

# The City Record

Official Publication of the City of Cleveland

April the Eleventh, Two Thousand and One

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL—LEGISLATIVE

President of Council—Michael D. Polensek

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

### MAYOR - Michael R. White

Judith Zimomra, Chief of Staff  
 Barry Withers, Executive Assistant for Administration  
 Susan E. Axelrod, Senior Executive Assistant for Health and Human Services  
 Kenneth Silliman, Executive Assistant for Development  
 Nicholas P. Jackson, Executive Assistant for Services  
 Nina Turner, Executive Assistant for Legislative Affairs  
 Marvin Hayes, Executive Assistant for Intergovernmental 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. Martines, Law Librarian, Room 100

### DEPT. OF FINANCE - Ronald E. Brooks, Director, Room 104;

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

### DEPT. OF PUBLIC UTILITIES - Michael Konicek, Director, 1201 Lakeside Avenue

DIVISIONS - 1201 Lakeside Avenue  
 Water - Julius Ciaccia, Jr., Commissioner  
 Water Pollution Control - Darnell Brown, Commissioner  
 Utilities Fiscal Control - Morry Blech, Commissioner  
 Cleveland Public Power - James F. Majer, Commissioner  
 Street Lighting Bureau - Frank Schilling, Acting Chief.

### DEPT. OF PORT CONTROL - Reuben Sheperd, Director,

Cleveland Hopkins International Airport, 5300 Riverside Drive;  
 Cleveland Hopkins International Airport - Mark D. Vanloh, Commissioner  
 Burke Lakefront Airport - Khalid Bahkur, Commissioner

### DEPT. OF PUBLIC SERVICE - Mark Ricchiuto, Director, Room 113

DIVISIONS - Waste Collection and Disposal - Ron Owens, Commissioner, 5600 Carnegie Avenue.  
 Streets - Randell T. Scott, Commissioner, Room 25  
 Engineering and Construction - Randall E. DeVaul, Commissioner, Room 518  
 Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards  
 Architecture - Kurt Weibusch, 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 - Robert Mavec, Commissioner, 4150 East 49th Street, Building #1  
 Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street  
 Emergency Medical Service - Edward Eckart, Commissioner, 1708 South Pointe Drive

### DEPT. OF PARKS, RECREATION & PROPERTIES - Alfred T. Miller, Jr., Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.

DIVISIONS - Convention Center & Stadium - James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.  
 Property Management - Tom Nagle, Commissioner, East 49th & Harvard

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

Park Maintenance and Properties - Richard L. Silva, Commissioner, Public Auditorium - E. 6th & Lakeside.

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

### DEPT. OF COMMUNITY DEVELOPMENT - Linda M. Hudecek, Director, 3rd Floor, City Hall.

DIVISIONS - Administrative Services - Terrence Ross, Commissioner.  
 Neighborhood Services - Louise V. Jackson, Commissioner.  
 Neighborhood Development - Donald T. Moss, Commissioner.  
 Building & Housing - Robert Vilkas, Commissioner, 5th Floor, City Hall.

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

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

### DEPT. OF AGING - Dolores Alexander, Director, Room 122

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

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

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

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

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

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

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

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

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

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

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

BOARD OF EXAMINERS OF ELECTRICIANS - Samuel Montfort, Chairman; Donald Baulknlight, 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; N. Kurt Wiebush, 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 C. Ellen Connally	15C
Judge Sean C. Gallagher	12C
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Mary E. Kilbane	14C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	12A

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 88

WEDNESDAY, APRIL 11, 2001

No. 4557

## CITY COUNCIL

MONDAY, APRIL 9, 2001

### The City Record

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### RUBY F. MOSS

Clerk of Council  
216 City Hall

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

#### MONDAY

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

#### MONDAY—Alternating

11:00 A.M.—**Public Service Committee:** Cintron, Chairman; Sweeney, Vice Chairman; Coats, Johnson, Jones, 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; Britt, Cintron, Dolan, Lewis, Melena, O'Malley, Polensek, Sweeney, White.

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

1:30 P.M.—**City Planning Committee:** Cimperman, Chairman; Rybka, Vice Chairman; Dolan, Jackson, O'Malley, Reed, 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, April 9, 2001.

The meeting of the Council was called to order. The President, Michael D. Polensek, in the Chair. Councilmen present: Brady, Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, Melena, O'Malley, Patmon, Reed, Rybka, Sweeney, Westbrook, White and Willis.

Also present were Acting Mayor Withers and Directors Brooks, Whitlow, Miller, Morrison, Ricchiuto, Hudecek, Dove, Warren and Acting Directors Horvath, Szabo and Ciacia.

Absent: Mayor White, Directors Carter, Konicek, Sheperd, Guzman, Patterson and Alexander.

Pursuant to Ordinance No. 2976-76, the Council Meeting was opened with a prayer offered by Rev. Wardell Harris, Pastor of Greater Harvard Avenue Church of God In Christ, located at 4036 East 131st Street in Ward 2. Pledge of Allegiance.

#### MOTION

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

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 627-01.

Re: Issuance Application - 74015602630 - Rite Aid of Ohio, Inc., d.b.a. Rite Aid Discount Pharmacy 2630, 12107-09 St. Clair Avenue. (Ward 9). Received.

##### File No. 628-01.

Re: Issuance Application - 7467795 - Norma Rodriguez, d.b.a. Grocery Store, 5718 Bridge Avenue. (Ward 17). Received.

##### File No. 629-01.

Re: Transfer of Ownership Application - 5829940 - Memphis D. A. G., Inc., 5517 Memphis Avenue. (Ward 16). Received.

##### File No. 630-01.

Re: Transfer of Ownership and Location Application - 7097352 - Provisions Plus, Inc., 1087 Old River Road. (Ward 13). Received.

##### File No. 631-01.

Re: Stock Transfer Application - 6102221 - Moner Tayeh, Inc., d.b.a. Chillies Market, 4096-98 East 131st Street. (Ward 2). Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 632-01**—Catherine Morrison.

**Res. No. 633-01**—Patrick J. Morrow.

**Res. No. 634-01**—Vincent J. Moraghon.

#### CONGRATULATION RESOLUTIONS

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

**Res. No. 635-01**—Fr. John J. Cregan.

**Res. No. 636-01**—Bethany Baptist Church — 75th Anniversary.

#### RECOGNITION RESOLUTIONS

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

**Res. No. 637-01**—Lawrence & Gertha Moore.

**Res. No. 638-01**—Mother Allene Hayes Campbell.

**Res. No. 639-01**—Deacon Clifford Burkhalter.

**FIRST READING EMERGENCY  
ORDINANCES REFERRED**

**Ord. No. 640-01.**

**By Mayor White.**

**An emergency ordinance authorizing the submission to the electors of the City of Cleveland of a proposal to authorize the City of Cleveland to act as an aggregator on behalf of the natural gas customers within the City.**

Whereas, pursuant to Article XVIII, Section 4 of the Ohio Constitution, the City of Cleveland has plenary power to, among other things, own and operate municipal utilities or to contract with others for the provision of utility services to the residents and businesses located within the City; and

Whereas, pursuant to R.C. Section 4929.20, et seq., municipalities may aggregate customers within their jurisdiction in order to promote lower cost natural gas services within the municipality; and

Whereas, aggregation by the City may permit natural gas customers within the City to realize lower natural gas rates from the collective purchasing of natural gas services; and

Whereas, pursuant to the authority conferred by R.C. Section 4929.26, the City of Cleveland desires to submit an ordinance to the Board of Elections to submit to the electors of the City of Cleveland the question of whether the City should create an aggregation program in accordance with R.C. Section 4929.26; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it will establish a retail aggregation program for the benefit of the City's natural gas consumers; now, therefore,

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

**Section 1.** That this Council hereby authorizes the submission to the electors of the City of Cleveland at a special election to be held at the usual places of voting of said City on Tuesday, November 6, 2001, of a proposal to authorize the City of Cleveland to act as an aggregator on behalf of the natural gas customers within the City for natural gas in accordance with R.C. Section 4929.20, et seq.

**Section 2.** That the proposed aggregation authorization, upon receiving at least a majority of the votes cast thereon at the November 6, 2001, special election, shall become effective immediately upon its adoption, and the City's aggregation program shall thereafter commence in accordance with the plan of operation to be established pursuant to R.C. Section 4929.26, et seq. If the proposed aggregation authorization is so adopted, all natural gas customers within the City shall automatically be included in the City's aggregation program, provided, however, that each customer shall have an opportunity to opt out of the City's aggregation program.

**Section 3.** That the Clerk of this Council is hereby authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County by no later than August 23, 2001.

**Section 4.** That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the election to be held on November 6, 2001, on the forego-

ing proposal and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

**Section 5.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 6.** That the ballot submitting the question of the adoption of the aforesaid proposal shall read as follows:

A majority affirmative vote is necessary for passage.

Shall the City of Cleveland have the authority to aggregate competitive retail natural gas service for the retail natural gas loads located in the City, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out?

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

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

**Ord. No. 641-01.**

**By Mayor White.**

**An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide services necessary to maintain, operate and manage the fuel farm at Cleveland Hopkins International Airport, for a period of two years.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to maintain, operate and manage the fuel farm at Cleveland Hopkins International Airport.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Port Control and the concurrence of the Majority in Interest of all the Scheduled Airlines signatory to the Agreement and Lease authorized by Ordinance No. 1585-A-76, passed August 16, 1976, from a list of all qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for

such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Port Control and certified by the Director of Finance.

**Section 2.** That the Director of Port Control is hereby authorized to set, impose and collect fees to be charged to the users of the fuel farm for the use of the fuel farm; and that such fees be and they are hereby appropriated for the purposes set forth in Section 3 herein.

**Section 3.** That the costs for such services contemplated in Section 1 herein shall be paid from the fund or funds to which are credited the proceeds generated from the operation of the fuel farm, as described in Section 2 herein.

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

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

**Ord. No. 642-01.**

**By Mayor White.**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials needed to install aviation communications equipment, including removal of existing equipment, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials needed to install aviation communications equipment, including removal of existing equipment, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a

requisition against such contract duly certified by the Director of Finance. (RL 30925)

**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. 643-01.**

**By Councilman Brady.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Westown Community Development Corporation for its Sidewalk Repair Program in order to carry out the public purpose of improving public infrastructure quality through the use of Ward 19 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 to enter into an agreement with Westown Community Development Corporation for its Sidewalk Repair Program in order to carry out the public purpose of improving public infrastructure through the use of Ward 19 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$40,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

**Ord. No. 644-01.**

**By Councilman Brady.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Westown Community Development Corporation for its Ward19.com Program in order to carry out the public purpose of providing additional access to community information through the use of Ward 19 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 to enter into an agreement with Westown Community Development Corporation for its Ward19.com Program in order to carry out the public purpose of providing additional access to community information through the use of Ward 19 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$24,800 and shall be paid from Fund No. 10 SF 166.

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

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

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

**Ord. No. 645-01.**

**By Councilman Brady.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Westown Community Development Corporation for a Neighborhood Services Program in order to carry out the public purpose of providing clean sidewalks and public rights-of-way through the use of Ward 19 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 to enter into an agreement with Westown Community Development Corporation for a Neighborhood Services Program in order to carry out the public purpose of providing clean sidewalks and public rights-of-way through the use of Ward 19 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$26,314 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.

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

**Ord. No. 646-01.**

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

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

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract or contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements of the provision of contingency-services for the disposal of municipal solid waste to various approved and certified transfer facilities and landfills, in the approximate amount for each year of the term as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. The contract or contracts hereby authorized shall have an initial term of one (1) year. The City shall have one (1) one-year option, exercisable by the Director of Public Service, to renew and extend the term. Bids shall be taken in such manner as to permit an award to be made for all items of services as a single contract, or by separate contracts for each or any combination of said items as the Board of Control shall determine.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Service. Alternate bids for a period less than the initial term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire period.

**Section 2.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the initial one-year term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached hereto as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. The Director may also require that the performance of each contract be secured in any option year by a performance bond or bonds, each in an amount determined by the Director. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

**Section 3.** That the cost of such contract or contracts authorized hereby shall be charged against the proper appropriation account and the Director of Finance shall certi-

fy thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 32023)

**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.

**BID GUARANTY AND CONTRACT BOND**

KNOW ALL MEN BY THESE PRESENTS, that we the \_\_\_\_\_

(Name and Address) as Principal and \_\_\_\_\_

(Name of Surety) as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Obligee, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Obligee on \_\_\_\_\_ (date) to undertake the project known \_\_\_\_\_

The penal sum referred to herein shall be \_\_\_\_\_

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Obligee accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Obligee may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Obligee does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Obligee accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance

with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Obligee against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this day of \_\_\_\_\_, 20\_\_\_\_

PRINCIPAL: \_\_\_\_\_ SURETY: \_\_\_\_\_

BY: \_\_\_\_\_ BY: \_\_\_\_\_ Attorney-in-Fact

TITLE: \_\_\_\_\_

SURETY COMPANY ADDRESS: \_\_\_\_\_

Street \_\_\_\_\_ City State ZIP \_\_\_\_\_

SURETY AGENT'S ADDRESS: \_\_\_\_\_

Agency Name \_\_\_\_\_ Street \_\_\_\_\_ City State ZIP \_\_\_\_\_

"Exhibit A"

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

**Ord. No. 647-01. By Councilman Gordon. An emergency ordinance authorizing the Director of Community Development to enter into an agreement with ParkWorks, Inc. to provide an Adult Basic Landscaping Training Program in order to carry out the public purpose of providing job training through the use of Ward 15 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with ParkWorks, Inc. to provide an Adult Basic Landscaping Training Program in order to carry out the public purpose of providing job training through the use of Ward 15 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$40,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

**Ord. No. 648-01. By Councilmen Gordon and Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Department of Health and Human Services, Maternal & Child Health Bureau to conduct the Healthy Family Healthy Start Program; and to enter into contracts with various entities 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 \$2,500,000, and any other funds as they become available during the grant term, from the Department of health and Human Services, Maternal & child Health Bureau, to conduct the Healthy Family Healthy Start Program, for the purposes set forth in the project abstract 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 project abstract for said grant.

**Section 2.** That the project abstract for said grant, File No. 648-01-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 a contract or contracts with various entities, including but not limited to Neighborhood Centers Association, CWRU/Infant Mortality Review, Northeast Ohio Neighbor-

hood Health Services (NEON), and the Cleveland Municipal School System, for the implementation of the program, as described in the project abstract, and that said contracts are payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

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

**Ord. No. 649-01.**

**By Councilman Jones.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with IJN-1 Foundation for providing home health aide services for seniors and technology training for youths in order to serve the public purpose of providing social services through the use of Ward 1 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with IJN-1 Foundation for providing home health aide services for seniors and technology training for youths in order to serve the public purpose of providing social services through the use of Ward 1 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$20,200 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.

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

**Ord. No. 650-01.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Section 108 loan and an Economic Development Initiative Grant Agreement with Famicos Foundation to provide economic development assistance to partially finance the planning, design, construction, site improvements and all other associated costs, including**

**housing construction and redevelopment of League Park in the area bounded by East 55th Street to East 71st Street, from Chester Avenue to Superior Avenue, Cleveland, Ohio.**

Whereas, pursuant to Ordinance No. 1076-97, passed June 16, 1997, this Council authorized the Director of Economic Development to enter into a contract with League Park Development Corp., to provide economic development assistance to partially finance acquisition and development for property around League Park, as part of a larger project which shall include the construction of new housing; and

Whereas, League Park Development Corp. has ceased to operate and therefore the authority granted to them under Ordinance No. 1076-97, was never utilized; and

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone Section 108 loan with Famicos Foundation to provide economic development assistance to partially finance the planning, design, construction, site improvements and development, rehabilitation and all other associated costs, including housing construction and redevelopment of League Park in the area bounded by East 55th Street to East 71st Street, from Chester Avenue to Superior Avenue, Cleveland, Ohio, (the "Improvement").

**Section 2.** That the Director of Economic Development is hereby authorized to enter into an Economic Development Initiative Grant Agreement with Famicos Foundation to provide Economic Development Initiative Grant funds to partially finance the above-described Improvement.

**Section 3.** That the terms of said loan and grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 650-01-A.

**Section 4.** That the costs of said contract shall not exceed a loan amount of \$2,000,000 and a grant amount of \$2,000,000. The loan shall be paid from Fund Nos. 18 SF 001 and 18 SF 003 and the grant shall be paid from Fund No. 18 SF 003, Request No. 13173.

**Section 5.** That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

**Section 6.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

**Section 7.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited and expended from Fund No. 18 SF 004.

**Section 8.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

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

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

**Ord. No. 651-01.**

**By Councilmen Melena, White, Westbrook, Sweeney and Patmon (by departmental request).**

**An emergency ordinance to amend Section 1 of Ordinance No. 1007-A-98, passed June 15, 1998, relating to the Director of Community Development to enter into contract for the demolition of school buildings acquired from the Cleveland Public Schools.**

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

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

**Section 1.** That Section 1 of Ordinance No. 1007-A-98, passed June 15, 1998, is hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the demolition of each or all of the following buildings to be acquired from the Cleveland Public Schools: **Warner School, located at 8315 Jeffries Avenue, John Adams High School, located at 3817 Martin Luther King, Jr. Boulevard; West Tech High School, located at 2201 West 93rd Street; Hazeldell School, located at 654 East 124th Street; Longmeade School, located at 12712 Longmeade Avenue, and other schools to be identified and approved by the Director of Community Development.**

**Section 2.** That existing Section 1 of Ordinance No. 1007-A-98, passed June 15, 1998, is hereby repealed.

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

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

**Ord. No. 652-01.**

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

**An emergency ordinance authorizing the Director of Public Utilities to enter into contract without competitive bidding with International Business Machines to upgrade existing computer system to be used as the anchor in a disaster recovery plan, for the Division of Water, Department of Public Utilities.**

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

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

**Section 1.** That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than International Business Machines ("IBM"). Therefore, the Director of Public Utilities is hereby authorized to make a written contract with said IBM upon the basis of its proposal dated September 28, 2000 for the upgrade of existing IBM computer system to be used as the anchor in a disaster recovery plan, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Water, Department of Public Utilities.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 33781.

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

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

**Ord. No. 653-01.**

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

**An emergency ordinance determining the method of making the public improvement of constructing and installing replacement sewers and rehabilitating and repairing sewers at various locations by various methods; and authorizing the Director of Public Utilities to enter into one or more requirement contracts for the making of such improvements, for a one year period.**

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

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

**Section 1.** That pursuant to Section 167 of the Charter, it is hereby determined to make the public improvement of constructing and installing replacement sewers and rehabilitating and repairing sewers at various locations by various methods, for the division of Water Pollution Control, Department of Public Utilities, by one or more public improvement requirement contracts duly let to the lowest responsible bidder after competitive bidding, for a one year period.

**Section 2.** That the Director of Public Utilities is hereby authorized to enter into a written requirement contract with the lowest responsible bidder, after advertising for all such estimated to be done during the one year period, upon a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for back-up construction, installation and repair services after advertising for all such work estimated to be done during the one year period, upon a unit basis.

**Section 3.** That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

**Section 4.** That the cost of the improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 38115.

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

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

**Ord. No. 654-01.**

**By Councilman Patmon (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of messenger service, for the various divisions of City government, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of messenger service, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 3083)

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

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

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

**Ord. No. 655-01.**

**By Councilman Patmon (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of reproduction and mounting services, for the various divisions of City government, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of reproduction and mounting services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 43001)

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

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

**Ord. No. 656-01.**

**By Councilmen Patmon and Polensek.**

**An emergency ordinance to amend the portion of Section 3, entitled Section 2 Job Retention, of Ordinance No. 1742-88, passed July 14, 1988, concerning an Enterprise Zone Agreement with LTV Steel Company, Inc.**

Whereas, pursuant to Ordinance No. 1742-88, passed July 14, 1988, and Ordinance No. 24-92, as amended by Ordinance No. 1445-92, passed March 2, 1992 and June 15, 1992, respectively, the Council of the City of Cleveland authorized the Director of Economic Development to enter into



and Enterprise Zone Agreement with LTV Steel Company, Inc. dated July 14, 1988 and June 18, 1992, respectively, to provide for 10 year tax abatements for certain tangible personal property as an incentive to modernize and improve its Cleveland Works Steel Facility; and

Whereas, as a condition to receipt of the tax abatements, LTV Steel Company, Inc. agreed to retain Six Thousand Five Hundred (6,500) jobs at the LTV facilities located in the City of Cleveland and the Village of Cuyahoga Heights; and

Whereas, LTV Steel Company, Inc. is still receiving the benefit of the tax abatements granted in 1988 and the City recognizes the need to continue the abatements; 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 portion of Section 3, entitled Section 2 Job Retention, of Ordinance No. 1742-88, passed July 14, 1988, is hereby amended to read as follows:

**Section 2. Job Retention**

LTV Steel shall retain the current number of Six Thousand Five Hundred (6,500) jobs or such other number of jobs as may be agreed between the City and LTV Steel at the Facility including parts of the Facility located in the City of Cleveland and the Village of Cuyahoga Heights at least until the expiration of this Agreement, subject to reductions resulting from normal attrition, business conditions and the efficient operation of the Facility.

**Section 2.** That the portion of existing Section 3, entitled Section 2 Job Retention, of Ordinance No. 1742-88, passed July 14, 1988, 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, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 657-01.**

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

**An emergency ordinance to amend Section 1 of Ordinance No. 1265-99, passed August 11, 1999, relating to a grant from the Public Health Service, Department of Health and Human Services for the Metropolitan Medical Response System Development Program, and to enter into contract relative thereto.**

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

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

**Section 1.** That Section 1 of Ordinance No. 1265-99, passed August 11, 1999, is hereby amended to read as follows:

Section 1. That the Director of Public Safety is hereby authorized to apply for and accept a grant in

the amount of \$600,000, from the Public Health Service, Department of Health and Human Services, to conduct the Metropolitan Medical Response System Development, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That existing Section 1 of Ordinance No. 1265-99, passed August 11, 1999, is hereby repealed.

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

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

**Ord. No. 658-01.**

**By Councilman Reed.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Parkworks to provide an Adult Basic Landscaping Training Program in order to carry out the public purpose of providing job training through the use of Ward 3 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 Parkworks to provide an Adult Basic Landscaping Training Program in order to carry out the public purpose of providing job training through the use of Ward 3 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$40,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

**Ord. No. 659-01.**

**By Councilman Rybka.**

**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Slavic Village Development for the installation of a fire alarm system at the Alliance**

**of Poles facility located at 6966 Broadway Avenue in order to carry out the public purpose of improving safety through the use of Ward 12 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with Slavic Village Development for the installation of a fire alarm system at the Alliance of Poles facility located at 6966 Broadway Avenue in order to carry out the public purpose of improving safety through the use of Ward 12 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$7,607 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.

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

**Ord. No. 660-01.**

**By Councilman Rybka.**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a Property Adoption Agreement with Slavic Village Development Corporation to maintain and improve certain real estate belonging to the City of Cleveland for purposes of a public park.**

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

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

**Section 1.** That notwithstanding and provisions of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation and Properties is hereby authorized and directed to enter into a Property Adoption Agreement with Slavic Village Development Corporation for the maintenance and improvement of a parcel of land of approximately 131 feet by 153 feet located at the corner of Kenyon and East 65th Streets in Ward 12 of the City of Cleveland for the placement and maintenance of a public park. Slavic Village Development Corporation is entitled to have such property designated in its name. Any such adoption shall not be construed as the conveyance of any right, title or interest in the public property but merely as the grant of a privilege, revocable at will.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

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

**Ord. No. 661-01.**

**By Councilman White.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with IJN-1 Foundation for providing housing and counseling services for troubled youth in order to serve the public purpose of providing social services through the use of Ward 2 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with IJN-1 Foundation for providing housing and counseling services for troubled youth in order to serve the public purpose of providing social services through the use of Ward 2 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$7,200 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.

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

**FIRST READING EMERGENCY RESOLUTION REFERRED**

**Res. No. 662-01.**

**By Councilman Reed.**

**An emergency resolution urging the City's Department of Parks, Recreation and Properties to declare the Ohio Department of Natural Resources in default under its lease with the City if land leased thereunder is no longer used to operate and maintain a Civilian Conservation Corps Cleveland Camp.**

Whereas, over the past twenty years, the Ohio Department of Natural Resources Civilian Conservation Corps (CCC) has provided employment and training to over 18,000 young men and women in Ohio, many of whom have been from the City of Cleveland; and

Whereas, in 1997, the City of Cleveland entered into a lease with the Ohio Department of Natural Resources (ODNR) providing certain premises so that the ODNR

could construct, operate and maintain a CCC Cleveland Camp; and

Whereas, the governor of the State of Ohio has proposed to eliminate the CCC program; and

Whereas, the proposed elimination of the CCC program would mean that the CCC Cleveland Camp would also be eliminated; and

Whereas, under the aforementioned lease, the use of the leased premises shall be for the purpose of constructing, operating and maintaining a CCC Cleveland Camp; and

Whereas, it is understood that, rather than use the leased premises for the CCC Camp, the state intends to use the leased premises for other purposes, in violation of the lease agreement between the City and the ODNR; and

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

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

**Section 1.** That this Council hereby urges the City's Department of Parks, Recreation and Properties to declare the Ohio Department of Natural Resources in default under its lease with the City if land leased thereunder is no longer used to operate and maintain a Civilian Conservation Corps Cleveland Camp.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Ohio Department of Natural Resources Civilian Conservation Corps.

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

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

**FIRST READING ORDINANCE REFERRED**

**Ord. No. 663-01.**

**By Councilman Sweeney.**

**An Ordinance to change the Use District of lands on the east side of West 128 Street between Lena Avenue, S.W. and Longmead Avenue, SW, (Map Change No. 2029, Sheet No. 13)**

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

**Section 1.** That the Use District of lands bounded and described as follows:

Beginning at the intersection of the center line of West 128 Street and the center line of Lena Avenue, S.W.; thence easterly along said center line of Lena Avenue, S.W. to its intersection with the northerly extension of a line located two hundred eighty (280) feet east of the easterly line of West 128 Street; thence southerly along said northerly extension and along said line which is parallel to and two hundred eighty (280) feet east of said easterly line of West 128 Street and along its southerly extension to the center line of Longmead Avenue, S.W.; thence westerly along said center line of Longmead Avenue, S.W. to the center line of West 128

Street; thence northerly along said center line of West 128 Street to the place of beginning

and as outlined in red on the map hereto attached, be and the same is hereby changed to an RA Use District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 2029, Sheet No. 13 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

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

**Ord. No. 664-01.**

**By Councilman Cintron.**

**An emergency ordinance authorizing the Director of Community Development to amend Contract No. 56405 with Clark Metro Development Corporation to provide for additional staffing necessary to perform redevelopment activities and services.**

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

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

**Section 1.** That the Director of Community Development is authorized to amend Contract No. 56405 with Clark Metro Development Corporation to provide for additional staffing necessary to perform redevelopment activities and services and to increase the amount of the contract by \$40,000 for a total of \$160,000. Said increase shall be paid from Fund No. 14 SF 026, Request No. 20697.

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

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

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

**Ord. No. 665-01.**

**By Councilman Cintron.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Hispanic Political Action Committee to stretch one (1) banner on Lorain Avenue at West 29th Street for Minority Health Fair on C.P.P. utility poles (by separate permission) for the period of April 2, 2001 to April 23, 2001, 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 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 Hispanic Political Action Committee, 1729 Superior Avenue, Suite 400, Cleveland, Ohio 44114, to install, maintain and remove one (1) banner to be placed on Cleveland Public Power utility poles, (by separate permission), for the period of April 2, 2001 to April 23, 2001, inclusive, publicizing the Minority Health Fair, and which banner is to be placed at the following pole locations and on the following pole numbers: across Lorain Avenue at the intersection East of West 29th Street; Pole # (S) AO61-5 and (N) AO62-5; and which poles location and banner shall be approved by the Director of Public Service in consultation with The Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be placed must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner, and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 666-01.**

**By Councilman Cimperman.**  
**An emergency ordinance authorizing and directing the Commissioner of Licenses & Assessments to issue a permit to Precious Cargo for purposes of operating a carriage business throughout various locations in Ward 13.**

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

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

**Section 1.** That notwithstanding any provisions of the Codified Ordinances to the contrary, the Commissioner of Licenses and Assessments is authorized and directed to issue a permit to Precious Cargo for purposes of operating a carriage business throughout various locations in Ward 13 of the City of Cleveland so long as such operations are conducted in accordance with the rules and regulations promulgated by the Division of Licenses and Assessments.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

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

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

**Ord. No. 667-01.**

**By Councilman Lewis.**  
**An emergency ordinance consenting and approving the issuance of a permit for the New Day in Hough Race and Parade on May 12, 2001, sponsored by a New Day in Hough Committee.**

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

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

**Section 1.** That, pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Race and Parade, on May 12, 2001, sponsored by a New Day in Hough Committee with the Race assembling at Thurgood Marshall Recreation Center, go west on Hough Avenue to East 79th Street, north on East 79th to Lexington, west on Lexington to East 66th Street, south on East 66th Street to Hough, east on Hough to Thurgood Marshall and the Parade route also assembling at Thurgood Marshall Recreation Center, from Thurgood Marshall, west on Hough Avenue to East 71st Street, north on East 71st Street to Linwood, east on Linwood to East 79th Street, south on East 79th Street to Hough Avenue, east on Hough Avenue to Thurgood Marshall, 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 or 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.

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. 668-01.**

**By Councilman Polensek.**  
**An emergency ordinance to amend Section 1 of Ordinance No. 2582-90, passed October 22, 1990, relating to certain expenditures by the Clerk of 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 Section 1 of Ordinance No. 2582-90 passed October 22, 1990, is hereby amended to read as follows:

Section 1. That the Clerk of Council of the Clerk's designee is authorized to expend funds to provide coffee and other beverages to members of Council, the Council's staff, and persons conducting business with the Council in Council's offices and to provide tokens of condolence or congratulations to members of Council and Council's staff.

**Section 2.** That existing Section 1 of Ordinance No. 2582-90 passed October 22, 1990, 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. 669-01.**

**By Councilman Polensek and Mayor White.**

**An emergency ordinance consenting and approving the issuance of a permit for a Unity Walk in support of the City of Cleveland's annual Unity Day/Week activities and the Harvest for Hunger campaign on April 28, 2001, sponsored by the Community Relations Board.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Unity Walk, sponsored by the City of Cleveland's Community Relations Board on April 28, 2001, beginning at Sam Miller Park, and continuing West on East 88th Street to Martin Luther King Boulevard; south on Martin Luther King Boulevard arriving at the City lagoon; turning around at the City lagoon and returning North up Martin Luther King Boulevard to the Superior Avenue access road; East on Superior Avenue access road to East Boulevard; North on East Boulevard and finishing at Sam Miller Park, 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.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

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

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

**Ord. No. 670-01.**

**By Councilman Rybka.**

**An emergency ordinance to amend Section 1 of Ordinance No. 868-2000, passed June 12, 2000 concerning the Scenic Byways Program.**

Whereas, Ordinance No. 868-2000 authorized the Director of the City Planning Commission to apply for and accept a grant from the Federal Highway Administration for the Scenic Byways Program; and

Whereas, in order to use the grant funds as effectively as possible, the City desires to enter into agreement with the Cleveland Metroparks for purposes of trail and overlook construction; 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 Section 1 of Ordinance No. 868-2000, passed June 12, 2000, is hereby amended to read as follows:

Section 1. That the Director of the City Planning Commission is hereby authorized to apply for and accept a grant in the amount of \$280,000, from the Federal Highway Administration, to conduct the Scenic Byways Program, for the purposes set forth in the project summary and according thereto; that the Director of the City Planning Commission 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 project summary for said grant. **Upon receipt or credit of the grant funds, the Director of the City Planning Commission shall enter into an agreement with the Cleveland Metroparks which enables the grant funds received by or credited to the City to be used by the Cleveland Metroparks for the purposes of the Scenic Byways trail and overlook construction.**

**Section 2.** That existing Section 1 of Ordinance 868-2000 passed June 12, 2000 is hereby repealed.

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

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. 671-01.**

**By Councilman White.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Miles Avenue YMCA to to stretch one (1) banner on Miles Avenue at East 113th Street (westbound) on Cleveland Electric Illuminating Company utility poles (by separate permission) for the period of June 9, 2001 to July 9, 2001, inclusive, publicizing their special event.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Miles Avenue YMCA, 11023 Miles Avenue, Cleveland, Ohio 44105, to install, maintain and remove one (1) banner to be stretched on Cleveland Electric Illuminating utility poles, (by separate permission) publicizing their special event for the period of June 9, 2001 to July 9, 2001, inclusive, and which banner is to be hung at the following pole locations and on the following pole numbers: Cleveland Electric Illuminating utility poles (by separate permission) at 11300 Miles Avenue, pole # 929137; and at East 113th Street and Miles Avenue (westbound) pole # 652584; and which poles location and banner shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner, and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

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

**Res. No. 672-01.**

**By Councilman Brady.**

**An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 3934 West 117th Street, and repealing Res. No. 558-01 objecting to said issuance.**

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 3934 West 117th Street by Res. No. 558-01 adopted by Council March 26, 2001; and

Whereas, this Council wishes to withdraw 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 issuance of a C1 Liquor Permit to 3934 West 117th Street, be and the same is hereby withdrawn and Res. No. 558-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

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

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

**Res. No. 673-01.**

**By Councilman Brady.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 11022 Bellaire Rd., 1st Fl., and repealing Res. No. 35-01 objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 11022 Bellaire Rd., 1st Fl. by Res. No. 35-01 adopted by Council on January 8, 2001; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 11022 Bellaire Rd., 1st Fl., be and the same is hereby withdrawn and Res. No. 35-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer ownership thereof.

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

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

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

**Res. No. 674-01.****By Councilman Britt.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2 and D6 Liquor Permit to 9808 Cedar Road, and repealing Res. No. 1329-2000 objecting to said renewal.**

Whereas, this Council objected to the renewal of a D1, D2 and D6 Liquor Permit to 9808 Cedar Road by Res. No. 1329-2000 adopted by Council 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 and D6 Liquor Permit to 9808 Cedar Road, be and the same is hereby withdrawn and Res. No. 1329-2000, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 675-01.****By Councilman Polensek.**

**An emergency resolution objecting to the issuance of a C2 Liquor Permit to 781 Wayside Road.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C2 Liquor Permit to Permit No. 9445449, Wayside Mart Inc., DBA Wayside Mart, 781 Wayside Rd., 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 a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the issuance of a C2 Liquor Permit to Permit No. 9445449, Wayside Mart Inc., DBA Wayside Mart, 781 Wayside Rd., 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.

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

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

**Res. No. 676-01.****By Councilman Rybka.**

**An emergency resolution objecting to the transfer of ownership and location of a D2, D2X and D3 Liquor Permit to 5007 Fleet Avenue.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a D2, D2X and D3 Liquor Permit from Permit No. 3538114, Agnes Haltuch, DBA Lads Tavern, 7705 Broadway Avenue, 1st Fl. & Bsmt., Cleveland, Ohio 44105 to Permit No. 2262626, Dopa Domani Inc., DBA Dopa Domani, 5007 Fleet Avenue, Cleveland, Ohio 44105; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented rea-

sonable access to the establishment; and

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership and location of a D2, D2X and D3 Liquor Permit from Permit No. 3538114, Agnes Haltuch, DBA Lads Tavern, 7705 Broadway Avenue, 1st Fl. & Bsmt., Cleveland, Ohio 44105 to Permit No. 2262626, Dopa Domani Inc., DBA Dopa Domani, 5007 Fleet Avenue, Cleveland, Ohio 44105 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 677-01.****By Councilman Willis.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 891 Lakeview Road, and repealing Res. No. 1545-2000 objecting to said renewal.**

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 891 Lakeview Road by Res. No. 1545-2000 adopted by Council 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 C2 and C2X Liquor Permit to 891 Lakeview Road, be and the same is hereby withdrawn and

Res. No. 1545-2000, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

## SECOND READING EMERGENCY ORDINANCES PASSED

### Ord. No. 87-01.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1176, 1178, 1174 East 79th Street to The House of God, The Church of the Living God, The Pillar and the Ground of the Truth, The House of Prayer for All People, Inc. of Kentucky.

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

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

### Ord. No. 171-01.

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 scattered sites to Amistad Development Corporation.

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

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

### Ord. No. 289-01.

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

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Criminal Justice Service Agency for the Team Approach to Violence Against Women Program.

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

1. Insert new Section 3 to read as follows:

**"Section 3. That the Director of Law shall supply quarterly reports to all members of City Council regarding the statistics and operation of this program."**

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

Amendments agreed to.

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

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

### Ord. No. 299-01.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of maintenance services of fire alarm systems, for the Division of Property Management, Department of Parks, Recreation and Properties, for a period not to exceed five years.

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

1. In the title, lines 7 and 8, and in Section 1, line 8, strike "five years" and insert in lieu thereof **"one year"**.

2. In Section 2, line 2, after "authorized" insert **"shall not exceed \$90,000.00 and"**.

Amendments agreed to.

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

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

### Ord. No. 359-01.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain Chrysler, Dodge, Plymouth and Jeep motor vehicles, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

1. In Section 2, line 1, after "contract" insert **"shall not exceed \$12,000 and"**.

Amendment agreed to.

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

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

### Ord. No. 360-01.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and replace automotive, truck and equipment glass, including related repairs, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

1. In Section 2, line 1, after "contract" insert **"shall not exceed \$85,000 and"**.

Amendment agreed to.

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

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

### Ord. No. 361-01.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of rebuilt or remanufactured automatic Allison transmissions, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

1. In Section 2, line 1, after "contract" insert **"shall not exceed \$165,000 and"**.

Amendment agreed to.

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

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

### Ord. No. 362-01.

By Councilmen Cintron and Patmon (by departmental request).

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

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

1. In Section 2, line 1, after "contract" insert **"shall not exceed \$200,000 and"**.

Amendment agreed to.

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

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

### Ord. No. 363-01.

By Councilmen Cintron and Patmon (by departmental request).

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

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

1. In Section 2, line 1, after "contract" insert **"shall not exceed \$165,000 and"**.

Amendment agreed to.

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

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

### Ord. No. 364-01.

By Councilmen Cintron and Patmon (by departmental request).

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

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

1. In Section 2, line 1, after "contract" insert "**shall not exceed \$50,000 and**".

Amendment agreed to.

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

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

**Ord. No. 365-01.**

By Councilmen Cintron and Patmon (by departmental request).

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

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

1. In Section 2, line 1, after "contract" insert "**shall not exceed \$100,000 and**".

Amendment agreed to.

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

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

**Ord. No. 366-01.**

By Councilmen Cintron and Patmon (by departmental request).

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

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

1. In Section 2, line 1, after "contract" insert "**shall not exceed \$100,000 and**".

Amendment agreed to.

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

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

**Ord. No. 367-01.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of salt spreader, insert and plow parts, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

1. In Section 2, line 1, after "contract" insert "**shall not exceed \$150,000 and**".

Amendment agreed to.

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

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

**Ord. No. 368-01.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and replace Galion-Dresser equipment, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

1. In Section 2, line 1, after "contract" insert "**shall not exceed \$200,000 and**".

Amendment agreed to.

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

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

**Ord. No. 369-01.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Elgin sweeper parts, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

1. In Section 2, line 1, after "contract" insert "**shall not exceed \$200,000 and**".

Amendment agreed to.

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

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

**Ord. No. 370-01.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of emulsion and purging solution, and labor and materials necessary to maintain emulsion equipment, for the Division of Streets, Department of Public Service.

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

1. In Section 2, line 1, after "contract" insert "**shall not exceed \$100,000 and**".

Amendment agreed to.

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

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

**Ord. No. 371-01.**

By Councilmen Cintron and Patmon (by departmental request).

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

Approved by Directors of Public Service, Finance, Law; Passage rec-

ommended by Committees on Public Service, Finance; when amended as follows:

1. In Section 2, line 1, after "contract" insert "**shall not exceed \$95,000 and**".

Amendment agreed to.

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

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

**Ord. No. 372-01.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain Blaw Knox pavers, Case equipment, Caterpillar equipment and Grad-all equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

1. In Section 2, line 1, after "contract" insert "**shall not exceed \$200,000 and**".

Amendment agreed to.

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

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

**Ord. No. 373-01.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of guard rail elements, posts, end wings, and hardware, for the Division of Streets, Department of Public Service.

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

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

Amendment agreed to.

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

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

**Ord. No. 374-01.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of traffic cones, safety drums, warning flashers and lights, for the Division of Streets, Department of Public Service.

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

1. In Section 2, line 1, after "contract" insert "**shall not exceed \$25,000 and**".

Amendment agreed to.

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

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

**Ord. No. 375-01.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of plow blades and curb bumpers, for the Division of Streets, Department of Public Service.

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

1. In Section 2, line 1, after "contract" insert "**shall not exceed \$45,000 and**".

Amendment agreed to.

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

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

**Ord. No. 376-01.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of SSI tack coat, for the Division of Streets, Department of Public Service.

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

1. In Section 2, line 1, after "contract" insert "**shall not exceed \$150,000 and**".

Amendment agreed to.

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

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

**Ord. No. 377-01.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of cold mix material, for the Division of Streets, Department of Public Service.

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

1. In Section 2, line 1, after "contract" insert "**shall not exceed \$150,000 and**".

Amendment agreed to.

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

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

**Ord. No. 378-01.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of gutter broom sets and tube and gutter brooms, for the Division of Streets, Department of Public Service.

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

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

Amendment agreed to.

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

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

**Ord. No. 379-01.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair, rebuild and replace cylinders, pumps, motors, valves, fuel injectors, drive shafts, gear boxes and trailers, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

1. In Section 2, line 1, after "contract" insert "**shall not exceed \$280,000 and**".

Amendment agreed to.

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

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

**Ord. No. 380-01.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair, clean, recore and replace radiators, heater cores, gas tanks and air conditioning units, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Amendment agreed to.

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

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

**Ord. No. 381-01.**

By Councilmen Cintron and Patmon (by departmental request).

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

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

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

Amendment agreed to.

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

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

**Ord. No. 489-01.**

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Jacobsen mower parts, for the various divisions of City gov-

ernment, for a period not to exceed two years.

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

1. In the title, line 6, in Section 1, line 4, and in lines 11 and 12, strike "two years" and insert in lieu thereof "**one year**".

2. In Section 2, line 1, after "shall" insert "**not exceed \$9,000 and shall**".

Amendments agreed to.

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

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

**Ord. No. 490-01.**

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of paper and cloth wipers, for the various divisions of City government, for a period not to exceed two years.

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

1. In the title, line 6, in Section 1, line 4, and in lines 11 and 12, strike "two years" and insert in lieu thereof "**one year**".

2. In Section 2, line 1, after "shall" insert "**not exceed \$55,000 and shall**".

Amendments agreed to.

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

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

**Ord. No. 491-01.**

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of lumber and supplies, for the various divisions of City government.

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

1. In Section 2, line 1, after "shall" insert "**not exceed \$375,000 and shall**".

Amendment agreed to.

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

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

**Ord. No. 547-01.**

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of ball diamond clay, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period not to exceed two years.

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

1. In the title, line 8, in Section 1, line 4 and 5, and in line 13, strike "two years" and insert in lieu thereof "**one year**".

2. In Section 2, line 1, after "shall" insert "**not exceed \$44,000 and shall**".



Amendments agreed to.  
The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 20. Nays 0.  
In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 549-01.**

By Councilmen Rybka and Patmon (by departmental request).  
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with ParkWorks, formerly Clean-Land, Ohio, to conduct a vacant lot maintenance program for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period of one year, with a one year option to renew.

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

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

**Ord. No. 550-01.**

By Councilmen Rybka and Patmon (by departmental request).  
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more temporary employment agencies, to provide professional services to supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties for a period of one year.

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

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

**Ord. No. 551-01.**

By Councilmen Rybka and Patmon (by departmental request).  
An emergency ordinance authorizing the purchase by requirement contract of small equipment necessary for groundskeeping and landscaping, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

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

1. In Section 2, line 1, after "shall" insert "**not exceed \$75,000 and shall**".  
Amendment agreed to.

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

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

**Ord. No. 608-01.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8110 Carnegie Avenue to Regin Schlachet and Jaye Schlachet.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on

Community and Economic Development, City Planning, Finance.

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

**THIRD READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 1728-2000.**

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

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving certain City-owned parks, playgrounds, and recreational facilities including site improvements and appurtenances, and Highland Park and Seneca golf courses; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; authorizing said director to employ one or more professional consultants to design the improvement; authorizing the purchase by contract of furniture, supplies, materials and equipment necessary for the improvement; and authorizing the direct employment of the necessary labor for areas not otherwise improved; for the Department of Parks, Recreation and Properties.

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

**Ord. No. 2212-2000.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on Parklawn Avenue to Northeastern Neighborhood Development Corporation.

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

**Ord. No. 80-01.**

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the procurement by requirement contract for the rental of covered golf carts for Highland and Seneca golf courses, Department of Parks, Recreation and Properties, for a period of five years.

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

**Ord. No. 81-01.**

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of food and beverage items, golf-related merchandise, and labor, materials and supplies necessary to maintain the golf courses for the Division of Recreation, Department of Parks, Recreation and Properties, for a period not to exceed two years.

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

**Ord. No. 175-01.**

By Councilman Polensek.  
An emergency ordinance authorizing the Director of Community Development is authorized to enter into a grant agreement with Lake Shore Golden Age Center to provide funding for operating expenses in order to carry out the public purpose

of providing social programs for senior citizens through the use of Ward 11 Neighborhood Equity Funds.

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

**Ord. No. 215-01.**

By Councilman Coats.  
An emergency ordinance to amend the Title and Section 1 of Ordinance No. 949-2000, passed May 22, 2000 to authorize the Director of Community Development to enter into a grant agreement with the Euclid - St. Clair Development Corporation to conduct an impact study related to the Water Tower Park site on Coit Road, through the use of Ward 10 Neighborhood Equity Funds.

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

**Ord. No. 216-01.**

By Councilman Jackson.  
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Burten, Bell Carr Development, Inc. for various youth recreation activities and educational programs, field trips and related costs to further the public purpose of providing recreation and extra-curricular programs for children and youth residents of the City of Cleveland through the use of Ward 5 Neighborhood Equity Funds.

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

**Ord. No. 218-01.**

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Executive Director of the Community Relations Board to apply for and accept a grant from Freddie Mac for the Don't Borrow Trouble Program.

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

**Ord. No. 221-01.**

By Councilman Patmon.  
An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Famicos Foundation for acquisition and renovation a vacant commercial building into a community center in order to carry out the public purpose of providing social service programs to the residents of Cleveland through the use of Ward 8 Neighborhood Equity Funds.

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

**Ord. No. 223-01.**

By Councilman Patmon.  
An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Famicos Foundation for completing Phase II of the Notre Dame building renovation at 1325 Ansel Rd., creating office space for community services in order to carry out the public purpose of providing community and social service programs to the residents of Cleveland through the use of Ward 8 Neighborhood Equity Funds.

**Ord. No. 286-01.**

By Mayor White.  
An emergency ordinance authorizing the purchase by requirement contract of key cards and accessories, for the various divisions of the Department of Port Control.

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

**Ord. No. 287-01.**

By Mayor White.  
An emergency ordinance, authorizing the Director of Port Control to enter into a requirement contract with Aero-Mark, Inc. for labor and materials necessary for painting and paint removal of roadways, runways and other paved areas, for the various Divisions of the Department of Port Control.  
Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 291-01.**

By Councilmen Brady, Rybka and Patmon (by departmental request).  
An emergency ordinance to amend Sections 11, 12 and 14 of Ordinance No. 104-2000, passed April 17, 2000, relating to, among other things, a public improvement of replacing and renovating various portions of Haloran Park skating rink.  
Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 292-01.**

By Councilmen Polensek, Rybka and Patmon (by departmental request).  
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with Salvation Army, for administrating and facilitating recreational services in Ward 11, for the Department of Parks, Recreation and Properties.  
Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 293-01.**

By Councilmen Rybka and Patmon (by departmental request).  
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with City Year to perform community service work and to collaborate with various non-profit agencies.  
Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 294-01.**

By Councilmen Rybka and Patmon (by departmental request).  
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Cleveland Municipal Football Association to conduct a City-wide football program.  
Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 295-01.**

By Councilmen Rybka and Patmon (by departmental request).  
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more certified medical professionals to provide physical examinations for children and staff attending overnight camp during the 2001 summer season.  
Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 296-01.**

By Councilmen Rybka and Patmon (by departmental request).  
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a contract with the National Junior Tennis League of Cleveland to provide a summer tennis program.  
Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 297-01.**

By Councilmen Rybka and Patmon (by departmental request).  
An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain City Hall elevators, for the Division of Property Management, Department of Parks, Recreation and Properties, for a period not to exceed five years.  
Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 298-01.**

By Councilmen Rybka and Patmon (by departmental request).  
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Neighborhood Centers Association to implement educational, recreational and cultural programs in various school buildings during evening hours.  
Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 305-01.**

By Councilmen Lewis, Melena, Cimperman and Patmon (by departmental request).  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5906 Luther Avenue to Joanne Teague.  
Read third time. Passed. Yeas 20. Nays 0.

**MOTION**

By Councilmember Melena and seconded by Councilmember Jackson and unanimously carried that the absence of Councilmember Patricia J. Britt be and is hereby authorized.

**MOTION**

The Council adjourned at 8:45 p.m. to meet Monday, April 23, 2001 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

**BOARD OF CONTROL**

March 29, 2001

A special meeting of the Board of Control convened in the Mayor's office on Thursday, March 29, 2001, at 4:30 p.m. with Director Carter presiding.

Present: Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Directors Miller, Patterson, Warren and Alexander.

Absent: Mayor White, Director Hudecek.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

On motion, the following resolutions were adopted.

**Resolution No. 206-01.**

By Director Sheperd.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 930-95 passed by the Cleveland City Council on June 19, 1995, and Ordinance No. 469-98, passed by the Cleveland City Council on May 18, 1998, Acen-tech, Inc ("Consultant") is hereby selected upon the nomination of the Director of Port Control from a list of qualified consultants available for such employment and determined after a full and complete canvass by said Director as the acoustical testing firm to be employed by contract for the Phase 2 Continuation of the Residential Sound Insulation Program, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Be it further resolved that the Director of Port Control is hereby authorized to enter into contract with said Consultant for Stage I services in an amount not to exceed Two Hundred Fifteen Thousand Six Hundred Eighty Six and 66/100 Dollars (\$215,686.66), with options exercisable by the Director of Port Control in writing for Stage II services in an amount not to exceed Two Hundred Fifteen Thousand Six Hundred Eighty Six and 66/100 Dollars (\$215,686.66), Stage III services in an amount not to exceed Two Hundred Thousand Six Hundred Sixty Eight and 66/100 Dollars (\$200,668.68) on the basis of consultant's proposal dated January 4, 2001. The contract authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as said Director deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by Acen-tech, Inc. for the above-mentioned contract is hereby approved:

Subconsultants	Fee
DAR Public Relations (14% - FBE)	\$31,395.00
Roberts Consultants (15% - MBE)	\$29,727.00

Yeas: Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Directors Miller, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White, Director Hudecek.

**Resolution No. 207-01.**

By Director Sheperd.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 930-95 passed by the Cleveland City Council on June 19, 1995, and Ordinance No. 469-98, passed by the Cleveland City Council on May 18, 1998, C & S Engineers, Inc ("Consultant") is hereby selected upon the nomination of the Director of Port Control from a list of qualified consultants available for such employment and determined after a full and complete canvass by said Director as the construction design and management firm to be employed by contract for the Phase 2 Continuation of the Residential Sound Insulation Program, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Be it further resolved that the Director of Port Control is hereby authorized to enter into contract with said Consultant for Stage I services in an amount not to exceed Three Million One Hundred Eighty Seven Thousand Three Hundred Thirty Five and 67/100 Dollars (\$3,187,335.67), with options exercisable by the Director of Port Control in writing for Stage II services in an amount not to exceed Two Million Eight Hundred Eighty Seven Thousand Forty One and 67/100 Dollars (\$2,887,041.67), Stage III services in an amount not to exceed Two Million Seven Hundred Twenty Four Thousand Six Hundred Seventeen and 66/100 Dollars on the basis of consultant's proposal dated January 16, 2001. The contract authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as said Director deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by C & S Engineers, Inc. for the above-mentioned contract is hereby approved:

<u>Subconsultants</u>	<u>Fee</u>
DAR Public Relations (5% FBE)	\$157,277.00
Ralph Tyler Companies (13% MBE)	\$399,090.00
Roberts Consultants (9% MBE)	\$296,860.00
Wester Communications Group (1% FBE)	\$27,385.00
Van Aukin Akin Architects (9% FBE)	\$301,642.00

Yeas: Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Directors Miller, Patterson, Warren and Alexander.

Nays: None.  
Absent: Mayor White, Director Hudecek.

**Resolution No. 208-01.**

By Director Sheperd.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Independence Excavating, Inc. for the public improvement of Abram Creek/Stage II 6L-24R Runway Project, including Alternate No. 1 and 2E, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on the 23rd day of August 2000, pursuant to the authority of Ordinance No. 1105-2000 passed March 26, 2001, upon a unit basis for the improvement in the aggregate amount of Forty-Nine Million Two Hundred Ninety Three Thousand Two Hundred Sixty-Six Dollars and Ninety-Eight cents (\$49,293,266.98), is hereby affirmed and approved as the lowest responsible bid, and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control that the following subcontractors of Independence Excavating, Inc. are hereby approved:

<u>Subcontractor</u>	<u>Service</u>
Lawrence Harris (4% MBE)	Furnish & Install Storm Sewer

Perk Co.  
(2% MBE)  
Silt Fence  
Concrete Channel Installation  
Utilities Work

Mohawk Rebar  
(2% MBE)  
Furnish & Install Rebar

Granger Trucking  
(1% MBE)  
Trucking & Disposal

Ohio Diversified  
(2% FBE)  
Flaggers/Gate Guards  
Dust Control /Roads Sweeping  
Quality Control

KS Associates  
(1% FBE)  
Field Engineering  
Storm Water Management

Ballast Fence  
(.2% FBE)  
Fence Work

L. T. Services  
(.1% FBE)  
Trucking & Disposal

Regency Construction Services  
(.03% FBE)  
Scheduling

Yeas: Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Directors Miller, Patterson, Warren and Alexander.  
Nays: None.  
Absent: Mayor White, Director Hudecek.

JEFFREY B. MARKS,  
Secretary

**BOARD OF CONTROL**

April 4, 2001

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 4, 2001, at 11:00 a.m. with Mayor White presiding.

Present: Mayor White, Directors Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Patterson, Warren and Alexander.

Absent: None.  
Others: Myrna Branche, Commissioner, Purchases and Supplies. Lucille Ambroz, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

**Resolution No. 209-01.**

By Director Brooks.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Valley Ford Truck Sales, Inc. for an estimated quantity of cab/chassis, Sterling, with Lift-All material handling bucket for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on February 23, 2001, pursuant to the authority of Ordinance No. 1685-2000, passed by the Council of the City of Cleveland on October 30, 2000, and Ordinance No. 99-01, passed by the Council of the City of Cleveland on January 22, 2001,

which on the basis of the estimated quantity would amount to Two Hundred Twenty-Two Thousand Three Hundred Sixty-Four and 00/100 Dollars, (\$222,364.00), (0%-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. 29577 which shall be certified against such contract in the sum of Two Hundred Twenty-Two Thousand Three Hundred Sixty-Four and 00/100 Dollars (\$222,364.00).

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

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

Logical Services Inc.  
MBE — \$800.00 per unit  
Yeas: Mayor White, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Warren and Alexander.  
Nays: None.  
Absent: Director Patterson.

**Resolution No. 210-01.**

By Director Brooks.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Parr Emergency Products, LLC for an estimated quantity of First Aid Supplies (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 March 21, 2001, pursuant to the authority of Ordinance No. 315-2000, passed April 17, 2000, which on the basis of the estimated quantity would amount to Fifteen Thousand Four Hundred Twenty-Seven and 00/100 Dollars (\$15,427.00), (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. 16719 which shall be certified against such contract in the sum of Five Thousand and 00/100 Dollars (\$5,000.00).

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, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith,

Director Miller, Acting Director Dumas, Directors Warren and Alexander.

Nays: None.

Absent: Director Patterson.

**Resolution No. 211-01.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 140-01, adopted March 14, 2001, pursuant to Ordinance No. 881-99, passed June 7, 1999, approving Creative Works, Inc. to provide professional services required for production of consumer information brochures, for the Division of Water, Department of Public Utilities is hereby amended by including the employment of the following subcontractor for the above-mentioned professional service:

**SUBCONTRACTOR — WORK**

D. Thigpen & Associates —  
\$10,000.00

Be it further resolved that all other provisions of said Resolution No. 140-01 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Warren and Alexander.

Nays: None.

Absent: Director Patterson.

**Resolution No. 212-01.**

By Director Konicek.

Resolved by the Board of Control of the City of Cleveland that the bid of B.P. Britches, Inc., d.b.a. Christopher's for the following: Winter Jacket Liners, for the Division of Cleveland Public Power, Department of Public Utilities, received on the 21st day of February, 2001, pursuant to the authority of Ordinance No. 1676-2000, passed November 20, 2000, which on the basis of order quantity would amount to \$29,928.00 Dollars, (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, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Warren and Alexander.

Nays: None.

Absent: Director Patterson.

**Resolution No. 213-01.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the conditional bid of Grand Eagle Services, Inc., except for such terms as are not acceptable to the Directors of Public Utilities and Law, for the public improvement of repair of one (1) 1750 hp synchronous motor Unit 3 at Crown Pump Station (all items) for the Division of Water, Department of Public Utilities, received on March 7, 2001, pursuant to the authority of Ordinance No. 2103-2000, passed December 18, 2000, for a gross price, for the improvement in the aggregate amount of Thirty-Seven Thousand Four Hundred Dollars (\$37,400.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is here-

by authorized to enter into contract for said improvement with said bidder.

Yeas: Mayor White, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Warren and Alexander.

Nays: None.

Absent: Director Patterson.

**Resolution No. 214-01.**

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on March 7, 2001 for repair and upgrade of 800 hp synchronous motor unit E29 at Morgan Pump Station for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 2107-2000 are hereby rejected.

Yeas: Mayor White, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Warren and Alexander.

Nays: None.

Absent: Director Patterson.

**Resolution No. 215-01.**

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the conditional bid of Interstate Safety & Service Co., Inc. for an estimated quantity of rental and/or purchase of flashers, safety lights, arrow bars and traffic control devices (Items 1-8), for the Division of Various divisions, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract received on the 24th day of January, 2001, pursuant to the authority of Ordinance No. 1945-98, passed December 14, 1998 on the basis of the estimated quantity would amount to Nine Hundred Seventy Thousand Six Hundred Two Dollars and 54/100 (\$970,602.54) (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. 33822 which shall be certified against such contract in the sum of One Hundred Thousand Dollars (\$100,000.00).

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, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Warren and Alexander.

Nays: None.

Absent: Director Patterson.

**Resolution No. 216-01.**

By Director Sheperd.

Whereas, Ronaye Braxton wishes to utilize the banquet room at Burke Lakefront Airport (the "Airport")

for a wedding reception (the "Event") to be held on May 19, 2001; and

Whereas, the City is willing to grant Ronaye Braxton the privilege, permit and license to conduct the Event at the Airport; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Port Control is hereby authorized to enter into an agreement (the "Agreement") granting Ronaye Braxton the privilege, permit and license to conduct the Event in the banquet room at Burke Lakefront Airport from 6:00 p.m. to 11:00 p.m. on May 19, 2001, and to use and occupy the room for such period of time before the Event as necessary for preparation. Ronaye Braxton shall pay the City a \$425.00 fee for the Event, shall reimburse the City for the cost of two (2) City employees to perform custodial and building maintenance work related to the conduct of the Event, shall arrange for the conduct of the Event and such other activities approved as appropriate and incidental to the Event, and shall be responsible at its expense for providing traffic control, security and clean up.

Be it further resolved that the Agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director deems necessary to benefit and protect the public interest.

Yeas: Mayor White, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Warren and Alexander.

Nays: None.

Absent: Director Patterson.

**Resolution No. 217-01.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Dicar Corporation for an estimated quantity of Turnout Clothing, item nos. 1 and 6 for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on February 22, 2001, pursuant to the authority of Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Forty Two Thousand, Six Hundred Twenty Five and 00/100 Dollars, (\$42,625.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 37105

as specified which shall be certified against such contract in the sum of Twenty Five Thousand, One Hundred Twenty Five and 00/100 Dollars (\$25,125.00).

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

Yeas: Mayor White, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Patterson, Warren and Alexander.

Nays: None.  
Absent: None.

**Resolution No. 218-01.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Cleveland Fire Distributors for an estimated quantity of Turnout Clothing, item nos. 4 and 5 for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on February 22, 2001, pursuant to the authority of Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Twenty Five Thousand, Five Hundred and 00/100 Dollars (\$25,500.00) (2% 30 days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 37106

as specified which shall be certified against such contract in the sum of Twelve Thousand, Two Hundred Fifty and 00/100 Dollars (\$12,250.00).

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

Yeas: Mayor White, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Patterson, Warren and Alexander.

Nays: None.  
Absent: None.

**Resolution No. 219-01.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Maltese Fire Equipment Co. for an estimated quantity of Turnout Clothing, item no. 2, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on February 22, 2001, pursuant to the authority of Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Twenty One Thousand, Four Hundred and 00/100 Dollars (\$21,400.00) (Net) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 37107

as specified which shall be certified against such contract in the sum of Twenty

One Thousand, Four Hundred and 00/100 Dollars (\$21,400.00).

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

Yeas: Mayor White, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Patterson, Warren and Alexander.

Nays: None.  
Absent: None.

**Resolution No. 220-01.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Tempo Glove Mfg., Inc. for an estimated quantity of Turnout Clothing, item no. 3, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on February 22, 2001, pursuant to the authority of Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Eleven Thousand, Three Hundred Five and 00/100 Dollars (\$11,305.00) (1% 20, Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 37108

as specified which shall be certified against such contract in the sum of Eleven Thousand, Three Hundred Five and 00/100 Dollars (\$11,305.00).

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

Yeas: Mayor White, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Patterson, Warren and Alexander.

Nays: None.  
Absent: None.

**Resolution No. 221-01.**

By Director Miller.

Resolved by the Board of Control of the City of Cleveland that all bids received on March 15, 2001 for Flooring at Halloran Park Skating Rink for the Division of Recreation, Department of Parks, Recreation and Properties, pursuant to the authority of Ordinance No. 1748-99, passed by the Council of the City of Cleveland on April 17, 2000, be and the same are hereby rejected.

Yeas: Mayor White, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Patterson, Warren and Alexander.

Nays: None.  
Absent: None.

**Resolution No. 222-01.**

By Director Miller.

Be it resolved by the Board of Control of the City of Cleveland that all bids received on July 12, 2000 for replacement of the air conditioning chiller at the First District Police Station for the Division of Property Management, Department of Parks, Recreation and Properties, pursuant to the authority of Ordinance No. 2106-98, passed by the Council of the City of Cleveland on February 1, 1999, be and the same are hereby rejected.

Yeas: Mayor White, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Patterson, Warren and Alexander.

Nays: None.  
Absent: None.

**Resolution No. 223-01.**

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Sections 77 and 79 of the Charter of the City of Cleveland and the provisions of Ordinance No. 1806-2000, passed by the Cleveland City Council on March 19, 2001, this Board of Control hereby concurs in the transfer of the Division of Traffic Engineering from the Department of Public Safety to the Department of Public Service and in the prescription and distribution of the functions and duties of the Commissioner of Traffic Engineering, the Commissioner of Streets and the Director of Public Service, by enactment of Sections 131.151 and 131.152, the repeal of Sections 135.11 and 135.12, and the amendment of Sections 403.03 and 403.06 and repeal of the former versions of said Sections 403.03 and 403.06 of the Codified Ordinances of Cleveland, Ohio 1976.

Be it further resolved, that the Secretary of the Board of Control is hereby instructed to file a certified copy of this resolution with the Clerk of Council immediately upon the adoption hereof for attachment to said Ordinance No. 1806-2000.

Yeas: Mayor White, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Patterson, Warren and Alexander.

Nays: None.  
Absent: None.

**Resolution No. 224-01.**

By Director Warren.

Whereas, pursuant to the authority of Ordinance No. 2197-88, passed January 30, 1989, as amended by Ordinance Nos. 1458-90 and 1166-96, passed June 18, 1990 and June 9, 1997 respectively, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell parcels of the Property described therein in the City of Warrensville Heights, which Property is no longer needed for public use, in accordance with the terms of the Master Development Agreement ("MDA") as set forth in said ordinance; and

Whereas, the above-referenced Ordinance No. 1166-96 authorized the First Amendment to the MDA to implement the terms of a Settlement Agreement entered into by the City's Director of Law pursuant to the Law Director's settlement authority under the Charter in the



(Seal)

Notary Public
My Commission Expires:

STATE OF OHIO )
)SS:
COUNTY OF CUYAHOGA )

Before me a Notary Public in and for said County and State, personally appeared the City of Cleveland by its Commissioner of Purchases and Supplies, Myrna Branche, who acknowledged that she did sign the foregoing Official Quitclaim Deed, and the said signing is her free act and deed as said officer, and the free act and deed of the City of Cleveland.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio this \_\_\_ day of \_\_\_, 2001.

(Seal)

Notary Public
My Commission Expires:

This instrument prepared by Warren A. Gibson, Esq. Assistant Director of Law City of Cleveland City Hall - Room 106 601 Lakeside Avenue Cleveland, Ohio 44114

Exhibit A

DESCRIPTION OF LAND IN WARRENSVILLE HEIGHTS TO BE CONVEYED TO CHAGRIN HIGHLANDS, LTD.

46.6643 ACRES
Situating in the City of Warrensville Heights, County of Cuyahoga, and State of Ohio, and known as being a part of Original Warrensville Township Lot No. 80 and is bounded and described as follows:

Beginning at an iron pin monument found marking the southwest corner of said Original Lot No. 80;

Thence North 0° 04' 15" West, along the westerly line of said Original Lot No. 80, the same being the centerline of Richmond Road, 60 feet in width, a distance of 770.00 feet to a point;

Thence South 89° 39' 42" East, by a line which is the prolongation of the northerly line of land conveyed to The Little Sisters of the Poor-Home for Aged by instrument dated August 18, 1958 and recorded in Volume 9411, Page 650 of the Cuyahoga County Deed Records, 53.97 feet to an iron pin stake set at its intersection with the easterly line of Parcel No. 12-WD of land acquired by the State of Ohio by instrument dated February 24, 1998 and recorded in Volume 98-01884, Page 52 of the Cuyahoga County Records and the principal point of beginning of the following described parcel of land;

COURSE I Thence North 2° 45' 28" East, along said easterly line of Parcel No. 12-WD, a distance of 142.51 feet to a point located 61.00 feet RIGHT of Station 204 + 25.00 in the centerline survey for said Richmond Road;

COURSE II Thence North 0° 04' 15" West, along said easterly line of Parcel No. 12-WD and along the

easterly line of Parcel No. 2-WD of land acquired by the State of Ohio by instrument dated February 24, 1998 and recorded in Volume 98-01884, Page 54 of the Cuyahoga County Records a distance of 1511.00 feet to a point located 61.00 feet RIGHT of Station 219 + 36.00 in the centerline survey for said Richmond Road;

COURSE III Thence North 1° 04' 30" East, continuing along said easterly line of Parcel No. 2-WD, a distance of 50.01 feet to a point located 62.00 feet RIGHT of Station 219 + 86.00 in said centerline survey;

COURSE IV Thence North 0° 04' 15" West, continuing along said easterly line of Parcel No. 2-WD, a distance of 53.26 feet to a point at the beginning of a curve therein;

COURSE V Thence northeasterly, continuing along said easterly line of Parcel No. 2-WD, on the arc of said curve deflecting to the RIGHT (the radius of which is 50.00 feet and the chord of which bears North 45° 05' 16" East and is 70.91 feet in length), a distance of 78.82 feet to a point of tangency therein;

COURSE VI Thence South 89° 45' 13" East, continuing along said easterly line of Parcel No. 2-WD and along a southerly line of Parcel No. 1-WL of land acquired by the State of Ohio, by instrument dated February 24, 1998 and recorded in Volume 98-01884, Page 46 of the Cuyahoga County Records a distance of 682.62 feet to a point located 81.00 feet RIGHT of Station 116 + 75.00 in the centerline survey for Harvard Road as shown by said plans;

COURSE VII Thence South 86° 47' 18" East, continuing along said line of Parcel No. 1-WL, a distance of 100.13 feet to a point located 86.18 feet RIGHT of Station 117 + 75.00 in said centerline survey;

COURSE VIII Thence North 89° 05' 51" East, continuing along said line of Parcel No. 1-WL, a distance of 258.37 feet to a point located 81.00 feet RIGHT of Station 120 + 33.32 in said centerline survey;

COURSE IX Thence South 89° 45' 13" East, continuing along said line of Parcel No. 1-WL, a distance of 98.30 feet to a point located 81.00 feet RIGHT of Station 121 + 31.62 in said centerline survey;

COURSE X Thence South 4° 39' 03" East, along a westerly line of said Parcel No. 1-WL, a distance of 23 6.64 feet to a point located 365.11 feet LEFT of Station 394 + 78.07 in the centerline survey for State Route No. 1 (Interstate Route No. 271) as shown by plats recorded in Volume 181, Page 37 and Volume 189, Page 77 of the Cuyahoga County Map Records;

COURSE XI Thence South 0° 04' 50" East, continuing along said westerly line of Parcel No. 1-WL, a distance of 396.76 feet to a point located 278.07 feet LEFT of Station 390 + 80.55 in said centerline survey;

COURSE XII Thence South 8° 34' 12" West, continuing along said westerly line of Parcel No. 1-WL, a distance of 374.45 feet to a point located 240.00 feet LEFT of Station 387 + 00 in said centerline survey;

COURSE XIII Thence South 16° 14' 11" West, continuing along said westerly line of Parcel No. 1-WL, a distance of 837.76 feet to an iron pin stake set in the aforesaid northerly line of land of The Little Sisters of the Poor Home for the Aged;

COURSE XIV Thence North 89° 39' 42" West, along the northerly line of said land of The Little Sis-

ters of the Poor-Home for Aged, 925.02 feet to the principal point of beginning and containing 46.6643 acres of land described in March, 2001 from a survey dated March, 1998 by Timothy P. Hadden, Ohio Professional Surveyor No. 6786 of CT Consultants, Inc.

The bearings herein are based upon observations of existing monuments in the Cleveland Regional Geodetic Survey System.

The above described parcel is all of Cuyahoga County Auditor's Permanent Parcel No. 763-34-001.

All points designated "... iron pin stake set ..." are marked in the field with a 5/8 inch diameter by 30 inch long steel reinforcing bar capped with a 1 1/4 inch diameter yellow, plastic cap embossed "CT Consultants, Inc."

This description is based on a survey performed prior to the completion of the roadway improvements on Richmond Road, Harvard Road, and Interstate Route No. 271 by the State of Ohio. Survey monuments at each angle in the properties described as Parcel 1 WL, Parcel 2 WD, and Parcel 12 WD should have been set by the surveyors acting on behalf of the Ohio Department of Transportation upon the completion of these projects.

EXHIBIT B

Permitted Encumbrances

1. Agreement for Channel Change from The City of Cleveland to the Department of Highways, State of Ohio, filed for record November 8, 1963 at 10:54 A.M., and recorded in Volume 10975, Page 101 of Cuyahoga County Records.

2. Easement for Sewer Purpose from the City of Cleveland to the State of Ohio filed for record February 24, 1998 and recorded in Volume 98-01885, Page 28 of Cuyahoga County Records.

3. Easement for Operating, Maintaining and Repairing Sewer in the City of Warrensville Heights, Ohio Sewer District 5 from the City of Cleveland to the Board of County Commissioners of Cuyahoga County Ohio filed for record June 3, 1999 and being Cuyahoga County Recorder's AFN 200001110193.

4a. Master Development Agreement between the City of Cleveland and Figgie International, Inc. dated as of February 27, 1989, filed for record March 2, 1989 and recorded in Volume 89-1028, Page 36 of Cuyahoga County Records as assigned by:

4b. Assignment and Assumption by Figgie International, Inc., a Delaware corporation to Figgie Properties, Inc. a Delaware corporation dated January 31, 1990, filed for record February 14, 1990 and recorded in Volume 90-00847, Page 40 of Cuyahoga County Records and as amended by:

4c. First Amendment to Master Development Agreement by and among the City of Cleveland, Chagrin Highlands, Ltd., Figgie International, Inc. and Figgie Properties, Inc. dated September 12, 1997 filed for record September 15, 1997 and recorded in Volume 97-09240, Page 34 of Cuyahoga County Records and as further assigned and assumed by:

4d. Assignment and Assumption by Figgie Properties, Inc. a Delaware corporation to Chagrin Highlands, Ltd., an Ohio limited liability company dated September 12, 1997, filed for record September 15, 1997 and recorded in Volume 97-09241, Page 34 of Cuyahoga County Records.

5. Declaration of Covenants, Conditions and Restrictions for Chagrin Highlands dated May 4, 1999, executed by the City of Cleveland, Ohio, as Declarant and recorded as Cuyahoga County Recorder's AFN 199905051070.

**EXHIBIT C  
USE RESTRICTIONS AND  
DEVELOPMENT STANDARDS  
Definitions.**

The following definitions shall apply to these development standards and use restrictions:

"Big Box Retail" shall mean an individual establishment which exceeds fifty thousand (50,000) square feet in Building Square Footage, the principal purpose of which is the retail sale of goods to patrons; Entertainment Establishments shall be excluded from this definition of "Big Box Retail."

"Entertainment Establishment" shall mean an individual establishment, such as a cinema, theater, food court, theme restaurant, ice skating rink or similar establishment, the principal purpose of which is the provision of entertainment or amusement to patrons.

"Open Space" shall mean the Total Developable Area excluding any surfaces covered by the footprint of a building or surfaces paved for vehicular use.

**Restrictions and Standards.**

1. Office Parking Ratio:  
● 3.0 stalls per 1,000 gross square feet of office space.

2. Retail Parking Ratio:  
● 4.0 stalls per 1,000 square feet of leasable retail space.

3. Flex Space Parking Ratio:  
● 2.0 stalls per 1,000 gross square feet of flex space.

4. Parking Space Requirement:  
● 70% of stall sizes at 9' x 18' remainder no less than 7.5' x 16'.

5. Parking Landscape Requirement:  
● One landscaped parking space or equivalent per 15 parking spaces.

6. Maximum Floor Area Ratio (FAR):

● .40 for any parcel in which all parking is at grade (No FAR if at least 25% of the parking is in garages).

7. Impervious Coverage Ratio:  
● 70% Impervious Coverage for the total developable area (defined as the total surface area excluding any portion used for dedicated roadways).

8. Open Space Coverage Ratio:  
● 30% Open Space requirement for the total developable area (defined as the total surface area excluding any portion used for dedicated roadways).

9. Setback/Buffer Requirement:  
● 50' from any residential property.

● 25' for parking lots adjacent to rights of way or other properties.  
● 15' from collector street rights of way for all buildings.

● 50' from adjoining buildings for all buildings (unless grouped or paired around a common courtyard or drive).

10. Height Requirement:  
● 280' or 20-story maximum (whichever is less) for all buildings.

11. Retail Limitations:  
● No individual retail establishment, except an Entertainment Establishment (including a cinema), shall exceed 50,000 square feet.

● No regional shopping mall.  
● No Entertainment Establishment shall exceed 75,000 square feet.

● No Big Box Retail.

12. Other Prohibitions: In computing the maximum allowable square footage for the following uses on the Property, such computation shall include the square footage of such uses in the aggregate for the entire property described in Exhibit D:

● Construction in excess of two hundred fifty thousand (250,000) square feet of Building Square Footage which is principally intended and designed for the retail sale of goods to patrons or for use as Entertainment Establishments.

● Any Entertainment Establishment in excess of seventy-five thousand (75,000) square feet of Building Square Footage.

● More than one thousand (1,000) hotel rooms.

● In excess of five hundred thousand (500,000) square feet of Building Square Footage which is principally intended and designed for use as warehouse space.

Yeas: Mayor White, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Patterson, Warren and Alexander.

Nays: None.  
Absent: None.

**Resolution No. 225-01.**

By Director Warren.

Whereas, pursuant to the authority of Ordinance No. 2197-88, passed January 30, 1989, as amended by Ordinance Nos. 1458-90 and 1166-96, passed June 18, 1990 and June 9, 1997 respectively, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell parcels of the Property described therein in the village of Orange Village, which Property is no longer needed for public use, in accordance with the terms of the Master Development Agreement ("MDA") as set forth in said ordinance; and

Whereas, the above-referenced Ordinance No. 1166-96 authorized the First Amendment to the MDA to implement the terms of a Settlement Agreement entered into by the City's Director of Law pursuant to the Law Director's settlement authority under the Charter in the litigation known as Cuyahoga County Court of Common Pleas Case No. 282216, which Settlement Agreement declared, *inter alia*, the incorporation of a "Vision Statement" and certain restrictions on the development of the Property under the MDA; and

Whereas, the Settlement Agreement and Vision Statement provide that "(i) the Development shall not include a regional shopping mall, (ii) the Development shall not include any "big box stores," which the parties agree shall be defined as an individual retail establishment that exceeds fifty thousand (50,000) square feet in size, (iii) the total retail and entertainment component of the Development shall be no more than two hundred fifty thousand (250,000) square feet, (iv) the Development shall not contain more than five hundred thousand (500,000) square feet of warehouse space, (v) the Development shall not contain more than 1000 hotel rooms, and (vi) at least 30% of the Total Developable Area of each Tract (which shall mean the total surface area of each Tract excluding any portion of such Tract used for dedicated roadways) shall consist of Open Space

(which shall mean the Total Developable Area of each Tract excluding any surfaces covered by the footprint of a building or paved vehicular surfaces)";

and

Whereas, the Settlement Agreement further provided that the City and Developer agreed on certain additional protections against the following:

if "(i) Developer constructs on the Property (a) a regional shopping mall, (b) a "big box store," (c) more than 250,000 square feet of space, the principal purpose of which is the retail sale of goods to patrons or entertainment, (d) more than 500,000 square feet of warehouse space, or (e) more than 1000 hotel rooms, or (ii) Developer fails to maintain at least 30% of the overall Total Developable Area of each Tract as Open Space";

and

Whereas, on October 23, 2000, pursuant to the MDA, the City and Developer confirmed their agreement regarding the value of the Property based upon appraisals that assumed the presence of all restrictions and other encumbrances in effect, including those land use restrictions referred to in the previous paragraph above, as of the date of appraisal; and

Whereas, subsequent to the completion of the appraisal confirmation and contemporaneously with the introduction of Ordinance No. 137-01, Developer publicly declared its intention to breach the terms of the Settlement Agreement and the MDA, referred to herein above, by, *inter alia*, construction on the property in a manner grossly inconsistent with the restrictions presently in effect; and

Whereas, consistent with the terms of the MDA, as presently amended, and with the Settlement Agreement, the Board of Control desires to incorporate in the deed the restrictions presently in effect as referenced above; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to authorization of Ordinance No. 2197-88, passed January 30, 1989 by Cleveland City Council, as amended by Ordinance Nos. 1458-90 and 1166-96, passed June 18, 1990 and June 9, 1997 respectively, the Commissioner of Purchases and Supplies is hereby directed to sell a parcel of the Property described in said ordinance in the City of Warrensville Heights, no longer needed for public use, to CHAGRIN HIGHLANDS, LTD., in accordance with the MDA; said property is more fully described in Exhibit "A" to the Official Quitclaim Deed attached hereto as Attachment 1.

Be it further resolved by the Board of Control of the City of Cleveland that the consideration to be paid for said parcel is fixed at One Million Six Hundred Forty Five Thousand Two Hundred Fifty Nine Dollars and Forty-Two Cents (\$1,645,259.42) which amount is determined in accordance with Section 4.2(a) of the MDA.

Be it further resolved by the Board of Control of the City of Cleveland that the Mayor, the Director of Economic Development, and the Commissioner of Purchases and Supplies are hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property in the form attached hereto as Attachment 1.



Attachment 1  
**OFFICIAL QUITCLAIM DEED**  
 1. The Council of the City of Cleveland passed Ordinances No. 2197-88 and 1166-96 on January 30, 1989 and June 9, 1997, respectively, authorizing the Commissioner of Purchases and Supplies to sell certain City-owned property located in the village of Orange Village, Ohio.  
 2. The Board of Control of the City of Cleveland adopted Resolution No. \_\_\_\_\_-01 on \_\_\_\_\_ 2001 authorizing the Commissioner of Purchases and Supplies to proceed with said sale to the Grantee named herein upon payment of the consideration stated below.  
 Now, therefore, the CITY OF CLEVELAND, a municipal corporation in the State of Ohio (the "City" and the "Grantor"), for Ten Dollars (\$10.00) and other good and valuable consideration, including but not limited to the restrictive covenants set forth hereinafter, hereby conveys, remises, releases, grants and forever quitclaims to CHAGRIN HIGHLANDS, LTD., an Ohio limited liability company, its successors and assigns (the "Grantee") whose tax mailing address is 25425 Center Ridge Road, Cleveland, Ohio 44145-4122, the real property described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property"). The Grantor obtained title to the Property by deed recorded in Volume 968, Page 8.

The herein conveyance is pursuant to the terms of a certain Master Development Agreement between City and Figgie International, Inc. dated February 27, 1989, recorded at Volume 89-1028, Page 36 of Cuyahoga County Records, as amended by the First Amendment thereto dated September 12, 1997, recorded at Volume 97-09240, Page 34 of the Cuyahoga County Records (the "Agreement").

The City makes no representations or warranties to Grantee regarding the suitability of the Property for Grantee's intended uses, nor the environmental condition thereof.

To have and to hold the same unto the said Grantee, its successors and assigns, forever as fully and completely as said Grantor by virtue of these presents set forth, may, can, or should convey the same so that neither the said Grantor, nor its successors or assigns, will hereafter claim or demand any right to title to said Property or any part thereof, but any and every one of them, by these presents shall be excluded and forever barred.

This conveyance is made expressly subject to the encumbrances as set forth in Exhibit "B," attached hereto and incorporated herein by reference, as same affect the Property and is further subject to the following restrictive covenants, and Grantee, by its acceptance of this Deed, agrees that:

1. The Property shall be subject to the use restrictions and development standards set forth in Exhibit C attached hereto and made a part hereof; and

2. The foregoing restrictive covenants: (1) shall run with the land and shall be binding upon Grantee and its successors and assigns; (2) shall run to the benefit of and be enforceable by Grantor and its successors and assigns through all remedies at law or in equity in the event of any violation thereof.

IN WITNESS WHEREOF, the City, by its Mayor, on \_\_\_\_\_, 2001, and its Commissioner of Purchases and Supplies on \_\_\_\_\_, 2001, has caused this instrument to be executed.

CITY OF CLEVELAND, OHIO

By: \_\_\_\_\_  
 MICHAEL R. WHITE,  
 MAYOR

Signed and acknowledged in the presence of the following witnesses:

\_\_\_\_\_  
 (print name)

\_\_\_\_\_  
 (print name)

By: \_\_\_\_\_  
 Myrna Blanche,  
 Commissioner of  
 Purchases and Supplies

\_\_\_\_\_  
 (print name)

\_\_\_\_\_  
 (print name)

STATE OF OHIO )  
 ) SS:  
 COUNTY OF CUYAHOGA )

Before me a Notary Public in and for said County and State, personally appeared the City of Cleveland by its Mayor, Michael R. White, who acknowledged that he did sign the foregoing Official Quitclaim Deed, and the said signing is his free act and deed as said officer, and the free act and deed of the City of Cleveland.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

(Seal)

\_\_\_\_\_  
 Notary Public  
 My Commission Expires:

STATE OF OHIO )  
 ) SS:  
 COUNTY OF CUYAHOGA )

Before me a Notary Public in and for said County and State, personally appeared the City of Cleveland by its Commissioner of Purchases and Supplies, Myrna Branche, who acknowledged that she did sign the foregoing Official Quitclaim Deed, and the said signing is her free act and deed as said officer, and the free act and deed of the City of Cleveland.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

(Seal)

\_\_\_\_\_  
 Notary Public  
 My Commission Expires:

This instrument prepared by Warren A. Gibson, Esq. Assistant Director of Law City of Cleveland City Hall - Room 106 601 Lakeside Avenue Cleveland, Ohio 44114

Exhibit A  
 Legal Description of Property  
 Chagrin Highlands Orange Place  
 Subdivision  
 Lot 1

Situated in the Village of Orange, County of Cuyahoga and State of Ohio, and known as being a part of Original Warrensville Township Lot No. 70 and is bounded and described as follows:

Beginning at a stone monument found marking the northeasterly corner of said Original Lot No. 70;

Thence South 0° 27' 25" East, along the easterly line of said Original Lot No. 70, a distance of 427.89 feet to its intersection with the westerly line of Orange Place (as proposed);

Thence Southwesterly along said westerly line of Orange Place (as proposed) on the arc of a curve deflecting to the right (said curve having a radius of 320.00 feet, a central angle of 16° 42' 35", and a chord which bears South 32° 55' 32" West and is 92.99 feet in length), a distance of 93.3 2 feet to a point of tangency therein;

Thence South 41° 16' 50" West, continuing along said westerly line of Orange Place (as proposed), 243.37 feet to a point at the beginning of a curve therein;

Thence Southwesterly, continuing along said westerly line of Orange Place (as proposed) on the arc of a curve deflecting to the left (said curve having a radius of 780.00 feet, a central angle of 20° 48' 48" and a chord which bears South 30° 52' 26" West and is 281.79 feet in length), a distance of 283.34 feet to a point of tangency therein;

Thence South 20° 28' 02" West continuing along said westerly line of Orange Place (as proposed), 128.43 feet at the beginning of a curve therein;

Thence Southerly, continuing along said westerly line of Orange Place (as proposed) on the arc of a curve deflecting to the left (said curve having a radius of 1030.00 feet, a central angle of 1° 39' 00" and a chord which bears South 19° 38' 33" West and is 29.66 feet in length), a distance of 29.66 feet a point therein;

Thence North 89° 51' 33" West a distance of 107.67 feet to a point on the easterly line of Parcel No. 55-1-LA of land conveyed to the State of Ohio for highway purposes by instrument dated May 24, 1963 and recorded in Volume 10975, Page 97 of the Cuyahoga County Deed Records;

Thence Northerly, along said easterly line of Parcel No. 55-1-LA on the arc of a curve deflecting to the left (said curve having a radius of 12,484.57 feet, a central angle of 02' 27' 57", and a chord which bears North 00° 58' 41" East and is 537.27 feet in length), a distance of 537.52 feet to a point located 200.00 feet right-of Station 420 + 33.37 in said centerline survey;

Thence North 0° 15' 17" West, continuing along said easterly line of Parcel No. 55-1-LA of lands of the State of Ohio, 166.63 to a point 200.00 feet right of Station 422 + 00 in said centerline survey;

Thence North 1° 31' 05" East, continuing along said easterly line of Parcel No. 55-1-LA of lands of the State of Ohio, 376.21 feet to its intersection with the northerly line of the aforesaid Original Lot No. 70 at a point located South 89° 51' 33" East, a distance of 2096.85 feet as measured along said lot line from an iron pin monument found marking the northwesterly corner of the same;

Thence South 89° 51' 33" East, along the north line of Original Lot No. 70, a distance of 496.45 feet to the place of Beginning and containing 9.0740 Acres of Land, more or less, but subject to all legal highways and easements of record as surveyed by Adache-Ciuni-Lynn Associates Inc., Joseph R. Ciuni, Registered Surveyor No. 7394 in March, 1999.

The above described premises is further known as Sublot No. 1 in the Subdivision Plat of Chagrin Highlands Orange Place as shown by the recorded plat in Volume 298 of Maps, Pages 89 and 90, of Cuyahoga County Records.

**Chagrin Highlands Orange Place  
Subdivision**

**Lot 3 Parcel Revised**

Situated in the Village of Orange, County of Cuyahoga and State of Ohio, and known as being a part of Original Warrensville Township Lot No. 70 and is bounded and described as follows:

Beginning at a stone monument found marking the northeasterly corner of said Original Lot No. 70;

Thence South 0° 27' 25" East, along the easterly line of said Original Lot No. 70, a distance of 1820.00 feet to the Principal Place of Beginning for the parcel of land described as follows:

Thence continuing South 00° 27' 25" East, along said westerly line of said Original Lot No. 70, a distance of 341.37 feet to a point therein;

Thence South 89° 32' 35" West, a distance of 249.32 feet to a point on the easterly line of Orange Place (as proposed);

Thence Northwesterly, along said line of Orange Place (as proposed) on the arc of a curve deflecting to the right (said curve having a radius of 470.00 feet, a central angle of 13° 36' 59" and a chord which bears North 20° 04' 28" West and is 111.44 feet in length), a distance of 111.70 feet to a point of tangency therein;

Thence North 13° 15' 58" West, continuing along said line of Orange Place (as proposed), a distance of 246.09 feet to a point therein;

Thence South 89° 51' 33" East, a distance of 341.31 feet to the Place of Beginning and containing 2.3673 acres of land, more or less, but subject to all legal highways, and easements of record as surveyed by Adache-Ciuni-Lynn Associates, Inc., Joseph R. Ciuni, Registered Surveyor No. 7394 in July, 1999.

The above described parcel is further known as Residual Lot 3 in the Lot Split & Dedication Plat Chagrin Highlands Orange Place Lot 3 as shown by the recorded plat in Volume 307 of Maps, Pages 54 and 55, of Cuyahoga County Records.

**EXHIBIT B**

**Permitted Encumbrances**

1. 10 foot-wide utility easement and 15 foot-wide drainage easement, as shown on the Subdivision Plat of Chagrin Highlands Orange Place recorded in Volume 298 of Maps, Pages 89 and 90 of Cuyahoga County Records.

2. Easement from City of Cleveland to The East Ohio Gas Company, filed for record March 28, 1952 at 1:20 P.M., established by instrument recorded in Volume 7462, Page 169 of Cuyahoga County Records, modified by a Partial Release of Easement recorded February 2, 2001 as Cuyahoga County Recorder's AFN 200102020006, re-recorded on March 2, 2001 as Cuyahoga County Recorder's AFN 200103020958.

3a. Declaration of Covenants, Conditions and Restrictions for Chagrin Highlands dated May 4, 1999, executed by the City of Cleveland, Ohio, as Declarant and recorded as Cuyahoga County Recorder's AFN 199905051070 as supplemented by:

3b. Supplemental Declaration of Covenants, Conditions and Restrictions for Chagrin Highlands (UH-Orange Village) dated May 5, 1999, executed by the City of Cleveland, Ohio, as declarant and recorded as Cuyahoga County Recorder's AFN 199905051071.

4. Easement Agreement from The City of Cleveland to The East Ohio Gas Company dated August 3, 2000, filed for record August 7, 2000 and being Cuyahoga County Recorder's AFN 200008070979.

**EXHIBIT C**

**USE RESTRICTIONS AND DEVELOPMENT STANDARDS**

**Definitions.**

The following definitions shall apply to these development standards and use restrictions:

"Big Box Retail" shall mean an individual establishment which exceeds fifty thousand (50,000) square feet in Building Square Footage, the principal purpose of which is the retail sale of goods to patrons; Entertainment Establishments shall be excluded from this definition of "Big Box Retail."

"Entertainment Establishment" shall mean an individual establishment, such as a cinema, theater, food court, theme restaurant, ice skating rink or similar establishment, the principal purpose of which is the provision of entertainment or amusement to patrons.

"Open Space" shall mean the Total Developable Area excluding any surfaces covered by the footprint of a building or surfaces paved for vehicular use.

**Restrictions and Standards.**

1. Office Parking Ratio:  
● 3.0 stalls per 1,000 gross square feet of office space.

2. Retail Parking Ratio:  
● 4.0 stalls per 1,000 square feet of leasable retail space.

3. Flex Space Parking Ratio:  
● 2.0 stalls per 1,000 gross square feet of flex space.

4. Parking Space Requirement:  
● 70% of stall sizes at 9' x 18' remainder no less than 7.5' x 16'.

5. Parking Landscape Requirement:

● One landscaped parking space or equivalent per 15 parking spaces.

6. Maximum Floor Area Ratio (FAR):

● .40 for any parcel in which all parking is at grade (No FAR if at least 25% of the parking is in garages).

7. Impervious Coverage Ratio:

● 70% Impervious Coverage for the total developable area (defined as the total surface area excluding any portion used for dedicated roadways).

8. Open Space Coverage Ratio:

● 30% Open Space requirement for the total developable area (defined as the total surface area excluding any portion used for dedicated roadways).

9. Setback/Buffer Requirement:

● 50' from any residential property.

● 25' for parking lots adjacent to rights of way or other properties.

● 15' from collector street rights of way for all buildings.

● 50' from adjoining buildings for all buildings (unless grouped or paired around a common courtyard or drive).

10. Height Requirement:

● 280' or 20-story maximum (whichever is less) for all buildings.

11. Retail Limitations:

● No individual retail establishment, except an Entertainment Establishment (including a cinema), shall exceed 50,000 square feet.

● No regional shopping mall.

● No Entertainment Establishment shall exceed 75,000 square feet.

● No Big Box Retail.

12. Other Prohibitions: In computing the maximum allowable square footage for the following uses on the Property, such computation shall include the square footage of such uses in the aggregate for the entire property described in Exhibit D:

● Construction in excess of two hundred fifty thousand (250,000) square feet of Building Square Footage which is principally intended and designed for the retail sale of goods to patrons or for use as Entertainment Establishments.

● Any Entertainment Establishment in excess of seventy-five thousand (75,000) square feet of Building Square Footage.

● More than one thousand (1,000) hotel rooms.

● In excess of five hundred thousand (500,000) square feet of Building Square Footage which is principally intended and designed for use as warehouse space.

Yeas: Mayor White, Director Carter, Acting Director Clark, Directors Konicek, Sheperd, Ricchiuto, Whitlow, Acting Director Smith, Director Miller, Acting Director Dumas, Directors Patterson, Warren and Alexander.

Nays: None.

Absent: None.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

**EXAMINATION RESULTS:** Each applicant whether passing or failing will be notified of the results of the examination as soon as the com-

mission 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, APRIL 23, 2001

9:30 A.M.

**Calendar No. 01-57:** 4350 Rocky River Drive (Ward 21)

Age Line, Inc. c/o Paul Dion, agent, appeals to expand an existing nonconforming, two-story frame dwelling, formerly converted to adult day care use, by adding an approximate 39' x 30' sunroom with restrooms and a vestibule area all situated on an approximate 115' x 171' corner parcel located in a Multi-Family District on the southwesterly corner of Fairway Drive and Rocky River Drive at 4350 Rocky River Drive; said addition being contrary to the Residential District Requirements of Section 337.08(e)(7) where an adult day care facility is required to be 15' away from an adjoining premises in a residential district not used for a similar purpose and the proposed expansion is located next to adjoining premises in One-Family and Multi-Family Districts not used for day care and contrary to the Yards and Courts Requirements of Section 357.08(b)(1) where a 20' rear yard setback is required and 7' is proposed and contrary to the expansion of nonconforming use limitations and requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

**Calendar No. 01-58:** 3785 East 142nd Street (Ward 3)

Yvette Attaway, owner, appeals to establish the use of an existing approximately 32' x 8' two family dwelling house as a day care for up to 12 children, all situated on a 50' x 112' parcel located in a Single-Family District on the east side of East 142nd Street at 3785 East 142nd Street, said proposal being contrary to the Residential District Requirements where the proposed day care use is 4 1/2' from an adjoining premises and is required to be 30' from an adjoining premises and subject to the review of the Board of Zoning Appeals as stated in Section 337.02(f)(3)C of the Codified Ordinances.

**Calendar No. 01-59:** 15803 Trafalgar Avenue (Ward 11)

Ishmael Pettigrew, owner, appeals to change the use of an existing 30' x 50' one-story accessory building, from a garage to a furniture upholstery and auto/marine interior workshop all situated on a 40' x 140' parcel located in a Two-Family District on the north side of Trafalgar Avenue at 15803 Trafalgar Avenue; said change of use being contrary to the Residential District Requirements of Section 337.03

where an auto garage and furniture shop is not permitted in a Two-Family District but first permitted in a Semi-Industry District as stated in the Industrial District Requirements of Section 345.03(c)(2)(23) and contrary to the Off-Street Parking and Loading Requirements of Section 349.04(f)(g) where 4 parking spaces are required and 3 are proposed and where the proposed parking spaces are 9' away from a residential wall and 10' is required as stated in Section 349.05 of the Codified Ordinances.

**Calendar No. 01-60:** 2362 Professor Avenue (Ward 13)

Marianne Ludwig, owner, appeals to change the use of an existing 25' x 30' one-story frame, single dwelling unit and an approximate 25' x 55' attached 2-story frame, two dwelling units into a 25' x 30' one-story frame ice cream parlor and an attached 2-story frame with two dwelling units all situated on a 31' x 121' parcel located in a General Retail Business District on the west side of Professor Avenue at 2362 Professor Avenue; said change of use being contrary to the Off-Street Parking and Loading Requirements of Section 349.04(f) where 9 parking spaces are required and 4 are credited and 0 are provided and contrary to the substitution of nonconforming use limitations and requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

**Calendar No. 01-62:** 5451 North Marginal Road, N.E. (Ward 13)

Quay 55 Limited Partnership, owner c/o Mark C. Coffin, appeals to renovate the existing 100' x 560' 4-story warehouse building for offices, retail and 77 residential units and add a fifth floor and construct parking areas, all on the irregular shaped acreage parcel located in a General Retail District and known as 5451 North Marginal Road; said residence use being contrary to the Yards and Courts Requirements where parking of motor vehicles in the front yard setback area is prohibited as stated in Section 357.14 of the Codified Ordinances.

**Calendar No. 01-67:** 1743 East 17th Street (Ward 13)

Med-All, Inc. c/o Nick Hill, owner, appeals to demolish an existing 27' x 45' one-story masonry building and establish a surface parking lot for approximately 40 cars and to change the use of an existing 45' x 57' one-story masonry office building into a warehouse all situated on a 135' x 134' parcel located in a General Retail Business District on the east side of East 17th Street at 1743 East 17th Street; said demolition and change of use being contrary to the Business District Requirements of Section 343.11 where a warehouse is not permitted in a General Retail Business District but first permitted in a Semi-Industry District, as indicated in the Industrial District Requirements of Section 345.03(c)(33) and contrary to the Off-Street Parking and Loading Requirements where demolition for purpose of establishing a surface parking lot in a Downtown District requires the Board of Zoning Appeals approval as stated in Section 349.16(g) of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 9, 2001

At the meeting of the Board of Zoning Appeals on Monday, April 9, 2001, the following appeals were heard by the Board:

The following appeals were **Approved:**

**Calendar No. 01-47:** 1871 West 25th Street

Paul Cirjak, owner, appealed to change the use of a 60' x 84' store building into a nightclub on a 66' x 157' parcel in a General Retail Business District.

**Calendar No. 01-49:** 13607 St. Clair Avenue

Norman and Susan Kirchner, owners, appealed to change the use of an existing used car lot into an impound and auto repair shop and storage facility in a Semi-Industry District; granted upon submission and approval of a revised plan showing a 6' landscaping strip between the Semi-Industry and Two-Family Districts.

**Calendar No. 01-50:** 13608 St. Clair Avenue

Norman and Susan Kirchner, owners, appealed to change the use of an existing used car lot and a one-story commercial masonry building into an impound and auto repair shop and storage in a Local Retail Business District.

**Calendar No. 01-03:** 10201 Harvard Avenue

Storm Lawson, owner, appealed to construct a 20' x 20' one-story masonry office building for an existing junk yard in a Semi-Industry District; granted upon submission and approval of revised plan showing construction of nontransparent wall and landscaping with schedule of timeliness for completion of both projects by November 1, 2001.

**Calendar No. 01-20:** 3525 West 130th Street

Joseph Coreno, owner, appealed to construct a 50' x 100' stores building on a 120' x 105' parcel in a Multi-Family District; granted upon submission and approval of modified plan showing location for dumpster enclosure and 6-6" privacy fence installation.

**Calendar No. 01-34:** 1030 Sumner Avenue

Gus Nahra, owner, appealed to demolish an existing 125' x 258' one-story building and construct a parking lot for 70 cars in a Semi-Industry District; granted pending review by City Planning Commission.

The following appeals were **Denied:**

None.

The following appeals were **Postponed:**

**Calendar No. 01-46:** 5007-5009 Fleet Avenue postponed to May 14, 2001.

**Calendar No. 01-48:** 4204 Detroit Avenue postponed to May 14, 2001.

**Calendar No. 01-51:** Appeal of Christopher L. Smalls postponed to April 30, 2001.

**On Monday, April 9, 2001, in Executive Session:**

The following appeals were heard on Monday, April 2, 2001, and said decisions were approved and adopted by the Board on April 9, 2001:

The following appeals were **Approved:**

**Calendar No. 01-41:** 1610 Euclid Avenue Playhouse Square Association, owner c/o Keith Feuerstein, agent, appealed to demolish an existing three-story masonry building to expand an existing parking lot in a General Retail Business District.

**Calendar No. 01-16:** 5227 Sweeney Avenue Industrial Properties III, owner, appealed to establish a 192 sq. ft. wall sign and 497 sq. ft. of painted graphics on the south side and 400 sq. ft. painted graphics on the east side of a scrap metals building in a General Industry District.

The following appeals were **Denied:**

**Calendar No. 01-43:** 8118 Euclid Avenue Premier Restaurant Management dba Kenny King Corporation, owner, and Brilliant Electric Sign Company appealed to install 116.54 sq. ft. of sign area onto an existing 20' high sign pole in front of a parcel in a General Retail Business District.

**Calendar No. 01-27:** 3434 West 25th Street Muhammed Zayed, owner, and Levent Aksoy, tenant, appealed to change the use of a one-story repair garage and an existing garage to an auto sales lot and repair garage in a Semi-Industry District.

The following appeal was **Dismissed:**

**Calendar No. 01-45:** 4774 West 32nd Street Shayne M. Shelia, owner, appealed to install 160 linear feet of 6' high wooden fencing to the rear of a parcel in a One-Family District.

EUGENE CRANFORD, JR.,  
Secretary

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

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**FRIDAY, APRIL 20, 2001**

**Replacement of Existing Tug Road Project,**

for the Division of Cleveland Hopkins International Airport, Department of Port Control. BID PACKAGES CAN BE PURCHASED FROM THE DIVISION OF PURCHASES AND SUPPLIES FOR NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER ONLY. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER FOR PLANS AND SPECIFICATIONS. OUT OF AREA BIDDERS SHOULD PROVIDE FEDERAL EXPRESS, UPS OR OTHER ACCOUNT INFORMATION FOR SHIPMENT. PACKAGE INCLUDES PLANS, TECHNICAL SPECIFICATIONS, GENERAL AND CONTRACTUAL REQUIREMENTS AND ANY ADDENDA.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, APRIL 4, 2001, 10:00 A.M. TO 12:00 NOON IN THE ENGINEERING BUILDING (PMT CONFERENCE ROOM), 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135. THOUGH NOT MANDATORY, ATTENDANCE IS STRONGLY RECOMMENDED. ALL QUESTIONS MUST BE FAXED TO PETER MAYER AT (216) 664-2177.

PROJECT DETAILS: DEMOLISH EXISTING TUG ROAD, APPROXIMATELY 1,500' X 25' WIDE

ASPHALT PAVEMENT, AND REPLACE IT WITH APPROXIMATELY 1,500' X 25' WIDE CONCRETE PAVEMENT. THE BASE IS TO BE REPLACED, AND THE CONTRACTOR IS TO FOLLOW SWPPP REQUIREMENTS AS MANDATED BY THE OEPA AND INDICATED IN THE BID PACKAGE. MAINTENANCE OF TRAFFIC WILL BE REQUIRED 24 HOURS IN THE CONSTRUCTION AREA THROUGH THE CONSTRUCTION PERIOD.

**Construction Equipment Parts and Labor,** for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 128-2001, passed by the Council of the City of Cleveland, March 19, 2001.

**Lubricants,** for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 130-2001, passed by the Council of the City of Cleveland, March 19, 2001.

**Automotive and Truck Batteries,** for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 135-2001, passed by the Council of the City of Cleveland, March 19, 2001.

**Tire Repair Road Service,** for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 130-2001, passed by the Council of the City of Cleveland, March 19, 2001.

April 4, 2001 and April 11, 2001

**THURSDAY, APRIL 26, 2001**

**Office Furniture and Partitions,** for the Division of Environment, Department of Public Health, as authorized by Ordinance No. 476-2000, passed by the Council of the City of Cleveland, May 1, 2000.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, APRIL 17, 2001, 10:00 A.M., AT THE MURAL BUILDING, 1925 ST. CLAIR AVENUE.

**Diving and Underwater Inspection Services,** for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1866-2000, passed by the Council of the City of Cleveland, February 12, 2001.

April 4, 2001 and April 11, 2001

**FRIDAY, APRIL 27, 2001**

**Trench Water Management Services,** for the Division of Cleveland Hopkins International Airport, Department of Port Control.

BEGINNING APRIL 6, 2001, BID PACKAGES CAN BE PURCHASED FROM THE DIVISION OF PURCHASES AND SUPPLIES FOR NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER ONLY. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER FOR PLANS AND SPECIFICATIONS. OUT OF AREA BIDDERS SHOULD PROVIDE FEDERAL EXPRESS, UPS OR OTHER ACCOUNT INFORMATION FOR

SHIPMENT. PACKAGE INCLUDES PLANS, TECHNICAL SPECIFICATIONS, GENERAL AND CONTRACTUAL REQUIREMENTS AND ANY ADDENDA.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, APRIL 12, 2001, 10:00 A.M. TO 11:00 A.M. IN THE ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135 (PMT CONFERENCE ROOM, SE CORNER OF CARGO ROAD AND FIVE POINTS ROAD). THOUGH NOT MANDATORY, ATTENDANCE IS STRONGLY RECOMMENDED. ALL QUESTIONS MUST BE FAXED TO PETER MAYER AT (216) 664-2177.

PROJECT DETAILS: DURING CONSTRUCTION PLANNED AT CLEVELAND HOPKINS INTERNATIONAL AIRPORT (CHIA), THE CITY ANTICIPATES THAT TRENCH WATER, IMPACTED BY DEICING OR AVIATION FUEL COMPOUNDS, MAY BE ENCOUNTERED. IN THAT EVENT, WE MUST SEGREGATE, STORE, TEST, TREAT (AS NECESSARY), AND DISPOSE OF IMPACTED WATER. THE CITY IS SOLICITING BIDS FROM EXPERIENCED CONTRACTORS FOR TRENCH WATER MANAGEMENT SERVICES DURING THE PERIOD FROM MAY 2001 THROUGH JUNE 2004. THE CITY PLANS TO ISSUE A ONE-YEAR CONTRACT, WHICH, SUBJECT TO SUBSEQUENT APPROVAL, MAY BE EXTENDED.

April 4, 2001 and April 11, 2001

#### FRIDAY, MAY 11, 2001

**Morgan Finished Water Pumping Station Project**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 817-2000, passed by the Council of the City of Cleveland, February 12, 2001.

BEGINNING WEDNESDAY, APRIL 4, 2001, PLANS AND SPECIFICATIONS CAN BE PURCHASED FROM THE DIVISION OF PURCHASES AND SUPPLIES, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER ONLY. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER FOR PLANS AND SPECIFICATIONS. OUT OF AREA BIDDERS SHOULD PROVIDE FEDERAL EXPRESS, UPS OR OTHER ACCOUNT INFORMATION FOR SHIPMENT. PACKAGE INCLUDES PLANS, TECHNICAL SPECIFICATIONS, GENERAL AND CONTRACTUAL REQUIREMENTS AND ANY ADDENDA.

A PRE-BID MEETING WILL BE HELD ON MONDAY, APRIL 23, 2001, 1:00 P.M., IN THE PUBLIC UTILITIES BUILDING AUDITORIUM, 1201 LAKESIDE AVENUE. A PLANT TOUR WILL FOLLOW. THOUGH NOT MANDATORY, ATTENDANCE IS STRONGLY RECOMMENDED. ALL QUESTIONS PRIOR TO AND/OR SUBSEQUENT TO THE PRE-BID MEETING MUST BE SUBMITTED IN WRITING TO MITCHELL BROOKS IN THE DIVISION OF PURCHASES AND SUPPLIES (FAX — (216)-664-2177) AND A

COPY TO DAVID ROSSETTI, PROGRAM MANAGEMENT CONSULTANT (FAX — 623-2683). DEADLINE FOR QUESTIONS IS THURSDAY, MAY 3, 2001 — 5:00 P.M.

PROJECT SCOPE INCLUDES, BUT IS NOT LIMITED TO: CONSTRUCTION OF NEW 53,000 SQ. FT. FINISHED WATER PUMPING STATION (FWPS), INCLUDING BUILDING, FINISHED WATER PUMPS, BACKWASH PUMPS, CONTROL AND ISOLATION VALVES AND INSTRUMENTATION AND CONTROLS. BUILDING ANCILLARY SYSTEMS SHALL BE INSTALLED, INCLUDING A NEW POWER DISTRIBUTION CENTER, BUILDING HVAC, ELECTRICAL AND PLUMBING. SITE/CIVIL IMPROVEMENTS INCLUDING LARGE DIAMETER CONDUITS AND DISTRIBUTION PIPING, ROADWAYS, DRAINAGE, GRADING, AND PARKING ARE ALSO INCLUDED. AN EXISTING 5 MG (MILLION GALLONS) FILTERED WATER RESERVOIR WILL BE DEMOLISHED AND THE NEW FWPS WILL BE CONSTRUCTED SUBSTANTIALLY WITHIN THE SAME FOOTPRINT.

April 4, 2001 and April 11, 2001

#### WEDNESDAY, APRIL 25, 2001

**Breakfasts, Lunch and Snacks for the Summer Food Program**, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2156-2000, passed by the Council of the City of Cleveland, December 18, 2000.

**Food Beverages and Paper Products**, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2156-2000, passed by the Council of the City of Cleveland, December 18, 2000.

**Natural Gas**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 173-01.

**Various Equipment and Appurtenances for Vac-All Catch Basin Cleaners (Re-bid)**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 2048-99, passed by the Council of the City of Cleveland, January 31, 2000.

**Ward 20 Parks Site Improvements**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1728-00 and 504-01.

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 AFTER THE BID OPENING DATE.

April 11, 2001 and April 18, 2001

#### FRIDAY, APRIL 27, 2001

**New Tires**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 133-2000, passed by the Council of the City of Cleveland, March 19, 2001.

**Mower Parts and Labor**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 133-2000, passed by the Council of the City of Cleveland, March 19, 2001.

April 11, 2001 and April 18, 2001

#### THURSDAY, MAY 3, 2001

**Rehabilitation of Eagle Avenue Lift Bridge**, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1642-97, passed by the Council of the City of Cleveland, November 24, 1997.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON THURSDAY, APRIL 26, 2001, 2:30 P.M., ROOM 514, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Chiller Unit for the Cleveland Police 1st District**, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2106-98, passed by the Council of the City of Cleveland, February 1, 1999.

**Pharmaceutical Supplies**, for the Division of Correction, Department of Public Health, as authorized by Ordinance No. 1804-2000, passed by the Council of the City of Cleveland, November 27, 2000.

**Inmate Clothing**, for the Division of Correction, Department of Public Health, as authorized by Ordinance No. 1803-2000, passed by the Council of the City of Cleveland, November 27, 2000.

**Plumbing Repairs to Lines Damaged Within Various Buildings and Property**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 2101-2000, passed by the Council of the City of Cleveland, January 29, 2001.

A PRE-BID CONFERENCE WILL BE HELD ON THURSDAY, APRIL 26, 2001, 10:00 A.M., AT THE OFFICE OF CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. ATTENDANCE AT THE PRE-BID CONFERENCE IS MANDATORY.

**Plumbing Repairs to Lines Damaged by Pole Replacements**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1723-2000, passed by the Council of the City of Cleveland, November 27, 2000.

A PRE-BID CONFERENCE WILL BE HELD ON THURSDAY, APRIL 26, 2001, 10:00 A.M., AT THE OFFICE OF CLEVELAND PUBLIC POWER, 1300 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114. ATTENDANCE AT THE PRE-BID CONFERENCE IS MANDATORY.

April 11, 2001 and April 18, 2001

### ADOPTED RESOLUTIONS AND ORDINANCES

**Res. No. 626-01.**

**By Councilman Willis.**

**An emergency resolution urging the Ohio Department of Health, Cuyahoga County Emergency Management Services, the Ohio State legislature and the City of Cleveland to investigate the diversions from emergency rooms in Cuyahoga County and make recommendations by which to improve the situation.**

Whereas, Cleveland City Council is very concerned about the numer-

ous and lengthy diversions from emergency rooms taking place at hospitals across Cuyahoga County; and

Whereas, in Cuyahoga County it is not unusual for hospitals to shut out emergency vehicles for days at a time; and

Whereas, it is essential that county dispatchers keep the necessary data in order for the state and the county to determine the magnitude of the situation; and

Whereas, it is necessary to better coordinate emergency transport policies so that all hospitals follow uniform rules and policies; and

Whereas, such uniform policies should encourage hospitals to better manage resources in order to avoid shut downs and to set time limits for shut downs when closings cannot be averted; and

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

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

**Section 1.** That this Council hereby urges the Ohio Department of

Health, Cuyahoga County Emergency Management Services, the Ohio State legislature and the City of Cleveland to investigate the diversions from emergency rooms in Cuyahoga County and make recommendations by which to improve the situation.

**Section 2.** That the Clerk of Council be and is hereby directed to transmit certified copies of this resolution to the appropriate members of the Ohio Department of Health, Cuyahoga County Emergency Management Services, the Ohio State legislature and the City of Cleveland.

**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 April 2, 2001.

Effective April 5, 2001.

**Ord. No. 138-01.**

**By Councilman Patmon (by departmental request).**

**An emergency ordinance to make appropriations for the current expenses of the City of Cleveland for the year 2001.**

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

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

**Section 1.** That to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2001, the following sums be and they are hereby appropriated viz:

The sum of Four Hundred Ninety Eight Million One Hundred Sixty Eight Thousand Three Hundred Sixteen Dollars (\$498,168,316) from the General Fund;

The sum of Sixty Three Million Eight Hundred Thirty Three Thousand Nine Hundred Ninety Dollars (\$63,833,990) from the Special Revenue Funds;

The sum of Twenty Six Million Seven Hundred Thirteen Thousand Four Hundred Seventy-Six Dollars (\$26,713,476) from the Internal Service Funds;

The sum of Five Hundred Forty Seven Million Sixty Seven Thousand Six Hundred Eighty Dollars (\$547,067,680) from the Enterprise Funds;

The sum of Seven Million One Hundred Nineteen Thousand Eight Hundred Seventy Nine Dollars (\$7,119,879) from the Trust and Agency Funds;

The sum of Forty Five Million Five Hundred Twenty Four Thousand Five Hundred Forty One Dollars (\$45,524,541) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified as File No. 138-01-A in the aggregate amount for each department as follows:

#### APPROPRIATION FOR THE YEAR 2001

##### GENERAL FUND

Legislative Branch	\$5,484,923
Municipal Court	27,403,354
Executive Branch	
Office of the Mayor	1,664,570
Department of Public Safety	271,607,621
Community Relations Board	1,015,099
Department of Public Service	34,193,318
Department of Parks, Recreation & Properties	40,807,675
Boxing & Wrestling Commission	-0-
Urban Planning & Development	20,525,193
Department of Public Health	13,217,586
Department of Aging	408,478
Support Functions	32,979,815
Transfers to Other Funds	48,860,684
<b>TOTAL EXECUTIVE BRANCH</b>	<b>\$465,280,039</b>
<b>TOTAL GENERAL FUND</b>	<b>\$498,168,316</b>
Special Revenue Funds	63,833,990
Debt Service Funds	45,524,541
Internal Service Funds	26,713,476

Enterprise Funds		547,067,680
Trust and Agency Funds		7,119,879
TOTAL APPROPRIATIONS FOR 2001		\$1,188,427,882

## GENERAL GOVERNMENT

## LEGISLATIVE BRANCH

Council and Clerk of Council		\$5,484,923
I. Personnel and Related Expenses	\$3,192,818	
II. Other Expenses	\$2,292,105	
TOTAL LEGISLATIVE BRANCH	\$5,484,923	\$5,484,923

## MUNICIPAL COURT

Municipal Court - Judicial Division		\$16,093,125
I. Personnel and Related Expenses	\$13,972,762	
II. Other Expenses	2,120,363	
Municipal Court - Housing Division		\$2,458,678
I. Personnel and Related Expenses	\$2,339,478	
II. Other Expenses	119,200	
Municipal Court - Clerk's Division		\$8,851,551
I. Personnel and Related Expenses	\$6,697,791	
II. Other Expenses	2,153,760	
TOTAL MUNICIPAL COURT	\$27,403,354	\$27,403,354

## EXECUTIVE BRANCH

Office of the Mayor		\$1,664,570
I. Personnel and Related Expenses	\$1,426,289	
II. Other Expenses	238,281	
TOTAL EXECUTIVE BRANCH	\$1,664,570	\$1,664,570

## DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$4,502,863
I. Personnel and Related Expenses	\$3,899,205	
II. Other Expenses	603,658	
Division of Police		\$170,226,520
I. Personnel and Related Expenses	\$159,405,023	
II. Other Expenses	10,821,497	
Division of Fire		\$74,950,279
I. Personnel and Related Expenses	\$71,551,806	
II. Other Expenses	3,398,473	
Division of Emergency Medical Services		\$17,233,440
I. Personnel and Related Expenses	\$16,145,600	
II. Other Expenses	1,087,840	
Division of Traffic Engineering		\$3,839,576
I. Personnel and Related Expenses	\$2,994,417	
II. Other Expenses	845,159	
Division of Dog Pound		\$854,943
I. Personnel and Related Expenses	\$750,030	
II. Other Expenses	104,913	
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$271,607,621	\$271,607,621

## COMMUNITY RELATIONS BOARD

Community Relations Board		\$1,015,099
I. Personnel and Related Expenses	\$929,999	
II. Other Expenses	85,100	
TOTAL COMMUNITY RELATIONS BOARD	\$1,015,099	\$1,015,099

## DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$460,508
I. Personnel and Related Expenses	\$441,980	
II. Other Expenses	18,528	
Division of Architecture		\$625,965
I. Personnel and Related Expenses	\$593,670	
II. Other Expenses	32,295	
Division of Waste Collection and Disposal		\$27,820,223
I. Personnel and Related Expenses	\$15,416,133	
II. Other Expenses	12,404,090	
Division of Engineering and Construction		\$5,286,622
I. Personnel and Related Expenses	\$4,890,827	
II. Other Expenses	395,795	
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$34,193,318	\$34,193,318

## DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$796,975
I. Personnel and Related Expenses	\$626,080	
II. Other Expenses	170,895	
Division of Research, Planning, and Development		\$742,146
I. Personnel and Related Expenses	\$665,845	
II. Other Expenses	76,301	
Division of Recreation		\$13,661,317
I. Personnel and Related Expenses	\$10,364,182	
II. Other Expenses	3,297,135	
Division of Parking Facilities-On Street		\$811,510
I. Personnel and Related Expenses	\$775,752	
II. Other Expenses	35,758	
Division of Property Management		\$11,376,674
I. Personnel and Related Expenses	\$8,934,259	
II. Other Expenses	2,442,415	
Division of Park Maintenance and Properties		\$13,419,053
I. Personnel and Related Expenses	\$9,554,362	
II. Other Expenses	3,864,691	
TOTAL PARKS, RECREATION, AND PROPERTIES	\$40,807,675	\$40,807,675

## BOXING AND WRESTLING COMMISSION

Boxing and Wrestling Commission		\$-0-
I. Personnel and Related Expenses	\$-0-	
II. Other Expenses	—	
TOTAL BOXING AND WRESTLING COMMISSION	\$-0-	\$-0-

## URBAN PLANNING AND DEVELOPMENT

## DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Administrative Services		\$2,186,585
I. Personnel and Related Expenses	\$1,828,021	
II. Other Expenses	358,564	
Division of Building and Housing		\$10,998,834
I. Personnel and Related Expenses	\$10,551,736	
II. Other Expenses	447,098	
Director's Office		\$470,723
I. Personnel and Related Expenses	\$470,723	
Division of Neighborhood Development		\$1,723,367
I. Personnel and Related Expenses	\$1,523,367	
II. Other Expenses	200,000	
Division of Neighborhood Services		\$1,343,059
I. Personnel and Related Expenses	\$1,343,059	
TOTAL COMMUNITY DEVELOPMENT	\$16,722,568	\$16,722,568



## REGULATORY BOARDS AND COMMISSIONS

Landmarks Commission		\$146,453
I. Personnel and Related Expenses	\$139,014	
II. Other Expenses	7,439	
Board of Building Standards and Appeals		\$103,904
I. Personnel and Related Expenses	\$84,545	
II. Other Expenses	19,359	
Board of Zoning Appeals		\$269,362
I. Personnel and Related Expenses	\$240,337	
II. Other Expenses	29,025	
Board of Examiners of Plumbers and Electricians		\$136,581
I. Personnel and Related Expenses	\$133,159	
II. Other Expenses	3,422	
Fair Campaign Finance Commission		\$9,852
II. Other Expenses	9,852	
TOTAL REGULATORY BOARDS	\$666,152	\$666,152

## DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$1,182,687
I. Personnel and Related Expenses	\$1,135,328	
II. Other Expenses	47,359	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT	\$1,182,687	\$1,182,687
Office of Equal Opportunity		\$543,794
I. Personnel and Related Expenses	\$499,094	
II. Other Expenses	44,700	
City Planning Commission		\$1,353,342
I. Personnel and Related Expenses	1,305,777	
II. Other Expenses	47,565	
Division of Harbors		\$56,650
I. Personnel and Related Expenses	\$56,650	
TOTAL URBAN PLANNING AND DEVELOPMENT	\$20,525,193	\$20,525,193

## DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$961,695
I. Personnel and Related Expenses	\$868,595	
II. Other Expenses	93,100	
Division of Correction		\$5,784,745
I. Personnel and Related Expenses	\$4,613,057	
II. Other Expenses	1,171,688	
Division of Health		\$3,851,204
I. Personnel and Related Expenses	\$2,533,234	
II. Other Expenses	1,317,970	
Division of Environment		\$2,619,942
I. Personnel and Related Expenses	\$2,318,402	
II. Other Expenses	301,540	
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$13,217,586	\$13,217,586

## DEPARTMENT OF AGING

DEPARTMENT OF AGING		\$408,478
I. Personnel and Related Expenses	\$295,219	
II. Other Expenses	113,259	
TOTAL DEPARTMENT OF AGING	\$408,478	\$408,478

## SUPPORT FUNCTIONS

## FINANCIAL AND LEGAL ADMINISTRATION

DEPARTMENT OF FINANCE		
Finance Administration		\$394,047
I. Personnel and Related Expenses	\$360,687	
II. Other Expenses	33,360	
Division of Accounts		\$1,301,214
I. Personnel and Related Expenses	\$915,897	
II. Other Expenses	385,317	
Division of Assessments and Licenses		\$1,097,431
I. Personnel and Related Expenses	\$911,187	
II. Other Expenses	186,244	
Division of Treasury		\$477,343
I. Personnel and Related Expenses	\$411,413	
II. Other Expenses	65,930	
Division of Purchases and Supplies		\$693,970
I. Personnel and Related Expenses	\$602,093	
II. Other Expenses	91,877	
Bureau of Internal Audit		\$759,927
I. Personnel and Related Expenses	\$531,394	
II. Other Expenses	228,533	
Division of Financial Reporting and Control		\$1,672,899
I. Personnel and Related Expenses	\$1,208,725	
II. Other Expenses	464,174	
TOTAL DEPARTMENT OF FINANCE	\$6,396,831	\$6,396,831
Office of Budget & Management-Budget Admin.		\$652,303
I. Personnel and Related Expenses	\$611,160	
II. Other Expenses	41,143	
Department Law		\$7,731,541
I. Personnel and Related Expenses	\$4,833,716	
II. Other Expenses	2,897,825	
TOTAL FINANCE AND LEGAL ADMINISTRATION	\$14,780,675	\$14,780,675
PERSONNEL ADMINISTRATION		
Office of Personnel		\$1,677,448
I. Personnel and Related Expenses	\$1,185,611	
II. Other Expenses	491,837	
Civil Service Commission		\$1,243,724
I. Personnel and Related Expenses	\$668,204	
II. Other Expenses	575,520	
TOTAL PERSONNEL ADMINISTRATION	\$2,921,172	\$2,921,172
NONDEPARTMENTAL		
County Auditor Deductions		\$1,761,700
II. Other Expenses	\$1,761,700	
OTHER ADMINISTRATIVE		\$13,516,268
II. Other Expenses	\$13,516,268	
TOTAL NONDEPARTMENTAL	\$15,277,968	\$15,277,968
TOTAL SUPPORT FUNCTIONS	\$32,979,815	\$32,979,815
TRANSFERS TO OTHER FUNDS		\$48,860,684
II. Other Expenses	\$48,860,684	
Residential Neighborhood Sidewalk Program		\$-0-
II. Other Expenses	\$-0-	
TOTAL GENERAL FUND	\$498,168,316	\$498,168,316

## SPECIAL REVENUE FUND

Restricted Income Tax Fund		\$33,924,000
I. Capital	\$20,174,000	
II. Debt Service	13,750,000	
Street Construction, Maintenance & Repair Fund		\$27,909,990
I. Personnel and Related Expenses	\$14,061,259	
II. Other Expenses	13,848,731	
Schools Recreation & Cultural Activities Fund		\$2,000,000
II. Other Expenses	\$2,000,000	
TOTAL SPECIAL REVENUE FUNDS	\$63,833,990	\$63,833,990

## INTERNAL SERVICE FUND

Information Systems Services-Telephone Exchange		\$4,556,888
I. Personnel and Related Expenses	\$409,957	
II. Other Expenses	4,146,931	
Information Systems Services		\$2,547,538
I. Personnel and Related Expenses	\$1,688,548	
II. Other Expenses	858,990	
Division of Motor Vehicle Maintenance		\$17,571,858
I. Personnel and Related Expenses	\$5,457,289	
II. Other Expenses	12,114,569	
Division of Printing and Reproduction		\$1,261,129
I. Personnel and Related Expenses	\$611,673	
II. Other Expenses	649,456	
City Storeroom and Central Warehouse		\$776,063
I. Personnel and Related Expenses	\$60,358	
II. Other Expenses	715,705	
TOTAL INTERNAL SERVICE FUNDS	\$26,713,476	\$26,713,476

## ENTERPRISE FUNDS

## DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$1,047,159
I. Personnel and Related Expenses	\$785,159	
II. Other Expenses	262,000	
Radio		\$1,998,053
I. Personnel and Related Expenses	\$38,307	
II. Other Expenses	1,959,746	
Division of Fiscal Control		\$1,909,881
I. Personnel and Related Expenses	\$1,759,481	
II. Other Expenses	150,400	
Division of Water		\$257,711,581
I. Personnel and Related Expenses	\$58,225,751	
II. Other Expenses	199,485,830	
Division of Water Pollution Control		\$22,921,973
I. Personnel and Related Expenses	\$7,668,939	
II. Other Expenses	15,253,034	
Division of Cleveland Public Power		\$142,773,598
I. Personnel and Related Expenses	\$24,373,398	
II. Other Expenses	118,400,200	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$428,362,245	\$428,362,245

## DEPARTMENT OF PORT CONTROL

Divisions of Cleveland Hopkins & Burke Lakefront Airports - Operations		\$98,622,241
I. Personnel and Related Expenses	\$19,539,315	
II. Other Expenses	79,082,926	

Airport Development Fund		\$60,000
II. Other Expenses	\$60,000	
TOTAL DEPARTMENT OF PORT CONTROL	\$98,682,241	\$98,682,241
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Division of Cemeteries		\$2,232,653
I. Personnel and Related Expenses	\$1,674,327	
II. Other Expenses	558,326	
Golf Course Fund		\$2,501,854
I. Personnel and Related Expenses	\$1,027,733	
II. Other Expenses	1,474,121	
Division of Parking Facilities-Off Street Parking		\$8,271,759
I. Personnel and Related Expenses	\$886,159	
II. Other Expenses	7,385,600	
Division of Convention Center & Stadium-Convention Center		\$5,777,990
I. Personnel and Related Expenses	\$2,092,844	
II. Other Expenses	3,685,146	
Division of Convention Center & Stadium-Market		\$1,141,395
I. Personnel and Related Expenses	\$385,149	
II. Other Expenses	756,246	
Division of Property Management - East Side Market		\$97,543
I. Personnel and Related Expenses	\$55,483	
II. Other Expenses	42,060	
TOTAL PARKS, RECREATION, & PROPERTIES	\$20,023,194	\$20,023,194
TOTAL ENTERPRISE FUNDS	\$547,067,680	\$547,067,680
AGENCY FUND		
Central Collection Agency		\$7,119,879
I. Personnel and Related Expenses	\$4,476,767	
II. Other Expenses	2,643,112	
TOTAL AGENCY FUND	\$7,119,879	\$7,119,879
DEBT SERVICE FUND		
Sinking Fund Commission		\$45,524,541
I. Personnel and Related Expenses	\$76,920	
II. Other Expenses	389,180	
III. Debt Service	45,058,441	
TOTAL DEBT SERVICE FUNDS	\$45,524,541	\$45,524,541

**Section 2.** That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate File No. 138-01-A, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in said detail. Any unencumbered balance in an appropriation fund at the close of the year 2000 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 2001 or prior years. The Mayor's Estimate File No. 138-01-A, as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 2001 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. - Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

**Section 3.** That the Commissioner of Accounts is hereby authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

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

Passed April 2, 2001.

Effective April 2, 2001.

**Ord. No. 553-01.**  
**By Councilmen Rybka, Cimperman and Cintron.**  
**An emergency ordinance amending Ordinance No. 2326-2000, passed December 18, 2000, to extend the fifty percent (50%) rent reduction for tenants of the West Side Market until this Council passes an ordinance establishing a different rent structure.**

Whereas, the construction at the West Side Market is scheduled to continue past the first quarter of 2001 and this Council desires to continue to consider the disruption caused by the construction in establishing rent for the tenants of the West Side Market;

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

a municipal department; now, therefore

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

**Section 1.** That Section 1 of Ordinance No. 2326-2000, passed December 18, 2000, is hereby amended to read as follows:

Section 1. That notwithstanding any provision of the Codified ordinances of Cleveland, Ohio, 1976 to the contrary, the Director of Parks, Recreation and Properties shall assess and collect rent for the use of space, both for inside and outside stands, at the West Side Market for the period of January 1, 2001 until the Council of the City of Cleveland passes an ordinance establishing a different rent structure at a rate equal to fifty percent (50%) of the regular rent for such space estab-

lished by the Director for the year 2000.

**Section 2.** That existing Section 1 of Ordinance No. 2326-2000, passed December 18, 2000, is hereby repealed.

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

Passed March 26, 2001.

Effective April 5, 2001, without the signature of the Mayor.

**Ord. No. 577-2001.**

**By Councilmen Polensek, Patmon and Cintron.**

**An emergency ordinance to amend Section 1 of Ordinance No. 138-01, passed April 2, 2001, concerning appropriations for the current expenses of the City of Cleveland for the year 2001.**

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

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

**Section 1.** That Section 1 of Ordinance No. 138-01, passed April 2, 2001, is hereby amended to read as follows:

Section 1. That to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2001, the following sums be and they are hereby appropriated viz:

The sum of Four Hundred Ninety Three Million Seven Hundred Eighteen Thousand Three Hundred Sixteen Dollars (\$493,718,316) from the General Fund;

The sum of Sixty Three Million Eight Hundred Thirty Three Thousand Nine Hundred Ninety Dollars (\$63,833,990) from the Special Revenue Funds;

The sum of Twenty Six Million Seven Hundred Thirteen Thousand Four Hundred Seventy-Six Dollars (\$26,713,476) from the Internal Service Funds;

The sum of Five Hundred Forty Seven Million Sixty Seven Thousand Six Hundred Eighty Dollars (\$547,067,680) from the Enterprise Funds;

The sum of Seven Million One Hundred Nineteen Thousand Eight Hundred Seventy Nine Dollars (\$7,119,879) from the Trust and Agency Funds;

The sum of Forty Five Million Five Hundred Twenty Four Thousand Five Hundred Forty One Dollars (\$45,524,541) from the Debt Service Fund;

All set forth in the aggregate amount for each department as follows:

APPROPRIATION FOR THE YEAR 2001

GENERAL FUND

Legislative Branch	\$5,457,038
Municipal Court	27,202,399
Executive Branch	
Office of the Mayor	1,658,323
Department of Public Safety	269,650,769
Community Relations Board	1,005,804
Department of Public Service	33,990,065
Department of Parks, Recreation & Properties	40,542,671
Boxing & Wrestling Commission	-0-
Urban Planning & Development	20,309,905
Department of Public Health	13,247,277
Department of Aging	405,312
Support Functions	35,588,069
Transfers to Other Funds	44,660,684
<b>TOTAL EXECUTIVE BRANCH</b>	<b>\$461,058,879</b>
<b>TOTAL GENERAL FUND</b>	<b>\$493,718,316</b>
Special Revenue Funds	63,833,990
Debt Service Funds	45,524,541
Internal Service Funds	26,713,476
Enterprise Funds	547,067,680
Trust and Agency Funds	7,119,879
<b>TOTAL APPROPRIATIONS FOR 2001</b>	<b>\$1,183,977,882</b>

## GENERAL GOVERNMENT

## LEGISLATIVE BRANCH

Council and Clerk of Council		\$5,457,038
I. Personnel and Related Expenses	\$3,164,933	
II. Other Expenses	\$2,292,105	
TOTAL LEGISLATIVE BRANCH	\$5,457,038	\$5,457,038

## MUNICIPAL COURT

Municipal Court - Judicial Division		\$15,989,490
I. Personnel and Related Expenses	\$13,869,127	
II. Other Expenses	2,120,363	
Municipal Court - Housing Division		\$2,438,196
I. Personnel and Related Expenses	\$2,318,996	
II. Other Expenses	119,200	
Municipal Court - Clerk's Division		\$8,774,713
I. Personnel and Related Expenses	\$6,620,953	
II. Other Expenses	2,153,760	
TOTAL MUNICIPAL COURT	\$27,202,399	\$27,202,399

## EXECUTIVE BRANCH

Office of the Mayor		\$1,658,323
I. Personnel and Related Expenses	\$1,420,042	
II. Other Expenses	238,281	
TOTAL EXECUTIVE BRANCH	\$1,658,323	\$1,658,323

## DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$4,467,138
I. Personnel and Related Expenses	\$3,863,480	
II. Other Expenses	603,658	
Division of Police		\$169,011,878
I. Personnel and Related Expenses	\$158,190,381	
II. Other Expenses	10,821,497	
Division of Fire		\$74,430,966
I. Personnel and Related Expenses	\$71,032,493	
II. Other Expenses	3,398,473	
Division of Emergency Medical Services		\$17,085,624
I. Personnel and Related Expenses	\$15,997,784	
II. Other Expenses	1,087,840	
Division of Traffic Engineering		\$3,808,787
I. Personnel and Related Expenses	\$2,963,628	
II. Other Expenses	845,159	
Division of Dog Pound		\$846,376
I. Personnel and Related Expenses	\$741,463	
II. Other Expenses	104,913	
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$269,650,769	\$269,650,769

## COMMUNITY RELATIONS BOARD

Community Relations Board		\$1,005,804
I. Personnel and Related Expenses	\$920,704	
II. Other Expenses	85,100	
TOTAL COMMUNITY RELATIONS BOARD	\$1,005,804	\$1,005,804

## DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$456,713
I. Personnel and Related Expenses	\$438,185	
II. Other Expenses	18,528	

Division of Architecture		\$620,806
I. Personnel and Related Expenses	\$588,511	
II. Other Expenses	32,295	
Division of Waste Collection and Disposal		\$27,670,998
I. Personnel and Related Expenses	\$15,266,908	
II. Other Expenses	12,404,090	
Division of Engineering and Construction		\$5,241,548
I. Personnel and Related Expenses	\$4,845,753	
II. Other Expenses	395,795	
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$33,990,065	\$33,990,065

## DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$792,138
I. Personnel and Related Expenses	\$621,243	
II. Other Expenses	170,895	
Division of Research, Planning, and Development		\$736,353
I. Personnel and Related Expenses	\$660,052	
II. Other Expenses	76,301	
Division of Recreation		\$13,578,953
I. Personnel and Related Expenses	\$10,281,818	
II. Other Expenses	3,297,135	
Division of Parking Facilities-On Street		\$800,652
I. Personnel and Related Expenses	\$764,894	
II. Other Expenses	35,758	
Division of Property Management		\$11,297,334
I. Personnel and Related Expenses	\$8,854,919	
II. Other Expenses	2,442,415	
Division of Park Maintenance and Properties		\$13,337,241
I. Personnel and Related Expenses	\$9,472,550	
II. Other Expenses	3,864,691	
TOTAL PARKS, RECREATION, AND PROPERTIES	\$40,542,671	\$40,542,671

## BOXING AND WRESTLING COMMISSION

Boxing and Wrestling Commission		\$-0-
I. Personnel and Related Expenses	\$-0-	
II. Other Expenses	-0-	
TOTAL BOXING AND WRESTLING COMMISSION	\$-0-	\$-0-

## URBAN PLANNING AND DEVELOPMENT

## DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Administrative Services		\$2,161,495
I. Personnel and Related Expenses	\$1,802,931	
II. Other Expenses	358,564	
Division of Building and Housing		\$10,874,668
I. Personnel and Related Expenses	\$10,427,570	
II. Other Expenses	447,098	
Director's Office		\$466,924
I. Personnel and Related Expenses	\$466,924	
Division of Neighborhood Development		\$1,701,134
I. Personnel and Related Expenses	\$1,501,134	
II. Other Expenses	200,000	
Division of Neighborhood Services		\$1,330,741
I. Personnel and Related Expenses	\$1,330,741	
TOTAL COMMUNITY DEVELOPMENT	\$16,534,962	\$16,534,962

## REGULATORY BOARDS AND COMMISSIONS

Landmarks Commission		\$145,968
I. Personnel and Related Expenses	\$138,529	
II. Other Expenses	7,439	
Board of Building Standards and Appeals		\$103,271
I. Personnel and Related Expenses	\$83,912	
II. Other Expenses	19,359	
Board of Zoning Appeals		\$268,392
I. Personnel and Related Expenses	\$239,367	
II. Other Expenses	29,025	
Board of Examiners of Plumbers and Electricians		\$136,339
I. Personnel and Related Expenses	\$132,917	
II. Other Expenses	3,422	
Fair Campaign Finance Commission		\$9,852
II. Other Expenses	9,852	
TOTAL REGULATORY BOARDS	\$663,822	\$663,822

## DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$1,172,126
I. Personnel and Related Expenses	\$1,124,767	
II. Other Expenses	47,359	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT	\$1,172,126	\$1,172,126
Office of Equal Opportunity		\$538,001
I. Personnel and Related Expenses	\$493,301	
II. Other Expenses	44,700	
City Planning Commission		\$1,344,977
I. Personnel and Related Expenses	1,297,412	
II. Other Expenses	47,565	
Division of Harbors		\$56,017
I. Personnel and Related Expenses	\$56,017	
TOTAL URBAN PLANNING AND DEVELOPMENT	\$20,309,905	\$20,309,905

## DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$954,784
I. Personnel and Related Expenses	\$861,684	
II. Other Expenses	93,100	
Division of Correction		\$5,866,733
I. Personnel and Related Expenses	\$4,695,045	
II. Other Expenses	1,171,688	
Division of Health		\$3,829,176
I. Personnel and Related Expenses	\$2,511,206	
II. Other Expenses	1,317,970	
Division of Environment		\$2,596,584
I. Personnel and Related Expenses	\$2,295,044	
II. Other Expenses	301,540	
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$13,247,277	\$13,247,277

## DEPARTMENT OF AGING

DEPARTMENT OF AGING		\$405,312
I. Personnel and Related Expenses	\$292,053	
II. Other Expenses	113,259	
TOTAL DEPARTMENT OF AGING	\$405,312	\$405,312

## SUPPORT FUNCTIONS

## FINANCIAL AND LEGAL ADMINISTRATION



## DEPARTMENT OF FINANCE

Finance Administration		\$391,905
I. Personnel and Related Expenses	\$358,545	
II. Other Expenses	33,360	
Division of Accounts		\$1,290,262
I. Personnel and Related Expenses	\$904,945	
II. Other Expenses	385,317	
Division of Assessments and Licenses		\$1,086,668
I. Personnel and Related Expenses	\$900,424	
II. Other Expenses	186,244	
Division of Treasury		\$472,426
I. Personnel and Related Expenses	\$406,496	
II. Other Expenses	65,930	
Division of Purchases and Supplies		\$687,157
I. Personnel and Related Expenses	\$595,280	
II. Other Expenses	91,877	
Bureau of Internal Audit		\$755,495
I. Personnel and Related Expenses	\$526,962	
II. Other Expenses	228,533	
Division of Financial Reporting and Control		\$1,663,000
I. Personnel and Related Expenses	\$1,198,826	
II. Other Expenses	464,174	
TOTAL DEPARTMENT OF FINANCE	\$6,346,913	\$6,346,913
Office of Budget & Management-Budget Admin.		\$648,609
I. Personnel and Related Expenses	\$607,466	
II. Other Expenses	41,143	
Department Law		\$7,810,265
I. Personnel and Related Expenses	\$4,912,440	
II. Other Expenses	2,897,825	
TOTAL FINANCE AND LEGAL ADMINISTRATION	\$14,805,787	\$14,805,787
PERSONNEL ADMINISTRATION		
Office of Personnel		\$1,666,466
I. Personnel and Related Expenses	\$1,174,629	
II. Other Expenses	491,837	
Civil Service Commission		\$1,237,056
I. Personnel and Related Expenses	\$661,536	
II. Other Expenses	575,520	
TOTAL PERSONNEL ADMINISTRATION	\$2,903,522	\$2,903,522
NONDEPARTMENTAL		
County Auditor Deductions		\$1,761,700
II. Other Expenses	\$1,761,700	
OTHER ADMINISTRATIVE		\$16,117,060
II. Other Expenses	\$16,117,060	
TOTAL NONDEPARTMENTAL	\$17,878,760	\$17,878,760
TOTAL SUPPORT FUNCTIONS	\$35,588,069	\$35,588,069
TRANSFERS TO OTHER FUNDS		\$44,660,684
II. Other Expenses	\$44,660,684	
Residential Neighborhood Sidewalk Program		\$-0-
II. Other Expenses	\$-0-	
TOTAL GENERAL FUND	\$493,718,316	\$493,718,316

## SPECIAL REVENUE FUND

Restricted Income Tax Fund		\$33,924,000
I. Capital	\$20,174,000	
II. Debt Service	13,750,000	
Street Construction, Maintenance & Repair Fund		\$27,909,990
I. Personnel and Related Expenses	\$14,061,259	
II. Other Expenses	13,848,731	
Schools Recreation & Cultural Activities Fund		\$2,000,000
II. Other Expenses	\$2,000,000	
TOTAL SPECIAL REVENUE FUNDS	\$63,833,990	\$63,833,990

## INTERNAL SERVICE FUND

Information Systems Services-Telephone Exchange		\$4,556,888
I. Personnel and Related Expenses	\$409,957	
II. Other Expenses	4,146,931	
Information Systems Services		\$2,547,538
I. Personnel and Related Expenses	\$1,688,548	
II. Other Expenses	858,990	
Division of Motor Vehicle Maintenance		\$17,571,858
I. Personnel and Related Expenses	\$5,457,289	
II. Other Expenses	12,114,569	
Division of Printing and Reproduction		\$1,261,129
I. Personnel and Related Expenses	\$611,673	
II. Other Expenses	649,456	
City Storeroom and Central Warehouse		\$776,063
I. Personnel and Related Expenses	\$60,358	
II. Other Expenses	715,705	
TOTAL INTERNAL SERVICE FUNDS	\$26,713,476	\$26,713,476

## ENTERPRISE FUNDS

## DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$1,047,159
I. Personnel and Related Expenses	\$785,159	
II. Other Expenses	262,000	
Radio		\$1,998,053
I. Personnel and Related Expenses	\$38,307	
II. Other Expenses	1,959,746	
Division of Fiscal Control		\$1,909,881
I. Personnel and Related Expenses	\$1,759,481	
II. Other Expenses	150,400	
Division of Water		\$257,711,581
I. Personnel and Related Expenses	\$58,225,751	
II. Other Expenses	199,485,830	
Division of Water Pollution Control		\$22,921,973
I. Personnel and Related Expenses	\$7,668,939	
II. Other Expenses	15,253,034	
Division of Cleveland Public Power		\$142,773,598
I. Personnel and Related Expenses	\$24,373,398	
II. Other Expenses	118,400,200	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$428,362,245	\$428,362,245

## DEPARTMENT OF PORT CONTROL

Divisions of Cleveland Hopkins & Burke Lakefront Airports - Operations		\$98,622,241
I. Personnel and Related Expenses	\$19,539,315	
II. Other Expenses	79,082,926	
Airport Development Fund		\$60,000
II. Other Expenses	\$60,000	
TOTAL DEPARTMENT OF PORT CONTROL	\$98,682,241	\$98,682,241

## DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$2,232,653
I. Personnel and Related Expenses	\$1,674,327	
II. Other Expenses	558,326	
Golf Course Fund		\$2,501,854
I. Personnel and Related Expenses	\$1,027,733	
II. Other Expenses	1,474,121	
Division of Parking Facilities-Off Street Parking		\$8,271,759
I. Personnel and Related Expenses	\$886,159	
II. Other Expenses	7,385,600	
Division of Convention Center & Stadium-Convention Center		\$5,777,990
I. Personnel and Related Expenses	\$2,092,844	
II. Other Expenses	3,685,146	
Division of Convention Center & Stadium-Market		\$1,141,395
I. Personnel and Related Expenses	\$385,149	
II. Other Expenses	756,246	
Division of Property Management - East Side Market		\$97,543
I. Personnel and Related Expenses	\$55,483	
II. Other Expenses	42,060	
TOTAL PARKS, RECREATION, & PROPERTIES	\$20,023,194	\$20,023,194
TOTAL ENTERPRISE FUNDS	\$547,067,680	\$547,067,680

## AGENCY FUND

Central Collection Agency		\$7,119,879
I. Personnel and Related Expenses	\$4,476,767	
II. Other Expenses	2,643,112	
TOTAL AGENCY FUND	\$7,119,879	\$7,119,879

## DEBT SERVICE FUND

Sinking Fund Commission		\$45,524,541
I. Personnel and Related Expenses	\$76,920	
II. Other Expenses	389,180	
III. Debt Service	45,058,441	
TOTAL DEBT SERVICE FUNDS	\$45,524,541	\$45,524,541

**Section 2.** That the existing Section 1 of Ordinance No. 138-01 passed April 2, 2001 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 upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

Passed April 2, 2001.

Effective April 2, 2001.

**Ord. No. 625-01.**  
**By Councilman Polensek.**  
**An emergency ordinance authorizing and directing the purchase by requirement contract of printing services for ward mailings for City Council for a period of two years.**

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

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

**Section 1.** That the Clerk of Council is hereby authorized and directed to enter into a requirement contract for printing services for ward mailings for City Council for a period of two (2) years. Said contract to be entered into with the lowest and best bidder upon a unit basis after advertising once a week for two consecutive weeks in accordance with Section 108 of the Codified Ordinances. The cost of said contract to be payable from funds appropriated for Council. The Clerk of Council is further authorized and directed to extend Contract No. 52710 with Legal News Publishing Company with the same terms and conditions until such time as the City enters into a new contract for printing services for ward mailings pur-

suant to this ordinance or August 13, 2001, whichever is earlier.

**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 April 2, 2001.  
 Effective April 5, 2001.

Present: White, Chairman; Lewis, Vice Chairman; Coats, Gordon, Johnson, Jones. Excused: Cintron.

**Finance Committee:** 2:00 p.m. — Present: Patmon, Chairman; Rybka, Vice Chairman; Dolan, Lewis, Melena, O'Malley, Polensek, Sweeney, White. Excused: Britt, Cintron.

**Tuesday, April 10, 2001**

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

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

**Wednesday, April 11, 2001**

**Aviation and Transportation Committee:** 10:00 a.m.—Present: Dolan, Chairman; O'Malley, Vice Chairman; Jones, Patmon, Sweeney. Excused: Brady, Rybka.

**COUNCIL COMMITTEE MEETINGS**

**Monday, April 9, 2001**

**Public Parks, Recreation and Properties Committee:** 9:30 a.m.— Present: Rybka, Chairman; Dolan, Vice Chairman, Brady, Johnson, Reed, Sweeney. Excused: Britt.

**Employment, Affirmative Action and Training Committee:** 11:00 a.m.—

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O—Ordinance; R—Resolution; F—File  
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
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