

The City Record

Official Publication of the City of Cleveland

February the Twenty-First, Two Thousand and One

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE

President of Council-Michael D. Polensek

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

MAYOR - Michael R. White

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

DEPT. OF FINANCE - Ronald E. Brooks, Director, Room 104;
 Frank Badalamenti, Manager, Internal Audit
DIVISIONS - Accounts - Marilyn Henderson, Commissioner, Room 19
 City Treasury - Algeron Walker, Treasurer, Room 115
 Assessments and Licenses - Robert C. Brown, Commissioner, Room 122
 Purchases and Supplies - Myrna Branche, Commissioner, Room 128
 Printing and Reproduction - Diante 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, Margaret Hopkins, Ozell Dobbins, Tony Petkovsek,
 Eugene Cranford, Jr., Secretary.

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

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

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

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

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

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

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

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

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

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

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

| Judge | Courtroom |
|---|-----------|
| Presiding and Administrative Judge Larry A. Jones | 13C |
| Judge Ronald B. Adrine | 15A |
| Judge 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, FEBRUARY 21, 2001

No. 4550

CITY COUNCIL

MONDAY, FEBRUARY 19, 2001

The City Record

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Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

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

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

February 14, 2001

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 14, 2001, at 11:00 a.m. with Mayor White presiding.

Present: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson, Acting Director Huth and Director Alexander.

Absent: None.

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

On motion, the following resolutions were adopted.

Resolution No. 75-01.

By Director Brooks.

Resolved by the Board of Control of the City of Cleveland, that all bids received on January 26, 2001 for First Aid Supplies (all items) for the various divisions of City Government, Department of Finance, pursuant to the authority of Ordinance No. 315-2000, passed by the Council of the City of Cleveland on April 17, 2000 be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson and Acting Director Huth.

Nays: None.

Absent: Director Alexander.

Resolution No. 76-01.

By Director Konicek.

Whereas, Board of Control Resolution No. 809-00, adopted December 6, 2000, affirmed and approved the bid of Woodhill Supply, Inc. as lowest and best bid for the City's requirements for copper piping; and

Whereas, bids were invited for a standard purchases contract for such copper pipe; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 809-00 adopted by this Board on December 6, 2000, is hereby amended by deleting all language after, "Woodhill Supply, Inc.", and inserting "for the following: copper pipe (all items) for the Division of Water, Department of Public Utilities, received on the 18th day of October, 2000, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the order quantities would amount to Thirty-Five Thousand, Three Hundred Eight Dollars (\$35,308.00) (2% / 10 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."

Be it further resolved that all other provisions of said Resolution No. 809-00 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

Resolution No. 77-01.

By Director Sheperd.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 552-2000 as amended by Ordinance No. 2128-2000, passed by the Cleveland City Council on November 20, 2000, GSI Architects, 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 architectural/engineering firm to be employed by contract for the purpose of providing professional architectural/engineering services for the design of the FAA TRACON renovation at Cleveland Hopkins International Airport.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with GSI Architects based on its proposal dated September 15, 2000, as supplemented by letter dated November 15, 2000. The fee for such services shall be an amount, not to exceed Three Hundred Eleven Thousand and Five Hundred Dollars (\$311,500.00). 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 GSI Architects, Inc., for the above-mentioned contract are hereby approved:

SUBCONSULTANT SERVICES

Roberts Consultants
(21% MBE)

Professional engineering services in the mechanical, electrical, and plumbing disciplines.

Vocon Design
(3% FBE)

Professional interior design services of City owned public spaces.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 78-01.

By Director Sheperd.

Whereas, pursuant to Section 571.85 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Port Control is authorized to fix fees for parking aircraft on City-owned and operated ramp areas at Cleveland Hopkins International and Burke Lakefront Airports in such amounts as said director deems appropriate, now; therefore,

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to the authority of Section 571.85 C.O., the following fees fixed by the Director of Port Control for parking aircraft at non-leased, City-owned and operated ramp areas, exclusive of the ramp adjacent to the terminal building at Cleveland Hopkins International

Airport, are hereby approved and shall be in force and effect for a one (1) year period from and after March 1, 2001:

| | |
|---|-----------|
| Public Aircraft | No Charge |
| Private Aircraft, Commercial Aircraft, Corporate Aircraft, Scheduled Air Carrier Aircraft, and Private Aircraft transporting persons for business purposes | \$100.00 |

Be it further resolved that the fees herein established shall apply to aircraft parked for periods from 4 to 24 hours, and for each additional 24 hour period, or portion thereof.

For the purposes of this Resolution, the following definitions shall apply:

"PUBLIC AIRCRAFT" shall mean aircraft used in the service of a government entity at the local, state or federal level.

"PRIVATE AIRCRAFT" shall mean aircraft that are not Commercial Aircraft, Corporate Aircraft, Public Aircraft, or Scheduled Air Carrier Aircraft.

"COMMERCIAL AIRCRAFT" shall mean aircraft carrying persons or property for compensation or hire.

"CORPORATE AIRCRAFT" shall mean company-owned aircraft transporting persons or property for business purposes.

"SCHEDULED AIR CARRIER AIRCRAFT" shall mean the aircraft of those airlines that submit schedules in advance and report landings on a monthly basis to the Department of Port Control.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 79-01.

By Director Sheperd.

Whereas, pursuant to the authority of Ordinance No. 2264-87, passed by the Council of the City of Cleveland on October 19, 1987, and Board of Control Resolution No. 324-98, adopted on May 6, 1998, as amended by Board of Control Resolution No. 431-98, adopted on June 17, 1998, the City, through its Director of Port Control entered into City Contract No. 53294 with Landrum & Brown, Inc. ("Consultant") for professional planning services related to the master plan for Cleveland Hopkins International Airport; and

Whereas, Board of Control Resolution No. 115-99, adopted on March 3, 1999, authorized the Director of Port Control to enter into a first amendment to Contract No. 53294, for an addition to the scope of work and increasing the compensation to Two Million Twenty Eight Thousand Two Hundred Eleven and 70/100 Dollars (\$2,028,211.70); and

Whereas, the City has determined it necessary to further modify the scope of work to include the additional professional services necessary for public relations support; and

Whereas, Consultant proposed in accordance with memorandum, dated January 31, 2001, to the Director of Port Control to perform additional services necessary for public relations support related to the Record of Decision (ROD); now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is hereby authorized to enter into a second amendment to the agreement between the City of Cleveland and Landrum & Brown, Inc. ("Consultant"), Contract No. 53294, for an addition to the scope of work consisting of public relations support as related to the Record of Decision as set forth in said memorandum, dated January 31, 2001, to the Director of Port Control. The amount to be paid for all services shall be increased by Fifty Three Thousand Six Hundred Eighty and 80/100 Dollars (\$53,680.80) from a contract amount of Two Million Twenty Eight Thousand Two Hundred Eleven and 70/100 Dollars (\$2,028,211.70) to a total contract amount not to exceed Two Million One Hundred Eighty One Thousand Eight Hundred Ninety Two and 50/100 Dollars (\$2,081,892.50).

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 80-01.

By Director Sheperd.

Whereas, pursuant to the authority of Ordinance No. 2264-87, passed by the Council of the City of Cleveland on October 19, 1987, and Board of Control Resolution No. 323-98, adopted on May 6, 1998, as amended by Board of Control Resolution No. 431-98, adopted on June 17, 1998, the City, through its Director of Port Control entered into City Contract No. 53295 with Landrum & Brown, Inc. ("Consultant") for professional planning services related to the Environmental Impact Statement ("EIS") for Cleveland Hopkins International Airport; and

Whereas, Board of Control Resolution No. 722-99, adopted on October 22, 1999, authorized the Director of Port Control to enter into a first amendment to Contract No. 53295, for an addition to the scope of work and increasing the compensation from an amount not to exceed Two Million Four Hundred Four Thousand and No/100 Dollars (\$2,404,075.00) to an amount not to exceed Two Million Six Hundred and Sixty Four Thousand One Hundred Ninety Seven and No/100 Dollars (\$2,664,197.00); and

Whereas, Board of Control Resolution No. 100-00, adopted on February 23, 2000 authorized the Director of Port Control to enter into a second amendment to Contract No. 53295, for an addition to the scope of work and increasing the compensation from an amount not to exceed Two Million Six Hundred and Sixty Four Thousand One Hundred Ninety Seven and No/100 Dollars (\$2,664,197.00) to an amount not to exceed Three Million Five Hundred Twenty Seven Thousand Nine Hundred and Fifty Two and No/100 Dollars (\$3,527,952.00); and

Whereas, the City has determined it necessary to further modify the scope of work to include the additional professional services necessary for Environmental Impact Statement support; and

Whereas, Consultant proposed in accordance with memorandum, dated January 31, 2001, to the Director of Port Control to perform additional services necessary; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is hereby authorized to enter into a third amendment to the agreement between the City of Cleveland and Landrum & Brown, Inc. ("Consultant"), Contract No. 53295, for an addition to the scope of work consisting of Environmental Impact Statement support as set forth in said memorandum, dated January 31, 2001, to the Director of Port Control. The amount to be paid for all services shall be increased by Five Hundred Twenty Two Thousand Four Hundred Twenty Six and 79/100 Dollars (\$522,426.79) from the contract amount of Three Million Five Hundred Twenty Seven Thousand Nine Hundred and Fifty Two and No/100 Dollars (\$3,527,952.00) to a total contract amount not to exceed Four Million Fifty Thousand Three Hundred and Seventy Eight Dollars and 79/100 (\$4,050,378.79).

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 81-01.

By Director Sheperd.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 908-2000, passed by the Cleveland City Council on June 19, 2000, KS Associates, Inc. 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 firm to be employed by contract for the purpose of providing professional services for surveying and for maintaining the master Storm Water Pollution Prevention Plan (SWPPP) for the expansion 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 a written contract with KS Associates, Inc. for said professional surveying and SWPPP services, based on its proposal dated October 13, 2000, as supplemented by letter dated October 18, 2000. The fee for such services shall be an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00). 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-consultant by KS Associates, Inc. for the above-mentioned contract is hereby approved:

SUBCONSULTANT SERVICES

DLZ Ohio, Inc.
(47% MBE) Engineering and Surveying

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 82-01.

By Director Sheperd.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Anthony Allega Cement Contractor, Inc. for the public improvement of New Runway 5L-23R (6L-24R) Stage 1, including Alternate Nos. 1, 2E and 3-6, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on the 24th day of August 2000, pursuant to the authority of Ordinance Nos. 552-2000, passed June 19, 2000, and 1234-2000, passed July 17, 2000, upon a unit basis for the improvement in the aggregate amount of One Hundred Twenty-Nine Million Five Hundred Forty-Six Thousand Seven Hundred Seventy-Eight and 55/100 Dollars (\$129,546,778.55) 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 for Anthony Allega Cement Contractor, Inc. are hereby approved:

| <u>SUBCONTRACTOR</u> <u>MBE/FBE %</u> | <u>SUBCONTRACT</u> <u>AMOUNT</u> |
|--|-------------------------------------|
| North Electric, Inc. MBE 7% | \$8,541,805.00 |
| Bradley Construction Co., Inc. MBE 7% | \$9,427,250.00 |
| RMC, Inc. MBE 3% | \$3,711,255.00 |
| Cuyahoga Supply & Tool, Inc. MBE .45% | \$ 591,411.00 |
| Chem-Ty Environmental, Inc. FBE 6% | \$8,132,573.00 |
| Ballast Fence FBE .31% | \$ 405,059.00 |

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 83-01.

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 Brookpark Waterline Relocation,

including Reference Nos. 1-109, 115-117, plus contingencies, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on the 25th day of August 2000, pursuant to the authority of Ordinance Nos. 552-2000, passed June 19, 2000, and 1234-2000, passed July 17, 2000, upon a unit basis for the improvement in the aggregate amount of Three Million Eight Hundred Forty Three Thousand Seven Hundred and Thirty One and 60/100 Dollars (\$3,843,731.60), 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 for Independence Excavating, Inc. are hereby approved:

| <u>SUBCONTRACTOR</u> <u>MBE/FBE</u> | <u>AMOUNT</u> |
|--|---------------|
| LT Services FBE (1%) | \$ 50,000.00 |
| KS Associates FBE (1%) | \$ 30,000.00 |
| Lawrence Harris Construction MBE (6%) | \$230,000.00 |
| Burkshire Construction FBE (10%) | \$370,000.00 |
| Granger Trucking MBE (1%) | \$ 50,000.00 |

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 84-01.

By Director Sheperd.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of B-Tech Systems Integrators for the public improvement of the installation of fiber optic cable and racks, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on November 22, 2000, pursuant to the authority of Ordinance No. 1269-97, passed May 18, 2000, upon a unit basis for the improvement in the aggregate amount of Sixty-One Thousand Two Hundred Eighty Dollars (\$61,280.00) 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.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 85-01.

By Director Sheperd.

Be it resolved by the Board of Control of the City of Cleveland that

the bid of B&B Wrecking and Excavating, Inc. for public improvement of the demolition of the Analex and 100th Bomb Group Restaurant structures, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on September 8, 2000, pursuant to the authority of Ordinance Nos. 552-2000, passed June 19, 2000, and 1234-2000, passed July 17, 2000, upon a unit basis for the improvement in the aggregate amount of Three Hundred Forty Four Thousand Dollars (\$344,000.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Port Control is hereby authorized to enter into a contract for said improvement with said bidder.

Be it further resolved by the Board of Control that the following subcontractors to B&B Wrecking for public improvement of the demolition of the Analex and 100th Bomb Group Restaurant are hereby approved:

| <u>SUBCONTRACTOR</u> | <u>SUBCONTRACT</u> | <u>AMOUNT</u> |
|----------------------|--------------------|---------------|
| <u>MBE/FBE %</u> | <u>%</u> | <u></u> |
| LT Services | | |
| FBE 10% | | \$34,400.00 |
| Obon Trucking | | |
| MBE 30% | | \$103,200.00 |

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 86-01.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland, that all bids received on January 19, 2001, for an estimated quantity of cab/chassis with aerial bucket/chip dump body for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 1685-2000, passed by the Council of the City of Cleveland on October 30, 2000, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 87-01.

By Director Ricchiuto and Director Warren.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Henle Builders, for the Cleveland House of Corrections Warehouse, Vehicle Garage, and Maintenance Building, base bid only, for the Department of Public Service and the Department of Economic Development, received on December 20, 2000, pursuant to the authority of Ordinance No. 478-98 passed June 1, 1998, for a gross price for the improvement in the aggregate amount of One Million Six Hundred Sixty Two Thousand

and no/100 Dollars (\$1,662,000.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Service and the Director of Economic Development are hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Henle Builders is hereby approved:

| | | |
|-------------------------|--|-----------|
| A & L Sewer | | |
| MBE | | \$180,000 |
| Wilson Contracting | | |
| MBE | | \$70,000 |
| P & L Industries | | |
| FBE | | \$72,000 |
| Gratton Building Supply | | |
| FBE | | \$28,000 |

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 88-01.

By Director Whitlow.

Resolved, by the Board of Control of the City of Cleveland that the bid of Physicians Sales and Services for an estimated quantity of pneumococcal vaccine (all items) for the Division of Health, Department of Public Health, for the period of one (1) year beginning with the date of execution of a contract, received on the 29th day of November 2000, pursuant to the authority of Ordinance No. 646-2000, passed June 12, 2000, which on the basis of the estimated quantity would amount to Thirty-Nine Thousand Eight Hundred Forty-Seven and 50/100 (\$39,847.50) Dollars (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Health is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 18403
Pneumococcal vaccine
which shall be certified against such contract in the sum of Two Thousand Nine Hundred Seventy and 00/100 (\$2,970.00) Dollars.

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

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 89-01.

By Director Guzman.

Whereas, by Resolution No. 13-01, adopted January 10, 2001, pursuant to Ordinance No. 904-2000, passed August 7, 2000, this Board of Control approved Santa Cruz Associates, Ltd. as the lowest and best bidder for the purchase of shotgun locks and related equipment, for the Division of Police, Department of Public Safety; and

Whereas, Ordinance No. 98-01 passed January 22, 2001 amended said Ordinance No. 904-2000 to provide additional purchase authority; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 13-01, adopted by this Board on January 10, 2001, affirming and approving Santa Cruz Associates, Ltd. as the lowest and best bidder for the purchase of shotgun locks and related equipment, for the Division of Police, Department of Public Safety, hereby is amended by adding "as amended by Ordinance No. 98-01, passed January 22, 2001," after "Ordinance No. 904-2000, passed August 7, 2000".

Be it further resolved that all other provisions of said Resolution No. 14-01 not expressly amended hereby shall remain in full force and effect.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 90-01.

By Director Guzman.

Whereas, by Resolution No. 14-01, adopted January 10, 2001, pursuant to Ordinance No. 904-2000, passed August 7, 2000, this Board of Control approved D. R. Ebel Fire Equipment Sales & Service, Inc. as the lowest and best bidder for the purchase of equipment mounting consoles, for the Division of Police, Department of Public Safety; and

Whereas, Ordinance No. 98-01 passed January 22, 2001 amended said Ordinance No. 904-2000 to provide additional purchase authority; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 14-01, adopted by this Board on January 10, 2001, affirming and approving D. R. Ebel Fire Equipment Sales & Service, Inc. as the lowest and best bidder for the purchase of equipment mounting consoles, for the Division of Police, Department of Public Safety, hereby is amended by adding "as amended by Ordinance No. 98-01, passed January 22, 2001," after "Ordinance No. 904-2000, passed August 7, 2000".

Be it further resolved that all other provisions of said Resolution No. 14-01 not expressly amended hereby shall remain in full force and effect.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.
Absent: None.

Resolution No. 91-01.

By Director Guzman.

Whereas, by Resolution No. 15-01, adopted January 10, 2001, pursuant to Ordinance No. 904-2000, passed August 7, 2000, this Board of Control approved Fox International as the lowest and best bidder for the purchase of emergency vehicle lighting/siren systems, Federal Signal, partition conversion kits and radio mounting trays, for the Division of Police, Department of Public Safety; and

Whereas, Ordinance No. 98-01 passed January 22, 2001 amended said Ordinance No. 904-2000 to provide additional purchase authority; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 15-01, adopted by this Board on January 10, 2001, affirming and approving Fox International as the lowest and best bidder for the purchase of various items of emergency vehicle lighting/siren systems, Federal Signal, partition conversion kits and radio mounting trays, for the Division of Police, Department of Public Safety, hereby is amended by adding "as amended by Ordinance No. 98-01, passed January 22, 2001," after "Ordinance No. 904-2000, passed August 7, 2000".

Be it further resolved that all other provisions of said Resolution No. 14-01 not expressly amended hereby shall remain in full force and effect.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheperd, Ricchiuto, Acting Directors Harrison, Szabo, Director Miller, Acting Director Ross, Director Patterson Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES**General Information**

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

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

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

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

ANNE BLOOMBERG,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 5, 2001

9:30 A.M.

Calendar No. 01-12: Appeal of Cleveland Championships 2000 Denied Application for Exemption Cleveland Championships 2000 appeals under Section 76-6 of the Charter of the City of Cleveland from the denial of an Application for Exemption from Collection of Admissions Tax dated January 31, 2000 by the Commissioner of Assessments and Licenses.

Calendar No. 01-17: Appeal of Leonard B. Bey Hack License Revocation

Leonard B. Bey appeals under Section 76-6 of the Charter of the City of Cleveland and Section 443.131(g) of the Codified Ordinances from the revocation of a license to operate a taxi-cab issued by Dorothy Michalko, Acting Commissioner of Assessments and Licenses, upon the recommendation of Director Henry Guzman, Department of Public Safety.

Calendar No. 01-21: 3300 Brookpark Road (Ward 16)

Kyle Kazak, owner, appeals to construct a 26' x 26' one-story frame, accessory garage with an approximate 5'-6" x 5'-6" restroom all situated on a 40' x 100' parcel located in a Two-Family District on the northwest corner of Brookpark Road at 3300 Brookpark Road; said construction being contrary to the Residential District Requirements where the existing lot area is 4000 sq. ft. and an accessory building in a Residential District shall not exceed 650 sq. ft. unless the lot area exceeds 4,800 sq. ft. as stated in Section 337.23(7)(a) of the Codified Ordinances.

Calendar No. 01-23: 6800-6806 Detroit Avenue (Ward 17)

West Side Ministries, owner c/o Mike Scherer, agent, appeals to change the use of an existing, approximate 35' x 90' two-story building by converting one dwelling unit on the first floor to offices and three dwelling units on the second floor to remain unchanged; all situated on an approximate 49' x 96' parcel located in a General Retail Business District on the north side of Detroit Avenue at 6800-6806 Detroit Avenue; a said change of use that requires the Board of Zoning Appeals approval and is subject to the expansion of non-conforming use limitations of Section 359.01 of the Codified Ordinances.

Calendar No. 01-25: 3502 Clark Avenue (Ward 14)

Gene Zannoni, owner, appeals to construct a 94' x 108' one-story, 32' high warehouse building situated on a 150' x 360' irregular shaped parcel located in a split zoned district for General Retail and Two-Family Districts on the northwest corner of Clark Avenue and Fulton Road at 3502 Clark Avenue; said construction being contrary to the Residential District Requirements of Section 337.03 where a warehouse is not permitted in a Two-Family District and 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 stated in Section 345.03 and contrary to the Off-Street Parking and Loading Requirements, where the proposed building is 6' from the building line and 50' is required and the proposed building is 43' from the center line of street and 80' is required and unloading space access directly from a street requires the Board of Zoning Appeals approval as stated in Section 349.17 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, FEBRUARY 20, 2001

At the meeting of the Board of Zoning Appeals on Tuesday, February 20, 2001, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 01-09: 10306 Sandusky Avenue

Willis Booker, owner, appealed to enclose a 24' x 7'-8" one-story front existing porch of a two family dwelling in a Two-Family District; upon submission and approval of a modified plan showing additional windows in the walls of the porch enclosure.

Calendar No. 01-11: 2309 East 95th Street

Deborah Armstead, owner, appealed to enclose a 22-8" x 8' one-story, existing front porch of a one family dwelling in a Two-Family District; upon submission and approval of a modified plan showing additional windows in the walls of the porch enclosure.

Calendar No. 01-14: 8109 Quincy Avenue

Fairfax Renaissance Development Corporation, owners, appealed to construct a 183' x 123' four-story, steel framed office building in split zoning between Local Retail Business and Two-Family Districts.

Calendar No. 01-22: 635-677 East 103rd Street

Glenville Development Corporation, owners, appealed to construct a three-story, 48 unit elderly housing complex on a parcel located in split zoning between Two-Family and General Retail Business Districts.

The following appeal was **Withdrawn:**

Calendar No. 01-10: 4490 West 12th Street

Joseph Passafiume, owner, appealed to change the use of a one dwelling unit to two dwelling units in a One-Family District.

The following appeal was **Dismissed:**

Calendar No. 00-369: 5109 Memphis Avenue

Nicholas Haviaras, owner, and S&P Detailing, tenant, appealed to

change the use of a one-story retail store building to an auto detailing shop in a Local Retail Business District.

The following appeal was **Postponed**:

Calendar No. 01-08: 6200 South Marginal Road postponed to March 26, 2001.

On Tuesday, February 20, 2001, in Executive Session:

The following appeals were heard on Monday, February 12, 2001, and said decisions were approved and adopted by the Board on February 20, 2001:

The following appeal was **Approved**:

Calendar No. 01-04: 256 East 156th Street
Lugene Robinson, owner, appealed to change the use of a 30' x 51' one-story, one dwelling unit to one dwelling unit and a church in a Local Retail Business District.

The following appeals were **Denied**:

Calendar No. 01-06: 17600 Lake Shore Boulevard
Ante Susnjara, owner, appealed to change the use of a 38' x 44' one-story service station to a used car sales lot in a General Retail Business District.

Calendar No. 01-07: 4193 West 130th Street
Christian Diaconescu, owner, appealed to change the use of a 60' x 140' parcel into a used car sales lot in a Local Retail Business District.

Calendar No. 00-363: 16122 Lake Shore Boulevard
Euclid Beach Plaza Association, owners, appealed to change the use of a 20' x 30' tenant space of an existing shopping plaza from a dry cleaning store to an instant bingo ticket sales and instant bingo vending machine use in a General Retail Business District.

The following appeal was heard on Tuesday, January 2, 2001, and said decision was approved and adopted by the Board on February 20, 2001:

Calendar No. 00-342: 4612 Lee Road
Lee Heights Community Church, owner, and Golden Rule Day Care, appealed to expand the use of an existing church by using the basement as a day care for 12 preschool students in a Two-Family District.

EUGENE CRANFORD, JR.,
Secretary

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

Re: Report of the Meeting of
February 14, 2001

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland,

Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

* * *

Docket A-178-00.

RE: Appeal of Junior Jay, Owner of the One Story Masonry Storage Type 4 Semi-Industry C3 Property, located on the premises known as 7211 Carnegie Avenue from a NOTICE OF VIOLATION/UNSAFE STRUCTURE of the Commissioner of the Division of Building and Housing dated September 25, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) months in which to ascertain the disposition of the property, and to require that the property remain boarded and secured during that period of time; to require the Appellant to submit a letter certifying the safety of the temporary structure to be submitted to the Building Department within fourteen (14) days; and to REMAND the property at 7211 Carnegie Avenue to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

* * *

Docket A-189-00.

RE: Appeal of Raymel Investments, Owner of the Two & One-half Story Masonry Office/Warehouse Property located on the premises known as 2400-98 Superior Avenue from a NOTICE OF VIOLATION/UNAUTHORIZED OCCUPANCY/FIRE DAMAGE of the Commissioner of the Division of Building and Housing, dated October 12, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date; the docket will be rescheduled for February 28, 2001.

* * *

Docket A-194-00.

RE: Appeal of Andrew William Gallagher, Owner of the Two & One-half Story Frame Residential Property located on the premises known as 10019 Cliff Drive from a NOTICE OF VIOLATION/ERECT RESIDENTIAL of the Commissioner of the Division of Building and Housing dated October 27, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date; the docket will be rescheduled for February 28, 2001.

* * *

Docket A-202-00.

RE: Appeal of P&D Realty/Phil D'Amico, Owner of the One Story Brick Commercial Factory Property

located on the premises known as 6621 Morgan Avenue from a NOTICE OF VIOLATION/NO PERMIT of the Commissioner of the Division of Building and Housing, dated October 23, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date; the docket will be rescheduled for February 28, 2001.

* * *

Docket A-203-00.

RE: Appeal of Christopher McClatchey, Owner of the One Story Frame Residential Property located on the premises known as 8620 Force Avenue from a 30 DAY CONDEMNATION ORDER/MS of the Commissioner of the Division of Building and Housing dated November 10, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 8620 Force Avenue to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Bowes.

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

* * *

Docket A-217-00.

RE: Appeal of Ken Hylan, (Owner), and McDonald's Corp., (Lessee), Owner of the One Story Restaurant Property located on the premises known as 10411 St. Clair Avenue from a NOTICE OF VIOLATION/GENERAL MAINTENANCE/HVAC/PLUMBING/ELECTRICAL of the Commissioner of the Division of Building and Housing dated December 20, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to either install a limited area suppression system, using the existing domestic water line, or provide a hardwired smoke detection system to alarm at both levels, and to require that the sprinklers be resolved within thirty (30) days. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

Yeas: Denk, Williams, Saunders, Sullivan. Nays: Mr. Bowes.

* * *

Docket L-2-01.

RE: Appeal of Frank J. McHale, appeals from a LETTER OF DENIAL FOR RENEWAL OF JOURNEYMAN PLUMBER LICENSE of the Commissioner of the Division of Assessments & Licenses dated January 4, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket L-2-01 has been WITHDRAWN at the request of the Appellant, noting that the Appellant's Journeyman Plumber License has been renewed.

Docket L-5-01.

RE: Appeal of Victor J. Cianci, appeals from a LETTER OF DENIAL FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated February 6, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

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

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

* * *

Docket A-2-01.

RE: Appeal of Alfred Jones, Land Contract Owner of the Two Story Masonry Ten (10) Dwelling Units/Two (2) Stores Property located on the premises known as 6938 Kinsman Road (a.k.a. 2868-70 Sidaway Avenue) from a 30 DAY CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated September 9, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for additional time, and to REMAND the property at 6938 Kinsman Road (a.k.a. 2868-70 Sidaway Avenue) to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-15-01.

RE: Appeal of Ohio Savings Management, owner of the Property, located on the premises known as 1111 Chester Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated January 30, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit the exiting to remain as is and in compliance with all codified ordinances, and to grant the variance to permit the manual unlocking station to be signified as a fire alarm pull station or to be constructed as a fire alarm pull station with proper notification that the release will release by use of this fire alarm, of this pull station, will a fire alarm and will unlock the door, and that the elevator lobby doors and partitions must be one-hour rated. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

APPROVAL OF RESOLUTIONS:

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

- A-179-00—Neil T. Clough.
- A-191-00—Guy Templeton Black.
- A-197-00—Third Federal Savings & Loan Association.
- L-1-01—Larry J. Magana.
- L-3-01—Dennis Mikonsky.
- L-4-01—Edward Steiml.
- A-8-01—Cleveland Housing Network.
- A-12-01—Penton Media Building.

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

* * *

APPROVAL OF MINUTES:

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

January 31, 2001

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

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, City Hall, immediately thereafter.

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE

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

WEDNESDAY, FEBRUARY 28, 2001

Refurbishment of Front End Loaders and Roll Off Containers, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 725-2000, passed by the Council of the City of Cleveland, May 22, 2000.

February 14, 2001 and February 21, 2001

THURSDAY, MARCH 1, 2001

The Installation of Fencing at Various CSX and Norfolk Southern RR Locations, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1399-2000, passed by the Council of the City of Cleveland, November 13, 2000.

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.

February 14, 2001 and February 21, 2001

WEDNESDAY, MARCH 7, 2001

Upgrade of HVAC Remote Panel Units, for the Department of Port Control, as authorized by Ordinance No. 1269-97, passed by the Council of the City of Cleveland, May 15, 1997.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, FEBRUARY 22, 2001, 1:30 P.M., IN THE ENGINEERING CONFERENCE ROOM, 19501 FIVE POINTS ROAD (AND CARGO), CLEVELAND, OHIO 44135.

Purchase and Installation of Two (2) New Digital Dictaphones, for the Department of Port Control, as authorized by Ordinance No. 1269-97, passed by the Council of the City of Cleveland, May 15, 1997.

A PRE-BID MEETING WILL BE HELD ON FRIDAY, FEBRUARY 23, 2001, 1:30 P.M., IN THE ENGINEERING CONFERENCE ROOM, 19501 FIVE POINTS ROAD (AND CARGO), CLEVELAND, OHIO 44135.

Gerber Edge Computer System (Hardware and Software), for the Division of Traffic Engineering, Department of Public Safety, as authorized by Ordinance No. 1005-2000, passed by the Council of the City of Cleveland, July 17, 2000.

February 14, 2001 and February 21, 2001

THURSDAY, MARCH 8, 2001

Replace Existing Heaters on Apparatus Floor at Various City Fire Stations, for the Department of Public Safety, as authorized by Ordinance No. 927-2000, passed by the Council of the City of Cleveland.

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, FEBRUARY 22, 2001, 10:00 A.M., AT THE FIRE STATION NO. 13, 4950 BROADWAY AVENUE, CLEVELAND, OHIO.

Concrete Pavement Repair/Replacement and Floor Resurfacing at Various City Fire and Police Stations, for the Department of Public Safety, as authorized by Ordinance No. 927-2000, passed by the Council of the City of Cleveland.

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 FRIDAY, MARCH 2, 2001, 10:00 A.M., AT THE FIRE STATION NO. 42, 4665 PEARL ROAD, CLEVELAND, OHIO.

East 40th Street - Phase III: Superior Avenue to South Marginal Road, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1587-2000, passed by the Council of the City of Cleveland, November 27, 2000, for the Department of Public Safety, as authorized by Ordinance No. 927-2000, passed by the Council of the City of Cleveland.

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.

February 14, 2001, February 21, 2001 and February 28, 2001

THURSDAY, MARCH 8, 2001

Mini Crimescopes, for the Division of Police, Department of Public

Safety, as authorized by Ordinance No. 1005-2000, passed by the Council of the City of Cleveland, July 17, 2000.

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

Six (6) Truck Load Scales, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1005-2000, passed by the Council of the City of Cleveland, July 17, 2000.

February 14, 2001 and February 21, 2001

WEDNESDAY, MARCH 14, 2001

Pavement Installation and/or Repair, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 747-2000, passed by the Council of the City of Cleveland, June 19, 2000.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, MARCH 7, 2001, AT THE CLEVELAND PUBLIC POWER, 1300 LAKE SHORE AVENUE, CLEVELAND, OHIO, 10:00 A.M. ATTENDANCE IS MANDATORY.

February 14, 2001 and February 21, 2001

**Request for Qualifications (RFQ):
WBS NO. K530 —
ENVIRONMENTAL ANALYTICAL
SERVICES**

Interested firms may obtain Qualification Packages beginning February 16, 2001 by going to:

www.clevelandairport.com

Submit Questions (prior to the Pre-Qualification meeting) via the website or e-mail at:

proposal@clevelandairport.com

SUBMITTAL DUE DATE:

WEDNESDAY, MARCH 14, 2001
AT 12:00 O'CLOCK NOON

PRE-QUALIFICATIONS MEETING:

WEDNESDAY, FEBRUARY 21, 2001
10:00 a.m.
Program Management
Team Office
19501 Five Points Road
Cleveland, Ohio 44135

For Further Information Contact:

Denise Hale, Mon. - Fri. 8 A.M. - 5 P.M.
(216) 676-9699 x 103
(216) 676-9778 (fax)

February 14, 2001 and February 21, 2001

WEDNESDAY, MARCH 7, 2001

Repair 1750 HP Synchronous Motor Unit #3 at Crown Pump Station, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2103-2000, passed by the Council of the City of Cleveland, December 18, 2000.

Commercial Gases, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1862-2000, passed by the Council of the City of Cleveland, November 20, 2000.

February 21, 2001 and February 28, 2001

FRIDAY, MARCH 9, 2001

Maintenance, Repair and/or Replacement of HVAC Systems (WPC-Group B), for the various divisions of the Department of Public Utilities, as authorized by Ordinance No. 825-2000, passed by the Council of the City of Cleveland, June 12, 2000.

A PRE-BID MEETING WILL BE HELD ON FRIDAY, MARCH 2, 2001, 10:00 A.M., AT THE OFFICES OF THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO. ATTENDANCE IS MANDATORY.

Property Insurance for the Cleveland Browns Football Stadium, for the Division of Convention Center and Stadium/West Side Market, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 303-96, passed by the Council of the City of Cleveland, March 6, 1996.

First Aid Supplies, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 315-2000, passed by the Council of the City of Cleveland, April 17, 2000.

Ready-Mix Concrete, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 705-99, passed by the Council of the City of Cleveland, May 17, 1999.

February 21, 2001 and February 28, 2001

WEDNESDAY, MARCH 14, 2001

Upgrade and Repair 800HP Synchronous Motor Unit E29 at Morgan Pump Station, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2107-2000, passed by the Council of the City of Cleveland, December 18, 2000.

Repair Heating Boilers at Glenville Recreation Center, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 845-2000, passed by the Council of the City of Cleveland, June 12, 2000.

February 21, 2001 and February 28, 2001

THURSDAY, MARCH 15, 2001

The Rehabilitation of East 55th Street — Phase III — from Superior Avenue to South Marginal Road, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1588-2000, passed by the Council of the City of Cleveland.

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.

One (1) Folding-Inserting System, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1677-2000, passed by the Council of the City of Cleveland, November 27, 2000.

February 21, 2001 and February 28, 2001

FRIDAY, MARCH 16, 2001

Toro Mower Parts, for the various divisions of City Government, Department of Public Service, as authorized by Ordinance No. 474-2000, passed by the Council of the City of Cleveland, April 17, 2000.

February 21, 2001 and February 28, 2001

WEDNESDAY, MARCH 21, 2001

Towel and Linen Service, for the various divisions of City Government, Department of Finance.

February 21, 2001 and February 28, 2001

WEDNESDAY, MARCH 28, 2001

Chamberlin Water Tower Demolition, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1980-96, passed by the Council of the City of Cleveland, June 2, 1997.

A DEPOSIT OF SEVENTY-FIVE DOLLARS (\$75.00) 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.

February 21, 2001 and February 28, 2001

THURSDAY, MARCH 29, 2001

Maintenance of Decorative and Special Lighting, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 830-2000, passed by the Council of the City of Cleveland, June 12, 2000.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, MARCH 14, 2001, 10:00 A.M., AT THE CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO. ATTENDANCE IS MANDATORY.

February 21, 2001 and February 28, 2001

Request for Qualifications (RFQ): AIM240 ELECTRICAL VAULTS (EV) 5 and 7 Project

Interested firms may obtain Qualifications Packages beginning February 23, 2001 by going to:

www.clevelandairport.com

Submit Questions (prior to the Pre-Qualification meeting) via the website or e-mail at:

proposal@clevelandairport.com

SUBMITTAL DUE DATE:

FRIDAY, MARCH 16, 2001
AT 12:00 O'CLOCK NOON

PRE-QUALIFICATIONS MEETING:

THURSDAY, MARCH 1, 2001
2:00 p.m.
Program Management
Team Office
19501 Five Points Road
Cleveland, Ohio 44135

For Further Information Contact:

Denise Hale, Mon.-Fri. 8 A.M.-5 P.M.
(216) 676-9699 x 103
(216) 676-9778 (fax)

February 21, 2001 and February 28, 2001

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1883-2000.
By Councilman Britt (by request).
An emergency resolution declaring the intention to vacate a portion of Mt. Overlook Avenue S.E.

Whereas, this Council; is satisfied that there is good cause to vacate a portion of Mt. Overlook Avenue S.E. as hereinafter described; and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of MT. OVERLOOK AVENUE S.E. (40.00 feet wide), extending Easterly from the Easterly line of Martin Luther King, Jr. Drive S.E. (130.00 feet wide) to the Southerly prolongation of the Easterly line of Sublot Number 51 in the East Boulevard Subdivision as shown in Volume 54, Page 9 of Cuyahoga County Records.

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

Adopted February 12, 2001.
Effective February 20, 2001.

Res. No. 2033-2000.
By Councilman Cimperman (by request).
An emergency resolution declaring the intention to vacate a portion of Hamilton Court N.E.

Whereas, this Council; is satisfied that there is good cause to vacate a portion of Hamilton Court N.E. as hereinafter described; and

Whereas, this resolution constitutes an emergency measure in that the same provides for the usual

daily operation of a municipal department; now, therefore,

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of HAMILTON COURT N.E. (16.50 feet wide), extending Easterly from the Easterly line of East 38th Street (99.00 feet wide) to the Westerly line of East 40th Street (99.00 feet wide).

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

Adopted February 12, 2001.
Effective February 20, 2001.

Res. No. 2034-2000.
By Councilmen Johnson and Britt (by request).

An emergency resolution declaring the intention to vacate portions of Williams Avenue and East 128th Street.

Whereas, this Council; is satisfied that there is good cause to vacate a portions of Williams Avenue and East 128th Street as hereinafter described; and

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

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

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

**LEGAL DESCRIPTION WILLIAMS AVENUE
OF PORTIONS WILLIAMS AVENUE
& E. 128TH ST.**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lots No. 429 and further bounded and described as follows:

Beginning at the intersection of the centerline of East 127th Street (44.00 feet wide) and the centerline of Williams Avenue (50.00 feet wide);

Thence North 89°-36'-00" East along the centerline of Williams Avenue, 190.25 feet to the principal place of beginning of Williams Avenue to be vacated and further bounded and described as follows:

Thence North 00°-24'-00" West, 25.00 feet to a point on the northerly line of Williams Avenue;

Thence North 89°-36'-00" East along the northerly line of Williams Avenue, 49.63 feet to a point of curvature;

Thence along the curved line of Williams Avenue deflecting to the right, an arc of 76.83 feet, said curve having a radius of 89.61 feet and a chord that bears South 20°-16'-40" East, 74.50 feet to a point on the curved easterly line of East 128th Street;

Thence continuing along the curved line of East 128th Street, deflecting to the right, an arc of 48.58 feet, said curve having a radius of 89.61 feet and a chord that bears South 11°-14'-43" East 47.99 feet to a point of tangency;

Thence South 04°-16'-45" West along the easterly line of East 128th Street, 142.34 feet to a point of curvature;

Thence along a curved turnout to East 128th Street deflecting to the left, an arc of 32.18 feet, said curve radius of 19.86 feet and a chord that bears South 42°-07'-32" East, 28.77 feet to a point on the northerly line of Drexmore Road, (60.00 feet wide);

Thence North 88°-31'-50" West along the westerly prolongation of Drexmore Road, 65.91 feet to the westerly line of East 128th Street;

Thence North 04°-16'-45" East along the westerly line of East 128th Street, 165.61 feet to a point of curvature;

Thence along the curved turnout of East 128th Street deflecting to the left, an arc of 65.54 feet, said curve having a radius of 40.00 feet and a chord that bears North 42°-39'-38" West, 58.45 feet to a point in the southerly line of Williams Avenue;

Thence South 89°-36'-00" West along the southerly line of Williams Avenue, 53.55 feet to a point;

Thence North 00°-24'-00" West, 25.00 feet to the principal place of beginning and containing 0.1215 acres of land with Williams Avenue and 0.2238 acres of land with East 128th Street as calculated and described by North Coast Engineering and Surveying Co., in May, 2000, be the same more or less, but subject to all legal highways.

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

Adopted February 12, 2001.

Effective February 20, 2001.

Res. No. 2124-2000.

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

An emergency resolution declaring it necessary to improve West 117th Street from Madison Avenue to approximately 100 feet north of Clifton Boulevard by constructing an amenity strip in the sidewalk and emplacing tree pockets.

Whereas, this resolution constitutes an emergency measure for the immediate preservation of the public property, health, or safety in that the improvements to West 117th Street are urgently needed to further the West 117th Streetscape Project between and among the City of Cleveland, the City of Lakewood, and Cuyahoga County and the emergency adoption of this resolution is necessary so that work can commence on the improvements as soon as possible and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That it is necessary and conducive to the public health and welfare that West 117th Street from Madison Avenue to approximately 100 feet north of Clifton Boulevard be improved by constructing an amenity strip in the sidewalk and emplacing tree pockets along the public right-of-way for the purpose of implanting shade trees in accordance with plans, specifications and profiles, at the estimated cost of \$135,525.99, heretofore prepared and placed in File No. 2124-

2000-A in the Office of the Clerk of Council, which plans, specifications and profiles are hereby approved.

Section 2. That so much of the cost and expense of said improvement less in any event one-fiftieth of the whole cost, and less the entire cost of intersections, as shall be found to be a proper charge, shall be assessed by the front footage of all lots and lands abutting upon, and other specially benefited property adjacent to West 117th Street from Madison Avenue to approximately 100 feet north of Clifton Boulevard, and it is hereby determined that said lots and lands are specially benefited by said improvements. The cost of said improvement shall include the cost of plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damages resulting from the work assessed in favor of any owner of land affected by the work and the interest thereon, the costs incurred in connection with the preparation, levy and collection of special assessments, the cost of purchasing, appropriating and otherwise acquiring therefor any required real estate or interests therein, the cost of all labor and materials, and all other necessary expenditures. The Director of Public Service has fixed 5 years as the estimated life of said improvements.

Section 3. That the entire amounts to be levied shall be paid in five (5) annual installments, with interest on deferred payments at the rate of 5.3% per annum provided, however, that the owner of any property assessed may, at his option, pay the principal amount of such assessment in cash within 40 days from and after the passage of the assessing ordinance.

Section 4. That the remainder of the entire cost of said improvement not specially assessed, as herein provided, shall be paid by the City of Cleveland, or out of funds made available to it by other sources, or governmental agencies.

Section 5. That the Director of Finance is hereby directed to cause written notice to be served upon the owner of each lot or parcel of land to be assessed, or upon any other persons or corporations entitled by any provision of law to notice of the adoption of this resolution.

Section 6. That the Commissioner of Assessments and Licenses is hereby authorized and directed to prepare and file in the Office of the Clerk of Council an estimated assessment in accordance with the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessments shall be based upon the estimated cost of the improvement in accordance with the plans, specifications and profiles now on file in the Office of the Clerk of Council. The estimated assessment shall be filed in the Office of the Clerk and kept available for public inspection.

Section 7. 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 February 12, 2001.

Effective February 20, 2001.

Res. No. 231-01.

By Councilman Brady.

An emergency resolution strongly urging the administration to seek to provide affordable health care benefits to school crossing guards during upcoming contract negotiations with health care insurance providers.

Whereas, school crossing guards benefit the citizens of the City by ensuring the safety of its school children; and

Whereas, working as a school crossing guard prohibits a person from holding down a full-time job; and

Whereas, school crossing guards working for the City are not provided affordable health care benefits, as are other City employees; and

Whereas, the salaries of school crossing guards are extremely low, thereby increasing the need for affordable health care benefits; and

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

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

Section 1. That this Council strongly urges the administration to seek to provide affordable health care benefits to school crossing guards during upcoming contract negotiations with health care insurance providers.

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

Adopted February 12, 2001.

Effective February 20, 2001, without the signature of the Mayor.

Res. No. 232-01.

By Councilman Britt.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 2623 Woodhill Rd., 1st Fl. Only.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 4155619, Isa Sylvia Inc., DBA Saveaway Food, 2623 Woodhill Rd., 1st Fl. Only, Cleveland, Ohio 44104 to Permit No. 6416010, Nisreen Nenna Inc., DBA Saveaway Food, 2623 Woodhill Rd., 1st Fl. Only, Cleveland, Ohio 44104; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department

of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 4155619, Isa Sylvia Inc., DBA Saweway Food, 2623 Woodhill Rd., 1st Fl. Only, Cleveland, Ohio 44104 to Permit No. 6416010, Nisreen Nenra Inc., DBA Saweway Food, 2623 Woodhill Rd., 1st Fl. Only, Cleveland, Ohio 44104 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted February 12, 2001.

Effective February 20, 2001.

Res. No. 233-01.

By Councilman Lewis.

An emergency resolution urging all utility companies providing service in the City of Cleveland to compile and publish a list of entities affiliated with or authorized by the respective utility company to accept payment for services and urging citizens to make payments to only utility-authorized entities.

Whereas, the City of Cleveland is comprised of hard-working, industrious citizens who pay their utility bills timely and in full; and

Whereas, many of these citizens pay their utility bills at local banks and retail establishments, as opposed to paying them directly to the utility company either through the mail or in person; and

Whereas, there are many unscrupulous entities and local establishments that accept payment for utilities from citizens and then fail to forward the payment to the proper utility company; and

Whereas, this Council of the City of Cleveland urges all utility companies to compile a list of entities affiliated with or authorized by the respective utility company to accept payment for services; and

Whereas, the utility companies should publish such lists in the local newspapers, through local news media and in the public libraries as a protection for our citizens against unscrupulous entities; and

Whereas, our citizens should consult such lists and make payment only to utility-authorized entities; and

Whereas, in the event that payment is made to an unauthorized entity and such payment for utility service is not processed timely to the utility company, citizens should immediately notify the utility company and the police department that a fraud has occurred; and

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

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

Section 1. That this Council of the City of Cleveland urges all utility companies providing service in the City of Cleveland to compile a list of entities affiliated with or authorized by the respective utility company to accept payment for services and encourages the utility companies to publish such lists in the local newspapers, through local news media and in the public libraries as a protection for our citizens against unscrupulous entities.

Section 2. That Council encourages our citizens to consult such lists and to make payment only to utility-authorized entities; and in the event that payment is made to an unauthorized entity and such payment for utility service is not processed timely to the utility company, citizens should immediately notify the utility company and the police department that a fraud has occurred.

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 February 12, 2001.

Effective February 20, 2001.

Res. No. 234-01.

By Councilman Melena.

An emergency resolution declaring this Council's support of the proposal of Cleveland Housing Network Limited Partnership XVIII to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

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

Whereas, the Cleveland Housing Network in partnership with twenty member community development corporations is proposing to develop up to 90 homes; and

Whereas, 100% of these homes will be occupied by low-income families, with no market rate units; and

Whereas, 20% of these homes will serve a special needs population, specifically households with incomes at or below 35% of the area median income; and

Whereas, Cleveland Housing Network's proposal will benefit the citizens of the City; and

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

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

Section 1. That this Council hereby declares its support of the proposal of Cleveland Housing Network Limited Partnership XVIII to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Executive Director of the Cleveland Housing Network.

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 February 12, 2001.

Effective February 20, 2001.

Res. No. 235-01.

By Councilman Melena.

An emergency resolution declaring this Council's support of the proposal of Cleveland New Construction Limited Partnership III to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

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

Whereas, the Cleveland Housing Network in partnership with twenty member community development corporations is proposing to develop up to 80 homes; and

Whereas, 100% of these homes will be occupied by low-income families, with no market rate units; and

Whereas, 20% of these homes will serve a special needs population, specifically households with incomes at or below 35% of the area median income; and

Whereas, Cleveland Housing Network's proposal will benefit the citizens of the City; and

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

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

Section 1. That this Council hereby declares its support of the proposal of Cleveland New Construction Limited Partnership III to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Executive Director of the Lutheran Housing Corporation.

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 February 12, 2001.
Effective February 20, 2001.

Res. No. 236-01.

By Councilman Melena.

An emergency resolution objecting to the transfer of location of a C1 Liquor Permit to 5009 Detroit Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of location of a C1 Liquor Permit from Permit No. 6549334, 5015 Detroit Ave., Inc., DBA Amy Food Market, 5015 Detroit Ave., 1st Fl. & Bsmt., Cleveland, Ohio 44102, to Permit No. 65493340001, 5015 Detroit Ave. Inc., DBA Amy Food Market, 5009 Detroit Ave., Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 6549334, 5015 Detroit Ave., Inc., DBA Amy Food

Market, 5015 Detroit Ave., 1st Fl. & Bsmt., Cleveland, Ohio 44102, to Permit No. 65493340001, 5015 Detroit Ave. Inc., DBA Amy Food Market, 5009 Detroit Ave., Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted February 12, 2001.
Effective February 20, 2001.

Res. No. 237-01.

By Councilman Polensek.

An emergency resolution declaring this Council's support for Governor Taft's \$110 million development initiative for Ohio's steel industry.

Whereas, this Council is concerned about the plight of integrated steel manufacturers in Ohio, including that of LTV Corp; and

Whereas, it is vitally important to the citizens of the City of Cleveland, to the City's economy and to steelworkers' livelihoods to help Ohio's steel manufacturers, including LTV Corp., maintain a viable presence in Ohio as integrated steel producers; and

Whereas, Governor Taft has just announced a \$110 million initiative to help Ohio's steel industry and enhance its competitive position for future growth; and

Whereas, this initiative includes: \$30 million over the next three years to assist with capital investments for expansion or restructuring projects; \$60 million in federal volume cap for tax exempt financing of eligible pollution control equipment; \$5 million in grants over the next three years for infrastructure improvements or key equipment acquisitions; and \$15 million in training grants to upgrade the skills of industry workers; and

Whereas, this Council recognizes the danger that Ohio's steel industry is in and applauds the efforts of the Governor in making the effort to help stabilize the industry; 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 declares its support for Governor Taft's \$110 million development initiative for Ohio's steel industry.

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

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

Adopted February 12, 2001.
Effective February 20, 2001.

Res. No. 238-01.

By Councilman Polensek.

An emergency resolution declaring this Council's support for House Bill 27, which would include iron slag and steel slag as products in the Buy Ohio Program and require that steel used in capital improvement projects be made in the United States.

Whereas, this Council is concerned about the plight of integrated steel manufacturers in Ohio, including that of LTV Corp; and

Whereas, it is vitally important to the citizens of the City of Cleveland, to the City's economy and to steelworkers' livelihoods to help Ohio's steel manufacturers, including LTV Corp., maintain a viable presence in Ohio as integrated steel producers; and

Whereas, Representative Dale Miller has announced the introduction of House Bill 27 which would designate iron slag and steel slag as products to be included in the Buy Ohio Program and require that steel used in capital improvement projects be made in the United States; and

Whereas, House Bill 27 would help Ohio's steel industry and enhance its competitive position for future growth; 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 declares its support for House Bill 27, which would include iron slag and steel slag in the Buy Ohio Program and require that steel used in capital improvement projects be made in the United States.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Representative Dale Miller.

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 February 12, 2001.
Effective February 20, 2001.

Res. No. 239-01.

By Councilman White.

An emergency resolution objecting to the transfer of location of a C1 and C2 Liquor Permit to 9915 Miles Ave.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of location of a C1 and C2 Liquor

Permit from Permit No. 0037292, Abuz Co., DBA Miles Beverage & Deli, 9911 Miles Ave., 1st Fl. & Bsmt., Cleveland, Ohio 44105 to Permit No. 00372920001, Abuz Co., DBA Miles Beverage & Deli, 9915 Miles Ave., 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 reasonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of location of a C1 and C2 Liquor Permit from Permit No. 0037292, Abuz Co., DBA Miles Beverage & Deli, 9911 Miles Ave., 1st Fl. & Bsmt., Cleveland, Ohio 44105 to Permit No. 00372920001, Abuz Co., DBA Miles Beverage & Deli, 9915 Miles Ave., 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.

Adopted February 12, 2001.

Effective February 20, 2001.

Ord. No. 817-2000.

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

An emergency ordinance determining the method of making the public improvement of pump station and reservoir improvements for the Garrett A. Morgan Water Treatment Plant for the Division of Water; authorizing the Director of Public Utilities to enter into contract for the making of such improvement; authorizing contracts for the purchase of labor and materials needed in conjunction with the public improvement; authorizing the Commissioner of Purchases and Supplies to acquire such real property as is necessary to make the public improvement; authorizing said Director to apply and pay for permits, licenses, or other authorizations as necessary to make the public improvement; and authorizing said Director to enter into such other agreements as are necessary.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of pump station and reservoir improvements for the Garrett A. Morgan Water Treatment Plant, including, but not limited to, construction of a new finished water pump station, demolition of the existing five million gallon reservoir, construction of a new laboratory, modifications to the administration building, construction of piping and pump headers, and operator training, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

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

Section 3. That the Director of Public Utilities is hereby authorized to make written standard purchase and requirement contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the necessary items of labor and/or materials needed in conjunction with the making of the public improvement authorized by this ordinance, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken

in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine.

Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase, lease or otherwise acquire easements, fee interests, licenses, permits and other rights or interests in real property necessary for the public improvement authorized by this ordinance.

Section 5. That the Director of Public Utilities is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire said rights or interests in real property and to employ title companies, surveyors, escrow agents, appraisers, environmental consultants, field service consultants and other consultants necessary for the acquisition or use of the rights or interests in real property authorized above.

Section 6. That the Director of Public Utilities is hereby authorized to enter into agreements with the holders of said rights or interests in real property to relocate or otherwise modify existing fixtures or features of said property to permit the construction of the public improvement authorized by this ordinance.

Section 7. That the Director of Public Utilities is hereby authorized to apply and pay for such permits, licenses, or other authorizations required by any regulatory entity or other public authority as necessary to make the public improvement authorized by this ordinance.

Section 8. That the public improvement authorized herein shall be architecturally consistent with the current structure and historical character of the Garrett A. Morgan Water Treatment Plant, including but not limited to the use of brick similar in size and color to the original brick construction and the use of red tile roofing materials.

Section 9. That the Department of Public Utilities shall work with the Cleveland Restoration Society when designing the exterior portion of the public improvement authorized herein and shall obtain the approval of the Cleveland Restoration Society prior to constructing the public improvement.

Section 10. That prior to demolition of any structure necessary to make the public improvement authorized herein, a study shall be conducted and a recommendation provided to the Chairman of the Public Utilities Committee on the collection and preservation of historically significant documents, fixtures, and materials.

Section 11. That the documents provided to the Public Utilities Committee and dated January 2001 shall be incorporated into File No. 817-2000-A and made a part hereof.

Section 12. That, to the extent permitted by law, the City shall, prior to awarding a contract for the public improvement authorized herein, execute a project-labor agreement with the Building Trades Council.

Section 13. That the cost of said improvements hereby authorized shall not exceed \$48,000,000 and shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, and from the funds and subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds and bond anticipation notes issued for the purposes of making the improvement described in this ordinance, Request No. 23398.

Section 14. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 911-2000.
By Councilmen Dolan and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into an agreement with Continental Airlines to purchase certain rights in Continental Airlines hydrant fueling system, at Cleveland Hopkins International Airport.

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

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

Section 1. That the Director of Port Control is hereby authorized to enter into an agreement with Continental Airlines authorizing the City to make the election, pursuant to Section 6.03 of the 1997 special facilities Lease to "purchase (certain) rights to Airlines's (Continental Airlines) hydrant fueling system in order to incorporate said system into a larger fuel distribution system at the Airport." Said agreement shall be prepared by the Director of Law and shall contain such terms and conditions as said Director deems necessary to protect and benefit the public interest.

Section 2. That the cost of said agreement authorized above shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above agreement, Request No. 8287. The cost of said agreement shall not exceed \$4,343,534.

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 February 12, 2001.

Effective February 20, 2001.

Ord. No. 1411-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Nisman-Rozgonyi Enterprises LLC to provide economic development assistance to partially finance land acquisition, construction and site improvements for the property located at Parcel F in the Cleveland Industrial Park, Cleveland, Ohio 44128.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Nisman-Rozgonyi Enterprises LLC to provide economic development assistance to partially finance the land acquisition, construction and site improvements for the property located at Parcel F in the Cleveland Industrial Park, Cleveland, Ohio 44128.

Section 2. That the terms of said agreement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1411-2000-A and also with the following conditions:

1. The City will require best efforts to employ minority persons for one-third of new permanent jobs created, across all salary ranges and work force classifications.

2. The City will require best efforts to employ City of Cleveland residents for at least 50% of new permanent jobs created.

3. If construction exceeds \$75,000, the City will require good faith efforts to insure (a) construction contracts and supplier purchase orders let on the project be 15% certified Minority Business Enterprises ("MBE") and 5% certified Female Business Enterprises ("FBE"); (b) construction jobs created by the project be provided to at 16.1% minorities and 6.9% females; and (c) at least 50% of all construction jobs created by the project be provided to Cleveland residents.

4. Approval is contingent upon review and approval by City Planning Commission and Division of Building and Housing.

5. Loan has been approved by CCDCLoan Review Board and CCDC Board of Trustees.

Section 3. That the costs of said contract shall not exceed Three Hundred Thirty-Four Thousand Dollars (\$334,000.00), and shall be paid from Fund Nos. 12 SF 954 and 17 SF 008, Request No. 26606.

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

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund Nos. 12 SF 958 and 17 SF 006.

Section 6. That the Director of Economic Development is hereby

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

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 1412-2000.
By Councilmen Jones, Melena, 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 at Block F of the Cleveland Industrial Park to Nisman-Rozgonyi Enterprises LLC.

Whereas, the Director of Economic Development has requested the sale of City-owned property no longer needed for public use and located at Block F of the Cleveland Industrial Park; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

Lee-Seville/Cleveland
Industrial Park
BLOCK "F"

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and know as being all of Block "F" in the Lee-Seville/Cleveland Outerbelt Industrial Park as shown by the recorded plat in Volume 231 of Maps, Page 42 of Cuyahoga County Records, further bounded and described as follows:

Commencing at an iron pin in the centerline of Johnston Parkway, S.E. (60 feet wide) at its intersection with the centerline of Seville Road, S.E. (60 feet wide);

Thence North 0° 09' 18" West along the centerline of Johnston Parkway, S.E., 196.65 feet to an iron pin at a point of curvature therein;

Thence South 89° 50' 42" West, 30.00 feet to a point in the Westerly line of Johnston Parkway, S.E., and the principle place of begin-

ning of the following described parcel:

Thence Northwesterly along the Southwesterly line of Johnston Parkway, S.E., being the arc of a curve deflecting to the left, and having a radius of 169.09 feet, an arc length of 248.59 feet, and a chord bearing North 42° 16' 18" West, 169.09 feet to a point of tangency therein;

Thence North 84° 23' 18" West along the Southwesterly line of Johnston Parkway, S.E., 474.45 feet to a point therein, being the Northeasterly corner of Block "G" in said Cleveland Outerbelt Industrial Park;

Thence South 0° 09' 18" East, along the Easterly line of Block "G", 375.53 feet to the Northerly line of Seville Road, S.E. (49.58 & 60 feet wide);

Thence South 89° 58' 10" West along said line of Seville Rd., S.E., 51.22 feet to an angle point therein;

Thence South 0° 13' 10" East along the line of Seville Rd., S.E., 18.96 feet to an angle point therein;

Thence North 88° 41' 42" East along the Northerly line of Seville Rd., S.E., 524.02 feet to a point of curvature therein;

Thence Northeasterly along the arc of a curve deflecting to the left, said curve having a radius of 50.00 feet an arc length of 77.54 feet, and a chord bearing North 44° 16' 12" East, 70.00 feet to a point of tangency in the Westerly line of Johnston Parkway, S.E.;

Thence North 0° 09' 18" West along said Westerly line, 118.24 feet to the principle place of beginning.

This description was prepared by David J. Bruckner, P.S. Registered Ohio Professional Surveyor No. 6939, form information shown on the aforementioned recorded plat.

Containing within said bounds, an area of 4.9825 acres of land, be the same more or less, but subject to all legal highways, easements, and restriction of record.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Nisman-Rozgonyi Enterprises LLC at a price not less than fair market value as determined by the Board of Control.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 1413-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Nisman-Rozgonyi Enterprises LLC to provide for a ten year abatement for real estate taxes as an incentive for land acquisition and construction and for the acquisition of personal property located at Parcel F in the Cleveland Industrial Park, Cleveland, Ohio 44128.

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, Nisman-Rozgonyi Enterprises LLC (the "Enterprise") has proposed for the land acquisition and construction and for the acquisition of personal property located at Parcel F in the Cleveland Industrial Park, Cleveland, Ohio 44128; and

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

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

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

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

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

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten (10) year, abatement for real estate taxes as an incentive for the land acquisition and construction and for the acquisition of personal property located at Parcel F in the Cleveland Industrial Park, Cleveland, Ohio 44128; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1413-2000-B. That terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferred to any entity, without the prior legislative authorization by Cleveland City Council.

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

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

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 1576-2000.

By Mayor White.

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to remove rubber and paint from paved surfaces, for the various divisions of the 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 necessary to remove rubber and paint from paved surfaces, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 not exceed \$73,500.00 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 8300)

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

Section 4. That the Director of Port Control shall enter into the requirement contract authorized herein by July 31, 2001.

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

Passed February 12, 2001.
Effective February 20, 2001.

Ord. No. 1811-2000.
By Councilmen Cimperman, Lewis and Patmon (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 358.01 to 358.07 relating to fence regulations; to amend 337.23 and 357.13 as amended by various ordinances; and to repeal Sections 325.221, 325.222, 325.223 and 629.06 thereof.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 358.01 to 358.07 thereof to read, respectively, as follows:

CHAPTER 358 FENCE REGULATIONS

Section 358.01 Purpose

The regulations of this chapter are established to permit fences in a manner that promotes safety and security, while protecting and enhancing the appearance and character of neighborhoods and business districts.

Section 358.02 Definitions

For purposes of this chapter, these terms shall have the following meanings:

(a) "Fence." An artificially constructed barrier of any material or materials erected to enclose, screen, or decorate areas of land. Fences

include walls, hedges, and earth berms meeting this definition.

(b) "Fence Height." The height of a fence, as defined herein, measured from grade at the base of the fence.

(c) "Open and Solid Fences." A fence shall be considered "open" if every segment of the fence (e.g., a section between posts) is composed of at least seventy-five percent (75%) open spaces and no more than twenty-five percent (25%) solid materials. All other fences are considered "solid" fences.

(d) "Ornamental Fence." A fence shall be considered "ornamental" if it is composed of wrought iron-style pickets, wood pickets, wood split rails and posts, brick, stone, or any other materials of a decorative nature approved by the Director of the City Planning Commission as compatible with the character of the area in which the fence is to be placed.

(e) "Yards". As used in this chapter, the term "actual yard" shall refer to the entire lot area between a main building and the corresponding lot line. The term "required yard" shall refer to that portion of the actual yard in which structures cannot be erected unless permitted as encroachments.

Section 358.03 Sight Lines

No fence shall be installed or maintained except in conformance with the following regulations regarding maintenance of sight lines at street intersections and at driveway exits.

(a) Height and Location. No portion of a fence located within thirty (30) feet of the intersection of two street right-of-way lines shall exceed two and one-half (2 1/2) feet in height, unless all portions of the fence above two and one-half (2 1/2) feet in height are at least seventy-five percent (75%) open. The same restrictions shall apply to any portion of a fence located along and parallel to a driveway within fifteen (15) feet of its intersection with a public sidewalk or public street, if no sidewalk is present.

(b) Nonconforming Fences. Any fence not conforming to the regulations of this section regarding maintenance of sight lines shall be made to conform if the owner or responsible party is so ordered by the Commissioner of Building and Housing for the purpose of eliminating an identified and demonstrated hazard. The Board of Zoning appeals may, however, permit retention or installation of such nonconforming fence if the Board determines that no hazard is created in a particular instance.

Section 358.04 Fences in Residential Districts

Fences in Residential Districts shall be installed and maintained in accordance with the following regulations, as well as other applicable regulations of the Codified Ordinances.

(a) Height and Opacity. Fences in actual front yards and in actual side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open, except that, in an actual side street yard, a fence that is set back at least four (4) feet from the side street property line may be a maximum of six (6) feet in height and may be open or solid. Fences in actual rear yards and in actual interior side yards shall not exceed six

(6) feet in height and may be solid or open. No fence shall be higher than its distance from a residence building on an adjoining lot or from the permitted placement of a future residence on such lot, if such fence will be generally parallel to and adjacent to the closest wall of the residence.

(b) Location. A fence running generally parallel to and adjacent to a building on the same property shall be located no closer than three (3) feet to the closest wall of such building.

(c) Materials and Appearance.

(1) Front Yards. In Residential Districts, only ornamental fences, as defined herein, shall be installed in actual front yards and in actual side street yards if located within four (4) feet of the side street property line. The Board of Zoning Appeals may, however, permit a chain link fence if the Board determines that such fence is common in the immediate vicinity of the subject property.

(2) Other Yards. In other yards, fences may be composed of any materials except barbed wire and except as prohibited in division (a) of Section 358.06.

(d) Residential Swimming Pools. Fences shall be provided around swimming pools that are accessory to a residence in accordance with the regulations of division (g) of Section 3117.03 of the Building Code.

Section 358.05 Fences in Non-Residential Districts

Fences in Non-Residential Districts shall be installed and maintained in accordance with the following regulations, as well as other applicable regulations of the Codified Ordinances.

(a) Height and Opacity.

(1) General and Unrestricted Industry Districts. In General and Unrestricted Industry Districts, fences in actual front yards and in actual side street yards shall not exceed six (6) feet in height and may be either open or solid. In actual rear yards and actual interior side yards, fences shall not exceed ten (10) feet in height and may be open or solid.

(2) Other Non-Residential Districts. Except as specifically required because of the type of use, in Non-Residential Districts other than General and Unrestricted Industry Districts, fences in actual front yards and in side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open above two (2) feet in height. In actual rear yards and actual interior side yards, fences shall not exceed six (6) feet in height and may be open or solid.

(b) Barbed Wire Fences. Barbed wire fences are permitted in all Non-Residential Districts except the Local Retail District and the Parking District, and shall be installed and maintained in accordance with the following regulations and other applicable regulations of the Codified Ordinances.

(1) Sidewalk Setback. Except in General Industry and Unrestricted Industry Districts, a fence with barbed wire shall be located at least four (4) feet from a sidewalk in a public right-of-way.

(2) Residential Setback. In all Non-Residential Districts, a fence with barbed wire shall be located at least four (4) feet from the property line of a Residential District.

(3) Landscape Barrier. Where it is required that a barbed wire fence be set back from a sidewalk or a Residential District line, such setback area shall be planted with shrubs spaced no more than five (5) feet apart or trees spaced no more than twenty (20) feet apart. The requirement for a landscape barrier shall not apply to barbed wire fences legally established prior to the initial effective date of this section nor to the replacement of such fences and shall not apply to a fence setback area of eight (8) feet or more.

Section 358.06 General Regulations

The following regulations shall apply to fences in all zoning districts or as specified.

(a) Prohibited Materials. No fence shall be composed of scrap materials, tires, canvas, cardboard, asphalt-style shingles, or chicken wire. Furthermore, except in General Industry and Unrestricted Industry Districts, no fence shall be composed of corrugated metal or sheet metal.

(b) Appearance. All fences shall be uniform in material and color. In the case of a fence with a finished side and an unfinished side, the finished or more decorative side shall face outward toward the adjoining property or the street.

(c) Barbed Wire. Where permitted by regulations of this chapter, barbed wire may be installed at the top of a fence if not more than three (3) strands are used, and if the lowest strand is at least six (6) feet above the adjoining ground. In the case of a fence located less than four (4) feet from a public sidewalk or a Residential District line, the vertical supports for the strands shall slant away from the nearest property line at an angle of not less than 45°. Such barbed wire may be placed above the otherwise applicable height limit for the fence to which it is attached. Any barbed wire fence not conforming to any provision of this chapter regarding barbed wire fences shall be made to conform or shall be removed no later than December 31, 2001.

(d) Maintenance. All fences shall be maintained in good condition, free of significant rust, peeling paint or other damage. Furthermore, all fences shall be kept plumb, with no more than a two-inch deflection from a vertical position.

(e) Recreation Facilities. On the grounds of a school or on the grounds of a public or private recreation use, an open fence erected to enclose a playground, playfield, swimming pool, tennis court, golf course or similar facility may exceed the otherwise applicable height limits, but shall not exceed twelve (12) feet in height.

(f) Railroad and Utility Properties. An open fence erected for security purposes along a railroad or rapid transit right-of-way or yard or around a public utility use may exceed the otherwise applicable height limits, but shall not exceed twelve (12) feet in height.

(g) Temporary Construction Fences. Notwithstanding other provisions of this chapter, a temporary fence shall be permitted in any zoning district to enclose a site at which construction activity is underway. Such fence shall be in place

only for the duration of the construction activity and shall be removed when construction activity has been completed or has been discontinued for a period of three (3) months or more. Such fence shall be located as necessary to protect the public and to secure the construction site, as approved by the Commissioner of Building and Housing. The fence may be chain link, wood or another material approved by the Commissioner.

(f) Nonconforming Fences. Except as specified in division (b) of Section 358.03 with regard to sight lines and division (c) of Section 358.06, with respect to barbed wire, any fence not conforming to the regulations of this chapter may be retained and repaired but shall not be moved or replaced in whole unless made to conform with the provisions of this chapter. Replacement of less than half of a nonconforming fence in a twelve (12) month period shall be considered "repair" and not "replacement" for purposes of this provision.

Section 358.07 Permit Requirements

(a) Applicability. Except as exempted in this section, no fence shall be installed unless a permit for such fence has been issued by the Commissioner of Building and Housing.

(b) Contents of Application. An application for a Building Permit to erect a fence shall include the following information, in addition to other information required by the Division of Building and Housing for a permit application:

(1) a site plan showing the location of the fence and gates in relation to all property lines, streets, driveways, sidewalks and structure on or within six (6) feet of the subject property;

(2) information indicating the height, materials, dimensions, colors, style and opacity of the fence, including the use of barbed wire, if any, and

(3) information and plans indicating the method of attaching the fence to the ground or to other structures.

(c) Exemption for Repair or Replacement. No permit is required for repair or replacement of a fence or portions thereof if the area being repaired or replaced, in any twelve-month period, does not exceed fifty percent (50%) of the length of the fence, and the replacement does not involve changes to foundations or footers. The exemption regarding partial replacement does not apply to walls.

Section 2. That Sections 337.23 and 357.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1962-98, passed May 3, 1999, are hereby amended to read, respectively, as follows:

Section 337.23 Accessory Uses in Residence Districts

(a) Permitted Accessory Uses. The following accessory uses and buildings are permitted in a Residence District. Such permitted accessory buildings shall be located on the rear half of the lot, a minimum of eighteen inches from all property lines and at least ten feet from any main building on an adjoining lot in a Residence District. Accessory buildings shall not occupy more

than forty percent (40%) of the area of the required rear yard and, in the case of a corner lot, shall be located back of any required setback or specific building line. For side street yard regulations consult Sections 357.05 to 357.07.

(1) Within a main building, the office of a surgeon, physician, clergyman, architect, engineer, attorney or similar professional person residing in such main building and employing in the office not more than one nonresident office or laboratory assistant.

(2) Customary home occupation for gain carried on in the main building or in a rear building accessory thereto and requiring only customary home equipment; provided that no nonresident help is employed for that purpose, no trading in merchandise is carried on and no personal physical service is performed and, in a Limited One-Family District or in a One-Family District, no sign or other outward evidence of the occupation is displayed on the premises.

(3) In agricultural or undeveloped territory, farms, truck gardens, nurseries or greenhouses, and accessory stables, poultry enclosures, rabbit warrens and beehives conforming to the applicable limitations and restrictions included in Section 347.02, provided such enterprise is not operated for the sale of products not produced on the premises.

(4) Stables or enclosures for not more than four horses, and enclosures for poultry, pigeons, rabbits or bees, conforming in all locations to the applicable limitations and restrictions included in Section 347.02.

(5) Private incinerators for the burning of refuse and garbage produced on the same premises, provided that the construction is such as to assure immediate and complete combustion and freedom from offensive smoke, ash, unburned particles and odors, and a permit therefor is granted by the Commissioner of Environment.

(6) Fences and walls, as regulated in Chapter 358.

(7) Garages and parking spaces for the occupants of the premises and, when the premises are used for other than residence purposes, for their employees, patrons and guests.

A. In a Dwelling House District the floor area of a private garage erected as an accessory building shall not exceed 650 square feet unless the lot area exceeds 4,800 square feet in which event the floor area may be increased in the ratio of one square foot for each twelve square feet of additional lot area.

B. In Multi-Family Districts, garages and parking spaces erected or established as accessory uses shall be subject to the restrictions specified in Sections 343.19 to 343.21 and Chapter 349.

(8) Garage Sale or other Residential Property Sales, as defined in Section 676B.01(a), as long as they conform to the provisions in Chapter 676B.

(9) Signs permitted in accordance with the requirements of Chapter 350.

(10) Any other accessory use customarily incident to a use authorized in a Residence District except that no use prohibited in a Local Retail Business District shall be permitted as an accessory use.

(b) Accessory Building Erected Prior to Erection of Main Building. An accessory building may be erected prior to the construction of the main building only if:

(1) The accessory building is erected on the rear half of the lot.

(2) The accessory building is so placed as not to prevent the practicable and conforming location of the main building.

(3) The main building is completed within two (2) years from the date of issuance of the permit for the accessory building.

Section 357.13 Yard Encroachments Permitted

Required yard spaces shall be maintained free and unobstructed except for trees and shrubbery, and, in interior side or rear yards, cloths, poles, arbors, garden trellis and similar accessories, and except that the following encroachments shall be permitted.

(a) Underground Garage or Accessory Space in Multi-Family Districts. Within the required yard spaces back of the setback building line in a Multi-Family District an underground garage or other accessory space may be constructed provided the height of such structure, including parapets, piers or railings, shall not exceed five feet above the grade level, and provided such structure does not prevent free access to the rear yard.

(b) Front Yard and Side Street Yard Encroachments. Except as restricted or limited by other provisions of this Zoning Code, the following front yard and side street yard encroachments shall be permitted in any use district:

(1) Front yard and side street yard encroachments permitted under Chapter 3109, and Chapter 3113, except that in a Dwelling House District no entrance canopy shall be erected, and no marquees or fixed or retractable awning shall project more than six feet beyond the building line or within ten feet of the street line.

(2) Steps and landings, and their appurtenant railings, balustrades and parapets, leading up or down to floor levels directly above or below the grade level.

(3) Fences and walls, as regulated in Chapter 358.

(4) Open porticos or porches projecting not more than six feet, enclosed porches or vestibules projecting not more than four feet and balconies projecting not more than three feet, provided they do not extend within ten feet of the street line and do not aggregate a vertical area in any story more than twenty percent of the area of the facade in that story.

(5) Structures permitted by division (a) of Section 3113.10, division (a) of Section 3113.13 and Section 3113.16 or where not so permitted, gasoline pump islands, sign poles or similar temporary and easily removable structures, provided that conditional and temporary permits therefor are granted, subject to appropriate conditions and safeguards by the Board after public notice and public hearing, and provided, further, that the erection, maintenance and use thereof do not conflict with the intent and purposes of this Zoning Code.

(c) Rear Yard and Interior Side Yard Encroachments. Except as

restricted or limited by other provisions of this Zoning Code, the following rear yard and interior side yard encroachments shall be permitted in any use district:

(1) In rear yards only, accessory buildings and uses in connection with Residence Occupancy as defined and limited in Section 337.23, and similar accessory buildings and uses in connection with buildings of Institutional H Occupancy Classification. Accessory buildings or uses attached or forming part of a main building shall be permitted to encroach upon such rear yards to the extent permitted for detached accessory buildings or uses.

(2) Projections for architectural embellishment listed in Section 3109.08, provided that no main cornice or eaves shall project into a required yard more than two feet, measured horizontally, and no bar or oriel shall be constructed in a required interior side yard and none shall project into a required rear yard more than eighteen inches, and no other projection shall exceed the maximum permissible projection specified in Section 3109.08 or be so located as to materially obstruct natural light or ventilation.

(3) Fixed awnings, as permitted by Section 3109.10.

(4) Retractable awnings, as permitted by Section 3109.11.

(5) Steps, landings and their appurtenant railings, balustrades and parapets, leading up or down to floor levels directly above or below the grade level, not extending nearer than one foot to a rear or side lot line.

(6) Chimneys projecting not more than thirty-two inches, downspouts projecting not more than twelve inches, and ventilating ducts or pipes projecting not more than thirty-two inches and having a maximum aggregate cross-sectional area in any yard and at any level or 1,024 square inches.

(7) Fences, walls, hedges or other barriers, as regulated in division (a)(6) of Section 337.23.

(d) Temporary Structures. Temporary offices, bridges, barricades and similar structures required for and incident to building construction.

Section 3. That existing Sections 337.23 and 357.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1962-98, passed May 3, 1999, are hereby repealed.

Section 4. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 325.221, Section 325.222 and 325.223, as amended by Ordinance No. 3077-A-89, passed June 17, 1991; and

Section 629.06, as amended by Ordinance No. 1020-76, passed June 14, 1976, are hereby repealed.

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

Passed February 12, 2001.
Effective February 20, 2001.

Ord. No. 1865-2000.

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

An emergency ordinance determining the method of making the public improvement of constructing and repairing catch basins and manholes citywide and authorizing the Director of Public Utilities to enter into a public improvement requirement contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing and repairing catch basins and manholes citywide, for the Division of Water Pollution Control, Department of Public Utilities, by a public improvement requirement contract duly let to the lowest responsible bidder upon a unit basis for the improvement.

Section 2. That the Director of Public Utilities is hereby authorized to enter into a requirement contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the period of not to exceed one year in an amount not to exceed \$250,000. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Director of Public Utilities until provision is made for the requirements for the entire term. (RL 22495)

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 February 12, 2001.

Effective February 20, 2001.

Ord. No. 1866-2000.

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

An emergency ordinance authorizing the purchase by requirement contract of diving and underwater inspection services, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of

Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of diving and underwater inspection 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 Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall not exceed \$300,000.00 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 33338)

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 February 12, 2001.

Effective February 20, 2001.

Ord. No. 1867-2000.

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

An emergency ordinance authorizing the purchase by requirement contract of hazardous and non hazardous waste disposal services, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of hazardous and non hazardous waste disposal 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 Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable

by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall not exceed \$300,000.00 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 33339)

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 February 12, 2001.

Effective February 20, 2001.

Ord. No. 1877-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1255 East 105th Street and rear of 1251 East 105th Street to Adrian Thompson.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 109-18-010 and 109-18-138, as more fully described in Section 2 below, to Adrian Thompson.

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

P. P. No. 109-18-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as part of Sublot No. 48 in Curtiss Ambler and Johnson's Subdivision of part of Original One Hundred Acre Lots Nos. 378 and 386 as shown by the recorded plat in Volume 16 of Maps, Page 10 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the intersection of the Easterly line of East 105th Street with the Northerly line of Hathaway Avenue, N.E.; thence Northerly along the Easterly line of East 105th Street, 53.21 feet to the Northwesterly corner of Sublot No. 48; thence Easterly along the Northerly line of said Sublot No. 48 70.21 feet; thence Southerly in a direct line to a point on the Northerly line of Hathaway Avenue, N.E., distant 72.37 feet Easterly measured along the Northerly line from the place of beginning; thence Westerly along the Northerly line of Hathaway Avenue, N.E., 72.37 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

P. P. No. 109-18-138

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly part of Sublot No. 49 in the Curtiss-Ambler and Johnson Subdivision of a part of Original One Hundred Acre Lots Nos. 378 and 386, as shown by the recorded plat in Volume 16, Page 10 of Cuyahoga County Records, and further described as follows:

Beginning in the Northerly line of said Sublot No. 49 at a point distant Easterly 68 feet measured along said Northerly line from the Easterly line of East 105th Street, 60 feet wide; thence Easterly along the Northerly line of said Sublot No. 49 a distance 36.79 feet to the North-easterly corner thereof; thence Southerly along the Easterly line of said Sublot No. 49, a distance of 40.37 feet to the Southeasterly corner thereof, thence Westerly along the Southerly line of said Sublot No. 49 a distance of 42.21 feet to a point distant Easterly 68 feet from the Easterly line of East 105th Street, thence Northerly along a line parallel with the Easterly line of East 105th Street a distance of 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

Community Development or the Director of Law.

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 1958-2000.
By Councilmen O'Malley and Pat-
mon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to install and repair fencing, for the Division of Water Pollution Control, Department of Public Utilities, for a period not to exceed two years.

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

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

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

Section 2. That the cost of said contract shall not exceed \$75,000.00 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22613)

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 February 12, 2001.

Effective February 20, 2001.

Ord. No. 1968-2000.

By Councilman Polensek.
An emergency ordinance to vacate a portion of East 200th Street hereinafter described.

Whereas, on the 7th day of August 2000, the Council of the City of Cleveland adopted Resolution No. 1451-2000 declaring its intention to vacate a portion of East 200th Street, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1451-2000 has been served upon the owners of all the property abutting East 200th Street, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 23rd day of October, 2000, the Board of Revision of Assessments approved the vacation of East 200th Street, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 200th Street, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of: EAST 200th STREET (width varies) that is situated in the City of Cleveland, between the Southerly prolongation of the Easterly line of East 200th Street, as relocated, and the Northerly line of the North Marginal Roadway of the Lakeland Freeway (Interstate 90), be and the same is hereby vacated.

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

The description of easement is as follows:

That portion of East 200th Street (width varies) that is situated in the City of Cleveland, between the Southerly prolongation of the Easterly line of East 200th Street, as relocated, and the Northerly line of the North Marginal Roadway of the Lakeland Freeway (Interstate 90).

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

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 200th Street, herein provided by sending him a copy of this Ordinance.

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 1971-2000.

By Councilmen Cimperman, Melena and Patmon.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2445, 2451-55 and 2479 West 5th Street to Tremont West Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 004-19-147, 004-19-150 and 004-19-158, as more fully described in Section 2 below, to Tremont West Development Corporation or designee.

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

P. P. No. 004-19-147

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 775 in S.S. Stone's Survey of the College Tract, as shown by the recorded plat in Volume 2 of Maps, Page 32 of Cuyahoga County Records and being 33 feet front on the North-easterly side of Herschel Street (now known as West 5th Street), and extending back of equal width 148 feet 6 inches deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Right of Way to the East Ohio Gas Company, recorded in Volume 4274, Page 647 of Cuyahoga County Records.

Also subject to all zoning ordinances, if any.

P. P. No. 004-19-150

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublots Nos. 771, 772, 773 and 774, in S. S. Stones Subdivision, of the College Tract, of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Pages 31 and 32 of Cuyahoga County Records, and bounded and described, as follows: Being a parcel of land 4 feet wide off the rear end of Sublots Nos. 771, 772, 773 and 774 and being 132 feet deep, and also a strip 3 feet wide and 144-50/100 feet deep along the Southerly side of Sublot No. 773 from West 5th Street, to the Westerly line of the first described parcel; also a strip 5 feet wide and 144-50/100 feet

deep along the Northerly side of Sublot No. 772 from West 5th Street, to the Westerly line of the first described parcel, be the same more or less, but subject to all legal highways.

P. P. No. 004-19-158

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 764, 765 and 766 in S.S. Stone's Survey of the College Tract, of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning in the Easterly line of West 5th Street, at a point 1 foot Northerly from the Southerly line of said Sublot No. 766; thence Easterly parallel with the Southerly line of said Sublot No. 766, 148 feet 6 inches to the Easterly line of said Sublot; thence Southerly along the Easterly line of Sublots Nos. 766 and 765, 33 feet to a point 1 foot Northerly from the Southerly line of said Sublot No. 765; thence Westerly parallel with the Southerly line of said Sublot No. 765, 38.5 feet; thence Southerly parallel with Westerly line of West 5th Street, 2 feet; thence Westerly parallel with the Southerly line of said Sublot No. 765 and distant 1 foot Southerly from the Southerly line of said Sublot No. 765, 110 feet to the Easterly line of West 5th Street; thence Northerly along the Easterly line of West 5th Street, 35 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 2031-2000.

By Councilmen Jones, Melena, 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 in Block H of the Cleveland Industrial Park to JRM Chemical Inc.

Whereas, the Director of Economic Development has requested the sale of City-owned property no longer needed for public use and located in Block H of the Cleveland Industrial Park; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

Legal Description For
Parcel "B"
3.252 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Block "H" in the Lee-Seville/Cleveland Outerbelt Industrial Park (Vol. 231, Page 42) of part of Original Warrensville Township Lots Nos. 81, 82 and 103 and bounded and described as follows:

Beginning at a Monument Box with a 3/4" iron pin found at a Point of Curvature in the Centerline of Johnston Parkway (60 feet wide), said Monument Box being South 00° 27' 00" East a distance of 399.21 feet from a Monument Box with a Stone found at the intersection of the centerlines of Velma Avenue (50 feet wide) and said Johnston Parkway;

Thence South 89° 33' 00" West a distance of 30.00 feet to a 5/8" capped rebar set in the Westerly right-of-way line of Johnston Parkway;

Thence North 00° 27' 00" West along the Westerly right-of-way line of Johnston Parkway a distance of 33.39 feet to a 5/8" capped rebar set, which marks the true place of beginning for the following described parcel of land;

Thence South 89° 33' 00" West a distance of 374.91 feet to a 5/8" capped rebar set in the Easterly line of lands now or formerly owned by N.B. Smith (AFN# 199904210602) and also the Easterly line of Sublot No. 6 in the Cranbrook Subdivision No. 1 (Vol. 155, Pg. 1);

Thence North 01° 23' 30" West along the Easterly line of Smith and the Easterly line of said Cranbrook Subdivision No. 1, a distance of 220.94 feet to a capped rebar found at a Northeasterly corner of lands now or formerly owned by W. Tilgham (Vol. 13617, Pg. 149) and in the Easterly line of Sublot No. 2;

Thence North 49° 42' 48" West along the Easterly line of said Tilgham and along the Easterly line of said Sublot No. 2 a distance of 45.96 feet to a capped rebar found at the Southeast corner of land now or formerly owned by C. Starks Jr. (Vol. 88-136, Pg. 257) and at the Southeast corner of Sublot No. 1;

Thence North 00° 27' 30" West along the Easterly line of Starks

and the Easterly line of Sublot No. 1 a distance of 90.00 feet to a 5/8" iron pin found at the Northeast corner of said Starks and in the Southerly right-of-way line of Velma Avenue (50 feet wide);

Thence North 89° 32' 30" East along the Southerly right-of-way line of Velma Avenue a distance of 363.36 feet to a 5/8" capped rebar set at a point of curvature;

Thence along the arc of a curve deflecting to the right, having a radius of 50.00 feet, an arc length 78.55 feet, a chord bearing of South 45° 27' 30" East a chord of 70.72 feet, to a 5/8" capped rebar set in the Westerly right-of-way line of Johnston Parkway;

Thence South 00° 27' 00" East along the Westerly right-of-way line of Johnston Parkway a distance of 290.96 feet to the true place of beginning, containing 3.0252 acres of land, more or less, but subject to all legal highways and easements of record, as surveyed by Daniel J. Cook, Registered Surveyor No. 7179, of Campbell & Associates, Inc., in December, 1999.

The above described parcel of land is part of lands conveyed to the City of Cleveland (Vol. 12105, Page 129) and lot split (Vol. 304, Page 48) in Cuyahoga County Records.

The basis of bearings for the above described parcel of land is South 00° 27' 00" East for the centerline of Johnston Parkway (Vol. 231, Page 42) in Cuyahoga County Records.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to JRM Chemical Inc. at a price not less than fair market value as determined by the Board of Control.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs, and a provision requiring the grantee to use best efforts to achieve the following economic impact goals as described in the Executive Summary of this legislation:

| | |
|----------------------------|----|
| Projected Economic Impact: | |
| Jobs Retained | 0 |
| Jobs Created | 15 |
| Minority Jobs Created | 7 |

Section 4. That the project to be implemented after the conveyance of the above-mentioned property shall be reviewed by the Department of City Planning regarding site and landscape plans.

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 2098-2000.
By Councilmen O'Malley and Patmon (by departmental request).
An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain elevators, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

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

Section 2. That the cost of said contract shall not exceed \$150,000.00 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 33684)

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 February 12, 2001.
 Effective February 20, 2001.

Ord. No. 2105-2000.
By Councilmen O'Malley and Patmon (by departmental request).
An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to service and maintain gas detection equipment and calibration, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

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

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 33681)

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 February 12, 2001.
 Effective February 20, 2001.

Ord. No. 2110-2000.
By Councilmen Polensek, Lewis and Patmon (by departmental request).

An emergency ordinance to amend Sections 633.01 and 633.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1310-96, passed December 2, 1996, relating to obstruction marking and lighting.

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

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

Section 1. That Sections 633.01 and 633.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1310-96, passed December 2, 1996, are hereby amended to read, respectively, as follows:

Section 633.01 Definitions

As used in this Chapter:

(a) "Crane" shall mean a construction crane, derrick, rig or other construction equipment with parts that extend or may be elevated to a height of fifty (50) or greater.

(b) "Lighting" means use of lighting systems that meet specified intensities, beam patterns, color, and flash rates as specified in the Federal Aviation Administration Advisory Circular currently applicable.

(c) "Marking" means painting or coloring of an obstruction, as specified in the Federal Aviation Administration Advisory Circular currently applicable.

(d) "Obstruction" shall mean a tower, antenna, or any temporary or permanent object, including all appurtenances and roof structures, that reaches an overall height of between one hundred and fifty (150) and two hundred (200) feet above ground level or that exceeds any obstruction standard for objects over two hundred (200) feet contained in 14 C.F.R. pt. 77, subpt. C.

(e) "Operator" means contractor or construction company directly in control of the crane or construction equipment.

Section 633.02 Installation Required; Notification required; Federal Regulation

(a) No person shall own or construct a new or existing obstruction that exceeds an overall height of between one hundred and fifty (150) and two hundred (200) feet without aviation safety marking and obstruction lighting. Such aviation safety marking and obstruction lighting shall be consistent with the current applicable requirements for structures greater than two hundred (200) feet above ground level as prescribed in the Federal Aviation Administration Advisory Circular currently applicable.

(b) No owner or operator of a crane shall leave a crane extended into the air overnight to a height of fifty (50) feet or greater, unless the crane contains aviation safety marking and obstruction lighting. Such aviation safety marking and obstruction lighting shall be consistent with the current applicable requirements for structures greater than two hundred (200) feet above ground level as prescribed in the Federal Aviation Administration Advisory Circular currently applicable.

(c) This chapter does not apply to towers, antennas, roof structures, or other obstructions that exceed two hundred (200) feet which are otherwise regulated by 14 C.F.R. pt. 77.

(d) Any person applying to the City to own or construct a new or existing obstruction shall provide written notice to the Director of Public Safety.

Section 2. That existing Sections 633.01 and 633.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1310-96, passed December 2, 1996, are hereby repealed.

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

Passed February 12, 2001.
 Effective February 20, 2001.

Ord. No. 2111-2000.
By Councilmen Johnson, Rybka, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for the expansion of the Woodland Recreation Center located at 9206 Woodland Avenue, for the Department of Parks, Recreation and Properties.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of expanding the Woodland Recreation Center located at 9206 Woodland Avenue:

Permanent Parcel No. 126-14-070
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 126 in the Hamilton & Wyman Allotment of part of the Original One Hundred Acre Lot 416, as shown by the recorded Plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records, and being 43 feet front on the Southerly side of Kennedy Avenue, S.E., formerly Penn Street, and extending back 140.17 feet deep on the Westerly and Easterly lines, and being 42 feet 5-3/4 inches wide in the rear, as appears by said Plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Permanent Parcel No. 126-14-072
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 25 feet of Sublot No. 124 and the Westerly 8 feet of Sublot No. 125 in Hamilton & Wyman's Subdivision of part of Original 100 Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records, and being 33 feet front on the Southerly side of Kennedy Avenue, S.E., and extending back of equal width 140.17 feet, as appears by said plat, be the same more or less but subject to all legal highways.

Permanent Parcel No. 126-14-073
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 16 feet of Sublot No. 123 and the Westerly 16 feet of Sublot No. 124 in Hamilton and Wyman's Subdivision of part of Original 100 Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and together forming a parcel of land having a frontage of 32 feet on the Southerly side of Kennedy Avenue, S.E. and extending back between parallel lines 140-2/12 feet, as appears by said plat, be the same more or less but subject to all legal highways.

Permanent Parcel No. 126-14-074
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No.

122 and the Westerly 25 feet of Sublot No. 123 in Wyman and Hamilton's Allotment of part Original One Hundred Acre Lot No. 416 as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records together forming a parcel of land 66 feet front on the Southerly side of Kennedy Avenue, S.E., (formerly Penn Street) and extending back of equal width 140 feet 2 inches as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 126-14-079
 Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Sublot No. 117 in Hamilton and Wyman's Allotment of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Kennedy Avenue, S.E. (formerly Kennedy Street) at the Northwest corner of said Sublot No. 117;

Thence Southerly along the Westerly line of Sublot No. 117, which line is also the Easterly line of an alley (12 feet wide), 140 feet 2 inches to the Southwest corner of said Sublot No. 117;

Thence Easterly along the Southerly line of said Sublot No. 117, about 34-80/100 feet to a point 10-16/100 feet Westerly, measured along said Southerly line of said Sublot No. 117, from the Southeast corner thereof;

Thence Northerly about 140 feet 2 inches to a point on said Southerly line of Kennedy Avenue S.E., 10-16/100 feet Westerly, measured along said Southerly line of Kennedy Avenue S.E. from the Northeast corner of said Sublot No. 117;

Thence Westerly along said Southerly line of Kennedy Avenue S.E. about 33-30/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 126-14-094
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 35 feet of Sublot No. 135 in Hamilton and Wyman's Subdivision, of part of Original 100 Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and being 35 feet front on the Northerly side of Cumberland Avenue, S.E., and extending back of equal width 140 feet, 2/12 inches, as appears by said plat, be the same more or less.

Permanent Parcel No. 126-14-096
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 133 in Hamilton and Wyman's Allotment of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and being 41 feet 11-1/2 inches front on the Northerly side of Cumberland Avenue S.E., 140 feet 2 inch deep on the Easterly line, 140 feet 2 inches deep on the Westerly line and 42 feet 5-3/4 inches wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 126-14-075
 Address: 9100 Kennedy Avenue
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 121 in Hamilton and Wyman's Allotment of part of original 100 Acre Lot No. 416, as shown by the Recorded Plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records, and being 41 feet front on the Southerly side of Kennedy Avenue, S.E. and extending back of equal width 140 feet, 2 inches, as appears by said Plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 126-14-076
 Address: 9014-16 Kennedy Avenue
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 33.29 feet from front to rear of Sublot No. 120 in Hamilton & Wyman's Allotment, of part of original 100 Acre Lot No. 416 as shown by the recorded plat of said allotment in Volume 5 of Maps, Page 22 of Cuyahoga County Records and being 33.29 feet on the Southerly side of Kennedy Avenue, S.E. (formerly Kennedy Street) and extends back between parallel lines, 140 feet 2 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

Section 3. That the consideration to be paid for such property shall not exceed its fair market value.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 10 SF 166, Request No. 5077.

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 2112-2000.
By Councilmen Lewis, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6719 Dunham Avenue to Minnie Worley.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of

Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No.(s) 118-05-084, as more fully described in Section 2 below, to Minnie Worley.

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

P. P. No. 118-05-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 48 in the Stevens and Case Re-Subdivision of part of Original One Hundred Acre Lot No. 338, as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuyahoga County Records and being 35 feet front on the Northerly side of Dunham Avenue, N.E., (formerly Dunham Place) and extending back of equal width 90 feet along the Westerly line of East 68th Street, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 2113-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1464 East 71st Street, to Enoree Baptist Church.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No.(s) 106-09-128, as more fully described in Section 2 below, to Enoree Baptist Church.

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

P. P. No. 106-09-128

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 341, and part of Sublot No. 33, in Zoeter and Decker's Subdivision, of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 5 of Maps, Page 30 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 71st Street (formerly Giddings Avenue) at the Southeast corner of Sublot No. 33; thence Westerly, along the Southerly line of Sublot No. 33, 141 feet to the principal place of beginning; thence Westerly, along said Southerly line of Sublot No. 33, 23 feet to the Southwest corner thereof, thence Northerly along the Westerly line of Sublot No. 33, 40 feet to the Northwest corner thereof and the Southerly line of the first parcel of land conveyed to Elizabeth C. Edwards by deed dated January 13, 1894 and recorded in Volume 556, Page 442 of Cuyahoga County Records; thence Westerly, along said Southerly line of said first parcel of land so conveyed as aforesaid, 36 feet to the Southwest corner thereof; thence Northerly along the Westerly line of said first parcel of land conveyed as aforesaid, 26.5 feet to a point 23.5 feet Southerly, measured along the Westerly line of the first parcel of land so conveyed, from the Northwest corner thereof; thence Easterly, and parallel with the Northerly line of said first parcel of land so conveyed to Elizabeth C. Edwards, 80 feet to a point; thence Southerly and parallel with the Westerly line of East 71st Street,

16.5 feet to a point, thence Southwesterly, in a straight line with its intersection with a line drawn parallel with the Westerly line of East 71st Street and distant 25 feet Northerly, measured along said parallel line, from the principal place of beginning; thence Southerly, and parallel with said Westerly line of East 71st Street, 25 feet to the principal place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 2114-2000.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a First Amendment to Contract No. 56379 with Burten Bell Carr Development, Inc. to provide additional neighborhood revitalization activities.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into a First Amendment to Contract No. 56379 with Burten Bell Carr Development, Inc. to provide additional comprehensive neighborhood revitalization activities and to increase the amount of the contract by \$25,000, for a total of \$165,000. Said increase shall be paid from Fund No. 14 SF 026, Request No. 20696.

Section 2. That this First Amendment shall be prepared and approved by the Director of Law and shall contain such provisions as he deems necessary to protect the public interest.

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

Passed February 12, 2001.

Effective February 20, 2001.

**Ord. No. 2115-2000.
By Councilmen Patmon, Melena
and Cimperman (by departmental
request).**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1212 and 1246 Parkwood Drive and 10922 and 10928 Olivet Avenue to The New Fellowship Baptist Church.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No.(s). 109-19-023, 109-19-025, 109-19-103 and 109-19-105, as more fully described in Section 2 below, to The New Fellowship Baptist Church.

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

P. P. No. 109-19-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 13, 14 and 15m in Morrison and Glenn's Re-Subdivision of part of Original One Hundred Acre Lot No. 378, as shown by the recorded plat of said Re-Subdivision in Volume 29 of Maps, Page 1 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning at the intersection of the Southerly line of Hampden Avenue (formerly Mansion Street) with the Westerly line of Parkwood Drive, (formerly Parkwood Avenue); thence Westerly along said Southerly line of Hampden Avenue, 103.28

feet to the Northwesterly corner of said Sublot No. 13; thence Southerly along the Westerly line of Sublot No. 13, 53.21 feet to a point distant 38 feet Northerly (measured along said Westerly line) from the Southwesterly corner of said Sublot No. 13; thence Easterly about 98 feet to a point in said Westerly line of Parkwood Drive, distant 38 feet Northerly (measured along said Westerly line from the Southeastern corner of said Sublot No. 15; thence Northerly along said Westerly line of Parkwood Drive, 53.01 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 109-19-025

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 378, and being further known as part of the "Dummy Strip" lying between the Southerly line of Morrison and Glenn's Boulevard Park Allotment of part of Original 100 Acre Lot No. 378, as shown by the recorded plat of said Allotment in Volume 19 of Maps, Page 26 of Cuyahoga County Records, and the Northerly line of Curtiss Ambler and Johnson's Subdivision of part of Original 100 Acre Lots Nos. 378 and 386, as shown by the recorded plat in said Subdivision in Volume 16 of Maps, Page 10 of Cuyahoga County Records.

Said part of said "Dummy Strip" is bounded and described as follows:

Beginning at the Southwest corner of Sublot No. 178 in said Morrison and Glenn's Boulevard Park Allotment; thence Easterly along the Southerly line of said Morrison and Glenn's Allotment 163.98 feet to the intersection of said Southerly line with the Westerly line of Parkwood Drive, N.E.; thence Southerly along the Westerly line of Parkwood Drive, N.E. about 21.71 feet to its intersection with the Northerly line of Olivet Court, N.E.; thence Westerly along the Northerly line of Olivet Court, N.E., to the intersection of said Northerly line with the continuation Southerly of the Westerly line of Sublot No. 178 of Morrison and Glenn's Boulevard Park Allotment; thence Northerly along said Southerly continuation of the Westerly line of Sublot No. 178 to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances.

P. P. No. 109-19-103

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 177 in Morrison and Glenn's Boulevard Park Allotment of part of Original One Hundred Acre Lot No. 378, as shown by the recorded plat in Volume 19 of Maps, Page 26 of Cuyahoga County Records and also a part of Original One Hundred Acre Lot No. 378 and together forming a parcel of land bounded and described as follows:

Beginning on the Southerly line of Olivet Avenue, N.E., at the North-easterly corner of said Sublot No. 177; thence Westerly along the Southerly line of Olivet Avenue, N.E., 35 feet to the Northwesterly corner of said Sublot; thence Southerly along the Westerly line

of said Sublot and along the Southerly prolongation thereof about 117.07 feet to the Northerly line of Olivet Court N.E.; thence Easterly along the Northerly line of Olivet Court N.E., 35 feet to its intersection with the Southerly prolongation of the Easterly line of said Sublot No. 177; thence Northerly along the said Southerly prolongation and along the Easterly line of said Sublot No. 177 about 116.32 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Subject to restrictions and easements contained in deeds recorded in Volume 698, Page 4 and Volume 950, Page 305, Cuyahoga County Records.

P. P. No. 109-19-105

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 in the Morrison and Glenn's Boulevard Park Allotment Re-Subdivision of part of Original One Hundred Acre Lot No. 378, as shown by the recorded plat in Volume 29 of Maps, Page 1 of Cuyahoga County Records and being 35 feet front on the Southerly line of Olivet Avenue, N.E., and being 93.82 feet deep on the Easterly line, 94.57 feet on the Westerly line and having a rear line of 35.01 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 2117-2000.
By Councilmen White, Melena, Cimperman and Polensek (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at scattered sites on East 93rd Street to Union Miles Development Corporation.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 136-13-008, 136-13-010, 136-13-013 and 136-13-014, as more fully described in Section 2 below, to Union Miles Development Corporation.

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

P. P. No. 136-13-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 19 in Lucy M. Gaylords Subdivision of part of Original One Hundred Acre Lot No. 465 as shown by the recorded plat in Volume 3 of Maps, Page 48 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southerly line of Gaylord Avenue, S.E., (formerly Spring Street) at the Northeasterly corner of said Sublot No. 19; thence Westerly 65.5 feet along the said Southerly line of Gaylord Avenue, S.E., to a point and the principal place of beginning; thence Southerly 45.5 feet parallel with the Easterly line of said Sublot No. 19 to a point; thence Westerly about 71.4 feet parallel with the said Southerly line of Gaylord Avenue, S.E., to a point in the Easterly line of East 93rd Street (formerly Gaylord Street) as now established; thence Northerly 45.5 feet along said Easterly line of East 93rd Street to its intersection with the said Southerly line of Gaylord Avenue, S.E.; thence Easterly about 71.2 feet along the said Southerly line of Gaylord Avenue, S.E., to the principal place of beginning, together with all right and title in and to that part of East 93rd Street abutting above premises and lying between the present street line and the street line, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

P. P. No. 136-13-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 21 in Lucy M. Gaylords Subdivision of part of Original One Hundred Acre Lot No. 465, as shown by the recorded plat in Volume 3 of Maps, Page 48 of Cuyahoga County Records, and forming a parcel of land 59 feet front on the Easterly side of East 93rd Street and extending back between parallel lines 141 feet as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 136-13-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 105 feet of Sublot No. 33 in Lucy M. Gaylord and others' Subdivision of part of Original One Hundred Acre Lot No. 465, as shown by the recorded plat in Volume 14 of Maps, Page 56 of Cuyahoga County Records, and being 45 feet front on the Easterly side of East 93rd Street and extending back of equal width 105 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

P. P. No. 136-13-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 34 in the Lucy M. Gaylord, et al. Subdivision of part of Original One Hundred Acre Lot No. 465, as shown by the recorded plat in Volume 14 of Maps, Page 56 of Cuyahoga County Records and bounded and described as follows:

Beginning at the Easterly line of East 93rd Street (formerly Woodland Hills Avenue) at the Northwesterly corner of said Sublot No. 34; thence Southerly along said Easterly line 52.55 feet to the Northerly line of Pratt Avenue, S.E., (formerly Pratt Street), thence Easterly along said Northerly line about 94 feet to the Southwesterly corner of land conveyed to Emeline Parker and husband to Turney R. Braund by deed dated December 16, 1897 and recorded in Volume 676, Page 304 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed to Braund 52-55/100 feet to the Northerly line of said Sublot No. 34; thence Westerly along said Northerly line about 94 feet to the place of beginning.

Subject to zoning ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Direc-

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

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 2202-2000.
By Councilmen Cintron, Cimperman and Patmon (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing a salt storage dome at the Seville Station, and authorizing the Director of Public Service to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing a salt storage dome at the Seville Station, for the Division of Streets, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

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

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 20 SF 371, Request No. 29255.

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 2203-2000.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, replacing or otherwise improving various Public Service facility roofs; authorizing the Director of Public Service to enter into contract for the making of the improvement; and authorizing the Director of Public Service to employ one or more professional consultants necessary to design the improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating, replacing or otherwise improving various Public Service facility roofs, for the Division of Architecture, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

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

Section 3. That the Director of Public Service 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 design the improvement.

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

Section 4. That the cost of said professional services and improvement hereby authorized shall be paid from Fund No. 20 SF 371, Request No. 34412.

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 2204-2000.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing or otherwise improving various Public Service facilities; authorizing said Director to enter into contract for the making of such improvement; and authorizing the Director of Public Service to employ one or more professional consultants necessary to design the improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating, renovating, reconstructing or otherwise improving various Public Service facilities, for the Division of Architecture, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

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

Section 3. That the Director of Public Service 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 design the improvement.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Service from a list of qualified consultants available for such employ-

ment as may be determined after a full and complete canvass by the Director of Public Service for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Public Service, and certified by the Director of Finance.

Section 4. That the cost of said professional services and improvement hereby authorized shall be paid from Fund No. 20 SF 362 and 20 SF 371, Request No. 28949.

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 2205-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants necessary to provide electrical, mechanical, structural and environmental engineering services for the Division of Architecture.

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 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 electrical, mechanical, structural and environmental engineering services for the Division of Architecture.

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

Section 2. That the cost of said services herein authorized shall be paid from Fund No. 20 SF 373, Request No. 28956.

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 February 12, 2001.

Effective February 20, 2001.

Ord. No. 2262-2000.

By Mayor White.

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

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

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

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

Section 2. That the Director of Port Control is authorized to acquire a maximum of forty (40) automated external defibrillators and upon acquisition of each defib-

rillator the Director of Port Control shall send a written notice identifying the cost of the defibrillator and the name of the sponsor to the City Council President, the Chairperson of the Aviation and Transportation Committee, and the Clerk of Council. Upon receipt of such notice, the Clerk of Council shall publish the name of the sponsor in the City Record.

Section 3. That the agreement shall be prepared by the Director of Law and shall contain such additional terms and conditions as are necessary to protect the public interest.

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 2268-2000.

By Councilman Cintron (by request).

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

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

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

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

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

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

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

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 2270-2000.

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

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

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

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

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

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

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

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

P. P. No. 129-03-042

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

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

Also subject to all zoning ordinances, if any

P. P. No. 129-03-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being

Sublot No. 14 and the Easterly part of a five foot walk, vacated by the City Ordinance No. 10366 in the East Boulevard Subdivision of part of Original One Hundred Acre Lot No. 420, as shown by the recorded plat in Volume 54 of Maps, Page 9 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

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

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

Also subject to zoning ordinances, if any.

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

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

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

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 2310-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Sunview Avenue to Amistad Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 142-25-061 and 142-25-062, as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 142-25-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 37 in the Bella Villa Allotment of part of Original Warrensville Township Lot No. 104, as shown by the recorded plat in Volume 28 of Maps, Page 22 of Cuyahoga County Records and being 30 feet front on the Southerly side of Sunview Avenue, S.E., and extending back of equal width 100 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 142-25-062

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 36 in the Bella Villa Allotment of part of Original Warrensville Township Lot No. 104, as shown by the recorded plat in Volume 28 of Maps, Page 22 of Cuyahoga County Records, and being 30 feet front on the Southerly side of Sunview Avenue, S.E. and extending back of equal width 100 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That all documents necessary to complete the con-

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

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

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

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

Passed February 12, 2001.

Effective February 20, 2001.

Ord. No. 28-01.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Integrated Consultant Services, Ltd. to provide workers' compensation actuarial and auditing services for the Department of Personnel and Human Resources.

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

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

Section 1. That the Director of Personnel and Human Resources is hereby authorized to enter into contract with Integrated Consulting Services, Ltd. to provide workers' compensation actuarial and auditing services on the basis of their proposal dated November 8, 2000, payable from Fund No. 01-040200-632000, Request No. 755, for the Department of Personnel and Human Resources. The cost of the contract shall not exceed \$223,000.

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 February 12, 2001.

Effective February 20, 2001.

Ord. No. 181-01.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with the Historic Gateway Neighborhood Corporation to provide funding for operating expenses in order to carry out the public purpose of providing social programs for the residents of Cleveland through the use of Ward 13 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with the Historic Gateway Neighborhood Corporation to provide funding for operating expenses in order to carry out the public purpose of providing social programs for the residents of Cleveland through the use of Ward 13 Neighborhood Equity Funds.

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

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

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

Passed February 5, 2001.

Effective February 12, 2001.

Ord. No. 182-01.

By Councilman Cintron.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Ohio City Near West Development Corporation for their residential crime watch program to carry out the public purpose of providing crime prevention training and crime watch programs in Ward 14 through the use of Ward 14 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Ohio City Near West Development Corporation for their residential crime watch program to carry out the public purpose of providing crime prevention training and crime watch programs in Ward 14 through the use of Ward 14 Neighborhood Equity Funds.

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

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

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

Passed February 5, 2001.

Effective February 12, 2001.

Ord. No. 183-01.

By Councilman Melena.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Detroit Shoreway Community Development Organization for safety, code enforcement and housing development activities to further the public purpose of supporting the operations of a non-profit community development organization through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Detroit Shoreway Community Development Organization for safety, code enforcement and housing development activities to further the public purpose of supporting the operations of a non-profit community development organization through the use of Ward 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$57,000 and shall be paid from Fund No. 10 SF 166.

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

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

Passed February 5, 2001.
Effective February 12, 2001.

Ord. No. 228-01.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the MS WALK on April 22, 2001 sponsored by the National Multiple Sclerosis Society.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the MS WALK, sponsored by the National Multiple Sclerosis Society, on April 22, 2001, with **The Short Route** as follows: begin at Nautica Entertainment Complex in the Flats, follow Washington (north side) to Center St. turn left onto Center St. (east side). Follow to Merwin Avenue turn left onto Merwin Avenue (south side) walk past Heritage Park which comes into Old River Road remain on west side of Old River Road until Main St. Cross from west side of east side of Old River Road to Main St. **Handicap Pick Up.** Continue to Front St. turn right onto Front Street (south side). Follow Front to West 9th, turn right onto West 9th (west side). Continue on West 9th, turn left onto W. Lakeside Ave. (south side). Continue on W. Lakeside turn left onto West 3rd (east side) **Rest Stop #1 Handicap Drop Off** Huntington Park, West 3rd becomes Erieside Avenue, (walk on the inside of the curve). Where Erieside turns east to pass the Science Museum and the Rock & Roll Hall of Fame walk on the north side. Follow Erieside to E. 9th. Turn right onto East 9th Street (west side). Continue on E. 9th until Lakeside, turn right onto Lakeside Ave. (north side). Follow Lakeside Ave. continue on Lakeside Ave. walking under the bridge until W. 9th. Turn right onto W. 9th (north side). Follow W. 9th until Front Street turn left onto Front St. (north side). Follow Front St. down the hill to Old River Road. Turn south onto Old River Road (west side). Continue walking south to Merwin Ave. past Heritage Park (south side). Follow Merwin to Center St. Turn right onto Center St. (east side). Continue on Center St. until Washington, turn right onto Washington St. (north side) and follow straight into Nautica. **The Full Route** will be as follows; begin at Nautica Entertainment Complex in the Flats, follow Washington (north side) to Center St. turn left onto Center St. (east side). Follow to

Merwin Ave. turn left onto Merwin Ave. (south side) walk past Heritage Park which comes into Old River Road remain on west side of Old River Road until Main St. Cross from west side to east side of Old River Road to Main St. **Handicap Pick Up.** Continue to Front St. turn right onto Front Street (south side). Follow Front to W. 9th, turn right onto W. 9th (west side). Continue on W. 9th, turn left onto W. Lakeside Ave. (south side). Continue on W. Lakeside turn left onto West 3rd (east side) **Rest Stop #1 Handicap Drop Off** Huntington Bank, West 3rd becomes Erieside Avenue, (walk on the inside of the curve). Where Erieside turns east to pass the Science Museum and the Rock & Roll Hall of Fame walk on the north side. Follow Erieside to E. 9th. Turn right onto E. 9th Street (west side). Continue on E. 9th until Lakeside, turn right onto Lakeside Ave. (north side). Follow Lakeside Ave. until Ontario, turn left onto Ontario (east side). Continue on Ontario until Superior, turn left onto Superior (north side). Continue on Superior until E. 12th. Turn right onto E. 12th (west side). Follow E. 12th until Chester Ave. turn left onto Chester (south side). Follow Chester Ave. until E. 22nd. Turn right onto E. 22nd (west side). Follow E. 22nd until Prospect Ave. turn right onto Prospect (north side). Continue on Prospect until 18th. Turn right onto E. 18th (west side). Follow E. 18th until Euclid Ave. turn left onto Euclid Ave. (south side). **Rest Stop #2** at the Firstar Plaza. Follow Euclid Ave. (south side) to E. 9th. Turn left onto E. 9th (west side). Follow E. 9th until Carnegie turn right onto Carnegie (north side). Continue on Carnegie until Ontario turn right onto Ontario (east side). Follow Ontario to Public Square. Walk on the East side of Ontario until you reach Euclid Ave. Cross to the West at Euclid and Ontario continuing on Ontario. Go north to Superior turning west (north side) this brings you to the Northwest Quadrant of Public Square **Rest Stop #3.** Follow Superior to W. 6th (north side). Turn right onto W. 6th (west side). Continue on W. 6th until Lakeside Ave. Turn left onto Lakeside Ave. (south side). Continue on Lakeside Ave. walking under the bridge until W. 9th. Turn right onto W. 9th (north side). Follow W. 9th until Front Street turn left onto Front St. (north side). Follow Front St. down the hill to Old River Road. Turn south onto Old River Road (west side). Continue walking South to Merwin Ave. past Heritage Park (south side). Follow Merwin to Center St. Turn right onto Center St. (east side). Continue on Center St. until Washington, turn right onto Washington St. (north side) and follow straight into Nautica, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said per-

mit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed February 12, 2001.
Effective February 20, 2001.

Ord. No. 229-01.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for a Walk-A-Thon on May 21, 2001 sponsored by The Museum Co.

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 Walk-A-Thon, sponsored by The Museum Co., on May 21, 2001, starting at The Cleveland Convention Center. The group will walk north to Lakeside Ave., then east to E. 9th Street, north on E. 9th Street across the bridge to Erieside, west onto Erieside (in front of The Rock & Roll Hall of Fame, The Great Lakes Science Center, around and behind The Cleveland Browns Stadium) to W. 3rd Street, south on W. 3rd to Lakeside, east onto Lakeside to return to the Cleveland Convention Center, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed February 12, 2001.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 230-01.**By Councilman Polensek.****An emergency ordinance to amend Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2249-95 passed December 11, 1995 relating to fees for publications 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 Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2249-95 passed December 11, 1995 is hereby amended to read as follows:**Section 113.12 Fees for Publications and Services**

(a) Notwithstanding the prices fixed pursuant to division (a) of this section the Clerk of Council is hereby authorized to collect the following prices for reprinting of the Codified Ordinances which are updated annually:

| | Unit | Cost |
|--------------------------|--|----------|
| Charter | 1. Administrative Code | \$ 20.00 |
| | 2. Health Code | \$ 25.00 |
| | 3. Land Use Code | |
| | I. Planning | \$ 20.00 |
| | II. Housing | \$ 20.00 |
| | III. Zoning | \$ 30.00 |
| | IV. Fire Prevention | \$ 20.00 |
| | V. Building | \$ 35.00 |
| | 4. Traffic Code | \$ 25.00 |
| | 5. Utilities and Services Code | \$ 25.00 |
| | 6. Offenses and Business Activities Code | \$ 30.00 |
| Complete set with binder | \$210.00 | |

The Clerk is further authorized to collect these prices in advance of the reprinting in order to help defray the cost thereof.

(b) The Clerk of Council shall charge one dollar (\$1.00) for each certification and five cents (\$0.05) per page for copies of ordinances, resolutions, reports, communications or other documents.

(c) The Clerk of Council shall annually cause to be published a set of replacement pages to the Codified Ordinances incorporating legislative changes enacted during the previous year. The Clerk is authorized to sell such supplemental service at a cost of ten dollars (\$10.00) for each component code booklet and sixty dollars (\$60.00) for the complete supplement.

(d) All costs specified herein are net and any sales tax or postage as applicable shall be additional.

Section 2. That existing Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2249-95 passed December 11, 1995 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 February 12, 2001.

Effective February 20, 2001.

**COUNCIL COMMITTEE
MEETINGS****Thursday, February 15, 2001****Community and Economic Development Committee (Block Grant Hearings): 9:30 a.m.**—Present: Melena, Chairman; Lewis, Vice Chair-

man; Brady, Jackson, Willis. Excused: Cimperman, Cintron, Johnson, Jones.

Tuesday, February 20, 2001**Finance Committee (Budget Hearings): 9:30 a.m.**—Present: Patmon, Chairman; Rybka, Vice Chairman; Britt, Cintron, Dolan, Lewis, Mele-

na, O'Malley, Polensek, Sweeney, White.

Wednesday, February 21, 2001**Finance Committee (Budget Hearings): 9:30 a.m.**—Present: Patmon, Chairman; Rybka, Vice Chairman; Britt, Cintron, Dolan, Lewis, O'Malley, Polensek, Sweeney, White. Excused: Melena.

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