to the center line of Lotus Drive, S.E.; thence westerly along said center line of Lotus Drive, S.E. to its intersection with the northerly extension of the westerly line of Sublot No. 109 in said Cortland Heights (Jos. Laronge Co.) Subdivision; thence southerly along said northerly extension and along said westerly line of said Sublot No. 109 to its intersection with a line located one hundred eighteen (118) feet north of the northerly line of Holly Hill Drive, S.E.; thence easterly along said line which is parallel to and one hundred eighteen (118) feet north of said northerly line of Holly Hill Drive, S.E. to its intersection with a line located one hundred thirty (130) feet east of the easterly line of Lee Road, S.E.; thence southerly along said line which is parallel to and one hundred thirty (130) feet east of said easterly line of Lee Road, S.E. and along its southerly extension to the center line of Holly Hill Drive, S.E.; thence westerly along said cen-

ter line of Holly Hill Drive, S.E. to its intersection with the northerly extension of a line located six hundred nine (609) feet west of the westerly line of East 169 Street; thence southerly along said northerly extension and along said line which is parallel to and six hundred nine (609) feet west of said westerly line of East 169 Street to its intersection with the northerly line of Permanent Parcel No. 143-17-36; thence easterly along said northerly line of said Permanent Parcel No. 143-17-36 to its intersection with the easterly line thereof; thence southerly along said easterly line of said Permanent Parcel No. 143-17-36 to its intersection with a line located one hundred (100) feet north of the northerly line of Deforest Avenue, S.E.; thence westerly along said line which is parallel to and one hundred (100) feet north of said northerly line of Deforest Avenue, S.E. to its intersection with a line located two hundred forty (240) feet east of said easterly line of Lee Road, S.E.; thence southerly along said line which is parallel to and two hundred forty (240) feet east of said easterly line of Lee Road, S.E. and along its southerly extension to the center line of Deforest Avenue, S.E.; thence easterly along said center line of Deforest Avenue, S.E. to the center line of East 167 Street; thence southerly along said center line of East 167 Street to its intersection with the westerly extension of a line located approximately one hundred ninety five (195) feet south of the southerly line of Deforest Avenue, S.E. at a point located four hundred fifty five (455) feet east of said easterly line of Lee Road, S.E.; thence southerly along said line which is parallel to and four hundred fifty five (455) feet east of said easterly line of Lee Road, S.E. to its intersection with the northerly line of Permanent Parcel No. 143-5-8; thence easterly along said northerly line of said Permanent Parcel No. 143-5-8 to its intersection with the southeasterly line thereof; thence southwestwardly along said southeasterly line of said Permanent Parcel No. 143-5-8 and continuing southwestwardly along the southeasterly lines of Permanent Parcels Nos. 143-5-9, 143-5-10, 143-5-11 and 143-5-13 to its intersection with the westerly line of Sublot No. 257 in the Lee Miles Subdivision as recorded in Volume 102, Page 22 of the Cuyahoga County Map records; thence southerly along said westerly line of said Sublot No. 257 to its intersection with the southwestwardly line thereof; thence southeasterly along said southwestwardly line of said Sublot No. 257 and along its southeasterly extension to the center line of East 167 Street; thence southwestwardly along said center line of East 167 Street to its intersection with the northwesterly extension of the center line of a twenty (20) foot unnamed alley; thence southeasterly along said northwesterly extension and along said center line of said unnamed alley crossing Wyatt Road, S.E. to its intersection with the northeasterly extension of the southeasterly line of Sublot No. 292 in said Lee Miles Subdivision; thence southwestwardly along said northeasterly extension and along said southeasterly line of said Sublot No. 292 and along its southwestwardly extension to the center line of Miles Avenue, S.E.; thence southeasterly along said center line of

Miles Avenue, S.E. to its intersection with the northeasterly extension of the southeasterly line of Sublot No. 38 in the SeaBoyne Non Recorded Allotment; thence southwesterly along said northeasterly extension and along said southeasterly line of said Sublot No. 38 to its intersection with the southwesterly line thereof; thence northwesterly along said southwesterly line of said Sublot No. 38 and continuing northwesterly along the southwesterly lines of Sublots Nos. 37, 36, 35, 34, 33, 32, 31, 30, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, and 1 in said Seabourne Non Recorded Allotment and along its northwesterly extension to the center line of Lee Road, S.E.; thence southerly along said center line of Lee Road, S.E. to its intersection with the southeasterly extension of the southwesterly line of Permanent Parcel No. 142-15-7; thence northwesterly along said southeasterly extension and along said southwesterly line of said Permanent Parcel No. 142-15-7 to its intersection with the westerly line thereof; thence northerly along said westerly line of said Permanent Parcel No. 142-15-7 to its intersection with the southwesterly line of Permanent Parcel No. 142-15-3; thence southeasterly along said southwesterly line of said Permanent Parcel No. 142-15-3 to its intersection with the easterly line thereof; thence northerly along said easterly line of said Permanent Parcel No. 142-15-3 and along its northerly extension to the center line of Miles Road, S.E.; thence southeasterly along said center line of Miles Road, S.E. to the center line of East 163 Street; thence northerly along said center line of East 163 Street to its intersection with the northwesterly extension of the center line of an unnamed twelve (12) foot alley; thence southeasterly along said northwesterly extension and along said center line of said twelve (12) foot unnamed alley to its intersection with the westerly extension of the northerly line of Sublot No. 157 in the Sorrento Park Subdivision as recorded in Volume 15, Page 13 of the Cuyahoga County Map Records; thence easterly along said westerly extension and along said northerly line of said Sublot No. 157 and along its easterly extension to the center line of East 164 Street; thence southerly along said center line of East 164 Street to its intersection with the northwesterly extension of said center line of said twelve (12) foot unnamed alley; thence southeasterly along said northwesterly extension and along said center line of said twelve (12) foot unnamed alley to its intersection with a twelve (12) foot unnamed alley; thence northerly along said twelve (12) foot unnamed alley to its intersection with the easterly extension of the southerly line of Sublot No. 152 in said Sorrento Park Subdivision; thence westerly along said easterly extension and along said southerly line of said Sublot No. 152 and along its westerly extension to the center line of East 164 Street; thence northerly along said center line of East 164 Street to its intersection with the westerly extension of the northerly line of Sublot No. 148 in said Sorrento Park Subdivision; thence easterly along said westerly extension and along said northerly line of said Sublot No. 148 and along its easterly extension to said center line of said twelve (12) foot

unnamed alley; thence northerly along said center line of said twelve (12) foot unnamed alley and along its northerly prolongation to its intersection with the easterly extension of the northerly line of Sublot No. 122 in said Sorrento Park Subdivision; thence westerly along said easterly extension and along said northerly line of said Sublot No. 122 and along its westerly extension to said center line of East 164 Street; thence northerly along said center line of East 164 Street to its intersection with the westerly extension of the southerly line of Sublot No. 120 in said Sorrento Park Subdivision; thence easterly along said westerly extension and along said southerly line of said Sublot No. 120 and along its easterly extension to the center line of a twelve (12) foot unnamed alley; thence northerly along said center line of said twelve (12) foot unnamed alley to its intersection with the southerly line of Sublot No. 599 in the Miles-Harvard Subdivision No. 5 as recorded in Volume 88, Page 26 of the Cuyahoga County Map Records; thence easterly along said southerly line of said Sublot No. 599 to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 599 and along its northerly extension to the center line of South Lotus Drive, S.E.; thence easterly along said center line of South Lotus Drive, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 606 in said Miles-Harvard Park Subdivision No. 5; thence northerly along said southerly extension and along said easterly line of said Sublot No. 606 to its intersection with the northerly line thereof; thence westerly along said northerly line of said Sublot No. 606 to its intersection with the easterly line of Sublot No. 696 in said Miles-Harvard Subdivision No. 5; thence northerly along said easterly line of said Sublot No. 696 and along its northerly extension to the center line of Lotus Drive, S.E.; thence easterly along said center line of Lotus Drive, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 700 in said Miles-Harvard Park Subdivision No. 5; thence northerly along said southerly extension and along said easterly line of said Sublot No. 700 to its intersection with the northerly line thereof; thence westerly along said northerly line of said Sublot No. 700 and continuing westerly along the northerly line of Sublot No. 701 in said Miles-Harvard Park Subdivision No. 5 to its intersection with the westerly line of Sublot No. 270 in the Lee-Harvard Square Re Subdivision (Helper-Hart Realty Co.) as recorded in Volume 94, Page 8 of the Cuyahoga County Map Records; thence northerly along said westerly line of said Sublot No. 270 and along its northerly extension to the center line of Judson Drive, S.E.; thence easterly along said center line of Judson Drive, S.E. to its intersection with the southerly extension of a line located one hundred thirty five (135) feet west of the westerly line of Lee Road, S.E.; thence northerly along said southerly extension and along said line which is parallel to and one hundred thirty five (135) feet west of said westerly line of Lee Road, S.E. and along its northerly extension to the center line of Westview Avenue, S.E.; thence westerly

along said center line of Westview Avenue, S.E. to its intersection with the southerly extension of a line located one hundred seventy five (175) feet west of said westerly line of Lee Road, S.E.; thence northerly along said southerly extension and along said line which is parallel to and one hundred seventy five (175) feet west of said westerly line of Lee Road, S.E. and along its northerly extension to the center line of Cloverside Avenue, S.E.; thence westerly along said center line of Cloverside Avenue, S.E. to its intersection with the southerly extension of a line located two hundred (200) feet west of said westerly line of Lee Road, S.E.; thence northerly along said southerly extension and along said line which is parallel to and two hundred (200) feet west of said westerly line of Lee Road, S.E. to its intersection with a line located one hundred fifty (150) feet south of the southerly line of Harvard Avenue, S.E.; thence westerly along said line which is parallel to and one hundred fifty (150) feet south of said southerly line of Harvard Avenue, S.E. to its intersection with a line located two hundred forty (240) feet west of said westerly line of Lee Road, S.E.; thence northerly along said line which is parallel to and two hundred forty (240) feet west of said westerly line of Lee Road, S.E. and along its northerly extension to the center line of Harvard Avenue, S.E.; thence westerly along said center line of Harvard Avenue, S.E. to its intersection with the southerly extension of the westerly line of Sublot No. 1029 in the Shaker-Lee Subdivision No. 3 as recorded in Volume 113, Page 10 of the Cuyahoga County Map Records; thence northerly along said southerly extension and along said westerly line of said Sublot No. 1029 to its intersection with the northerly line thereof; thence easterly along said northerly line of said Sublot No. 1029 and continuing easterly along the northerly line of Sublot No. 1028 in said Shaker-Lee Subdivision No. 3 to its intersection with the westerly line of Sublot No. 1021 in said Shaker-Lee Subdivision No. 3; thence northerly along said westerly line of said Sublot No. 1021 and along its northerly extension to the center line of Eldamere Avenue, S.E.; thence southwesterly along said center line of Eldamere Avenue, S.E. to its intersection with the southeasterly extension of the northeasterly line of Sublot No. 965 in said Shaker-Lee Subdivision No. 3; thence northwesterly along said southeasterly extension and along said northeasterly line of said Sublot No. 965 to its intersection with the northwesterly line thereof; thence southwesterly along said northwesterly line of said Sublot No. 965 to its intersection with the northeasterly line of Sublot No. 957 in said Shaker-Lee Subdivision No. 3; thence northwesterly along said northeasterly line of said Sublot No. 957 and along its northwesterly extension to the center line of Stockbridge Avenue, S.E.; thence southwesterly along said center line of Stockbridge Avenue, S.E. to its intersection with the southeasterly extension of the southwesterly line of Sublot No. 907 in said Shaker-Lee Subdivision No. 3; thence northwesterly along said southeasterly extension and along said southwesterly line of said Sublot No. 907 to its intersection with the northwesterly

line thereof; thence northeasterly along said northwesterly line of said Sublot No. 907 and along its northeasterly extension to the center line of Delrey Avenue, S.E.; thence southeasterly along said center line of Delrey Avenue, S.E. to its intersection with the southwesterly extension of the southeasterly line of Sublot No. 856 in said Shaker-Lee Subdivision No. 3; thence northeasterly along said southwesterly extension and along said southeasterly line of said Sublot No. 856 to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 856 and continuing northerly along the easterly line of Sublot No. 857 in said Shaker-Lee Subdivision No. 3 to its intersection with the northerly line thereof; thence westerly along said northerly line of said Sublot No. 857 and continuing westerly along the northerly line of Sublot No. 858 in Shaker-Lee Subdivision No. 3 to its intersection with the westerly line of Sublot No. 131 in the Lee-Harvard Subdivision as recorded in Volume 88, Page 34 of the Cuyahoga County Map Records; thence northerly along said westerly line of said Sublot No. 131 and along its northerly extension to the center line of Biltmore Avenue, S.E.; thence easterly along said center line of Biltmore Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 72 in said Lee-Harvard Subdivision; thence northerly along said southerly extension and along said easterly line of said Sublot No. 72 and continuing northerly along the easterly line of Sublot No. 65 in said Lee-Harvard Subdivision and along its northerly extension to the center line of Glendale Avenue, S.E.; thence westerly along said center line of Glendale Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 4 in said Lee-Harvard Subdivision; thence northerly along said southerly extension and along said easterly line of said Sublot No. 4 to its intersection with the northerly line thereof; thence westerly along said northerly line of said Sublot No. 4 to its intersection with the southerly line of Sublot No. 175 in the Villa Park Subdivision No. 1 as recorded in Volume 92, Page 6 of the Cuyahoga County Map Records; thence westerly along said southerly line of said Sublot No. 175 to its intersection with the westerly line thereof; thence northerly along said westerly line of said Sublot No. 175 and along its northerly extension to the center line of Talford Avenue, S.E.; thence easterly along said center line of Talford Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 107 in said Villa Park Subdivision No. 1; thence northerly along said southerly extension and along said easterly line of Sublot No. 107 and continuing northerly along the easterly line of Sublot No. 106 in said Villa Park Subdivision No. 1 and along its northerly extension to the center line of Walden Avenue, S.E.; thence westerly along said center line of Walden Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 10 in said Villa Park Subdivision No. 1; thence northerly along said southerly extension and along said easterly line of said Sublot No. 10 and continuing northerly along the easterly line of Sublot No. 179 in the Lee

Road Subdivision as recorded in Volume 96, Page 6 of the Cuyahoga County Map Records and along its northerly extension to the center line of Throckley Avenue, S.E.; thence easterly along said center line of Throckley Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 101 in said Lee Road Subdivision; thence northerly along said southerly extension and along said easterly line of said Sublot No. 101 and continuing northerly along the easterly line of Sublot No. 92 in the Registered Land Co. Subdivision No. 1 as recorded in Volume 76, Page 24 of the Cuyahoga County Map Records and long its northerly extension to the center line of Invermere Avenue, S.E.; thence westerly along said center line of Invermere Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 4 in said Registered Land Co. Subdivision No. 1; thence northerly along said southerly extension and along said easterly line of said Sublot No. 4 to the place of beginning.

Section 2. That the designation of the area set forth in Section 1 hereof as the Lee-Harvard Business Revitalization District (BRD) and shall be noted on the Building Zone Maps of the City of Cleveland and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1644-2000.

By Councilmen Melena, Westbrook, Brady and Sweeney.

An emergency ordinance to amend the Title and Sections 1 and 2 of Ordinance No. 1250-2000, passed July 17, 2000, relating to an agreement with Westside Industrial Retention & Expansion Network (WIRE-Net) for their agency operations, program and administrative support using Wards 17, 18, 19 and 20 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Sections 1 and 2 of Ordinance No. 1250-2000, passed July 17, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Westside Industrial Retention & Expansion Network (WIRE-Net) for their agency operations, program and administrative support through the use of **Wards 17, 18, 19 and 20 Neighborhood Equity Funds.**

Section 1. That the Director of Community Development is authorized to enter into an agreement

with Westside Industrial Retention and Expansion Network (WIRE-Net) for their agency operations, program, and administrative support **in order to carry out the public purpose of creating or preserving industrial jobs on the west side of Cleveland.**

Section 2. That the cost of said contract shall be in an amount not to exceed **\$103,700** and shall be paid from Fund No. 10 SF 166.

Section 2. That the existing title and Sections 1 and 2 of Ordinance No. 1250-2000, 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 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.

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. 1645-2000.

By Councilman Patmon.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Informing Our Children, Inc (I.O.C.) for their tutoring, prevention education, child advocacy and family mediation services through the use of Ward 8 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Informing Our Children, Inc (I.O.C.) for their tutoring, prevention education, child advocacy and family mediation services, in order to carry out the public purpose of promoting children's health, education and welfare.

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

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

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

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

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

Ord. No. 1646-2000.**By Councilman Patmon.**

An emergency ordinance to amend Section 4 of Ordinance No. 1744-97, passed October 20, 1997, in conjunction with the Year 2000 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 4 of Ordinance No. 1744-97, passed October 20, 1997 is hereby amended to read as follows:

Section 4. That the costs for such services herein contemplated shall be paid from Fund Nos. 52 SF 001, 54 SF 001, 57 SF 001, 58 SF 001, 81 SF 001, 60 SF 001, 10 SF 165, 10 SF 006 and 50 SF 001, Request No. 23236, and no such funds shall be certified for the projects authorized herein after the effective date of this legislation.

Section 2. That existing Section 4 of Ordinance No. 1744-97, passed October 20, 1997 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.

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. 1647-2000.**By Councilman Robinson.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Muhammad Mosque No. 8 to stretch banners at the intersection of East 144th Street and Kinsman Avenue for the period from September 19, 2000 to October 19, 2000, inclusive, publicizing the Million Family March.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Muhammad Mosque No. 8 to install, maintain and remove banners at the intersection East 144th and Kinsman,

(pole no. E-13 77A-6 DFT B 1993 SPN-06-3-55, pole no. CEN Coppers, MO-9-93 SSP-3-55), for the period from September 19, 2000 to October 19, 2000, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising

shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Councilman Johnson left the meeting.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1648-2000.**By Councilman White.**

An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 4025 East 93rd Street, and repealing Res. No. 1278-2000 objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 4025 East 93rd Street, by Res. No. 1278-2000 adopted by Council by Council on July 17, 2000; and

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

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

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

Section 1. That objection to the renewal of a C1 Liquor Permit to 1278-2000, be and the same is hereby withdrawn and Res. No. 1278-2000 containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1649-2000.**By Councilman Brady.**

An emergency resolution withdrawing objection to the transfer of ownership of a D2, D2X, D3 and D6 Liquor Permit to 11022 Lorain Avenue, 1st Fl. Bsm., and repealing Res. No. 1031-2000 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D2, D2X, D3 and D6 Liquor Permit to 11022 Lorain Avenue, 1st Fl. &

Bsm., by Res. No. 1031-2000 adopted by Council on June 5, 2000; and

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

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

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

Section 1. That objection to the transfer of ownership of a D2, D2X, D3 and D6 Liquor Permit to 11022 Lorain Avenue, 1st Fl. & Bsm., be and the same is hereby withdrawn and Res. No. 1031-2000, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1650-2000.**By Councilman Brady.**

An emergency resolution urging Vocational Guidance Services to comply with all legal requirements to permit workers to seek union organization and representation.

Whereas, this Council of the City of Cleveland, through passage of numerous pieces of legislation, has recognized the rights of all workers to seek safe, fair working conditions and to be paid equitably for their work; and

Whereas, this Council has acknowledged the existence and need for federal laws protecting the rights of workers and ensuring their ability to seek union representation, if desired; and

Whereas, with the assistance of Local 47, SEIU, the workers of Vocational Guidance Services have joined together for the purposes of choosing a union to better their wages, benefits and working conditions when performing janitorial services at the Anthony J. Celebrezze Federal Building; and

Whereas, the Council of the City of Cleveland supports the rights of all workers, as provided by the law, to seek union representation and urges Vocational Guidance Services to comply with all laws governing union organization and representation; now therefore,

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

Section 1. That this Council of the City of Cleveland urges Vocational Guidance Services to comply with all legal requirements providing workers with a fair, non-confrontational, and expedient method for determining whether they want union representation.

Section 2. That the Clerk is hereby requested to transmit a copy of this resolution to Robert Comben,

President and CEO of Vocational Guidance Services and Michael Murphy, President Local 47.

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.

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 1209-2000.

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 Whittier, Linwood and Belvidere Avenues to Cuyahoga Metropolitan Housing Authority.

Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 1214-2000.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the Director of the Community Relations Board to apply for and accept a grant from the Department of Justice Affairs for the 2000 Teen Court Program; and to enter into contract with the YMCA of Greater Cleveland to implement the Program.

Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 1215-2000.

By Councilman Britt.

An emergency ordinance to amend Section 343.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2215-96, passed April 7, 1997, relating to general retail business districts.

Read third time. Passed. Yeas 19. Nays 0.

MOTION

Councilman Patmon made the motion to revert back to First Reading Emergency Ordinances to be passed. Councilman Sweeney seconded the motion. A roll call ensued. Yeas 19. Nays 0.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1651-2000.

By Councilmen Polensek and Patmon (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 2161-99, as amended by Ordinance No. 1004-2000, passed June 19, 2000, and to amend Section 1 of Ordinance Nos. 2162-99, 2164-99 and 2165-99, passed February 14, 1999, all as amended by Ordinance No. 1004-2000, passed June 19, 2000, relating to requirement contracts for the Division of Traffic Engineering and Parking, Department of Public Safety.

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

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

Section 1. That the title and Section 1 of Ordinance No. 2161-99, passed February 14, 2000, as amended by Ordinance No. 1004-2000, passed June 19, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the purchase by requirement contract of traffic paint and labor and materials necessary for line striping services, for the Division of Traffic Engineering and Parking, Department of Public Safety.

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of traffic paint and labor and materials necessary for line striping services in an amount not to exceed \$140,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Traffic Engineering and Parking, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the existing title and Section 1 of Ordinance No. 2161-99, passed February 14, 2000, as amended by Ordinance No. 1004-2000, passed June 10, 2000, are hereby repealed.

Section 3. That Section 1 of Ordinance No. 2162-99 passed February 14, 1999, as amended by Ordinance No. 1004-2000, passed June 19, 2000, is hereby amended to read as follows:

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of refurbished aluminum sign blanks in an amount not to exceed \$55,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Traffic Engineering and Parking, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 4. That Section 1 of Ordinance No. 2164-99, passed February 14, 1999, as amended by Ordinance No. 1004-2000, passed June 19, 2000, is hereby amended to read as follows:

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of aluminum signs in an amount not to exceed \$230,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Traffic Engineering and Parking, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 5. That Section 1 of Ordinance No. 2165-99, passed February 14, 1999, as amended by Ordinance No. 1004-2000, passed June 19, 2000, is hereby amended to read as follows:

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various traffic signal equipment in an amount not to exceed \$375,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Traffic Engineering and Parking, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 6. That Section 1 of Ordinance Nos. 2162-99, 2164-99 and 2165-99, passed February 14, 1999, all as amended by Ordinance No. 1004-2000, passed June 19, 2000, are hereby repealed.

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

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

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

Ord. No. 1652-2000.

By Councilman O'Malley.

An emergency ordinance determining the method of making the public improvement of constructing turbidity and particle meters at various water treatment plants; and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing turbidity and particle meters at the Garrett A. Morgan Water Treatment Plan, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

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

Section 3. That the cost of said improvement authorized in Section 1 herein shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, and from the fund or subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds and bond anticipation notes issued for the purpose of making the improvement described in Section 1 of this ordinance, Request No. 23398.

Section 4. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing turbidity and particle meters at the Nottingham Water Treatment Plan, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 5. That the Director of Public Utilities 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 6. That the cost of said improvement authorized in Section 4 herein shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, and from the fund or subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds and bond anticipation notes issued for the purpose of making the improvement described in Section 4 of this ordinance, Request No. 23400.

Section 7. That, pursuant to Section 167 of the Charter of the City

of Cleveland, it is hereby determined to make the public improvement of constructing turbidity and particle meters at the Baldwin Water Treatment Plan, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 8. That the Director of Public Utilities 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 9. That the cost of said improvement authorized in Section 7 herein shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, and from the fund or subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds and bond anticipation notes issued for the purpose of making the improvement described in Section 7 of this ordinance, Request No. 23399.

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.

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

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

MOTION

By Councilman O'Malley, and seconded by Councilman Robinson, and unanimously carried that the absence of Councilman Craig E. Willis be and is hereby authorized.

MOTION

The Council adjourned at 8:15 p.m. to meet on Monday, September 25, 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:

NONE

2328

BOARD OF CONTROL

September 13, 2000

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

Present: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Absent: Director Carter.

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

On motion, the following resolutions were adopted.

Resolution No. 615-00.

By Director Brooks.

Whereas, pursuant to Ordinance No. 710-99, passed by the Cleveland City Council on May 17, 1999, this Board of Control, by its Resolution No. 386-00 adopted June 14, 2000, affirmed and approved Hough Supply & Specialty Co. as the lowest and best bidder for Janitorial Supplies (Group A - Paper Products, all items); and

Whereas, Resolution No. 448-00 adopted July 5, 2000, amended said Resolution No. 386-00 to change the award to Item No. 3 only and decrease the contract amount to \$96,900; and

Whereas, the initial requisition number in said Resolution No. 386-00 is incorrect; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 386-00, adopted June 14, 2000, affirming and approving Hough Supply and Specialty Co. as the lowest bidder for Janitorial Supplies (Group A - Paper Products, No. 3) is hereby further amended by deleting Requisition No. RE - 15138 and RE - 09900 and substituting therefor Requisition No. RE - 16190;

Be it further resolved, that all other provisions of said Resolution No. 386-00 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 616-00.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of Danka Office Imaging Systems for an estimated quantity of Facsimile Machines (Group IA-Group IIIA (Canon)) for the Division of Information Technologies, Department of Finance, for the period of three (3) years beginning with the date of execution of a contract received on July 14, 2000, pursuant to the authority of Ordinance No. 1174-97, passed July 16, 1997, which on the basis of the estimated quantity would amount to One Hundred Seventeen Thousand Seventy-Five and 00/100 Dollars, (\$117,075.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a require-

ment 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. 07887

which shall be certified against such contract in the sum of Twenty One Thousand One Hundred Sixty-Five and 00/100 Dollars (\$21,165.00).

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

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 617-00.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of Mid-West Presort Mailing Services, Inc. for an estimated quantity of Pre-Sort Mail (all items) for the various divisions of City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on August 25th, 2000, pursuant to the authority of Ordinance No. 272-99, passed March 22nd, 1999, which on the basis of the estimated quantity would amount to Six Thousand Four Hundred and 00/100 Dollars, (\$6,400.00), (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. 3085

which shall be certified against such contract in the sum of Six Thousand Four Hundred and 00/100 Dollars (\$6,400.00).

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

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 618-00.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of Wesco Distribution, Inc. for an estimated quantity of Lamps for the various divisions of City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on August 16, 2000, pursuant to the authority of Ordinance No. 811-2000, passed June 12, 2000, which on the basis of the esti-

mated quantity would amount to One Hundred Fifty Thousand and 00/100 Dollars, (\$150,000.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. RE-31701

which shall be certified against such contract in the sum of Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00).

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

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 619-00.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Vallejo Company for an estimated quantity of Used Paving Bricks for the various divisions of City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on August 25, 2000, pursuant to the authority of Ordinance No. 705-99, passed May 17, 2000, which on the basis of the estimated quantity would amount to Four Hundred Twenty-Two Thousand and 00/100 Dollars, (\$422,000.00), (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-31296

which shall be certified against such contract in the sum of Twenty-One Thousand One Hundred and 00/100 Dollars (\$21,100.00).

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

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 620-00.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of Woodhill Supply, Inc. for an estimated quantity of Hand Tools and Hand-Held Power Tools (Items 1, 2, 3, 4 and 8) for the various divisions

of City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on August 25th, 2000, pursuant to the authority of Ordinance No. 708-99, passed May 17th, 1999, which on the basis of the estimated quantity would amount to Seventy Two Thousand and 00/100 Dollars, (\$72,000.00), (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. 31293

which shall be certified against such contract in the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00).

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

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 621-00.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Bostwick-Braun Company for an estimated quantity of Hand Tools and Hand-Held Power Tools (Items #1 and #7) for the various divisions of City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on August 25th, 2000, pursuant to the authority of Ordinance No. 708-99, passed May 17, 1999, which on the basis of the estimated quantity would amount to Twenty-Two Thousand and 00/100 Dollars, (\$22,000.00), (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. 22448

which shall be certified against such contract in the sum of One Thousand Five Hundred and 00/100 Dollars (\$1,500.00).

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

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 622-00.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of Bosworth Industrial Supply for an estimated quantity of Hand Tools and Hand-Held Power Tools (Items #5 and #6) for the various divisions of City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on August 25, 2000, pursuant to the authority of Ordinance No. 708-99, passed May 17th, 1999, which on the basis of the estimated quantity would amount to Twenty-Six Thousand and 00/100 Dollars, (\$26,000.00), (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. 31508

which shall be certified against such contract in the sum of One Thousand Three Hundred and 00/100 Dollars (\$1,300.00).

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

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 623-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 593-00, adopted August 30, 2000, pursuant to the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, approving the bid of HVC as lowest and best for an estimated quantity of sodium bisulfite solution (items 1A and 1B), for the Division of Water, Department of Public Utilities, is hereby amended by deleting "seven thousand six hundred dollars" and adding "seven thousand five hundred sixty dollars".

Be it further resolved that all other provisions of said Resolution No. 593-00 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 624-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Invensys Metering Systems — North American Water, Inc. for an estimated quantity of water meter parts (Item no. 5), 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 17th day of August, 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 Five Thousand Dollars, (\$5,000.00), (No Discount) 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. 31282

which shall be certified against such contract in the sum of Five Thousand Dollars (\$5,000.00).

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

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 625-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of U.S. Filter Distribution (all items) for the following: iron gate valves for the Division of Water, Department of Public Utilities, received on the 26th day of July, 2000, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, which on the basis of order quantities would amount to Three Hundred Seventy Five Thousand One Hundred Dollars (\$375,100.00), (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 for such items.

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 626-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Badger Meter, Inc. for an estimated quantity of water meter parts (item no. 1), 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 17th day of August, 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 Sixty Five Thousand Dollars, (\$65,000.00), (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. 31280

which shall be certified against such contract in the sum of Twenty Thousand Dollars (\$20,000.00).

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

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 627-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Hersey Meters Co. for an estimated quantity of water meter parts (item no. 2) (list less 24%), 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 17th day of August, 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 Five Thousand Dollars (\$5,000.00), (2%/15 Days, Net 30) 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. 31281

which shall be certified against such contract in the sum of Five Thousand Dollars (\$5,000.00).

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

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 628-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of ABB Water Meters, Inc. for an estimated quantity of water meter parts (item no. 4) (less list 20%), 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 17th day of August, 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 Sixty Five Thousand Dollars, (\$65,000.00), (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. 31283

which shall be certified against such contract in the sum of Twenty Thousand Dollars (\$20,000.00).

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

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 629-00.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 30, 2000 for hauling and disposal of water plant residuals (Item 2) for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 826-00, passed by the Council of the City of Cleveland on June 12, 2000, be and the same are hereby rejected.

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 630-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Emerald Environmental, Inc. for an estimated quantity of hauling and disposal of water plant residuals (item 1), 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 30th day of August, 2000, pursuant to the authority of Ordinance No. 826-2000, passed June 12, 2000 which, on the basis of the estimated quantity would amount to One Hundred Thirty Two Thousand Dollars (\$132,000.00) (1% - 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. 31292

which shall be certified against such contract in the sum of Seventy Five Thousand Dollars (\$75,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the following sub-

contractor to Emerald Environmental, Inc., for the contract authorized hereby is approved:

NAME

MBE/FBE

Ray Bertolini
MBE — 15% — \$20,601.00

Firstech, Inc.
MBE — 1% — \$1,471.50

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 631-00.

By Director Sheffield-McClain.

Whereas by Resolution No. 486-00 adopted July 19, 2000, pursuant to Ordinance No. 2054-99, passed February 7, 2000, this Board of Control approved the bid of BP Britches as the lowest and best for the purchase of work uniforms, for the Division of Cleveland Hopkins International Airport, Department of Port Control; Whereas, in said Resolution No. 486-00 item number 36 and 37 were inadvertently omitted; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 486-00 adopted July 19, 2000, affirming and approving the bid of BP Britches as the lowest and best for the purchase of uniforms, hereby is amended by adding items nos. 36 and 37.

Be it further resolved that all other provisions of said Resolution No. 486-00 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 632-00.

By Director Sheffield-McClain.

Resolved, by the Board of Control of the City of Cleveland, that all bids received on August 31, 2000 for labor and materials for electrical equipment for the redundant electrical source for the Division of Cleveland Hopkins International Airport Department of Port Control pursuant to the authority of Ordinance No. 1268-97, passage by the Council of the City of Cleveland on April 6, 1998 be and the same are hereby rejected.

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 633-00.

By Directors Ricchiuto, Konicek, Hudecek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Terrace Construction Co., Inc., 3965 Pearl Road, Cleveland, Ohio 44109, for the public improvement of Rehabilitation of West 40th

Place all items, for the Division of Engineering and Construction, Departments of Public Service, Public Utilities and Community Development, received on July 20, 2000, pursuant to the authority of Ordinance Nos. 962-99 and 598-2000, passed June 7, 1999 and June 12, 2000, upon a unit basis for the improvement in the aggregate amount of Three Hundred Eighty-Nine Thousand, Five Hundred Seventy and 00/100 Dollars (\$389,570.00), is hereby affirmed and approved as the lowest responsible bid; and the Directors of Public Service, Public Utilities and Community Development are hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following sub-contractors by Terrace Construction Co., Inc. for the aforementioned public improvement hereby is approved:

The Vallejo Company
4429 State Road
Cleveland, Ohio 44109
MBE — 15%

Collinwood Shale Brick & Supply
Company
12400 Broadway Avenue
Cleveland, Ohio 44125
FBE — 5%

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 634-00.

By Director Jackson.

Be it resolved that Board of Control Resolution No. 203-00, adopted March 29, 2000, approving a public improvement contract to Redmond-Waltz Electric (The Phillips Electric Co.), for motor rewind, for the Division of Cleveland Convention Center, Department of Parks, Recreation & Properties, is hereby rescinded.

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 635-00.

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of Licursi Co., Inc. for an estimated quantity of labor and materials to plant trees at various locations throughout the City of Cleveland on city-owned properties, Items No. 2, 3, 5, 8, 11, 12, 13, 16, 17, 20, 21, 22, 23, 27, 32, 34, 35, 37, 38, 39, 40, 41, 47, 49, 51, 57, 58, 59, 61, 62, 65, 71, 73, 74, 79, 80, 87, 89, 90, 91, 92, 93, 95 and 96 for the Division of Park Maintenance & Properties, Department of Parks, Recreation & Properties, for the period of one (1) year beginning with the date of execution of a contract received on August 24, 2000, pursuant to the authority of Ordinance No. 934-2000, passed July 17, 2000, which on the basis of the estimated quantity would amount to Sixty One Thousand Five Hundred Five and 00/100ths Dollars, (\$61,505.00), is hereby affirmed and approved as the lowest and best bid,

and the Director of Parks, Recreation & Properties is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 12264

which shall be certified against such contract in the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00).

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

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 636-00.

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of Edward Hines, d.b.a. Wake Forest Garden Center for an estimated quantity of labor and materials to plant trees at various locations throughout the City of Cleveland on city-owned properties, Items No. 9, 10, 15, 19, 24, 31, 36, 42, 43, 46, 54, 56, 63, 64, 66, 67, 68, 69, 70, 76, 77, 83, 84 and 85 for the Division of Park Maintenance & Properties, Department of Parks Recreation & Properties, for the period of one (1) year beginning with the date of execution of a contract received on August 24, 2000, pursuant to the authority of Ordinance No. 934-2000, passed July 17, 2000, which on the basis of the estimated quantity would amount to Thirty Nine Thousand Two Hundred and 00/100ths Dollars, (\$39,200.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation & Properties is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 12265

which shall be certified against such contract in the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00).

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

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 637-00.

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of Aaron Landscape, Inc. for an estimated quantity of labor and materi-

als to plant trees at various locations throughout the City of Cleveland on city-owned properties, Items No. 6, 7, 14, 18, 25, 26, 29, 30, 44, 45, 53, 75, 86, 94, and 97, for the Division of Park Maintenance & Properties, Department of Parks, Recreation & Properties, for the period of one (1) year beginning with the date of execution of a contract received on August 24, 2000, pursuant to the authority of Ordinance No. 934-2000, passed July 17, 2000, which on the basis of the estimated quantity would amount to Twenty Five Thousand Seven Hundred Forty-Eight and 00/100 Dollars, (\$25,748.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation & Properties is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 12266

which shall be certified against such contract in the sum of Ten Thousand and 00/100ths Dollars (\$10,000.00).

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

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 638-00.

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of Perfecturf, Inc. for an estimated quantity of labor and materials to plant trees at various locations throughout the City of Cleveland on city-owned properties, Items No. 1, 4, 28, 33, 48, 50, 52, 55, 60, 72, 78, 81, 82, 88 and 98, for the Division of Park Maintenance & Properties, Department of Parks, Recreation & Properties, for the period of one (1) year beginning with the date of execution of a contract received on August 24, 2000, pursuant to the authority of Ordinance No. 934-2000, passed July 17, 2000, which on the basis of the estimated quantity would amount to Nineteen Thousand One Hundred Seventy-Two 13/100 Dollars, (\$19,172.13), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation & Properties is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 12263

which shall be certified against such contract in the sum of Six Thousand and 00/100 Dollars (\$6,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as

may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

Resolution No. 639-00.

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of R. J. Platten Contracting for the public improvement of Tuland Park Site Improvements, for Base Bid #A1-#A6, #A8-#A21, #A23-#A33, #A38-#A59, Alternate Items #8A-#11A and Add Alternate Items #AA1-#AA14, #AA16 (Base Bid Item), #AA17-#AA21, #AA23-#AA27 and #AA16 (Addenda #3 Item) including the adjusted 5% contingency, for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on August 25, 2000 pursuant to the authority of Ordinance No. 1748-99 passed April 17, 2000, upon a unit basis for the improvement in the aggregate amount of Two Hundred Thirty Two Thousand, Four Hundred Thirty Two and 31/100 dollars (\$232,432.31), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the, following subcontractors for the public improvement for Tuland Park Site Improvements are hereby approved.

SUBCONTRACTORS

RESPONSIBILITY

N. Pritchett Trucking	Trucking
MBE	
Lito Trucking	Trucking & Material Supply
MBE	
United Ready Mix	Concrete Supply
MBE	
Jillian Supply	Material Supply
FBE	
Barrow Sign	Signage
FBE	

Yeas: Mayor White, Directors Brooks, Konicek, Acting Directors Balraj, Owens, Director Whitlow, Acting Director Palinkas, Directors Jackson, Hudecek, Patterson, Acting Director Huth, Director Alexander.

Nays: None.

Absent: Director Carter.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119,

City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

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

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

ANNE BLOOMBERG,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 2, 2000

9:30 A.M.

Calendar No. 00-252: 16011 Talford Avenue (Ward 1)

Rameana Foster, owner, appeals to install approximately 160' linear feet of 6' high wooden fence around the rear of a 50' x 120' corner parcel located in a One-Family District on the northwest corner of East 161st Street and Talford Avenue at 16011 Talford Avenue; said installation being contrary to the Yards and Courts Requirements where a 6' high fence is proposed along East 161st Street and 4'-6" is permitted as stated in Section 357.14(b)(3) of the Codified Ordinances.

Calendar No. 00-253: 3981 Rocky River Drive (Ward 21)

Westpark Unit of Jehovah's Witnesses, owner c/o Donald Jones, agent, appeal to construct a 33' x 66' one-story addition to an existing 54' x 40' one-story church building situated on a 129' x 208' corner parcel located in a Two-Family District on the northeast corner of Chatfield Avenue and Rocky River Drive at 3981 Rocky River Drive; said construction being contrary to the Landscaping and Screening Requirements of Section 352.07(b)(2)(B)(1)(2) where any use expansion of 15% and 1000 square feet or more requires landscaping and screening review and Section 352.09 where a 10' transition strip is required at the rear of the property between the residential house and the parking and Section 352.10 and Section 352.11 where a 6' wide landscaping strip is required between the street and parking along Rocky River Drive and Chatfield Avenue and contrary to the Yards and Courts Requirements of Section 357.04 where a 20' front yard setback is required along Rocky River Drive and 0' is provided and parking is not permitted within the setback area as stated in Section 357.14(a)(1) of the Codified Ordinances.

Calendar No. 00-254: 4019 Bailey Avenue (Ward 14)

Bailey Orchard Development Ltd., owner, appeals to install approximately 222 linear feet of 6' high wooden fencing to the south and

west of a 50' x 120' corner parcel located in a Two-Family District on the southeast corner of West 41st Street and Bailey Avenue at 4019 Bailey Avenue; said installation being contrary to the Residential District Regulations of Section 337.23(a) and (b) where the maximum height of fencing permitted along the side lot is 5' and 6' is proposed and contrary to the Yards and Courts Requirements where a 6' high fence is proposed and the maximum height of fencing permitted along a side street of a corner lot and behind 30' from point of intersection is 4'-6" as stated in Section 357.13(b)(3) of the Codified Ordinances.

Calendar No. 00-255: 3249 Perkins Avenue (Ward 13)

Cecilia B. Jufko, owner, and Paula Lyons, her guardian, appeal under the authority of Section 329.02(c) where the appellant has the right to appeal to the Board of Zoning Appeals from the refusal to approve the splitting of a 30' x 120' parcel into (1) 30' x 72' parcel and (1) 30' x 48' parcel both located on the northwest corner of East 33rd Street and Perkins Avenue; said refusal being issued by Randall DeVaul, Commissioner of Engineering and Construction, and Hunter Morrison, Director of City Planning, and appeals under the authority of the Area Requirements where the approval of the lot split would create two substandard parcels as stated in Section 355.04 of the Codified Ordinances.

Calendar No. 00-256: 5007-09 Fleet Avenue (Ward 12)

Robert Clark, owner, appeals to change the use of an existing 72' x 31' one-story tavern and 4 dwelling units building into an expanded tavern and 3 dwelling units situated on a 43' x 115' parcel located in a Local Retail Business District on the north side of Fleet Avenue at 5007-5009 Fleet Avenue; said change of use being contrary to the Enforcement and Penalty Requirements of Section 327.02(e) where as plot plan drawn to scale shall be submitted clearly indicating property lines and contrary to the Off-Street Parking and Loading Requirements where 0 parking spaces are proposed and 13 are required as stated in Section 349.01(c) of the Codified Ordinances.

Calendar No. 00-257: 1820 Belvoir Boulevard (Ward 10)

Thomas Branch, owner, appeals to change the use of an existing 58' x 30' one-story gas station to a tire service center situated on an approximate 131' x 87' irregular shaped corner parcel and located in a Local Retail Business District on the northeasterly corner of Hillsboro Road and Belvoir Boulevard at 1820 Belvoir Boulevard; said change of use being contrary to the Business District Regulations of Section 343.01 where auto repair and tire service are not permitted in a Local Retail Business District but first permitted in a Semi-Industry District provided it is not less than 100' from a Residence District as stated in Section 343.03(c)(2) and contrary to the Off-Street Parking and Loading Requirements where 4 parking spaces are provided and 5 are required as stated in Section 349.04(g) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 18, 2000

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

The following appeals were **Approved:**

Calendar No. 00-237: 5303-09 Detroit Avenue

West Side Ecumenical Ministry, owner c/o Elving Otero, appealed to change the use of an existing 20' x 20' two-story masonry building and existing 50' x 50' one-story masonry bakery building, both buildings connected, into a mixed use building for a children's day care and adult counseling services in a Semi-Industry District.

Calendar No. 00-245: 690 East 156th Street

The Cleveland Catholic Diocese and St. Mary's Church, owner, and Borchert Fencing Company appealed to install 402 feet of 6' high tubular steel fencing to the north, south and east of a 157' x 125' corner parcel in a General Retail Business District.

The following appeal was **Denied:**

Calendar No. 00-232: 1349 West 91st Street

James A. Davidson, owner, appealed to enclose an existing 27' x 7' one-story front porch of an existing two family house in a Two-Family District.

The following appeals were **Postponed:**

Calendar No. 00-239: 2352 East 40th Street postponed to October 2, 2000.

Calendar No. 00-243: 3132 West 41st Street postponed to October 2, 2000.

Calendar No. 00-244: 13000 St. Clair Avenue postponed to October 2, 2000.

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

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

The following appeals were **Approved:**

Calendar No. 00-238: 4101 Archwood Avenue

Stephen E. Collins, owner, appealed to construct a 43' x 16' one-story wood frame garage to an existing 20' x 44' garage on a 45' x 275' parcel in a Two-Family District.

Calendar No. 00-240: 1360 West 9th Street

Jim Behren, owner, appealed to change the use of the first floor and basement areas of an existing four-story masonry office building into a night club in a Limited Retail District.

Calendar No. 00-241: 1363-65 West 117th Street

J.D. Byrider, owner, appealed to install one 30'-1" high ID pole sign

with a 12' x 9'-7" double faced illuminated sign, an 8' x 5' double faced illuminated sign and an 8' x 2' double faced illuminated sign on a 263' x 312' parcel in a Semi-Industry District.

The following appeal was **Denied**:

Calendar No. 00-242: 11106 Buckeye Road

St. Mark's Baptist Church, owner c/o Amy Habinski, appealed to construct a 50' x 50' six inch concrete platform with a 105'-6" high monopole tower with a 10' x 11' telecommunications facility surrounded by an 8' chain link fence in a Local Retail Business District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
September 13, 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 A-244-00.

RE: Appeal of William E. Hawkins II & Nancy K. Hawkins, Owners of the Property located on the premises known as 3804 St. Clair Avenue from a NOTICE OF VIOLATION/FIRE CODE of the Chief of the Division of Fire dated October 17, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 3804 St. Clair Avenue to the Division of Fire for supervision and any required further action, noting that the docket will remain available for any future appeals should they be necessary. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

* * *

Docket L-17-00.

RE: Appeal of Jamie W. Eicholz, appeals from a LETTER OF DENIAL FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated July 26, 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. Eicholz 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. Bowes and seconded by Mr. Williams.

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

Docket A-40-00.

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

Docket A-40-00 has been POSTPONED; to be rescheduled for October 25, 2000.

* * *

Dockets A-48-00 To A-56-00.

RE: Appeal of Zaremba Cleveland Communities Inc., Owners of the One Dwelling Unit Brick/Frame Residential Property located on the premises known as 1954-72 East 82nd Street from a NOTICE OF VIOLATION/NO PERMIT/NO INSPECTION of the Commissioner of the Division of Building and Housing dated March 27, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

The Board will take no action this day, the docket will be rescheduled in thirty (30) days.

* * *

Docket A-74-00.

RE: Appeal of Pamela Ruff, Owner of the Eight Dwelling Unit/Two Story Brick Property located on the premises known as 10531-37 Lee Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated March 28, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three (3) months in which to obtain property permits and abate the violations; the property is to 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 CONDEMNATION ORDER 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 December 27, 2000. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-82-00.

RE: Appeal of Meng Hong Wong, Owner of the Two & One-half Story Frame Residential Property and Existing Fountain located on the premises known as 3318 Archwood

Avenue from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated May 5, 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 ten (10) foot requirement and permit the fountain to remain as installed, noting the permission granted and other stipulations by the neighbor's letter (dated June 8, 2000), and to require that proper permits and property construction procedures be followed, the property is REMANDED at this time to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

* * *

Docket A-83-00.

RE: Appeal of John G. Medas, Owner of the Industrial Metal Fabrication Masonry Semi-Industry Property located on the premises known as 5101 Fowler Avenue from a NOTICE OF VIOLATION/CHANGE OF USE of the Commissioner of the Division of Building and Housing dated April 19, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action.

* * *

Docket A-95-00.

RE: Appeal of Pamela Ruff, Owner of the Eight Dwelling Unit Masonry Property located on the premises known as 10539-45 Lee Avenue from a NOTICES OF VIOLATIONS/ELECTRICAL/HVAC/RESIDENTIAL MAINTENANCE dated May 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 grant the Appellant three (3) months in which to obtain property permits and abate the violations; the property is to 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. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-100-00.

RE: Appeal of Joseph Portale, Owner of the Ten Dwelling Units, Two Storefronts Three Story Masonry Property located on the premises known as 12110 Mayfield Road from a NOTICE OF VIOLATION/RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated May 24, 2000, requiring compliance with the

Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

There will be no action by the Board at this time; the Board will request that the Division of Building and Housing make a team inspection to determine the suitability of the structure and issue appropriate documents.

* * *

Docket A-112-00.

RE: Appeal of Charles E. Carter, Owner of the One Dwelling Unit and Store Two & One-half Story Masonry & Wood Property located on the premises known as 2764 East 79th Street from a 7 DAY VACATE ORDER of the Commissioner of the Division of Building and Housing dated June 29, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-112-00 has been POSTPONED; to be rescheduled for September 27, 2000.

* * *

Docket A-140-00.

RE: Appeal of Clarence D. Thompson, Owner of the Single Family Residential Property and Proposed Swimming Pool located on the premises known as 4408 Memphis Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated August 17, 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 ten (10) foot requirement and permit the pool to remain in its present location, noting the concurrence of the adjacent neighbor. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Williams and seconded by Mr. Bowes, 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-16-00—George Ziefler.
- A-85-00—Wilton W. Murray.
- A-86-00—Azman Howard Lovett.
- A-87-00—Jack L. Butler.
- A-94-00—OSF Properties, Inc.
- A-97-00—Ruby K. Green.
- A-109-00—The Chase Manhattan Bank.
- A-113-00—Charles C. Pearson.
- A-114-00—Charles C. Pearson.
- A-128-00—C.M.H.A.
- A-130-00—Brooke Spectorisky WKYC Channel 3.
- A-138-00—Waco Scaffolding & Equipment Co.

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

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Saunders and seconded by Mr. Bowes, 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):

August 30, 2000

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

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, SEPTEMBER 27, 2000

Central Recreation Center, Forest Hills Park, Orr Park and Port Park Site Improvements, for the Division of Research, Planning

and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1748-99, passed by the Council of the City of Cleveland, April 17, 2000.

A DEPOSIT OF TWENTY FIVE DOLLARS (\$25.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS OF THE BID OPENING DATE.

September 13, 2000 and September 20, 2000

FRIDAY, SEPTEMBER 29, 2000

Redundant Electrical Source/Equipment Pre-purchase Project (Re-bid), for the Department of Port Control.

BEGINNING FRIDAY, SEPTEMBER 15, 2000, AN ALL INCLUSIVE BID PACKAGE MAY BE PURCHASED FROM THE DIVISION OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKE-SIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114, FOR THE NON-REFUNDABLE COST OF SEVENTY FIVE DOLLARS (\$75.00) 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.

NOTE: THE COST IS WAIVED FOR THOSE WHO HOLD PREVIOUSLY PURCHASED PLANS AND SPECIFICATIONS FOR THIS PROJECT. IF INTERESTED IN REBIDDING, GO DIRECTLY TO CITY BLUE TO OBTAIN THE CHANGES AT NO EXTRA CHARGE.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, SEPTEMBER 19, 2000, FROM APPROXIMATELY 10:00 A.M. TO 12:00 P.M., IN THE PROGRAM MANAGEMENT TEAM OFFICE CONFERENCE ROOM, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135 (LOCATED AT THE SE CORNER OF CARGO ROAD AND FIVE POINTS ROAD). QUESTIONS MAY BE DIRECTED TO THE ATTENTION OF DEBORAH MIDGETT VIA FACSIMILE AT (216) 664-2177 UNTIL THE CLOSE OF BUSINESS ON FRIDAY, SEPTEMBER 22, 2000.

PROJECT DETAILS: SUPPLY AND FURNISH HIGH VOLTAGE ELECTRICAL POWER AND MANUFACTURER RELATED SERVICES IN ACCORDANCE WITH TECHNICAL SPECIFICATIONS AND PROCUREMENT PROCEDURES. THE REQUIRED EQUIPMENT WHICH IS PART OF A NEW MAIN SUBSTATION PROJECT SHALL INCLUDE, BUT NOT BELIMITED TO HIGH VOLTAGE SF6 BREAKERS AND POWER TRANSFORMERS. IT WILL ALSO INCLUDE MEDIUM VOLTAGE SWITCHGEAR LINE UP COMPLETE WITH RELAYS, DC EQUIPMENT AND OTHER ACCESSORIES.

2001 Criminal and Civil Filing System, for the Department of Finance on behalf of the Cleveland Municipal Court, as authorized by Ordinance No. 1426-2000, passed by the Council of the City of Cleveland, May 8, 2000.

September 13, 2000 and September 20, 2000

THURSDAY, OCTOBER 5, 2000

Police Uniforms and Supplies, for the Division of Police, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976.

September 13, 2000 and September 20, 2000

FRIDAY, OCTOBER 6, 2000

Fuel Tank Storage Removal, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 266-2000, passed by the Council of the City of Cleveland, May 1, 2000.

One (1) Dump Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1058-99, passed by the Council of the City of Cleveland, June 14, 1999.

One (1) Hammer Truck Flatted Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 904-2000, passed by the Council of the City of Cleveland, August 7, 2000.

Six (6) Fire Pumps, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 904-2000, passed by the Council of the City of Cleveland, August 7, 2000.

September 13, 2000 and September 20, 2000

FRIDAY, OCTOBER 13, 2000

North Terminal Expansion Baggage Area Project, ITB Package A305-3.1, for the Department of Port Control.

BEGINNING FRIDAY, SEPTEMBER 15, 2000, AN ALL INCLUSIVE BID PACKAGE MAY BE PURCHASED FROM THE DIVISION OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114, FOR THE NON-REFUNDABLE COST OF TWO HUNDRED DOLLARS (\$200.00) **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.

A PRE-BID MEETING WILL BE HELD ON **WEDNESDAY, SEPTEMBER 20, 2000**, FROM APPROXIMATELY 10:00 A.M. TO

12:00 P.M. IN THE PROGRAM MANAGEMENT TEAM OFFICE CONFERENCE ROOM, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135 (LOCATED AT THE SE CORNER OF CARGO ROAD AND FIVE POINTS ROAD). QUESTIONS MAY BE DIRECTED TO THE ATTENTION OF DEBORAH MIDGETT VIA FACSIMILE AT (216) 664-2177 UNTIL CLOSE OF BUSINESS ON FRIDAY, SEPTEMBER 29, 2000.

PROJECT DETAILS: IMPROVE-
MENT CONSTRUCTION IN-
CLUDES APPROXIMATELY
53,000 (SF) IN THE BAGGAGE
CLAIM AREA OF THE EXISTING
TERMINAL, 15,000 SF OF NEW
BUILDING CONSTRUCTION,
38,000 SF OF RENOVATED
SPACE WITHIN EXISTING TER-
MINAL. NEW CONSTRUCTION
INCLUDES: TWO BAGGAGE
CLAIM DEVICES, RESTROOM,
VESTIBULE, OFFICES AND
ADDITIONAL BAGGAGE MAKE-
UP AREA. RENOVATION CON-
STRUCTION INCLUDES: RE-
MOVAL AND REPLACEMENT OF
FOUR BAGGAGE CLAIM
DEVICES, CONFERENCE ROOMS,
MEN'S AND WOMEN'S REST-
ROOMS. ENGINEER'S ESTIMAT-
ED CONSTRUCTION COST IS \$6-
\$7.8 MILLION DOLLARS.

September 13, 2000 and September 20, 2000

WEDNESDAY, OCTOBER 18, 2000

Upgrading of Existing Varian Gas Chromatograph Mass Spectrometer and Accessories, for the Division of Water, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of the City of Cleveland, 1976.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, SEPTEMBER 27, 2000, 10:00 A.M., IN THE 5TH FLOOR CONFERENCE ROOM OF THE PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. ATTENDANCE IS **MANDATORY**. CONSEQUENTLY, NO BIDS WILL BE CONSIDERED FROM ANY BIDDER WHO DOES NOT ATTEND THE PRE-BID CONFERENCE.

September 13, 2000 and September 20, 2000

WEDNESDAY, OCTOBER 4, 2000

Jasper Park and Roberto Clemente Park Ball Diamond Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1605-98 and 115-2000, passed by the Council of the City of Cleveland, October 19, 1998 and January 24, 2000, respectively.

A DEPOSIT OF TWENTY FIVE DOLLARS (\$25.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICA-

TIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS OF THE BID OPENING DATE.

Typewriter Maintenance, for the various divisions of City Government, Department of Finance, as authorized by Ordinance 292-98, passed by the Council of the City of Cleveland, March 23, 1998.

September 20, 2000 and September 27, 2000

WEDNESDAY, OCTOBER 11, 2000

New or Refurbished Seating, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 413-2000, passed by the Council of the City of Cleveland.

Cleaning of the West Side Market, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 366-2000, passed by the Council of the City of Cleveland, May 1, 2000.

A PRE-BID MEETING WILL BE HELD ON FRIDAY, OCTOBER 6, 2000, 3:00 P.M. PARTICIPANTS ARE REQUESTED TO MEET AT THE LOADING DOCK OF THE WEST SIDE MARKET, LOCATED AT 1979 W. 25TH STREET.

September 20, 2000 and September 27, 2000

WEDNESDAY, OCTOBER 18, 2000

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

Bypass Piping, Fittings and Valves, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

Flight Helmets, for the Division of Police, Aviation Unit, Department of Public Safety, as authorized by Ordinance No. 1005-2000, passed by the Council of the City of Cleveland, July 17, 2000.

September 20, 2000 and September 27, 2000

FRIDAY, OCTOBER 20, 2000

Rental and/or Purchase of Flashers, Safety Lights, Arrow Bars and Traffic Control Devices, for the Department of Public Utilities, as authorized by Ordinance No. 1945-98, passed by the Council of the City of Cleveland, December 14, 1998.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, OCTOBER 11, 2000, 10:30 A.M., IN THE DIVISION OF WATER, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114

September 20, 2000 and September 27, 2000

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 1613-2000.

By Councilman Brady.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit to 11120-24 Lorain Avenue, 1st Fl. Only and 11118 Lorain Avenue, 1st Fl. Rear, and repealing Res. No. 1323-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to 11120-24 Lorain Avenue, 1st Fl. Only and 11118 Lorain Avenue, 1st Fl. Rear, by Res. No. 1323-2000, adopted July 28, 2000; and

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

Whereas, this resolution constitutes an emergency measure 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 renewal of a D5 and D6 Liquor Permit to 11120-24 Lorain Avenue, 1st Fl. Only and 11118 Lorain Avenue, 1st Fl. Rear, be and the same if hereby withdrawn and Res. No. 1323-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted September 11, 2000.
Effective September 19, 2000.

Res. No. 1614-2000.

By Councilman Brady.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit to 12703-05 Lorain Avenue, 1st Fl. & Bsmt., and repealing Res. No. 1326-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3 and D3A Liquor Permit to 12703-05 Lorain Avenue, 1st Fl. & Bsmt., by Res. No. 1326-2000, adopted July 28, 2000; and

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

Whereas, this resolution constitutes an emergency measure 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 renewal of a D1, D2, D3 and D3A Liquor Permit to 12703-05 Lorain Avenue, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1326-2000, containing said objection, be and the same is hereby

repealed and that this Council consents to the immediate renewal thereof.

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

Adopted September 11, 2000.
Effective September 19, 2000.

Res. No. 1615-2000.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit to 1059 Old River Road, 1st & 2nd Fls. & Patio, and repealing Res. No. 1521-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to 1059 Old River Road, 1st & 2nd Fls. & Patio, by Res. No. 1521-2000, adopted August 28, 2000; and

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

Whereas, this resolution constitutes an emergency measure 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 renewal of a D5 and D6 Liquor Permit to 1059 Old River Road, 1st & 2nd Fls. & Patio, be and the same is hereby withdrawn and Res. No. 1521-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted September 11, 2000.
Effective September 19, 2000.

Res. No. 1616-2000.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit to 1059 Old River Road, 2nd Fl., and repealing Res. No. 1522-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to 1059 Old River Road, 2nd Fl., by Res. No. 1522-2000, adopted August 28, 2000; and

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

Whereas, this resolution constitutes an emergency measure 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 renewal of a D5 and D6 Liquor Permit to 1059 Old River Road, 2nd Fl., be and the same is hereby withdrawn and Res. No. 1522-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted September 11, 2000.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1617-2000.

By Councilmen Cintron, Brady, Jones and White.

An emergency resolution supporting passage of House Bill 578, currently pending in the Ohio General Assembly, to extend assistance to Ohio low income families.

Whereas, the Ohio Works First Program ("Program"), as currently enacted terminates assistance to low income families three year after commencement; and

Whereas, the Ohio Works First Program, as currently enacted, fails to preserve food stamps benefits to members of families otherwise ineligible to participate in the Program; and

Whereas, the Ohio Works First Program, as currently enacted fails to take into consideration the adverse effects an economic recession has upon Ohio's low income families; and

Whereas, it is estimated that in the next six months, more than 7000 families in Cuyahoga County are, or will, added to those already be adversely affected by the Ohio Works First Program, as currently enacted; and

Whereas, this Council of the City of Cleveland is deeply concerned about the negative impact that certain provisions of the Ohio Works First Program has on the residents of the City of Cleveland; and

Whereas, House Bill 578, currently pending in the Ohio General Assembly, would mandate various changes in the Ohio Works First Program; now, therefore,

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 supports the passage of House Bill 578 by the Ohio General Assembly to revise the law governing the sanctions and time limits under the Ohio Works First Program and, in particular, Cleveland City Council supports passage of the following provisions:

(a) Extending the time limit for Program participation from three to five years; and

(b) Restoring food stamp benefits to members of families otherwise ineligible to participate in the Program; and

(c) Tolling the time limit for participation in the Program during periods of economic recession as determined by the Bureau of Economic Analysis in the United States Department of Commerce; and

(d) Issuing a pro-rated check to families initially sanctioned by the Program based upon the number of days of compliance with the Program.

Section 2. That the Clerk is hereby requested to transmit a copy of this resolution to Speaker of the Ohio House of Representatives and the President of the Ohio Senate.

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 September 11, 2000.

Effective September 19, 2000.

Res. No. 1618-2000.

By Councilman Coats.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 831 East 140th 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. 3700511, Sabrina A. Head, DBA East 140th Food & Beverage, 831 East 140th Street, Cleveland, Ohio 44110 to Permit No. 0258520, Ardenall Market Inc., DBA T & N Market, 831 East 140th Street, Cleveland, Ohio 44110; 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 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. 3700511, Sabrina A. Head, DBA East 140th Food & Beverage, 831 East 140th Street, Cleveland, Ohio 44110 to Permit No. 0258520, Ardenall Market Inc., DBA T & N Market, 831 East 140th Street, Cleveland, Ohio 44110 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 September 11, 2000.

Effective September 19, 2000.

Res. No. 1619-2000.

By Councilman Melena.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 8504 Detroit Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 6071811, MO AS Inc., 8504 Detroit Avenue, Cleveland, Ohio 44112; 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 permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

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

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

Whereas, the place for which the permit is sought is so located with

respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 6071811, MO AS Inc., 8504 Detroit Avenue, Cleveland, Ohio 44112 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 September 11, 2000.

Effective September 19, 2000, without the signature of the Mayor.

Res. No. 1620-2000.

By Councilman Polensek.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 231 East 156th Street, 1st Fl.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 0142108, Alojz Znidarsic Inc., DBA Glen Cove Pub, 231 E. 156th St., 1st Fl., Cleveland, Ohio 44110, to Permit No. 8516193, Statewide Entertainment Center LLC, DBA Charlies, 231 E. 156th St., 1st Fl., Cleveland, Ohio 44110; 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 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 D5 Liquor Permit from Permit No. 0142108, Alojz Znidarsic Inc., DBA Glen Cove Pub, 231 E. 156th St., 1st Fl., Cleveland, Ohio 44110, to Permit No. 8516193, Statewide Entertainment Center LLC, DBA Charlies, 231 E. 156th St., 1st Fl., Cleveland, Ohio 44110 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 September 11, 2000.
Effective September 19, 2000.

**Res. No. 1621-2000.
By Councilman Polensek.
An emergency resolution objecting to the issuance of a C1 Liquor Permit to 15550 Lakeshore Blvd.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 7677566, Saad Oil Inc., DBA Lakeshore Citgo, 15550 Lakeshore Blvd., Cleveland, Ohio 44110; 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 permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

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

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

Whereas, the place for which the permit is sought is so located with

respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 7677566, Saad Oil Inc., DBA Lakeshore Citgo, 15550 Lakeshore Blvd., Cleveland, Ohio 44110 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 September 11, 2000.
Effective September 19, 2000.

Ord. No. 1102-A-2000 (As a substitute for Ordinance No. 1102-2000).

By Mayor White (by departmental request).

An emergency ordinance authorizing the Mayor to enter into a General Agreement with the Greater Cleveland Regional Transit Authority for the design and implementation of the Euclid Corridor Transportation Project.

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

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

Section 1. That the Mayor is hereby authorized to enter into a General Agreement with the Greater Cleveland Regional Transit Authority for the design and implementation of the Euclid Corridor Transportation Project, payable from the fund or funds which are appropriated for this purpose. Such agreement shall be as follows:

**GENERAL AGREEMENT
BETWEEN
THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY
AND
THE CITY OF CLEVELAND
FOR
THE EUCLID CORRIDOR TRANSPORTATION PROJECT**

This General Agreement, (the "Agreement") made and entered into this ___ day of _____ 2000, by and between the GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY, hereinafter called ("GCRTA"), a regional transit authority and political subdivision of the State of Ohio, pursuant to Board Resolution No. _____, and the CITY OF CLEVELAND, a municipal corporation of the State of Ohio, through its _____, pursuant to the authority of Ordinance No. 1102-A-2000 passed by the Council of the City of Cleveland on September 11, 2000, hereinafter called ("CITY").

Whereas, the Euclid Corridor Transportation Project ("ECTP") is comprised of the following elements:

- Bus Rapid Transit ("BRT") — Euclid Avenue Transit Improvements
- BRT-St. Clair/Superior Transit Zone
- Transit Centers
- Red Line Rapid Transit Station Renovations
- BRT 17th/18th Street Improvements

Whereas, GCRTA, as the Federal Transit Administration ("FTA") grant recipient for ECTP, will serve as the lead agency responsible for administering the grant and reporting to FTA; and

Whereas, the successful implementation of ECTP will require significant modifications to the public rights of way owned by CITY and CITY's participation in the coordination and development of this project is imperative to insure success; and

Whereas, the ECTP has a \$292 million budget and CITY and GCRTA are both committed to meeting that budget. Accordingly, to the extent any CITY design requirement imposes additional project costs that require another design element to be modified in cost, CITY and GCRTA agree to engage in discussions to achieve consensus on project design increases and project design decreases, provided that transit operational elements shall not be affected by the cost of the design changes; and

Whereas, the CITY in cooperation with the Ohio Department of Transportation ("ODOT") has completed the design and is constructing an integrated downtown signal system with which the ECTP shall be compatible in design and operation to the extent practicable; and

Whereas, it is the intent of this Agreement to establish general guidelines between GCRTA and CITY with respect to the financing, duties, responsibilities and rights of each party during the Design, Construction and Operational Phases of ECTP, in order that ECTP may be defined, designed and constructed and operated and maintained within the City of Cleveland; and

Whereas, all construction work performed in, on, under, or over public space located in the City of Cleveland shall, in the interest of public convenience and safety, be performed in accordance with schedules submitted to CITY, to the end that such construction work will be coordinated with other construction work in such public space, and consistent with such agreement or agreements, CITY shall exercise its jurisdiction and control over such public spaces including the issuance of permits, as to facilitate GCRTA's use and occupation thereof for the purposes of this Agreement; and

Whereas, the construction and operation of ECTP as contemplated, will contribute directly and continuously to the economy of Greater Cleveland and its surrounding region to the general benefit of its citizens and to the welfare of the State of Ohio and its citizens; and

Whereas, GCRTA and CITY anticipate that the operation of ECTP will achieve travel time savings and more frequent service and GCRTA and CITY acknowledge and agree that such travel time savings and more frequent service are essential ingredients in the ECTP's benefits to the CITY, and GCRTA has resolved to use best efforts to maintain such travel time savings and service levels; and

Whereas, CITY and GCRTA understand that certain phases of the ECTP will extend beyond the boundaries of the City of Cleveland and that such extensions are essential to the continuity and integrity of the ECTP; and

Whereas, pursuant to the authority of Section 3, Article XVIII of the Ohio Constitution, as well as Ohio Revised Code Section 723.01, the CITY has the power to fully control the use of the respective rights of way of Euclid Avenue, East 17th Street, East 18th Street, Superior Avenue and St. Clair Avenue; and

Whereas, pursuant to the authority referred to in the preceding paragraph, the Council of the CITY has determined that the conveyance by CITY to GCRTA of an encroachment permit in the areas serves a public purpose fully consistent with the terms under which said right of ways are dedicated to public use; and

Whereas, CITY and GCRTA have agreed to comply with and adhere to the ECTP Utilities Philosophy attached hereto as Exhibit C; and

Whereas, the CITY's willingness to support the ECTP is in part motivated by GCRTA's continuing commitment to the operation of the community circulators and cross-town bus routes to meet the needs of its ridership; and

Now, therefore, in consideration of the mutual covenants contained herein, the parties to this Agreement agree as follows:

ARTICLE I DEFINITIONS

"CITY" shall mean the municipal corporation known as the City of Cleveland, including the executive and legislative branches.

"CITY FACILITIES" shall mean all buildings, streets, parcels, rights of way, medians, easements and licenses, permitted areas and leased parcels or buildings owned or under the management and/or control of CITY.

"MAINTENANCE" shall mean all reasonable costs associated with the day to day and seasonal upkeep and long term retention, preservation and restoration;

"ECTP" shall mean Euclid Avenue Transit Improvements; St. Clair/Superior Transit Zone; the Transit Centers; Red Line Rapid Transit Station Renovations; and the 17th/18th Street Improvements as described in Article II.

"INTEGRATED TRAFFIC MANAGEMENT SYSTEM" ("ITMS") shall mean a comprehensive traffic control system consisting of mast arms, signal heads, pedestrian signals, traffic control signs, street name signs and lane marking, loop detectors, conduit, wiring and appurtenant equipment, all interconnected to interact in a coordinated fashion. Said system must be of a type that is compatible with the CITY's integrated downtown signal system.

"OPERATIONS PLAN" shall mean the plan developed by GCRTA to ensure the cost efficient and effective operation of the ECTP Transit System within the specified budget.

"PEDESTRIAN AREAS" shall mean those areas that encourage transit usage, and include sidewalks, passenger shelters and pedestrian lighting as appropriate.

"FUNCTIONAL REPLACEMENT" is the replacement of any facility, building, structure, appurtenance, or utility in effect at the completion of 60% design; subject however to such changes in design criteria as may be mandated by state, or federal design standards taking effect after the completion of 60% design.

"THIRTY PERCENT DOCUMENTS" shall mean the 30% design review plans as may be modified in accordance with design review by appropriate reviewing agencies attached as Exhibit A.

"BETTERMENT" shall mean an improved or upgraded state or condition that exceeds current design standards in effect at the time of this Agreement, and shall consider cost, function, capacity, durability, obsolescence and efficiency;

"CENTER MEDIAN BUS STATION" shall mean the paved area between and behind the roadway median curbs dedicated to the specific purpose of a transit system boarding platform, and shall also include the bus shelter structures and furniture, transit power facilities and equipment inclusive of overhead contact wire system and other transit specific elements dedicated to the use of the GCRTA and its customers, and excludes all crosswalk and intersection areas.

"PRIORITY" shall mean the advantage given to GCRTA vehicles operating within the project limits as defined in Article II, Project Description, to deliver green lights, intersection by intersection, to allow said vehicles to advance through the intersection for the purpose of achieving travel time savings and more frequent service. Emergency vehicles will have superior Priority.

ARTICLE II PROJECT DESCRIPTION

The following is a brief description of the individual project elements of ECTP:

1. Bus Rapid Transit ("BRT") — Euclid Avenue Transit Improvement

Design, engineering and construction of capital improvements in the right-of-way from and including Public Square to East 120th, which include:

A. Creation of exclusive bus lanes adjacent to a Center Median on Euclid Avenue from Public Square to East 107th Street;

B. Inclusion of enhancements to pedestrian areas which encourage transit usage, including new sidewalks, passenger shelters, pedestrian lighting, landscaping, street trees and tree lawns;

C. Reconstruction of a roadway composed of both bus lanes and travel lanes for other vehicles. Roadway design incorporating the acquisition of additional right-of-way and the construction of appropriate curb lines, numbers and widths of travel lanes, upgraded street lighting, and crosswalks at intersections designed to clearly identify pedestrian areas;

D. Installation of an Integrated Traffic Management System ("ITMS") on Euclid Avenue, to provide Priority to transit vehicles operating on Euclid Avenue. The elimination and/or relocation where possible of on-street parking and relocation where possible of loading zones and installation of pedestrian and vehicular signage to clearly identify the availability of transit service;

E. Development of an operations plan and specifications for unique vehicles which are anticipated to be sixty (60) foot low floor, articulated, electric trolley buses with doors permitting both left and right side boarding. Exact number and auxiliary propulsion system design will be determined during final design.

F. Preparation of a detailed plan for the protection and maintenance of vehicle and pedestrian traffic during the construction of bus and roadway improvements. Consideration will be given to phasing some or all of the roadway work so as to minimize safety conflicts with regular daytime traffic.

2. East 17th/East 18th Street Improvements

Design engineering and construction of street and pedestrian improvements on East 17th Street from St. Clair Avenue to Prospect Avenue and East 18th Street from Euclid Avenue to Carnegie Avenue to improve the flow of buses and other traffic. Components consist of:

A. Acquire necessary right-of-way and perform new construction to extend East 17th Street from Euclid Avenue to Prospect Avenue, (including new sidewalks and curbs) and rehabilitate roadway surfaces between Euclid Avenue and St. Clair Avenue, (including grinding, overlay, base repairs as necessary, new sidewalks, curbs and, as necessary, concrete bus pads) to serve primarily as a two-way, three-lane street for transit vehicles;

B. Widen and rehabilitate East 18th Street between Euclid Avenue and Carnegie Avenue (including grinding of existing asphalt surface, pavement base repairs, asphalt overlay, new sidewalks, curbs and, as necessary, concrete bus pads). Existing four lanes of traffic north of Euclid Avenue will remain, and five lanes of traffic south of Brownell Court to Carnegie Avenue will be provided;

C. Improvement to the ITMS to provide appropriate traffic signalization Priority to transit and safety vehicles operating on East 17th Street as proposed by ECTP. The elimination of on-street parking where possible and relocation of loading zones where possible and installation of pedestrian and vehicular signage;

D. Preparation of a detailed plan for the protection and maintenance of vehicle and pedestrian traffic during the construction of bus and roadway improvements. Consideration will be given to phasing some or all of the roadway work so as to minimize safety conflicts with regular daytime traffic.

E. Make necessary right-of-way improvements on East 21st Street from Prospect Avenue to Euclid Avenue, including expansion of right-of-way to realign East 21st Street between Prospect and Euclid, new sidewalks, curbs, roadway reconstruction, street lighting, and streetscape.

3. BRT — St. Clair/Superior Transit Zone

Design, engineering and construction of a transit zone bounded by Superior Avenue, St. Clair Avenue, West 3rd Street, and East 17th Street in downtown Cleveland to provide for expanded, highly visible transit operations in the Central Business District ("CBD") and to allow for convenient transfer between transit routes for regional travel, including the following:

A. Creation of exclusive and reserved transit lanes to minimize conflicts between private vehicles and transit vehicles and also to minimize the routine operating and maintenance costs of the designated bus lanes and other vehicular travel lanes;

B. Inclusion of enhancements as appropriate to pedestrian areas which encourage transit usage, including passenger shelters and pedestrian signage to provide greater visibility and information to transit riders; and

C. Modifications to roadways and traffic operations to eliminate or relocate, where possible, on street parking and loading areas.

D. Improvement to the ITMS to provide appropriate traffic signalization Priority to transit and safety vehicles operating on Superior Avenue, St. Clair Avenue, West 3rd Street and East 17th Street as proposed by ECTP. The elimination of on street parking where possible and relocation of loading zones where possible and installation of pedestrian and vehicular signage.

4. Red Line Station Renovations

Design, engineering and construction for the upgrade of three (3) Red Line stations. The goals are to improve accessibility between the stations and the neighborhoods or employment centers they serve, to increase safety, convenience and to meet the requirements of the Americans with Disabilities Act, and to encourage economic development in the station catchment area. These improvements consist of the following:

- A. Improvements to the East 105th Street Station;
- B. Improvements to the University (Cedar) Station;
- C. Improvements to the East 55th Street Station.

5. Transit Centers

A. Design, engineering and construction of two downtown Transit Centers at West 3rd /St. Clair Avenue and at East 21st Street and Prospect Avenue to improve bus service in the CBD by:

- Reducing the need for on-street bus layovers;
- Increasing pedestrian access;
- Providing comfortable passenger waiting areas and driver comfort stations; and
- Facilitating transfers between transit vehicles.

B. The Transit Center at West 3rd Street and St. Clair Avenue will be designed and constructed to be architecturally compatible with the surrounding neighborhood. Said design and construction shall include enhancements to West 2nd Street to facilitate pedestrian access between St. Clair Avenue and Public Square.

ARTICLE III PROJECT ORGANIZATION

The GCRTA and the CITY herein agree to adopt the following project organization structure to oversee the execution of ECTP. Exhibit B, attached hereto and incorporated herein by reference, illustrates the proposed structure while the following narrative provides a description of the roles and responsibilities of the various participants.

3.01 GCRTA Representatives

A. GCRTA CEO/General Manager will coordinate with the CITY's Mayor or his designee regarding general GCRTA/CITY issues and report such issues to the City Council liaison.

B. Project Director - GCRTA will assign a full time Project Director who will be responsible for managing the staff of GCRTA and consultants for the ECTP. The Project Director will coordinate with CITY Administration ECTP Liaison regarding policy issues for the design, construction, and maintenance of the ECTP. GCRTA's Project Director will also report to a CITY Council Liaison on a regular basis and will provide such liaison copies of all documents between the City and GCRTA concerning the ECTP.

C. Consultants — GCRTA shall procure the services of contractors to perform work in accordance with applicable GCRTA and federal procedures.

3.02 CITY Representatives

A. Mayor of the CITY — The Mayor will coordinate with the GCRTA CEO/General Manager regarding appropriate issues between GCRTA and CITY.

B. CITY ECTP Liaison — The Mayor has appointed and will maintain a cabinet-level member of the Mayor's Administration to coordinate with the GCRTA ECTP Project Director concerning design, construction and maintenance of ECTP.

C. CITY Project Coordinator — The Mayor has appointed and will maintain a Project Coordinator reporting to CITY's ECTP Liaison who will be responsible for coordinating CITY's technical staff for the ECTP.

D. CITY Council will appoint a liaison to the ECTP. The liaison will coordinate with the GCRTA ECTP Project Director concerning all aspects of the ECTP.

3.03 FTA Project Oversight

A. FTA will monitor all aspects of the project.

B. The FTA shall have the authority to access applicable GCRTA and CITY project files as permitted by law, copies of all completed work products, invitations to all progress review and public involvement meetings, and copies of minutes generated as a result of all such meetings and such other documentation as required.

C. As the FTA grant recipient, GCRTA is responsible for facilitating the flow of information between the parties to this Agreement. GCRTA will serve as the lead agency for administration of the grant and reporting to FTA. All matters pertaining to grant funds expenditures, allocations and disbursement of funds will be within the purview and control of GCRTA as the grant recipient. Further, all contracts let as a result of this effort will conform to GCRTA standards to insure of their compliance with all applicable federal and state rules and regulations.

**ARTICLE IV
GENERAL PROVISIONS**

The purpose of these provisions is to establish GCRTA and CITY authorities and responsibilities relative to the ECTP's effect on CITY-owned facilities and to determine the extent that the features required by the ECTP impact on CITY owned properties and neighborhood communities.

4.01 Project Affected Facilities

A. GCRTA shall cause to be performed and CITY shall agree to the relocation, modification or reconstruction of CITY facilities including but not limited to streets, street furniture and sidewalks, which shall be in accordance with CITY's design criteria, standards, and construction requirements of CITY in effect at the completion of 60% design and within ECTP budget subject, however, to such changes in design criteria as may be mandated by federal or state laws taking effect after the completion of 60% design. This work, when required by ECTP, shall be included in GCRTA contracts and performing this work will be included in the ECTP costs. Detailed plans shall be prepared by GCRTA and submitted to the CITY for approval. Such approval shall not be unreasonably withheld. Specifically excluded from this will be work relating to Fire and Police alarm system cables, or work required to be undertaken within the project limits as described in Article II by any CITY controlled utility or utility conduit system (except as otherwise agreed to herein).

B. Upon completion of the relocation, modification or reconstruction of City Facilities in accordance with the plans approved by the CITY, CITY shall maintain such improvements at no cost to GCRTA.

C. Functional Replacement of an operational CITY owned facility shall be as indicated in the 60% documents and shall not be considered betterment. Any Functional Replacements outside the scope of the ECTP will be mutually agreed to and subject to a separate agreement, subject to legislative authorization for improvements of over Ten Thousand Dollars (\$10,000.00).

D. Utility relocation shall not be at the expense of ECTP or the GCRTA. Any CITY owned utility relocation or modification work contemplated to be done in conjunction with the ECTP shall be done only after passage of legislation by Cleveland City Council authorizing such utility relocations or modification.

E. Replacement or modification to CITY's street surfaces as part of or during construction necessitated by application of ECTP vehicles shall be at the ECTP's expense.

F. CITY shall pay the cost for any new facilities and/or replacement or modifications to existing CITY facilities which meet each of the following criteria: (1) the work is requested by CITY in writing pursuant to the "Notice" provisions in Section 11.10; (2) the work is not included in the ECTP Thirty Percent Documents as a project element; and (3) the work achieves a Betterment to the CITY; and (4) any necessary legislative authorizations have been obtained by Cleveland City Council.

G. CITY shall review and approve in all phases of the design and construction of the ECTP, including without limitation, construction sequencing and completion times allotted for maintenance and surface flow of pedestrian and vehicular traffic, with particular concern being given to transit services, deliveries and emergency equipment including police, fire and ambulances. Actual dates and times of work disruption shall be presented to CITY for concurrence.

H. GCRTA and/or its contractors shall obtain all permits required to construct. Through the efforts of the Project Coordinator, CITY will cooperate to the fullest extent possible in expediting the issuance of such permits.

I. The siting of support facilities upon CITY owned properties shall be coordinated with the relevant CITY Planning and Development agencies.

4.02 Plan Review and Approval

GCRTA shall coordinate design review procedures with CITY in order to ensure the timely and efficient completion of engineering and architectural designs to the extent that they affect the properties and facilities owned and controlled by CITY. CITY's design review of GCRTA plans, during each design review period specified below shall be coordinated through and by CITY Project Coordinator. CITY Project Coordinator shall ensure that the designated departmental representatives, the City Planning Commission, the City Planning Committee and the Aviation and Transportation Committee (to be held as a joint committee), and the Cleveland Landmarks Commission have reviewed plans for conformance to CITY's standards incorporated in the 60% documents. CITY's departmental comments pursuant to such design review shall be forwarded to GCRTA Project Director and the City Council liaison by CITY's Project Coordinator. CITY Project Coordinator shall furnish GCRTA and the City Council liaison with written comments on proposed designs within the time frames covered under Article 4.03 E and F herein. CITY Design Review Agencies are listed in Figure 1.

4.03 Submittal Requirements

A. At 30/60/90% design review periods, the GCRTA shall submit: (1) a sufficient number of plans to CITY Project Coordinator for CITY departmental and Commission review, and (2) current cost estimates for all improvements comprising the ECTP.

B. Appropriate design calculations may be submitted with the plans as requested.

C. At the 30/60/90% design review periods, in addition to departmental review, the plans shall be submitted to CITY Planning Commission, the City Planning Committee and the Aviation and Transportation Committee (to be held as a joint committee), and Cleveland Landmarks Commission for review. GCRTA shall issue written notification to CITY Project Coordinator and the City Council liaison of such submissions as well as any subsequent correspondence or meetings.

D. Prior to presentations to the City Planning Commission, the City Planning Committee and the Aviation and Transportation Committee (to be held as a joint committee), and the Cleveland Landmarks Commission, GCRTA shall present the plan to the City's Design Review Committee for comments on the architectural harmony of the ECTP's surface features and their relationship with adjacent existing or proposed development. CITY Project Coordinator will be notified of such submissions as well as any subsequent meetings or correspondence.

E. Thirty (30) business days shall be allowed for CITY's review at the 60% design review period, at which time, CITY shall furnish GCRTA and the City Council liaison written notice of such comment, condition, objection, or approval pertaining to such plans. At the conclusion of the review period, GCRTA shall seek and obtain final approval by the City Planning Commission, the City Planning Committee and Cleveland Landmarks Commission for the design and plans submitted or as modified as the results of departmental review.

F. Thirty (30) business days shall be allotted for CITY's review at the 90% design review period. CITY shall furnish GCRTA and the City Council liaison written notice of either approval or conditional approval, including formal action by the City Planning Commission, the City Planning Committee and the Aviation and Transportation Committee (to be held as a joint committee), and Cleveland Landmarks Commission approving the submitted plans with the understanding that conditional approval will be changed to "approval" when it is demonstrated to CITY that all agreed-to review comments have been incorporated pertaining to such plans.

G. After approval of the 90% design drawings by CITY and before GCRTA gives any contractor a Notice to Proceed with any portion of ECTP construction, GCRTA or its Contractor shall be responsible for obtaining the necessary CITY permits to perform work in the public right-of way, to do any work on the CITY-owned utility systems, or to build, shore, underpin, demolish or otherwise alter any structure on privately-owned land within the City of Cleveland. The Contractor will submit all necessary information required supporting the requests for CITY permits. Through the efforts of the Project Coordinator CITY will expeditiously process all permit requests by GCRTA so that the permits will be available at Notice to Proceed for the various GCRTA construction contracts. Permits issued with exclusions shall be resolved by CITY and GCRTA before work begins on the excluded items.

H. GCRTA's contractor shall obtain the appropriate permits from CITY before proceeding with any revisions to the originally approved plans for CITY facilities involved. A copy of the permits shall be provided to the City Council liaison prior to commencement of any work. Subsequent revisions to plans for CITY utility, construction, relocation, and/or modification shall be submitted to CITY for approval.

I. Upon completion of the 100% drawings, GCRTA shall expeditiously proceed with preparation of "As-Built" Drawings in the manner specified in Section 8.04.

J. All City Council Committee approval of the 30/60/90% design review periods required in this Article IV shall be evidenced by the passage of legislation by Cleveland City Council.

ARTICLE V

FINANCIAL COMMITMENT BY THE CITY

CITY has committed to GCRTA the following schedule of funds for ECTP with the delivery date as follows:

2000	Street scape design	Unexpended 1996 road and bridges G.O. Bonds (previously allocated to Whiskey Island road project)	\$1,000,000
2001	Street scape design	G.O./General Fund	\$ 2,200,000
2002	Street scape construction	G.O./General Fund Assessments	\$ 2,200,000 \$ 5,000,000
2003	Street scape construction	G.O./General Fund	\$ 2,200,000
2004	Street scape construction	G.O./General Fund	\$ 2,200,000
2005	Street scape construction	G.O./General Fund	\$ 2,200,000
TOTAL			\$17,000,000

The City's total commitment shall not exceed \$17.0 million. The CITY shall furnish the appropriate evidence that the City's Director of Finance has certified funds for the City's financial commitment subject to annual appropriations as may be approved by legislation passed by Cleveland City Council.

ARTICLE VI

FINANCIAL COMMITMENT BY RTA

GCRTA has committed \$500,000 in each of the years 2002, 2003, 2004 and 2005 toward the cost of the repair or replacement of basement areaways and vaults as defined in Article VII 7.04.

ARTICLE VII

PROJECT PROVISIONS

7.01 Maintenance of Traffic

A. GCRTA, with CITY assistance, shall develop Maintenance of Traffic plan for CITY, which will provide for the overall maintenance of the traffic flow on commercial and arterial streets affected by the construction of ECTP.

This plan shall include general provisions for maintenance of pedestrian and vehicular access to public and private establishments, within the areas affected. Special consideration shall be given to the necessity of providing access to business establishments and/or pedestrians, deliveries, maintenance of transit services, and fire-fighting and other emergency equipment. Such plans will serve to coordinate the schedule of operations of GCRTA's Contractors and shall be submitted to CITY, including City Council liaison, for its review and concurrence.

B. The cost of any variation during construction from the approved Maintenance of Traffic plan as caused by ECTP shall be at the ECTP expense unless otherwise mutually agreed to.

C. Transit service rerouting shall be coordinated between CITY and GCRTA. GCRTA shall be responsible for coordinating with CITY Traffic Engineering Division, the rerouting of transit service necessitated by construction activities.

D. CITY will remove, relocate or erect all regulatory signs unless provided for in the contract documents. If such relocation, removal or erection costs in excess of \$10,000.00, city shall obtain prior legislative authorization before commencement of work.

E. GCRTA shall be financially and operationally responsible for the integration of the ECTP ITMS in CITY's existing traffic control network within the project area as described in Article II and as defined in 60% documents.

7.02 Street Restoration

All pavement restoration in public streets shall be in strict conformance with the specifications and practices of CITY in effect at the completion of 60% design. Upon completion of the final project, timely final inspection and acceptance will be made by CITY.

7.03 Operation and Maintenance after Construction

A. GCRTA will trim at its sole cost all trees and shrubs in the Center median in the Euclid Avenue Transit Improvement Area as defined in Article II. CITY will, with its own workforce, perform all remaining maintenance in the Center Median and sidewalk area. GCRTA will reimburse CITY for said Center Median maintenance at ten thousand dollars (\$10,000.00) per mile of Center Median per year plus annual adjustment for inflation based upon the CPI. Said reimbursement shall not exceed forty-five thousand dollars (\$45,000.00) per year, plus annual adjustment for inflation based upon the CPI.

B. GCRTA shall be responsible for all costs associated with the maintenance of the Center Median Bus Stations.

C. GCRTA shall be responsible for the maintenance of and power for the overhead contact system and substations for the transit operations.

D. Existing bus shelters, which no longer service buses, shall be relocated based on GCRTA policy.

7.04 Projections in Public Space

A. GCRTA's plans shall indicate those basement areaways, vaults, signs, display windows, footings, foundations, and other projections in public space which must be modified or removed to accommodate the construction of ECTP. The projections into public space affected by this construction shall be identified during the continued preliminary engineering phase by GCRTA.

B. Upon a reasonable determination by GCRTA that any projection into or occupancy of public space should be modified, removed or vacated, the GCRTA shall notify CITY. CITY will expeditiously investigate such matters and mutually agree with GCRTA as to what action will be taken by CITY to resolve the issue. The City Council liaison shall be copied on all correspondence or notifications.

C. Within three (3) months of the execution of this Agreement, CITY shall provide GCRTA with a final written disposition of all such basement areaways and vaults. Such written disposition shall be provided simultaneously to the City Council liaison and GCRTA. The costs associated with the study and assessment, the preparation of detailed plans, and the construction of any modification, reconstruction, or abandonment of any such basement areaways and vaults, including related utility systems, and furthermore any work associated with asbestos abatement and the removal, disposal, or remediation of any other hazardous material, shall be the sole responsibility of CITY subject to passage of appropriate assessment legislation. No work on the aforementioned items shall commence without the prior passage of assessment legislation or other such legislation identifying a funding source. In the event that legislation does not pass, CITY shall be responsible for determining the funding source for this responsibility at no cost to GCRTA. CITY shall contact all affected property owners and undertake the vacations of any easements and permits that may exist for such basement areaways and vaults.

7.05 Disposition of CITY Equipment and Material

A. CITY shall have the right to determine the disposition of its equipment and materials impacted by the operations of any GCRTA contractor. The items to be salvaged shall be determined prior to the 90% design review period and be incorporated in the contract documents for each individual contract. The methods of disposition shall include, but are not limited to:

Abandonment in place by CITY.

Salvage of material and equipment by CITY forces which shall be accomplished in a timely manner.

Salvage by GCRTA's contractor, at request of CITY, with salvaged material being delivered to designated CITY storage yards.

B. Regardless of the methods used, all reasonable expenses incurred shall be the responsibility of CITY.

C. The cost of salvaging of any CITY equipment or material, not identified prior to bidding, shall be at CITY's expense.

D. The above clauses do not apply if the material and/or equipment is the subject of a builder's risk claim for property loss, in which case the salvage will become the property of the applicable insurer.

7.06 Street Lighting and Traffic Signal System

A. Where practical, GCRTA's construction plans shall maintain the existing electrical ducts and cables used in support of the existing street lighting and traffic signals. In the event that a replacement of ducting and cables is required, the existing ducting and cables shall be maintained by the ECTP until the replacements have been installed and connected.

B. Notwithstanding the provisions of Article 4.01 D, in those instances where the construction of the ECTP requires a temporary or permanent relocation of portions of the street lighting and traffic signal system, CITY may, by mutual agreement with GCRTA, cause the work to be performed by others in coordination with the ECTP schedule. CITY shall cause its designee to adhere to the published schedule of the ECTP. Legislative authority shall be necessary for any additional inter-agency agreements for third party contracts to be paid for out of City funds entered into as a result of the ECTP.

C. Work performed by CITY or its designee in such street lighting relocations shall be at GCRTA's expense if said relocations are within the project limits as defined in Article II, Project Description.

D. In both contracts negotiations and contract enforcement actions, CITY shall attempt to minimize any delay to the ECTP schedule and subsequently to ECTP Contractors caused by CITY, its designee or any city-owned utility performing construction or other actions. CITY and GCRTA agree to have all construction contracts include language that will indemnify both CITY and GCRTA against delay claims that will result in monetary remediation actions.

E. Street lighting constructed under the ECTP that is solely for the benefit and lighting of the pedestrian ways and roadway shall become the maintenance responsibility of CITY upon completion and being put into service. Likewise, the cost of the power to operate such lighting also becomes the responsibility of CITY. Lighting solely for the benefit of the transit stations becomes the maintenance responsibility of GCRTA, as does the cost of power to operate this lighting.

ARTICLE VIII

PROJECT PROVISIONS DURING CONSTRUCTION

8.01 Construction Inspection and Approval

A. Work performed by any contractor employed by GCRTA in furtherance of ECTP shall be inspected in accordance with GCRTA Quality Assurance and Project Execution Manuals. Where the work involves CITY facilities, CITY will provide an inspector to observe the construction of all CITY facilities. CITY inspector will report to the GCRTA's inspector with proper identification at the time of arrival and departure from the construction sites, and at all times will be equipped with proper safety and inspection equipment as prescribed by the GCRTA. All problems, disagreements, and objections shall be promptly reported to the GCRTA's Construction Superintendent at the construction site. All inspections shall be in accordance with GCRTA quality control and quality assurance manual.

B. CITY inspector shall inspect all ECTP improvements to ensure that the work has been installed in compliance with the CITY's standards and in accordance with the plans and specifications approved by CITY. Upon completion of the construction under each contract and final acceptance, CITY, within thirty (30) days shall certify in writing to GCRTA whether the facilities have been constructed in accordance with CITY's standards.

C. CITY's inspector shall maintain a daily inspector's report for each day's work, a copy of which will be given to GCRTA's Construction Superintendent.

D. The cost of all inspection work performed by CITY is to be borne by CITY.

E. GCRTA will maintain a document control system approved by the FTA.

F. CITY will name or cause to be named GCRTA as an additional insured on all construction contracts proposed to be performed within the ECTP project limits as defined in Article II during the duration of the ECTP. In all instances GCRTA will name or cause to be named CITY as an additional insured on all construction contracts.

8.02 Construction Coordination

A. GCRTA will be required to respond promptly to any complaints or comments received from CITY, involving problems with utilities, pedestrian and/or vehicular traffic movement or access to public or private property resulting from ECTP construction.

B. All utility services (water, wastewater, electric, etc.), the police and fire alarm systems and the traffic signal wiring shall not be interrupted at any time, except as mutually agreed upon, or under emergency conditions. GCRTA shall provide notification in writing within forty-eight (48) hours prior to any planned interruption or informal notification followed by a confirmatory writing for all such interruptions.

C. If GCRTA's construction of the ECTP should disrupt utility service, GCRTA and/or its contractors shall immediately rectify and restore the service at its sole expense; provided that the Director of Public Utilities may instead rectify and restore the disrupted utility service with CITY forces or contractors upon the occurrences of either of the following events: (1) GCRTA fails to restore the disrupted utility services within 24 hours of the disruption; or (2) the disrupted utility services lead directly or indirectly to interruption of utility service to Division of Water or Cleveland Public Power customers. GCRTA shall provide notification in writing or informal notification followed by a confirmatory writing for all such interruptions. In the event that GCRTA has substantially corrected the disrupted utility, GCRTA shall immediately notify the Director of Public Utilities.

D. CITY, prior to the commencement of construction, will provide a list of contacts for all CITY agencies impacted by ECTP.

E. During construction, GCRTA will schedule periodic joint meetings between GCRTA CITY staff and the City Council liaison to review progress of construction and future project actions.

8.03 Parking Meters Within the Project Limits as Described in Article II

A. CITY shall remove and reinstall parking meter heads, at CITY's expense, and in coordination with the schedule of operations of GCRTA.

B. GCRTA shall remove and dispose of existing parking meter posts during construction and install new posts whenever necessary at ECTP's expense.

8.04 "As-Built" Drawings

A. GCRTA shall maintain a set of "as-built" drawings in the Construction Superintendent's field office at all times. CITY and the City Council liaison shall have immediate access (i.e., less than 1 hour during emergencies) to said "as-built" drawings until CITY receives its own set. GCRTA will utilize an electronic format if a compatible system exists at CITY.

B. Within six (6) months after completion of the Project, GCRTA shall furnish CITY with full scale mylar film reproductions and half-scale equivalent reproductions of plans in booklet form showing all facilities installed in public space or rights-of-way for municipal utilities and services resulting from the construction of the ECTP.

C. The parties agree to use their best efforts to adhere to the Utilities Philosophy attached as Exhibit C.

**ARTICLE IX
REAL ESTATE**

9.01 Property Acquisition

A. Temporary staging, construction work and storage areas:

CITY shall grant to GCRTA, in an expeditious manner, CITY-owned property to be mutually agreed upon prior to construction for GCRTA contractor staging, temporary construction work and storage areas.

GCRTA will enter into license agreement(s) identifying the license or lease terms for each parcel of CITY-owned property or properties identified for GCRTA contractor staging, temporary construction work and storage areas. The term of said license or lease agreements shall cover the period through demobilization by the construction contractors and shall include as a minimum, a metes and bounds plat describing the property. These properties shall be provided to the GCRTA without monetary consideration, rent or fee. A description of said properties shall be submitted.

B. Public Streets

1. CITY shall grant GCRTA an encroachment permit for the Transit Strips, which encroachment permit may be terminated for one of the following reasons only, (1) as may be legally necessary to preserve and maintain the public rights-of-way in trust for public purposes, (2) in the event the Permittee uses the Transit Strips for other than public transit purposes, or (3) if the Permittee ceases use of public transit operations in all or any significant portion of the Transit Strips for a period exceeding six months. Transit Strips shall mean all Center median strips and all dedicated bus lanes (as depicted in detail on the Thirty Percent (30%) Drawings) located within the rights-of-way of the following City Streets: Euclid Avenue, East 17th Street, East 18th Street, Superior Avenue and St. Clair Avenue. Termination for one of the above reasons shall be effective upon legislative action. Nothing herein shall be construed to confer upon Permittee any rights superior to the paramount rights of the public in the public rights-of-way, nor shall it be construed to impair or limit the CITY's rights and obligations regarding the public rights-of-way, including but not limited to the right to make and enforce laws and regulations, and to keep the streets and rights of way open and in good repair.

2. The CITY retains the right to penetrate the right-of-way for proper municipal purposes and to issue permits to third parties for uses of the right-of-way below the surface which uses will not result in a disruption of GCRTA's operations. GCRTA acknowledges the CITY's right to penetrate the surface of the right-of-way and grant any Permittee of the CITY the right to penetrate the surface of the right-of-way for the purposes described herein.

C. Permanent (off-street) Property Transfers

1. Property owned or under the control of CITY and required by GCRTA, outside of street dedications or on streets closed to traffic shall be provided to GCRTA at no cost to GCRTA. GCRTA shall identify the parcels required prior to the start of construction. A list of such parcels shall be provided to the City Council liaison prior to commencement of construction. The form of CITY's deed shall substantially conform to the deed attached as Exhibit D. A copy of all executed deeds shall be provided to the City Council liaison.

CITY shall, also where necessary for construction and maintenance of ECTP, grant to GCRTA slope and drainage easements on CITY-owned property at no charge to GCRTA.

2. If necessary, CITY shall grant to GCRTA a license or encroachment permit to gain access to property conveyed to GCRTA. A copy of any such license or encroachment permit shall be provided to the City Council liaison.

D. Preparation of Enabling Legislation

CITY shall prepare any and all municipal legislation pertaining to the ECTP and the transactions contemplated herein and shall submit such legislation to the CITY Council for consideration. No property or property interests may be transferred by the City to GCRTA without prior legislative authorization for such transfer.

9.02 Disposition of Excess Property

GCRTA agrees to the extent permitted by State law, federal requirements and GCRTA policies, that future disposition of any excess portions of land acquired for the purpose of ECTP construction will be closely coordinated with the development and redevelopment programs of CITY. Any CITY property that had been conveyed to GCRTA at no cost and is declared excess by GCRTA shall revert to CITY, at no cost to CITY.

9.03 CITY Owned Utilities — After Substantial Completion

A. CITY reserves the right to maintain its utilities and will coordinate its normal repairs and inspections so as not to unreasonably impact GCRTA's regular operations and shall give a minimum of forty-eight (48) hours notice prior to the start of such activities.

B. If a CITY owned utility disruption occurs that demands the disruption of GCRTA's ECTP operations, CITY will effect repairs to a level of functional replacement as originally designed as promptly as possible. The cost of repairs is to be borne by CITY.

C. CITY reserves the right to inspect and maintain any and all CITY-owned facilities and will coordinate its routine inspections and maintenance repair with GCRTA. With forty-eight (48) hours' notice, GCRTA will cooperate with CITY's efforts of inspection and maintenance. GCRTA shall also cooperate with CITY if a declared emergency condition arises.

D. CITY shall establish a street opening and road replacement policy that will include but not be limited to (1) minimizing the impact on transit operations; 2) maintaining the integrity of pavement materials; and (3) minimizing disruption of median walls.

E. If utility services are disrupted and when appropriate and required, the CITY fails to immediately rectify and restore the service, GCRTA may rectify and restore the disrupted utility service with GCRTA forces or contractors only upon the occurrence of all of the following: (i) the disrupted utility service significantly disrupts GCRTA ECTP service; (ii) the CITY fails to restore disrupted utility services with 24 hours of the disruption; and (iii) the Director of Public Utilities is notified of GCRTA's intent to rectify or restore utility services.

ARTICLE X REIMBURSEMENT

10.01 Reimbursement to CITY

A. GCRTA shall reimburse CITY for the following types of services:

GCRTA will reimburse CITY for work undertaken upon request by the GCRTA unless otherwise indicated in this Agreement. If applicable, the City shall secure the necessary legislative authorization from Cleveland City Council prior to commencing work. Reimbursement for this work will be based upon actual verifiable and reasonable construction costs with no mark up.

Except for those items listed in Section 10.03 below, GCRTA will reimburse CITY its direct cost for specific work performed by CITY personnel or its designee when requested by GCRTA.

CITY shall bill GCRTA monthly for the reimbursable cost accumulated in the previous calendar month. Such invoices shall clearly show the GCRTA's contract number and CITY control number and shall be in such detail to permit an evaluation of the materials furnished and the services performed by CITY. Payment shall be made on a monthly basis. CITY bills shall be submitted on a monthly basis within (90) days from date of performance of applicable work.

B. GCRTA and FTA shall have the right to audit the CITY's records at such reasonable times and places mutually agreed upon to include books, records, documents, papers and other supporting data involving those transactions in which CITY performed work or services for GCRTA. Such records shall be maintained and kept available for a period of seven (7) years based upon completion of the work to which they pertain.

10.02 Work Authorization

Prior to the performance of any non-emergency services by CITY, CITY shall provide GCRTA with a written estimate for the services and if applicable, secure the necessary legislative authorization prior to commencement of work, and GCRTA shall issue a Work Authorization (the "Work Authorization") to CITY on GCRTA's standard form, with a copy to be provided to the City Council liaison.

In the performance of any of the authorized work or services, CITY may not incur charges in excess of those shown on the Work Authorization without the prior written approval of GCRTA. GCRTA will not be obligated to pay absent an approved Work Authorization. CITY and GCRTA shall perform quarterly reviews of the Work Authorizations to determine if the established limit of the Work Authorization needs adjustment. The City Council liaison shall be included in all such quarterly reviews.

10.03 Non-Reimbursable

GCRTA shall not reimburse CITY for the following types of services unless specifically authorized elsewhere in this Agreement:

Office supervisory and administrative time of various CITY departmental personnel.

Time expended by CITY personnel during meetings of various ECTP stakeholder groups.

CITY Engineering and Support staff.

CITY maintenance of CITY facilities.

The activities associated with section 7.03.

Temporary off-street work and storage areas.

Utility infrastructure constructed for future use and which exceed capacities shown in the completed 60% drawings.

Power Distribution for pedestrian and street lighting.

Time expended by CITY personnel during design reviews.

CITY Inspection and Field Supervisory staff including salary burden and overhead.

Regulatory signage outside of the project area as defined in Article II.

Permanent property transfers and fees related thereto.

10.04 Reimbursement to the GCRTA

CITY shall reimburse GCRTA for the following types of services requested by CITY in addition to the ECTP:

A. All Consultant Engineering and Inspection costs for work performed by GCRTA for CITY shall be reimbursed at 100% of the invoiced amount. City shall obtain legislative authority for the payment of such services prior to such services being rendered.

B. All Contractors' costs shall be reimbursed at Progress payment invoice amounts.

C. Design and construction performed by GCRTA for CITY on a monthly basis shall be reimbursed at 100% of actual verifiable costs.

D. CITY shall have the right to audit GCRTA's records at such times and places as mutually agreed to, to include books, records, documents, papers, and other supporting data involving those transactions in which the GCRTA performed work or services for CITY, such records shall be maintained and kept available for a period of seven (7) years based upon the completion of the work to which they pertain.

ARTICLE XI
MISCELLANEOUS

11.01 Modification

The provisions of this Agreement may be modified or amended only after receipt of legislative authorization by Cleveland City Council consenting to such modification or amendment.

11.02 Headlines

The parties agree that the article and paragraph headings are solely for convenience of reference and shall neither constitute a part of this Agreement nor have any legal effect whatsoever.

11.03 Recitals

The recitals are hereby made a part of this Agreement.

11.04 Governing Law

This Agreement shall be construed in accordance with the laws of the state of Ohio.

11.05 Waiver

The waiver of any terms of this Agreement or failure of CITY or GCRTA to insist on strict compliance and prompt performance followed by acceptance by CITY or GCRTA of such performance thereafter, shall not constitute or be construed as a waiver or relinquishment of any right by CITY or GCRTA to enforce all terms strictly in the event of a continuous or subsequent default. Each provision of this Agreement shall be deemed to be a separate and individual provision. The invalidity or breach of any remaining provisions or of the Agreement, which shall remain in full force and effect.

11.06 Liability & Insurance

GCRTA, at its expense may procure and maintain an Owner's Controlled Insurance Program (Wrap-Up) covering its contractors and the contractors' sub-contractor in respect to the following types of coverage:

1. Workers' Compensation;
2. General Liability; and
3. Builders' Risk

The Owner's Controlled Insurance Program to be obtained and maintained shall be competitively marketed and shall have coverages and limits of coverage established by factors of availability (via underwriters) and affordability. GCRTA will procure the minimum amount of liability coverage as follows:

- a. Workers' Compensation — Coverage A — Statutory Coverage B — Five Million per accident
- b. General Liability — Twenty-five Million per accident.
- c. Builders' Risk — Twenty-five Million per occurrence.

Prior to, and following the placement of the Owner's Controlled Insurance Program, GCRTA's Risk Manager shall communicate with and inform the CITY's Risk Manager of the scope of the Program's coverage and shall negotiate a mutual agreement for OCIP/ECTP and other necessary coverages.

Should GCRTA not elect to pursue a wrap up, each party shall be responsible for their own liabilities. City shall be named as additional insured for work done on its property, subject to any additional protections as required by the City's Director of Law.

11.07 Construction Contract Language

With respect to the award of any GCRTA ECTP construction contracts that reasonably could be foreseen to affect existing facilities of CITY within the construction contractor's work area as described in the construction contract documents, GCRTA shall include the following language in the contract specifications;

"With regard to any existing facilities of the City of Cleveland located within the Contract Work area as described and set forth on the Contract Drawings, the Contractor shall indemnify and save harmless the City of Cleveland."

CITY agrees that insertion of the above language into applicable construction contracts will constitute full and absolute compliance of GCRTA's obligations under this paragraph, without further liability of GCRTA expressed or implied.

11.08 Full Funding Grant Agreement

The ECTP is subject to the award of federal grant funds and to the execution of a Full Funding Grant Agreement (FFGA) by the GCRTA. Prior to the execution of the FFGA, CITY and GCRTA will enter into a separate agreement to address the terms required by the FTA for the award of the FFGA. A copy of the FFGA shall be provided to the City Council liaison prior to execution by the City.

11.09 Statutory Limitations

The provisions of 49 CFR, Section 18.36 or 49 CFR, sections 19.4-19.48 and Appendix A and with supplementary regulations and directives particularly FTA Cir. 4220.1D entitled "Third Party Contracting Requirements" and any revision thereof shall govern the procurement of goods and services along with any and all applicable Ohio and federal law.

11.10 Notices and Approvals

When the approval of the CITY is referenced in this Agreement, such approval shall be in writing and shall be executed by all CITY officials having responsibility of the particular subject matter. CITY's Project Coordinator shall ascertain the CITY officials responsible for each subject matter.

All notices required to be given pursuant to this Agreement shall be given in writing and shall be deemed to have been duly given on the date delivered, if delivered personally, or if delivered to a nationally recognized overnight courier service, or, if mailed by U.S. registered or certified mail, postage prepaid, and addressed as follows:

(a) Notice to GCRTA: 1240 W. 6th Street
Cleveland, Ohio 44113
Attention: Mr. Joseph A. Calabrese,
General Manager

with copies to: Calfee, Halter & Griswold LLP
1400 McDonald Investment Center
800 Superior Avenue
Cleveland, Ohio 44114-2688
Attention: Darlene Evans McCoy

(b) Notice to CITY:
with copies to: Cleveland City Council
601 Lakeside Avenue, Room 220
Cleveland, Ohio 44114
Attention: Michael Polensek, President

11.11 Advertising

In the event that GCRTA desires to place advertisements on trolleys servicing the project area all such advertisements must comply with federal, state and city requirements.

11.12 Architectural and Engineering Services

GCRTA shall use its best efforts to use architectural and engineering firms located in the City of Cleveland to the fullest extent permissible by federal regulations.

ARTICLE XII**ENVIRONMENTAL AND HISTORIC PRESERVATION**

GCRTA agrees that any construction that is performed by GCRTA will comply with all required environmental and historic preservation regulations and permit processes. GCRTA will be responsible for obtaining all of the required approvals for construction performed by the GCRTA. The CITY agrees that any construction performed by the CITY will comply with all required environmental and historic preservation regulations and permit processes. GCRTA shall report to the City Planning Committee and the City Planning Director its findings and reports as to environmental and historic preservation conditions and regulations. The City Planning Committee will hold public hearings pursuant to its findings and reports prior to the submission of such reports to regulatory agencies.

The CITY shall be responsible for obtaining all of the required approvals for construction performed by the CITY.

In the event that there is a delay in any permit or other approvals, the parties shall notify all representatives indicated in Section 3.02 of this agreement as soon as practical.

ARTICLE XIII**DEFAULT; REMEDIES FOR BREACH**

If either party to this Agreement shall fail to observe or perform any of the terms of this Agreement and such failure continues for a period of five business days after written notice of default is given by the non-defaulting parties, the non-defaulting party may, at its option, exercise concurrently or successively any one or more of the following rights and remedies:

- (1) To enjoin any breach or threatened breach;
- (2) To sue for the performance of any obligation, promise or agreement devolving upon the defaulting party for performance or for damages for the nonperformance thereof, all without terminating this Agreement;
- (3) To terminate this Agreement.

ARTICLE XIV**BINDING AGREEMENT**

All the terms, provisions and obligations of this Agreement shall be binding upon the parties hereto and their successors or assigns.

ARTICLE XV**DISADVANTAGED BUSINESS ENTERPRISES**

The Disadvantaged Business Enterprise (DBE) program will be implemented and monitored by GCRTA in accordance with 49 CFR Part 26 and all applicable Affirmative Action and Equal Opportunity laws, policies and directives that govern contracts that are executed with GCRTA.

**ARTICLE XVI
SPECIAL EVENTS**

The parties agree to comply with the CITY's Special Event policy attached as Exhibit E.

IN WITNESS THEREOF, the parties hereto have caused these presents to be executed by their proper officials the day and year first above written.

In the presence of

**GREATER CLEVELAND REGIONAL
TRANSIT AUTHORITY**

(Witness)

Joseph A. Calabrese
CEO and General Manager

(Witness)

The legal form and correctness of the within
Instrument is hereby approved.

Sheryl King Benford
Deputy General Manager-Legal

CITY OF CLEVELAND

(Witness)

Name

(Witness)

Title

The legal form and correctness of the within
instrument is hereby approved.

Law Director, City of Cleveland

**EXHIBITS
Attached hereto**

- A. Thirty Percent Documents
- B. Project Organization
- C. Utilities Philosophy
- D. CITY Deed Format
- E. CITY Special Event Policy

FIGURES

Figure 1 — CITY Design Review Agencies

**ALL EXHIBITS AND FIGURES ARE ON FILE WITH CLEVELAND CITY COUNCIL
IN FILE NUMBER 1102-A-2000-A**

Section 2. That the Director of Public Service and/or the Director of Public Utilities shall notify entities with infrastructure in the right-of-way of the dates that Euclid Avenue will be under construction and encourage such entities to perform maintenance functions and/or repairs during a time that is compatible with the construction of the ECTP.

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 September 11, 2000.

Effective September 13, 2000.

Ord. No. 1606-2000.**By Councilman Polensek.**

An emergency ordinance authorizing the Clerk of Council to employ a consultant or consultants to provide the professional services necessary for the publishing of Ward newsletters for City Council.

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

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

Section 1. That the Clerk of Council is hereby authorized to employ by contract or contracts a consultant or consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide the professional services necessary for the publishing of Ward newsletters for City Council. That selection of said consultant or consultants for such services shall be made by the Clerk of Council on the basis of a proposal or proposals submitted by qualified consultants. Any and all such contracts authorized herein shall be entered into before December 31, 2001.

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 September 11, 2000.

Effective September 19, 2000.

Ord. No. 1607-2000.**By Councilman Cintron.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to MetroHealth hospital to hang (23) banners on C.P.P. utility poles (by separate permission), on Scranton Rd., W. 25th St., MetroHealth Dr., and Southpoint Dr. for the period of September 1, 2000 to October 2, 2000 publicizing and identifying the hospital's location in the community.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to MetroHealth, 2500 MetroHealth Drive, Cleveland, Ohio 44109-1998, to install, maintain and remove twenty-three (23) banners to be hung from Cleveland Public Power utility poles, (by separate permission) publicizing and identifying the hospital's location in the community, for the period of September 1, 2000 to October 2, 2000, inclusive, and which banners are to be hung at the following pole locations and on the following pole numbers: Scranton Road 10-poles between Sackett and Southpoint (west) - no pole numbers; the 1st pole north of West

25th Street (west) - no pole number; West 25th Street - 8-poles between Sackett and Southpoint (east) - no pole numbers; a pole south of Southpoint (east), pole number AOM 41-125; a pole at 3517 West 25th Street (east) - no pole number; MetroHealth Drive - 3-poles in median strip between West 25th Street and Scranton Road - no pole numbers; Southpoint Drive 2-poles between West 25th Street and Scranton Road (north) - no pole number; and which poles location and banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner, and said banner shall be removed promptly upon the expiration of said permit.

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

Passed September 11, 2000.

Effective September 19, 2000.

Ord. No. 1608-2000.**By Councilman Cintron (by request).**

An emergency ordinance authorizing the Director of Public Service to issue a permit to Near West Theatre for special event banners which will encroach into the right-of-way of West 38th Street, and Bridge Avenue and Westerly of Fulton Avenue, for the period of September 2, 2000 to December 31, 2000, inclusive.

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

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

Section 1. That the 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, for the construction, use and maintenance of ten (10) special event banners for approximately four (4) months from the period of September 2, 2000 to December 31, 2000 inclusive, which banners will encroach into the public right-of-way of West 38th Street and Bridge Avenue, and Westerly of Fulton Avenue and are more described as follows:

LOCATION:	POLE NUMBER:	POLE 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 special event banners will be placed within the public right-of-way as aforesaid in Section 1, and will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction. That all other required permits, including a building Permit, shall be obtained before said fence is constructed.

Section 3. That 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 September 11, 2000.

Effective September 19, 2000.

Ord. No. 1609-2000.
By Councilman Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Light the Night Walk on September 23, 2000, sponsored by the Leukemia & Lymphoma Society.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Light the Night Walk sponsored by the Leukemia & Lymphoma Society on September 23, 2000, starting at the Galleria, participants will head north on East 9th down to the Pier and circle to head south on East 9th passing the Galleria giving anyone who would like to stop walking the opportunity to go back into the mall. Participants will then head west onto St. Clair towards Ontario and head south to Carnegie and then East towards East 9th. Participants will take East 9th Street north back to the Galleria, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed September 11, 2000.
 Effective September 19, 2000.

Ord. No. 1610-2000.
By Councilman Jackson.
An emergency ordinance authorizing the Director of Public Service to issue a permit to Mount Hermon Baptist Church to encroach into the right-of-way of East 40th Street with a fence and planters.

Whereas, this ordinance constitutes an emergency measure providing for 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 Mount Hermon Baptist Church, 2516 East 40th Street, Cleveland, Ohio 44104; for the construction, use and maintenance of a fence and planters, which will encroach into the public right-of-way of East 40th Street at the location more fully described as follows:

**LEGAL DESCRIPTION/
 ENCROACHMENT AREA/E.40TH ST./
 MT. HERMON CHURCH**

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Original 10 Acre Lots Number 45, also known as being part of East 40th Street, 99.00 feet wide, and more fully bounded and described as follows:

Beginning at a drillhole set in the westerly right-of-way of East 40th Street, as aforesaid, at the north-easterly corner of Parcel No. 14, as shown in the Dedication Map of Longwood Avenue S.E. and Widening of East 33rd Street and East 38th Street and Re-Subdivision, as shown in Volume 166, Pages 10 and 11 of Cuyahoga County Map Records;

Thence North 89°-57'-40" East, perpendicular to the centerline of East 40th Street, as aforesaid, 18.00 feet to a point;

Thence South 00°-02'-20" East, parallel with the centerline of East 40th Street, as aforesaid, 190.00 feet to a point;

Thence South 89°-57'-40" West, perpendicular to the centerline of East 40th Street, as aforesaid, 18.00 feet to a point in the westerly right-of-way of said East 40th Street;

Thence North 00°-02'-20" West, along the westerly right-of-way of East 40th Street, as aforesaid, 190.00 feet to the point of beginning, be the same more or less but subject to all legal highways.

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

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

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

Passed September 11, 2000.
 Effective September 19, 2000.

Ord. No. 1611-2000.
By Councilman Lewis.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Gethsemane Baptist Church to hang (8) banners on C.P.P. utility poles (by separate permission), on the east side of E. 79th St. & along the north side of Chester Ave. for the period of September 15, 2000 to December 1, 2000, inclusive, celebrating the Church's Anniversary and a special Pilgrimage event.

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 notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Gethsemane Baptist Church, 1885 East 79th Street, Cleveland, Ohio 44103, to install, maintain and remove eight (8) banners to be hung from Cleveland Public Power utility poles, (by separate permission) celebrating the Church's Anniversary and a special Pilgrimage event for the period of September 15, 2000 to December 1, 2000, inclusive, and which banners are to be hung on the following pole numbers and locations at East 79th Street (east side), along the north side of Chester Avenue: the 1st pole is #NE1-103; the 2nd pole is #NE1-102; the 3rd pole is #NE1-101; the 5th pole is #NE1-1C0; the 7th pole is #NE1-99; the 8th pole is #NE1-98; the 9th pole is #NE1-97; and the 10th pole is #NE1-96; and which pole locations and banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner, and said banner shall be removed promptly upon the expiration of said permit.

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

Passed September 11, 2000.
 Effective September 19, 2000.

Ord. No. 1612-2000.
By Councilman White.
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Miles Family YMCA for continuing to provide enhanced recreation programs at the Miles Family YMCA located at 11300 Miles Avenue through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Miles Family YMCA for continuing to provide enhanced recreation programs at the Miles Family YMCA located at 11300 Miles Avenue.

Section 2. That the cost of said contract shall be in an amount not to exceed \$37,500 and shall be paid from Fund No. 10 SF 166.

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

Section 4. That this ordinance is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

Passed September 11, 2000.

Effective September 19, 2000.

COUNCIL COMMITTEE MEETINGS

Monday, September 18, 2000

**Employment, Affirmative Action
and Training Committee: 11:00**

a.m.—Present: White, Chairman; Lewis, Vice Chairman; Cintron, Coats, Gordon, Johnson, Jones.

Tuesday, September 19, 2000

Community & Economic Development Committee: 9:30 a.m.—Present: Melena, Chairman; Lewis, Vice Chairman; Brady, Cimperman, Jackson, Jones, Robinson. Excused: Cintron, Willis.

Public Health Committee: 1:00 p.m.—Present: Gordon, Chairman; Robinson, Vice Chairman; Brady, Jackson, Westbrook. Excused: Cimperman, Willis.

Index

O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
Bold type in sections indicates amendments

Agreements

Euclid Corridor Transportation Project — design and implementation — General Agreement
— Greater Cleveland Regional Transit Authority (O 1102-2000-A) **2339**

Banners

Gethsemane Baptist Church — Church's Anniversary and a special Pilgrimage event — banner
(O 1611-2000)..... **2353**
MetroHealth Hospital — publicizing and identifying the hospital's location in the
community — banners (O 1607-2000)..... **2352**
Million Family March — banners — Muhammad Mosque No. 8 — Public Service
(O 1647-2000)..... 2326
Near West Theatre — special event banners (O 1608-2000)..... **2352**

Board of Building Standards and Building Appeals

Archwood Avenue, 3318, (Ward 15) — Meng Hong Wong, owner - appeal resolved on
9/13/00 (Doc. A-82-00) 2334
Central Avenue, 7810-14, (Ward 6) — Azman Howard Lovett, owner - appeal adopted on
9/13/00 (Doc. A-86-00) 2335
East 124th Street, 1397, (Ward 9) — Wilton W. Murray, owner - appeal adopted on 9/13/00
(Doc. A-85-00) 2335
East 18th Street, 1825, (Ward 13) — OSF Properties, Inc., mortgagee - appeal adopted on
9/13/00 (Doc. A-94-00) 2335
East 68th Street, 2255, (Ward 5) — Charles C. Pearson, owner - appeal adopted on 9/13/00
(Doc. A-114-00) 2335
East 69th Street, 2260, (Ward 5) — Charles C. Pearson, owner - appeal adopted on 9/13/00
(Doc. A-113-00) 2335
East 79th Street, 2764, (Ward 5) — Charles E. Carter, owner - appeal postponed to 9/27/00
on 9/13/00 (Doc. A-112-00) 2335
East 82nd Street, 1954-72, (Ward 7) — Zaremba Cleveland Communities, Inc., owners - no
action on 9/13/00 (Doc. A-48-00 to 56-00) 2334
Eicholz, Jamie W. — appeal resolved on 9/13/00 (Doc. L-17-00) 2334
Fowler Avenue, 5105, (Ward 13) — John G. Medas, owner - no action on 9/13/00 (Doc. A-83-00) 2334
Lakeside Avenue, 1401, (Ward 13) — Brooke Sectorsky WKYC Channel 3, owner - appeal
adopted on 9/13/00 (Doc. A-130-00) 2335
Lee Avenue, 10531-37, (Ward 9) — Pamel Ruff, owner - appeal resolved on 9/13/00
(Doc. A-74-00) 2334
Lee Avenue, 10539-45, (Ward 9) — Pamela Ruff, owner - appeal resolved on
9/13/00 (Doc. A-95-00) 2334
Library Avenue, 3621, (Ward 15) — The Chase Manhattan Bank, mortgagee - appeal adopted
on 9/13/00 (Doc. A-109-00) 2335
Mayfield Road, 12110, (Ward 6) — Joseph Portale, owner - no action on 9/13/00 (Doc. A-100-00) 2334
Memphis Avenue, 4408, (Ward 16) — Clarence D. Thompson, owner - appeal resolved on
9/13/00 (Doc. A-140-00) 2335
Ontario Street, 2401, (Ward 13) — Waco Scaffolding and Equipment Company, owner - appeal
adopted on 9/13/00 (Doc. A-138-00) 2335
St. Clair Avenue, 3804, (Ward 13) — William E. Hawkins, II and Nancy K. Hawkins, owners
- appeal resolved on 9/13/00 (Doc. A-244-99) 2334
St. Clair Boulevard, 5100, (Ward 13) — Jack L. Butler, owner - appeal resolved on 9/13/00
(Doc. A-87-00) 2335
Superior Avenue, 6920, (Ward 7) — Ruby K. Green, owner - appeal adopted on 9/13/00
(Doc. A-97-00) 2335
Van Aken Boulevard, 2720, (Ward 4) — GMS Management Co., Inc. and Stuart J. Graines,
owners - appeal postponed to 10/25/00 on 9/13/00 (Doc. A-40-00) 2334

West 25th Street, 1791, (Ward 13) – C.M.H.A., owner - appeal adopted on 9/13/00
 (Doc. A-128-00) 2335
 Ziefler, George – appeal adopted on 9/13/00 (Doc. L-16-00) 2335

Board of Control - Community Development Department

West 40th Place rehabilitation - contract pursuant to Ord. 962-99 and 598-2000 to Terrace
 Construction Co., Inc. - Division of Engineering and Construction, Depts. of Public
 Service, Public Utilities and Community Development (BOC Res. 633-00) 2331

Board of Control - Convention Center and Stadium Division

Motor rewind - rescind BOC Res. 203-00 - Division of Convention Center and Stadium, Dept.
 of Parks, Recreation and Properties (BOC Res. 634-00) 2331

Board of Control - Engineering and Construction Division

West 40th Place rehabilitation - contract pursuant to Ord. 962-99 and 598-2000 to Terrace
 Construction Co., Inc. - Division of Engineering and Construction, Depts. of Public
 Service, Public Utilities and Community Development (BOC Res. 633-00) 2331

Board of Control - Finance Department

Facsimile machines - contract pursuant to Ord. 1174-97 to Danka Office Imaging Systems
 - Division of Information Systems Services, Dept. of Finance (BOC Res. 616-00), 2328
 Hand tools and hand-held power tools - contract pursuant to Ord. 708-99 to Woodhill
 Supply, Inc. - Dept. of Finance (BOC Res. 620-00) 2329
 Hand tools and hand-held power tools - contract pursuant to Ord. 708-99 to The
 Bostwick-Braun Company - Dept. of Finance (BOC Res. 621-00) 2329
 Hand tools and hand-held power tools - contract pursuant to Ord. 708-99 to Bosworth
 Industrial Supply - Dept. of Finance (BOC Res. 622-00) 2330
 Janitorial supplies - amend BOC Res. 386-00 - Dept. of Finance (BOC Res. 615-00) 2328
 Lamps - contract pursuant to Ord. 811-2000 to Wesco Distribution, Inc. - Dept. of Finance
 (BOC Res. 618-00) 2329
 Paving bricks, used - contract pursuant to Ord. 705-99 to The Vallejo Company - Dept. of
 Finance (BOC Res. 619-00) 2329
 Pre-sort mail - contract pursuant to Ord. 272-99 to Mid-West Presort Mailing Services,
 Inc. - Dept. of Finance (BOC Res. 617-00) 2329

Board of Control - Information Systems Services Division

Facsimile machines - contract pursuant to Ord. 1174-97 to Danka Office Imaging Systems
 - Division of Information Systems Services, Dept. of Finance (BOC Res. 616-00), 2328

Board of Control - Park Maintenance and Properties Division

Trees, planting - contract pursuant to Ord. 934-2000 to Aaron Landscape, Inc. - Division
 of Park Maintenance and Properties, Dept. of Parks, Recreation and Properties
 (BOC Res. 637-00) 2332
 Trees, planting - contract pursuant to Ord. 934-2000 to Edward Hines, d.b.a. Wake Forest
 Garden Center - Division of Park Maintenance and Properties, Dept. of Parks,
 Recreation and Properties (BOC Res. 636-00) 2332
 Trees, planting - contract pursuant to Ord. 934-2000 to Licursi Co., Inc. - Division of
 Park Maintenance and Properties, Dept. of Parks, Recreation and Properties
 (BOC Res. 635-00) 2331
 Trees, planting - contract pursuant to Ord. 934-2000 to Perfecturf, Inc. - Division of
 Park Maintenance and Properties, Dept. of Parks, Recreation and Properties
 (BOC Res. 638-00) 2332

Board of Control - Parks, Recreation and Properties Department

Motor rewind - rescind BOC Res. 203-00 - Division of Convention Center and Stadium, Dept.
 of Parks, Recreation and Properties (BOC Res. 634-00) 2331
 Trees, planting - contract pursuant to Ord. 934-2000 to Aaron Landscape, Inc. - Division
 of Park Maintenance and Properties, Dept. of Parks, Recreation and Properties
 (BOC Res. 637-00) 2332
 Trees, planting - contract pursuant to Ord. 934-2000 to Edward Hines, d.b.a. Wake Forest
 Garden Center - Division of Park Maintenance and Properties, Dept. of Parks,
 Recreation and Properties (BOC Res. 636-00) 2332
 Trees, planting - contract pursuant to Ord. 934-2000 to Licursi Co., Inc. - Division of
 Park Maintenance and Properties, Dept. of Parks, Recreation and Properties
 (BOC Res. 635-00) 2331
 Trees, planting - contract pursuant to Ord. 934-2000 to Perfecturf, Inc. - Division of
 Park Maintenance and Properties, Dept. of Parks, Recreation and Properties
 (BOC Res. 638-00) 2332
 Tuland Park site improvements - contract pursuant to Ord. 1748-99 to R.J. Platten
 Contracting - Division of Research, Planning and Development, Dept. of Parks,
 Recreation and Properties (BOC Res. 639-00) 2332

Board of Control - Port Control Department

Redundant electrical utility source equipment - pursuant to Ord. 1268-97 - all bids rejected - Dept. of Port Control (BOC Res. 632-00)	2331
Uniforms, work - amend BOC Res. 486-00 - Dept. of Port Control (BOC Res. 631-00)	2331

Board of Control - Public Improvement Contracts

Tuland Park site improvements - contract pursuant to Ord. 1748-99 to R.J. Platten Contracting - Division of Research, Planning and Development, Dept. of Parks, Recreation and Properties (BOC Res. 639-00)	2332
West 40th Place rehabilitation - contract pursuant to Ord. 962-99 and 598-2000 to Terrace Construction Co., Inc. - Division of Engineering and Construction, Depts. of Public Service, Public Utilities and Community Development (BOC Res. 633-00)	2331

Board of Control - Public Service Department

West 40th Place rehabilitation - contract pursuant to Ord. 962-99 and 598-2000 to Terrace Construction Co., Inc. - Division of Engineering and Construction, Depts. of Public Service, Public Utilities and Community Development (BOC Res. 633-00)	2331
---	------

Board of Control - Public Utilities Department

Iron gate valves - contract pursuant to C.O. Sec. 129.25 to U.S. Filter Distribution - Division of Water, Dept. of Public Utilities (BOC Res. 625-00)	2330
Sodium bisulfite solution - amend BOC Res. 593-00 - Division of Water, Dept. of Public Utilities (BOC Res. 623-00)	2330
Water meter parts - contract pursuant to C.O. Sec. 129.25 to Hersey Meters Co. - Division of Water, Dept. of Public Utilities (BOC Res. 627-00)	2330
Water meter parts - contract pursuant to C.O. Sec. 129.25 to IABB Water Meters, Inc. - Division of Water, Dept. of Public Utilities (BOC Res. 628-00)	2330
Water meter parts - contract pursuant to C.O. Sec. 129.25 to IBadger Meter, Inc. - Division of Water, Dept. of Public Utilities (BOC Res. 626-00)	2330
Water meter parts - contract pursuant to C.O. Sec. 129.25 to Invensys Metering Systems-North American Water, Inc. - Division of Water, Dept. of Public Utilities (BOC Res. 624-00)	2330
Water plant residuals, hauling and disposal of - contract pursuant to Ord. 826-2000 to Emerald Environmental, Inc. - Division of Water, Dept. of Public Utilities (BOC Res. 630-00)	2331
Water plant residuals, hauling and disposal of - pursuant to Ord. 826-2000 - bids rejected - Division of Water, Dept. of Public Utilities (BOC Res. 629-00)	2331
West 40th Place rehabilitation - contract pursuant to Ord. 962-99 and 598-2000 to Terrace Construction Co., Inc. - Division of Engineering and Construction, Depts. of Public Service, Public Utilities and Community Development (BOC Res. 633-00)	2331

Board of Control - Requirement Contracts

Facsimile machines - contract pursuant to Ord. 1174-97 to Danka Office Imaging Systems - Division of Information Systems Services, Dept. of Finance (BOC Res. 616-00)	2328
Hand tools and hand-held power tools - contract pursuant to Ord. 708-99 to Woodhill Supply, Inc. - Dept. of Finance (BOC Res. 620-00)	2329
Hand tools and hand-held power tools - contract pursuant to Ord. 708-99 to The Bostwick-Braun Company - Dept. of Finance (BOC Res. 621-00)	2329
Hand tools and hand-held power tools - contract pursuant to Ord. 708-99 to Bosworth Industrial Supply - Dept. of Finance (BOC Res. 622-00)	2330
Janitorial supplies - amend BOC Res. 386-00 - Dept. of Finance (BOC Res. 615-00)	2328
Lamps - contract pursuant to Ord. 811-2000 to Wesco Distribution, Inc. - Dept. of Finance (BOC Res. 618-00)	2329
Paving bricks, used - contract pursuant to Ord. 705-99 to The Vallejo Company - Dept. of Finance (BOC Res. 619-00)	2329
Pre-sort mail - contract pursuant to Ord. 272-99 to Mid-West Presort Mailing Services, Inc. - Dept. of Finance (BOC Res. 617-00)	2329
Sodium bisulfite solution - amend BOC Res. 593-00 - Division of Water, Dept. of Public Utilities (BOC Res. 623-00)	2330
Trees, planting - contract pursuant to Ord. 934-2000 to Aaron Landscape, Inc. - Division of Park Maintenance and Properties, Dept. of Parks, Recreation and Properties (BOC Res. 637-00)	2332
Trees, planting - contract pursuant to Ord. 934-2000 to Edward Hines, d.b.a. Wake Forest Garden Center - Division of Park Maintenance and Properties, Dept. of Parks, Recreation and Properties (BOC Res. 636-00)	2332
Trees, planting - contract pursuant to Ord. 934-2000 to Licursi Co., Inc. - Division of Park Maintenance and Properties, Dept. of Parks, Recreation and Properties (BOC Res. 635-00)	2331
Trees, planting - contract pursuant to Ord. 934-2000 to Perfecturf, Inc. - Division of Park Maintenance and Properties, Dept. of Parks, Recreation and Properties (BOC Res. 638-00)	2332
Uniforms, work - amend BOC Res. 486-00 - Dept. of Port Control (BOC Res. 631-00)	2331
Water meter parts - contract pursuant to C.O. Sec. 129.25 to Hersey Meters Co. - Division of Water, Dept. of Public Utilities (BOC Res. 627-00)	2330
Water meter parts - contract pursuant to C.O. Sec. 129.25 to IABB Water Meters, Inc. - Division of Water, Dept. of Public Utilities (BOC Res. 628-00)	2330
Water meter parts - contract pursuant to C.O. Sec. 129.25 to IBadger Meter, Inc. - Division of Water, Dept. of Public Utilities (BOC Res. 626-00)	2330

Water meter parts - contract pursuant to C.O. Sec. 129.25 to Invensys Metering Systems-North American Water, Inc. - Division of Water, Dept. of Public Utilities (BOC Res. 624-00) 2330

Water plant residuals, hauling and disposal of - contract pursuant to Ord. 826-2000 to Emerald Environmental, Inc. - Division of Water, Dept. of Public Utilities (BOC Res. 630-00) 2331

Board of Control - Research, Planning and Development Division

Tuland Park site improvements - contract pursuant to Ord. 1748-99 to R.J. Platten Contracting - Division of Research, Planning and Development, Dept. of Parks, Recreation and Properties (BOC Res. 639-00) 2332

Board of Control - Standard Purchase Contracts

Iron gate valves - contract pursuant to C.O. Sec. 129.25 to U.S. Filter Distribution - Division of Water, Dept. of Public Utilities (BOC Res. 625-00) 2330

Board of Control - Tuland Park

Tuland Park site improvements - contract pursuant to Ord. 1748-99 to R.J. Platten Contracting - Division of Research, Planning and Development, Dept. of Parks, Recreation and Properties (BOC Res. 639-00) 2332

Board of Control - Water Division

Iron gate valves - contract pursuant to C.O. Sec. 129.25 to U.S. Filter Distribution - Division of Water, Dept. of Public Utilities (BOC Res. 625-00) 2330

Sodium bisulfite solution - amend BOC Res. 593-00 - Division of Water, Dept. of Public Utilities (BOC Res. 623-00) 2330

Water meter parts - contract pursuant to C.O. Sec. 129.25 to Hersey Meters Co. - Division of Water, Dept. of Public Utilities (BOC Res. 627-00) 2330

Water meter parts - contract pursuant to C.O. Sec. 129.25 to IABB Water Meters, Inc. - Division of Water, Dept. of Public Utilities (BOC Res. 628-00) 2330

Water meter parts - contract pursuant to C.O. Sec. 129.25 to IBadger Meter, Inc. - Division of Water, Dept. of Public Utilities (BOC Res. 626-00) 2330

Water meter parts - contract pursuant to C.O. Sec. 129.25 to Invensys Metering Systems-North American Water, Inc. - Division of Water, Dept. of Public Utilities (BOC Res. 624-00) 2330

Water plant residuals, hauling and disposal of - contract pursuant to Ord. 826-2000 to Emerald Environmental, Inc. - Division of Water, Dept. of Public Utilities (BOC Res. 630-00) 2331

Water plant residuals, hauling and disposal of - pursuant to Ord. 826-2000 - bids rejected - Division of Water, Dept. of Public Utilities (BOC Res. 629-00) 2331

Board of Zoning Appeals - Report

Archwood Avenue, 4101, (Ward 15) - Stephen E. Collins, owner - appeal granted and adopted on 9/18/00 (Cal. 00-238) 2333

Buckeye Road, 11106, (Ward 4) - St. Mark's Baptist Church, owner c/o Amy Habinski - appeal denied and adopted on 9/18/00 (Cal. 00-242) 2333

Detroit Avenue, 5303-09, (Ward 17) - West Side Ecumenical Ministry, owner c/o Elving Otero - appeal heard on 9/18/00 (Cal. 00-237) 2333

East 156th Street, 690, (Ward 11) - The Cleveland Catholic diocese and St. Mary's Church, owner, and Borchert Fencing Company c/o Anna Marie Borchert, agent - appeal heard on 9/18/00 (Cal. 00-245) 2333

East 40th Street, 2352, (Ward 5) - Pilgrim Baptist Church, owner c/o Phillip Hatcher, agent - appeal postponed to 10/2/00 on 9/18/00 (Cal. 00-239) 2333

St. Clair Avenue, 13000, (Ward 10) - Barger Management Group Inc., owners, and Crown Castel GT Company, tenant c/o Donald Graves, Esq., agent - appeal postponed to 10/2/00 on 9/18/00 (Cal. 00-244) 2333

West 117th Street, 1363-65, (Ward 18) - J. D. Byrider, owner - appeal granted and adopted on 9/18/00 (Cal. 00-241) 2333

West 41st Street, 3132, (Ward 14) - Tim Smith, owner - appeal postponed to 10/2/00 on 9/18/00 (Cal. 00-243) 2333

West 91st Street, 1349, (Ward 17) - James A. Davidson, owner - appeal heard on 9/18/00 (Cal. 00-232) 2333

West 9th Street, 1360, (Ward 13) - Jim Behren, owner - appeal granted and adopted on 9/18/00 (Cal. 00-240) 2333

Board of Zoning Appeals - Schedule

Bailey Avenue, 4019, (Ward 14) - Bailey Orchard Development Ltd., owner - appeal to be heard on 10/2/00 (Cal. 00-254) 2333

Belvoir Boulevard, 1820, (Ward 10) - Thomas Branch, owner - appeal to be heard on 10/2/00 (Cal. 00-257) 2333

Fleet Avenue, 5007-09, (Ward 12) - Robert Clark, owner - appeal to be heard on 10/2/00 (Cal. 00-256) 2333

Perkins Avenue, 3249, (Ward 13) - Cecilia B. Jufko, owner, and Paula Lyons, her guardian - appeal to be heard on 10/2/00 (Cal. 00-255) 2333

Rocky River Drive, 3981, (Ward 21) - Westpark Unit of Jehovah's Witnesses, owner c/o Donald Jones, agent - appeal to be heard on 10/2/00 (Cal. 00-253) 2333

Talford Avenue, 16011, (Ward 1) - Rameana Foster, owner - appeal to be heard on 10/2/00 (Cal. 00-252) 2333

Bridges

City's 2000 general obligation issued for road and bridge improvements — Central Avenue, Western Avenue East 79th Street, Kinsman Road, Bellaire Road and St. Clair Avenue — grants from the Ohio Public Works Commission (O 1638-2000)	2318
Main Avenue Bridge No. 193 — cleaning of the structure and drainage system and the removal of a portion of the catwalk — allocation of County Motor Vehicle License Tax Funds (O 1639-2000)	2319
Sealing of the concrete decks of various bridges to the County of Cuyahoga — Public Service — apply for and accept an allocation of County Motor Vehicle License Tax Funds (O 1640-2000)	2320

City Council

Ward newsletters — publish — City Council (O 1606-2000).....	2352
--	------

City of Cleveland Bids

Bypass piping, fittings and valves - Department of Public Utilities - Division of Water - per C.O. Sec. 129.25 - bid due October 11, 2000 (advertised 9/20/2000 and 9/27/2000).....	2336
Central Recreation Center, Forest Hills Park, Orr Park and Port Park site improvements - Department of Parks, Recreation and Properties - Division of Research, Planning and Development - per Ord. 1748-99 - bid due September 27, 2000 (advertised 9/13/2000 and 9/20/2000)	2335
Copper pipe - Department of Public Utilities - Division of Water - per C.O. Sec. 129.25 - bid due October 11, 2000 (advertised 9/20/2000 and 9/27/2000).....	2336
Criminal and Civil filing system (Year 2001) - Department of Finance - behalf of Cleveland Municipal Court - per Ord. 1426-2000 - bid due September 29, 2000 (advertised 9/13/2000 and 9/20/2000)	2336
Dump body - Department of Public Service - Division of Motor Vehicle Maintenance - per Ord. 1058-99 - bid due October 6, 2000 (advertised 9/13/2000 and 9/20/2000).....	2336
Fire pumps - Department of Public Service - Division of Motor Vehicle Maintenance - per Ord. 904-2000 - bid due October 6, 2000 (advertised 9/13/2000 and 9/20/2000)	2336
Flashers, safety lights, arrow bars and traffic control devices - Department of Public Utilities - per Ord. 1945-98 - bid due October 20, 2000 (advertised 9/20/2000 and 9/27/2000).....	2336
Fuel tank storage removal - Department of Public Service - Division of Motor Vehicle Maintenance - per Ord. 266-2000 - bid due October 6, 2000 (advertised 9/13/2000 and 9/20/2000)	2336
Helmets, flight - Department of Public Safety - Division of Police - per Ord. 1005-2000 - bid due October 11, 2000 (advertised 9/20/2000 and 9/27/2000)	2336
Jasper Park and Roberto Clemente Park ball diamond improvements - Department of Parks, Recreation and Properties - Division of Research, Planning and Development - per Ord. 1605-98 and 115-2000 - bid due October 4, 2000 (advertised 9/20/2000 and 9/27/2000)	2336
North Terminal expansion baggage area (ITB Package A305-3.1) - Department of Port Control - bid due October 13, 2000 (advertised 9/13/2000 and 9/20/2000).....	2336
Redundant electrical source / equipment pre-purchase project (re-bid) - Department of Port Control - bid due September 29, 2000 (advertised 9/13/2000 and 9/20/2000)	2335
Seating, new or refurbished - Department of Port Control - per Ord. 413-2000 - bid due October 11, 2000 (advertised 9/20/2000 and 9/27/2000).....	2336
Truck (hammer) flatbed body - Department of Public Service - Division of Motor Vehicle Maintenance - per Ord. 904-2000 - bid due October 6, 2000 (advertised 9/13/2000 and 9/20/2000)	2336
Typewriter maintenance - Department of Finance - per Ord. 292-98 - bid due October 4, 2000 (advertised 9/20/2000 and 9/27/2000)	2336
Uniforms (police) and supplies - Department of Public Safety - Division of Police - per C.O. Sec. 135.06 - bid due October 5, 2000 (advertised 9/13/2000 and 9/20/2000)	2336
Varian gas chromatograph mass spectrometer and accessories - Department of Public Utilities - Division of Water - per C.O. Sec. 129.26 - bid due October 18, 2000 (advertised 9/13/2000 and 9/20/2000)	2336
West Side Market cleaning - Department of Parks, Recreation and Properties - per Ord. 366-2000 - bid due October 11, 2000 (advertised 9/20/2000 and 9/27/2000)	2336

City Planning Commission

General retail business districts — amend Section 343.11 (O 1215-2000)	2327
Lee-Harvard Business Revitalization District (BRD) — Establishing — (Ward 1) (O 1643-2000).....	2322

Codified Ordinances

General retail business districts — amend Section 343.11 (O 1215-2000)	2327
--	------

Community Development

Florida Avenue — Land Reutilization Program — Amistad Development Corporation (O 1641-2000).....	2321
Tutoring, prevention education, child advocacy and family mediation services — Informing Our Children, Inc (I.O.C.) — Ward 8 Neighborhood Equity Funds. (O 1645-2000)	2325
Westside Industrial Retention & Expansion Network (WIRE-Net) — Title and Sections 1 and 2 of Ordinance No. 1250-2000 — Wards 17, 18, 19 and 20 Neighborhood Equity Funds (O 1644-2000).....	2325
Whittier, Linwood and Belvidere Avenues — Land Reutilization Program — Cuyahoga Metropolitan Housing Authority (O 1209-2000).....	2327

Community Relations Board

2000 Teen Court Program — grant — Department of Justice Affairs — YMCA of Greater Cleveland to implement the Program (O 1214-2000).....	2327
---	------

Condolences

Knight III, Charles Christopher (R 1631-2000).....2317

Congratulations

Beth-el A.M.E. Zion Church (R 1632-2000)2317
 Gillespie, Robert W. (R 1633-2000).....2317
 Sering, Richard Rev. (R 1634-2000)2317

Contracts

2000 Teen Court Program — grant — Department of Justice Affairs — YMCA of Greater Cleveland to implement the Program (O 1214-2000).....2327

Economic Development Department

East 91st Street, 3800 — Enterprise Zone Agreement — Garland Company — amend the title, the third whereas clause, Section 1 and Section 2 of Ordinance No. 1571-99 (O 1642-2000).....2322

Encroachments

Mount Hermon Baptist Church — encroachment permit (O 1610-2000).....**2353**

Enterprise Zone Agreement

East 91st Street, 3800 — Enterprise Zone Agreement — Garland Company — amend the title, the third whereas clause, Section 1 and Section 2 of Ordinance No. 1571-99 (O 1642-2000).....2322

Euclid Corridor Transportation Project

Euclid Corridor Transportation Project — design and implementation — General Agreement — Greater Cleveland Regional Transit Authority (O 1102-2000-A)**2339**

Finance Department

Year 2000 project — amend Section 4 of Ordinance No. 1744-97 (O 1646-2000).....2326

Funds

Year 2000 project — amend Section 4 of Ordinance No. 1744-97 (O 1646-2000).....2326

General Retail Business District

General retail business districts — amend Section 343.11 (O 1215-2000)2327

Grants

2000 Teen Court Program — grant — Department of Justice Affairs — YMCA of Greater Cleveland to implement the Program (O 1214-2000).....2327
 2001 Federal AIDS Prevention Program — grant — Ohio Department of Health (O 1636-2000).....2318
 City's 2000 general obligation issued for road and bridge improvements — Central Avenue, Western Avenue East 79th Street, Kinsman Road, Bellaire Road and St. Clair Avenue — grants from the Ohio Public Works Commission (O 1638-2000)2318

Health Department

2001 Federal AIDS Prevention Program — grant — Ohio Department of Health (O 1636-2000).....2318

Land Reutilization Program

Florida Avenue — Land Reutilization Program — Amistad Development Corporation (O 1641-2000).....2321
 Whittier, Linwood and Belvidere Avenues — Land Reutilization Program — Cuyahoga Metropolitan Housing Authority (O 1209-2000).....2327

Liquor Permits

1059 Old River Road, 2nd Fl., (Ward 13) — withdrawing objection — repeal Res. No. 1522-2000 (R 1616-2000).....**2337**
 11120-24 Lorain Avenue, 1st Fl. Rear, (Ward 19), — withdrawing objection — repeal Res. No. 1323-2000 (R 1613-2000).....**2337**
 12703-05 Lorain Avenue, 1st Fl. & Bsmt. (Ward 19) — withdrawing objection — repeal Res. No. 1326-2000 (R 1614-2000).....**2337**
 Denison Avenue, 3829 — first floor — Transfer of Ownership Application — (Ward 15) (F 1623-2000).....2317
 Detroit Avenue, 8504, (Ward 17) — objecting to issuance of C1 permit (R 1619-2000)**2338**
 East 140th Street, 831, (Ward 10) — objection to transfer of ownership of a C1 permit (R 1618-2000)**2338**

East 156th Street, 1st Fl. (Ward 11) — objecting to transfer of ownership of D5 permit (R 1620-2000)	2338
East 93rd Street, 4025 — Withdrawing objection to the issuance of a C1 Liquor Permit (R 1648-2000)	2326
Lakeshore Boulevard, 15550 , (Ward 11) — objecting to the issuance of ownership of C1 permit (R 1621-2000).....	2339
Lorain Avenue, 11022 — 1st Fl. & Bsmt. — Withdrawing objection to the transfer of ownership of a D2, D2X, D3 and D6 Liquor Permit (R 1649-2000)	2326
Lorain Avenue, 11619 — Transfer of Ownership Application — (Ward 19) (F 1622-2000)	2317
Old River Road, 1059, 1st & 2nd Fls., & Patio (Ward 13) — withdrawing objection to renewal of D5 and D6 permit — repeal Res. No. 1521-2000 (R 1615-2000).....	2337

Neighborhood Equity Funds

Miles Family YMCA — enhanced recreation program — Ward 2 Neighborhood Equity Funds — Parks, Recreation and Properties Department (O 1612-2000).....	2353
Tutoring, prevention education, child advocacy and family mediation services — Informing Our Children, Inc (I.O.C.) — Ward 8 Neighborhood Equity Funds. (O 1645-2000)	2325
Westside Industrial Retention & Expansion Network (WIRE-Net) — Title and Sections 1 and 2 of Ordinance No. 1250-2000 — Wards 17, 18, 19 and 20 Neighborhood Equity Funds (O 1644-2000).....	2325

Oath of Office

Gibans, Jim — oath of office — member of the Landmarks Commission (F 1625-2000)	2317
Morgan, Sandra — oath of office — member of the Landmarks Commission (F 1624-2000).....	2317
Sande, Ted — oath of office — member of the Landmarks Commission (F 1627-2000)	2317
Schanfarber, Richard — oath of office — member of the Landmarks Commission (F 1628-2000).....	2317
Schuerlein, Galen Leigh — oath of office — member of the Landmarks Commission (F 1630-2000).....	2317
Shorr, Randall — oath of office — member of the Landmarks Commission (F 1629-2000).....	2317
Volpe, Paul — oath of office — member of the Landmarks Commission (F 1626-2000).....	2317

Ohio General Assembly

House Bill 578 — support passage — extended assistance to Ohio low income families — Ohio Works First Program (R 1617-2000).....	2337
--	------

Parks, Recreation and Properties Department

Miles Family YMCA — enhanced recreation program — Ward 2 Neighborhood Equity Funds — Parks, Recreation and Properties Department (O 1612-2000).....	2353
---	------

Permits

Gethsemane Baptist Church — Church's Anniversary and a special Pilgrimage event — banner (O 1611-2000).....	2353
Light the Night Walk — Leukemia & Lymphoma Society (O 1609-2000)	2353
MetroHealth Hospital — publicizing and identifying the hospital's location in the community — banners (O 1607-2000).....	2352
Million Family March — banners — Muhammad Mosque No. 8 — Public Service (O 1647-2000).....	2326
Mount Hermon Baptist Church — encroachment permit (O 1610-2000).....	2353
Near West Theatre — special event banners (O 1608-2000).....	2352

Port Control Department

Six work stations — install — Department of Port Control (O 1637-2000).....	2318
---	------

Recognition

Farina, John (R 1635-2000).....	2317
---------------------------------	------

Regional Transit Authority

Euclid Corridor Transportation Project — design and implementation — General Agreement — Greater Cleveland Regional Transit Authority (O 1102-2000-A)	2339
---	------

Resolution of Support

House Bill 578 — support passage — extended assistance to Ohio low income families — Ohio Works First Program (R 1617-2000)	2337
---	------

Resolutions - Miscellaneous

Vocational Guidance Services — urging to comply — permit workers to seek union organization and representation (R 1650-2000)	2326
--	------

Safety Department

Requirement contracts for the Division of Traffic Engineering and Parking, — amend the title and Section 1 of Ordinance No. 2161-99 (O 1651-2000)2327

Service Department

City's 2000 general obligation issued for road and bridge improvements — Central Avenue, Western Avenue East 79th Street, Kinsman Road, Bellaire Road and St. Clair Avenue — grants from the Ohio Public Works Commission (O 1638-2000)2318
 Gethsemane Baptist Church — Church's Anniversary and a special Pilgrimage event — banner (O 1611-2000).....**2353**
 Light the Night Walk — Leukemia & Lymphoma Society (O 1609-2000)**2353**
 Main Avenue Bridge No. 193 — cleaning of the structure and drainage system and the removal of a portion of the catwalk — allocation of County Motor Vehicle License Tax Funds (O 1639-2000)2319
 MetroHealth Hospital — publicizing and identifying the hospital's location in the community — banners (O 1607-2000).....**2352**
 Million Family March — banners — Muhammad Mosque No. 8 — Public Service (O 1647-2000).....2326
 Mount Hermon Baptist Church — encroachment permit (O 1610-2000).....**2353**
 Near West Theatre — special event banners (O 1608-2000).....**2352**
 Sealing of the concrete decks of various bridges to the County of Cuyahoga — Public Service — apply for and accept an allocation of County Motor Vehicle License Tax Funds (O 1640-2000)2320

Traffic Engineering & Parking Division

Requirement contracts for the Division of Traffic Engineering and Parking, — amend the title and Section 1 of Ordinance No. 2161-99 (O 1651-2000)2327

Unions

Vocational Guidance Services — urging to comply — permit workers to seek union organization and representation (R 1650-2000)2326

Utilities Department

Turbidity and particle meters at various water treatment plants — constructing — Public Utilities (O 1652-2000)2327

Vocational Guidance Services

Vocational Guidance Services — urging to comply — permit workers to seek union organization and representation (R 1650-2000)2326

Walk-A-Thons

Light the Night Walk — Leukemia & Lymphoma Society (O 1609-2000)**2353**

Ward 01

Florida Avenue — Land Reutilization Program — Amistad Development Corporation (O 1641-2000).....2321
 Lee-Harvard Business Revitalization District (BRD) — Establishing — (Ward 1) (O 1643-2000).....2322

Ward 02

East 91st Street, 3800 — Enterprise Zone Agreement — Garland Company — amend the title, the third whereas clause, Section 1 and Section 2 of Ordinance No. 1571-99 (O 1642-2000).....2322
 East 93rd Street, 4025 — Withdrawing objection to the issuance of a C1 Liquor Permit (R 1648-2000)2326
 Miles Family YMCA — enhanced recreation program — Ward 2 Neighborhood Equity Funds — Parks, Recreation and Properties Department (O 1612-2000).....**2353**

Ward 03

Million Family March — banners — Muhammad Mosque No. 8 — Public Service (O 1647-2000).....2326

Ward 07

Gethsemane Baptist Church — Church's Anniversary and a special Pilgrimage event — banner (O 1611-2000).....**2353**
 Knight III, Charles Christopher (R 1631-2000).....2317
 Mount Hermon Baptist Church — encroachment permit (O 1610-2000).....**2353**
 Whittier, Linwood and Belvidere Avenues — Land Reutilization Program — Cuyahoga Metropolitan Housing Authority (O 1209-2000).....2327

Ward 08

Tutoring, prevention education, child advocacy and family mediation services — Informing
Our Children, Inc (I.O.C.) — Ward 8 Neighborhood Equity Funds. (O 1645-2000) 2325

Ward 09

Beth-el A.M.E. Zion Church (R 1632-2000) 2317

Ward 10

East 140th Street, 831, (Ward 10) — objection to transfer of ownership of a C1 permit
(R 1618-2000) 2338

Ward 11

East 156th Street, 1st Fl. (Ward 11) — objecting to transfer of ownership of D5 permit
(R 1620-2000) 2338
Lakeshore Boulevard, 15550 , (Ward 11) — objecting to the issuance of ownership of C1
permit (R 1621-2000)..... 2339

Ward 13

1059 Old River Road, 2nd Fl., (Ward 13) — withdrawing objection — repeal Res. No.
1522-2000 (R 1616-2000)..... 2337
Light the Night Walk — Leukemia & Lymphoma Society (O 1609-2000) 2353
Old River Road, 1059, 1st & 2nd Fls., & Patio (Ward 13) — withdrawing objection to
renewal of D5 and D6 permit — repeal Res. No. 1521-2000 (R 1615-2000)..... 2337

Ward 14

MetroHealth Hospital — publicizing and identifying the hospital's location in the
community — banners (O 1607-2000)..... 2352
Near West Theatre — special event banners (O 1608-2000)..... 2352

Ward 15

Denison Avenue, 3829 — first floor — Transfer of Ownership Application — (Ward
15) (F 1623-2000) 2317
Gillespie, Robert W. (R 1633-2000)..... 2317
Sering, Richard Rev. (R 1634-2000) 2317

Ward 17

Detroit Avenue, 8504, (Ward 17) — objecting to issuance of C1 permit
(R 1619-2000) 2338
Farina, John (R 1635-2000)..... 2317
Westside Industrial Retention & Expansion Network (WIRE-Net) — Title and Sections 1 and
2 of Ordinance No. 1250-2000 — Wards 17, 18, 19 and 20 Neighborhood Equity Funds
(O 1644-2000)..... 2325

Ward 18

Westside Industrial Retention & Expansion Network (WIRE-Net) — Title and Sections 1 and
2 of Ordinance No. 1250-2000 — Wards 17, 18, 19 and 20 Neighborhood Equity Funds
(O 1644-2000)..... 2325

Ward 19

11120-24 Lorain Avenue, 1st Fl. Rear, (Ward 19), — withdrawing objection — repeal Res.
No. 1323-2000 (R 1613-2000)..... 2337
12703-05 Lorain Avenue, 1st Fl. & Bsmt. (Ward 19) — withdrawing objection — repeal Res.
No. 1326-2000 (R 1614-2000)..... 2337
Lorain Avenue, 11022 — 1st Fl. & Bsmt. — Withdrawing objection to the transfer of
ownership of a D2, D2X, D3 and D6 Liquor Permit (R 1649-2000) 2326
Lorain Avenue, 11619 — Transfer of Ownership Application — (Ward
19) (F 1622-2000)..... 2317
Westside Industrial Retention & Expansion Network (WIRE-Net) — Title and Sections 1 and
2 of Ordinance No. 1250-2000 — Wards 17, 18, 19 and 20 Neighborhood Equity Funds
(O 1644-2000)..... 2325

Ward 20

Westside Industrial Retention & Expansion Network (WIRE-Net) — Title and Sections 1 and
2 of Ordinance No. 1250-2000 — Wards 17, 18, 19 and 20 Neighborhood Equity Funds
(O 1644-2000)..... 2325