

The City Record

Official Publication of the City of Cleveland

May the Twenty-Sixth, Nineteen Hundred and Ninety-Nine

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones.....	15601 Lotus Drive	44128
2	Robert J. White.....	3760 East 126th Street	44105
3	Odelia V. Robinson.....	3448 East 123rd Street	44120
4	Kenneth L. Johnson.....	2948 Hampton Road	44120
5	Frank G. Jackson.....	2327 East 38th Street	44115
6	Patricia J. Britt.....	12402 Britton Drive	44120
7	Fannie M. Lewis.....	7416 Star Avenue	44103
8	William W. Patmon.....	867 East Boulevard	44108
9	Craig E. Willis.....	11906 Beulah Avenue	44106
10	Roosevelt Coats.....	1775 Cliffview Road	44112
11	Michael D. Polensek.....	17855 Brian Avenue	44119
12	Edward W. Rybka.....	6832 Indiana Avenue	44105
13	Joe Cimperman.....	3053 West 12th Street	44113
14	Nelson Cintron, Jr.....	3032 Vega Avenue	44113
15	Merle R. Gordon.....	1700 Denison Avenue	44109
16	Michael C. O'Malley.....	6710 Brookside Drive	44144
17	Timothy J. Melena.....	6110 West Clinton Avenue	44102
18	Jay Westbrook.....	10513 Clifton Boulevard	44102
19	Joseph J. Zone.....	3323 West 130th Street	44111
20	Martin J. Sweeney.....	3632 West 133rd Street	44111
21	Michael A. Dolan.....	16519 West Park Road	44111

Clerk of Council - Cecelia R. Huffman, 216 City Hall, 664-2840.
First Assistant Clerk - Sandra Franklin.

MAYOR-Michael R. White
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy
Barry Withers, Executive Assistant for Administration
Judith Zimomra, Executive Assistant for Service
Kenneth Silliman, Executive Assistant for Economic Development
Laura Ann Williams, Director, Office of Equal Opportunity
Milan T. Polacek, Executive Assistant for Legislative Affairs

DEPT. OF LAW - Cornell P. Carter, Director, Lessie M. Milton, Chief Counsel, Room 106
George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch - Justice Center, 8th Flr., Court Towers, 1200 Ontario Street
Karen E. Martines, Law Librarian, Room 100

DEPT. OF FINANCE - Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit
DIVISIONS - Accounts - Gayle Goodwin Smith, Commissioner, Room 19
City Treasury - Mary Christine Jackman, Treasurer, Room 115
Assessments and Licenses - Robert J. Schneider, Commissioner, Room 122
Purchases and Supplies - William A. Moon, Commissioner, Room 128
Printing and Reproduction - James D. Smith, Commissioner, 1735 Lakeside Avenue
Taxation - Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue
Financial Reporting and Control - Robert Dolan, Controller, Room 18
Information Systems Services - Hamid Manteghi, 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 - Solomon F. Balraj, Director,
Cleveland Hopkins International Airport, 5300 Riverside Drive;
Cleveland Hopkins International Airport - Mark D. Vanloh, Commissioner
Burke Lakefront Airport - Michael C. Barth, Commissioner

DEPT. OF PUBLIC SERVICE - Mark Ricchiuto, Director, Room 113
DIVISIONS - Waste Collection and Disposal - Randell T. Scott, Acting Commissioner, 5000 Carnegie Avenue.
Streets - Randell T. Scott, Commissioner, Room 25
Engineering and Construction - JoMarie Wasik, Acting Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards
Architecture - Paul Burik, Acting Commissioner, Room 517

DEPT. OF PUBLIC HEALTH - Michelle Whitlow, Acting Director, Mural Building, 1925 St. Clair Avenue
DIVISIONS - Health - Cheri Hahn, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
Environment - Robin Puriani-Rogers, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
Correction - Thomas Hardin, Commissioner, Cooley Farms, 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 - Mark Ricchiuto, Acting Commissioner, 4150 East 49th Street, Building #1
Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street
Emergency Medical Service - Bruce Shade, Commissioner, 1708 South Pointe Drive

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

Parking Facilities - Dennis Donahue, Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
Park Maintenance and Properties - Richard L. Silva, Acting Commissioner, Public Auditorium - E. 6th & Lakeside.
Recreation - Michael Cox, Acting 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 - Lisa Thomas, 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 - Susan E. Axelrod, Director, Room 122

COMMUNITY RELATIONS BOARD - Room 11, Dennis D. Dove, Acting Director; Mayor Michael R. White, Chairman Ex-Officio; Mary Adele Springman, Vice-Chairman; Councilmen Michael Polensek and Edward Rybka, City Council Representatives; Muqit Abdul Sabur, Louise Boddie, Charles E. McBee, Larry C. Liou, John Gallo, Emmett Saunders, Mary Jan Buckshot, Sr. Joaquina Carrion, Kathryn M. Hall, Hasan Muheisen, Barbara S. Rosenthal, Henry Simon.

CIVIL SERVICE COMMISSION - Room 119, Freddie J. Fenderson, President; Timothy J. Cosgrove, Vice President; Cynthia Sullivan, Secretary; Margaret Hopkins, Member, Earl Preston, Member.

SINKING FUND COMMISSION - Michael R. White, President; Betsy Hruby, Asst. Sec'y; _____, Director; President of Council Jay Westbrook.

BOARD OF ZONING APPEALS - Room 516, Carol Johnson, Chairman; Members; Chris Carmody, Anna Chatman, 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 Martin L. Carmody, Jr., Secretary; Council President Jay Westbrook.

BOARD OF SIDEWALK APPEALS - Service Director Mark Ricchiuto; Law Director Cornell P. Carter; Councilman Roosevelt Coats.

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

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 Odelia V. Robinson.

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

MORAL CLAIMS COMMISSION - Law Director Cornell P. Carter; Chairman; Finance Director Martin L. Carmody, Jr.; Council President Jay Westbrook; Councilman Roosevelt Coats; Councilman Martin J. Sweeney.

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

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

CLEVELAND LANDMARKS COMMISSION - Room 519 - Richard Schanfarber, Chairman; Paul Volpe, Vice Chairman; James Gibans, Sandra Morgan, Hunter Morrison, Theodore Sande, Galen Schuerlein, Randall Shorr, Councilman Craig E. Willis, Councilman Joe Cimperman, Robert Keiser, Executive Secretary.

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

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



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WEDNESDAY, MAY 26, 1999

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CITY COUNCIL

MONDAY, MAY 24, 1999

The City Record

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CECELIA R. HUFFMAN

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:** Jones, Chairman; White, Vice Chairman; Britt, Polensek, Sweeney, Willis, Zone.

MONDAY—Alternating

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

11:00 A.M.—**Employment, Affirmative Action & Training Committee:** White, Chairman; Cintron, Vice Chairman; Gordon, Johnson, Lewis, O'Malley, Rybka.

MONDAY

2:00 P.M.—**Finance Committee:** Johnson, Chairman; Westbrook, Vice Chairman; Cintron, Coats, Gordon, Lewis, Melena, Patmon, Robinson, Sweeney, Willis.

TUESDAY

9:00 A.M.—**Community and Economic Development Committee:** Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Rybka.

TUESDAY—Alternating

1:00 P.M.—**Public Health Committee:** Gordon, Chairman; Cimperman, Vice Chairman; Britt, Cintron, Dolan, Jackson, Robinson.

1:30 P.M.—**Legislation Committee:** Zone, Chairman; Johnson, Vice Chairman; Britt, Cimperman, Jackson, Rybka, Westbrook.

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Westbrook, Chairman; Sweeney, Vice Chairman; Cimperman, Dolan, Lewis, Patmon, White.

10:00 A.M.—**Public Safety Committee:** Coats, Chairman; Zone, Vice Chairman; Gordon, Jackson, Jones, Melena, O'Malley, White, Willis.

WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Willis, Chairman; Coats, Vice Chairman; Britt, Jones, Melena, O'Malley, Robinson, Rybka, Sweeney.

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, May 24, 1999.

The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

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

Also present were Chief of Staff Sheffield-McClain and Directors Carter, Carmody, Konicek, Balraj, Jackson, Hudecek, Patterson, Dove, Morrison and Acting Directors Whitlow, Owens, Alexander.

Absent: Mayor White and Directors Ricchuito, Guzman, Warren and Axelrod.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Father Edward Glynn, J.J. of John Carroll University in University Heights, Ohio. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 933-99.

From the Division of Purchases and Supplies re: Sales Request No. 90177 for sale or lease of property land north of Cleveland Memorial Shoreway at East 55th Street. Received.

File No. 934-99.

From the Division of Purchases and Supplies re: Sales Request No. 90178 for sale or lease of property Northeast Corner of East 105th Street and Euclid Avenue. Received.

File No. 935-99.

From the Board of Building Standards and Building Appeals re: Agenda Public Hearing, Wednesday, May 26, 1999. Received.

File No. 936-99.

From The Richard E. Jacobs Group, Inc. re: Financial agreements dated July 6, 1998 with various Community Urban Redevelopment Corp. pertaining Tax Abatement for Key Center. Received.

File No. 937-99.

From the Merchants Bonding Company re: cancellation of liability under Bond No. OH 1685. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 938-99.

Re: Transfer of Ownership Application - 6275945 - Mystery Productions, Inc. d.b.a. Shadows, 1296 West 6th Street. (Ward 13). Received.

File No. 939-99.

Re: Transfer of Ownership Application - 4619000005 - George Khater d.b.a. Sally's Food Market, 3671-73 West 130th Street first floor only. (Ward 19). Received.

File No. 940-99.

Re: Transfer of Ownership Application - 6549574 - 14801 Puritas, Inc. d.b.a. RJS Beverage, 14801 Puritas Avenue. (Ward 20). Received.

File No. 941-99.

Re: Transfer of Ownership Application - 7184705 - Rana Quraaninc d.b.a. Nadias, 3643 East 116th Street and Craven. (Ward 2). Received.

File No. 942-99.

Re: Transfer of Location Application - 73153073322 - Revco Discount Drug Centers, Inc. d.b.a. CVS Pharmacy #3322, 2007 Brookpark Road. (Ward 16). Received.

STATEMENT OF WORK ACCEPTED

File No. 943-99.

From the Department of Port Control re: Contract No. 52021 for Site Grading/Utilities Package Consolidated Rental Car Facility. Received.

File No. 944-99.

From the Department of Public Utilities re: Contract No. 49858A&B for Independence Excavating, Inc., completed and accepted June 30, 1997. Received.

File No. 945-99.
From the Department of Public Utilities re: Contract No. 50878A&B, Vallejo/Terrace Joint Venture, completed and accepted February 7, 1998. Received.

CONDOLENCES RESOLUTIONS

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

Res No. 996-99—Cleveland Willis Williams, Sr.
Res No. 997-99—Phillip Hathaway Gary, Sr.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 998-99—Yamarie Fraticelli.
Res No. 999-99—Scranton Elementary School.
Res No. 1000-99—Sgt. Mark Hastings.
Res No. 1001-99—Mary L. Cleveland.
Res No. 1002-99—St. Aloysius Parish.
Res No. 1003-99—Czech American Committee.
Res No. 1004-99—Polish American Congress, Ohio Division.
Res No. 1005-99—United Hungarian Societies.
Res No. 1006-99—Annie Bradley.
Res No. 1007-99—Arthur L. Turner.
Res No. 1008-99—Betty Morrow.
Res No. 1009-99—Donald J. Dura.
Res No. 1010-99—Lt. James Birk.
Res No. 1011-99—Russell Sack.
Res No. 1012-99—Sgt. Ross Benjamin.
Res No. 1013-99—Willie Radford.
Res No. 1014-99—Richard Petras.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 946-99.
By Councilmen Willis and Johnson (by departmental request).
An emergency ordinance authorizing the purchase by requirement contract of disposal of debris at landfills, for the Divisions of Water Pollution Control, Water and Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of the disposal of debris at landfills 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 Divisions of Water Pollution Control, Water and Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate

bids for a period less than two (2) 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. 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 3912) (RL 24062)

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

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

Ord. No. 947-99.
By Councilmen Westbrook and Johnson (by departmental request).
An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide design services of a heating, ventilating and air conditioning system at Burke Lakefront 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 employ by contract one or more design consultants or one or more firms of design consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design a heating, ventilating and air conditioning system at Burke Lakefront Airport.

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

Section 2. That the costs for such services herein contemplated shall be paid from Fund No. 60 SF 119, Request No. 8206.

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

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

Ord. No. 948-99.
By Councilmen Westbrook and Johnson (by departmental request).
An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide design services necessary for improvements and modifications to ingress and egress 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 employ by contract one or more design consultants or one or more firms of design consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide design services necessary for improvements and modifications to ingress and egress at Cleveland Hopkins International Airport.

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

Section 2. That the costs for such services herein contemplated shall be paid from Fund No. 60 SF 121, Request No. 8205.

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

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

Ord. No. 949-99.
By Councilmen Westbrook and Johnson (by departmental request).
An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to install and maintain fencing, 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 re-

quirements for the period of two (2) years for the necessary items of labor and materials necessary for the installation and maintenance of fencing 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 (2) 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. 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 8203)

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

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

Ord. No. 950-99.

By Councilmen Sweeney and Johnson (by departmental request).

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

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

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

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

Section 2. 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 1714)

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

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

Ord. No. 951-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Department of Transportation for the Eagle Avenue Bridge and Alternative Analysis Study; and to authorize said director to employ one or more professional consultants to perform the study.

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 apply for and accept a grant in the amount of \$500,000, from the Ohio Department of Transportation, to conduct the Eagle Avenue Bridge and Alternative Analysis Study (the "Study"), for the purposes set forth in the application and according thereto; that the Director of Public Service is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 951-99-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$100,000, payable from Fund No. 20 SF 334, is hereby approved in all respects.

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 perform the Study.

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 Direc-

tor of Law, approved by the Director of Public Service, and certified by the Director of Finance.

Section 4. That the costs for such services herein contemplated shall be paid from the proceeds of the grant accepted pursuant to Section 1 of this ordinance and from the cash matching funds identified in Section 2 of this ordinance.

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

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

Ord. No. 952-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of cleaning and hygiene supplies, for the Division of Correction, Department of Public Health, 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 Health is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of cleaning and hygiene supplies 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 Correction, Department of Public Health. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 6758)

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

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

Ord. No. 953-99.
By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Public Health for the STD — Diagnostic and Treatment Services Program; and to enter into contract with the City of Canton Health Department and MetroHealth Medical System, to implement the program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the amount of \$126,000, from the Ohio Department of Public Health, to conduct the STD — Diagnostic and Treatment Services Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 953-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized to enter into contract with the City of Canton Health Department and MetroHealth Medical System for the implementation of the program as described in the application contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

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

Ord. No. 954-99.
By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Department of Health and Human Services, Maternal & Child Health Bureau for Phase II, Years 3 and 4, of the Healthy Family Healthy Start Program; and to enter into contracts with various entities to implement the program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$4,375,000, and any other funds as they become available during the grant term, from the Department of

Health and Human Services, Maternal & Child Health Bureau, to conduct Phase II, Years 3 and 4, of the Healthy Family Healthy Start Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 954-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized to enter into a contract or contracts with various entities, including but not limited to Neighborhood Centers Association, CWRU/Infant Mortality Review, Northeast Ohio Neighborhood Health Services (NEON), and the Cleveland Municipal School System, for the implementation of the program, as described in the application, and that said contracts are payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

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

Ord. No. 955-99.
By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1999-2000 Drug Prevention, Treatment and Intervention Program; to enter into an agreement with said Board for the City to receive payments from the Medicaid program; to enter into contract authorizing said director to employ one or more professional medical consultants to provide medical services, and to enter into contract for the lease of a facility necessary to implement the program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the amount of \$488,320.00, from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1999-2000 Drug Prevention, Treatment and Intervention Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 955-99-A, made a part hereof as if fully rewritten herein is hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized to enter into an Agreement with the Alcohol and Drug Addiction Services Board of Cuyahoga County for the City to receive payments from the Medicaid programs for alcohol and drug addiction services provided by the City.

Section 4. That the Director of Public Health is hereby authorized to employ by contract one or more medical professionals for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the program as described in the application.

The selection of said medical professional for such services shall be made by the Board of Control upon the nomination of the Director of Public Health from a list of qualified medical professionals available for such employment as may be determined after a full and complete canvass by the Director of Public Health 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 Health, and certified by the Director of Finance.

Section 5. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is hereby authorized to lease a facility for the implementation of the grant. The term of the lease shall not exceed the grant period.

That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the purposes of the grant. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

That the Director of Public Health, the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 6. That the costs for such lease and services herein contemplated shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

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

Ord. No. 956-99.
By Councilmen Coats, Zone and Johnson (by departmental request).
An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 173.21 thereof, relating to Police Review Board.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 173.21 thereof, to read as follows:

Section 173.21 Police Review Board

The salaries of the members of the Police Review Board shall be six thousand eight hundred dollars (\$6,800.00) per annum, except that the member designated by the Mayor as Chairman shall receive additional compensation of five hundred dollars (\$500.00) per annum.

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

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

Ord. No. 957-99.
By Councilman Westbrook.
An emergency ordinance to amend Sections 603.02, 604.01, 604.03 and 604.04, and 604.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to vicious dogs.

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

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

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 603.02, as amended by Ordinance No. 1020-76, passed June 14, 1976,

Section 604.01, as amended by Ordinance No. 90-96, passed March 18, 1996, and

Sections 604.03, 604.04, and 604.99 as amended by Ordinance No. 304-A-89, passed June 16, 1989, are hereby amended to read, respectively, as follows:

Section 603.02 Unmuzzled Dogs at Large; Duty to Report

(a) No person shall permit an unmuzzled dog at any time to be on a public street, highway, park, building or other public place except when held securely in leash by the owner thereof or another responsible person.

(b) Every City employee, while in the performance of his official duties, who has in his possession or under his control any radio transmitter and receiver, telephone or other device ordinarily used for two-way communication, shall immediately report to police officers or dog wardens of the City the sighting of any unmuzzled dogs found to

be in a public place in violation of this section. The employee shall report the time, place, date and description of the dog, together with the employee's name.

(c) **If a violation of division (a) of this section involves a dangerous or vicious dog as defined in division (b) or (k) of Section 604.01, the dog shall be impounded pursuant to Section 603.02. Impoundment of a dangerous or vicious dog because it was found to be in violation of this section shall not exempt the owner of the dog from being prosecuted under Section 604.99.**

(d) **Whoever violates this section is guilty of permitting unmuzzled dogs at large, and shall be fined not less than one hundred dollars (\$100.00) on the first offense, and on each subsequent offense shall be fined not less than one hundred fifty dollars (\$150.00) or more than two hundred fifty dollars (\$250.00), which fine shall be mandatory, and shall not be suspended or remitted.**

(e) **An amount equal to the amount of fines and penalties imposed pursuant to this section shall annually be contributed to and used for the benefit of the Division of Dog Pound.**

Section 604.01 Definitions

For the purpose of this chapter, the following definitions shall apply, unless the context shall indicate another or different meaning or intent:

(a) "Animal warden" means the chief dog warden of the City of Cleveland or his duly authorized representatives.

(b) "Dangerous Dog" means a dog that, without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper, or harborer and not under the reasonable control of its owner, keeper, harborer, or some other responsible person or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top, or any dog which, on three separate occasions within a twelve (12) month period has been impounded by the City Animal Warden for being unrestrained or uncontrolled off its owner's, keeper's, or harborer's premises.

(c) "Domestic Animal" means a tamed animal.

(d) "Impounded" means taken into the custody of the public pound in the City of Cleveland.

(e) "Law Enforcement Officer" has the same meaning as division (k) of Section 601.01 of these Codified Ordinances.

(f) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(g) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

(h) "Person" means a natural person or any legal entity, including but not limited to, a corporation, firm, partnership, or trust.

(i) "Police dog" means a dog that has been trained, certified and/or approved by the state and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(j) "Serious injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

(k) "Vicious dog" means a dog that, without provocation, meets any of the following:

(1) Has killed or caused serious injury to any person;

(2) Has caused injury, other than killing or serious injury, to any person, or has killed or caused serious injury to any domestic animal;

(3) Any pit bull dog. "Pit bull dog" is defined to mean any and all of the following dogs:

A. The Staffordshire Bull Terrier breed of dogs;

B. The American Staffordshire Terrier breed of dogs;

C. The American Pit Bull Terrier breed of dogs;

D. The Pit Bull Terrier breed of dogs;

E. Dogs of mixed breeds or of other breeds than above listed, which breeds or mixed breeds are known as pit bulls, pit bull dogs, or pit bull terriers;

F. Dogs which have the appearance and characteristics of being predominately of the breeds of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, Pit Bull Terrier and any other breed of dog commonly known as pit bulls, pit bull dogs, or pit bull terriers, or a combination of these breeds.

The ownership, keeping, or harboring of such breed of dogs shall be prima-facie evidence of the ownership, keeping or harboring of a vicious dog.

(4) Is owned, kept or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

(1) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

Section 604.03 Control of Vicious and Dangerous Dogs

No owner, keeper or harborer of a dangerous or vicious dog shall fail to do either of the following, except when the dog is legally engaged in hunting or training for the purpose of hunting, accompanied by the owner, keeper, harborer, or a handler:

(a) While the dog is on the premises of the owner, keeper or harborer, maintain it at all times **securely indoors, or in a locked pen which has a top, the dimensions of which should be at least five (5) feet by ten (10) feet, with secure sides and a secure top. If such structure should have no bottom secured to the sides, the sides must be imbedded into the ground no less than two (2) feet or, in the alternative, a locked fenced yard which fence is at least six (6) feet or other locked enclosure which has a top. Any enclosure must provide protection from the elements for the dog.**

(b) While the dog is off the premises of the owner, keeper or harborer, keep it on a chain like leash or tether, **and a collar of substantial tensile strength that is not more than six feet in length and additionally shall do the following:**

(1) Keep the dog in a locked pen which has a top, locked fenced yard

of at least six (6) feet high, or other locked enclosure which has a top; or

(2) Have the leash or tether controlled by a person who is at least eighteen (18) years of age or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such person in close enough proximity to the dog so as to prevent it from causing injury to any person; and

(3) Muzzle the dog. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.

(c) No owner, keeper or harbinger of the dog shall permit the unmuzzled dog at anytime to be on a public street, highway, park, building, or other public place.

(d) Any owner, keeper or harbinger of a dog declared dangerous or vicious pursuant to Section 604.01 shall, at the expense of such owner, keeper or harbinger, have the dog tattooed or microchipped to secure positive identification.

Section 604.04 Insurance; Signs; Notification

(a) All owners, keepers or harborers of vicious dogs shall obtain a policy of liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000.00) because of damage or bodily injury to or death of a person caused by the vicious dog. All owners, keepers or harborers of vicious dogs shall provide a copy of the policy for liability insurance to the Animal Warden on a yearly basis.

(b) All persons who presently own, keep or harbor a vicious dog must obtain a policy of liability insurance within thirty (30) days of the effective date of this section.

(c) All owners, keepers or harborers of vicious or dangerous dogs shall have posted and displayed at each possible entrance onto the premises where the vicious or dangerous dog is kept a conspicuous sign, clearly legible, and easily readable by the public warning that there is a vicious or dangerous dog on the premises. Such sign shall be at least eight (8) inches by ten (10) inches in rectangular dimensions and shall contain only the words "VICIOUS DOG" or "DANGEROUS DOG" in lettering not less than two (2) inches in height.

(d) (1) The owner of a vicious or dangerous dog shall notify the animal warden within twenty-four (24) hours if the vicious or dangerous dog is on the loose, is unconfined, has attacked another animal, has attacked any person, has died, or transfer of ownership or possession of the dog has occurred.

(2) If there has been a transfer of possession or ownership of a dangerous or vicious dog, within ten (10) days after such transfer of ownership or possession, the seller, transferor, owner, keeper or harbinger shall provide a completed copy of a written form to the animal warden on which the seller, transferor, owner, keeper or harbinger shall furnish the following information:

A. The name and address of the buyer or other transferee of the dog;
B. The age, sex, color, breed, and registration number of the dog.

C. In addition, the seller, transferor, owner, keeper or harbinger shall answer the following questions which shall be specifically stated on the form as follows:

"Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever seriously injured or killed a person or other animal? If yes, describe the incident(s) in which the behavior occurred."

The animal warden shall furnish the form to the seller or transferor at no cost.

Section 604.99 Penalties

(a) If a violation of division (a), (b) or (c) of Section 604.03 involved a dangerous dog, whoever violates that Section is guilty of a misdemeanor of the second degree on a first offense and of a misdemeanor of the first degree on each subsequent offense and shall be fined one thousand dollars (\$1,000.00) which fine shall be mandatory, and shall not be suspended or remitted. Additionally, the Court may order the offender: (i) to personally supervise the dangerous dog that he owns, keeps or harbors, (ii) to cause that dog to complete dog obedience training, (iii) to attend a class on responsible pet ownership and dog behavior, or (iv) to do all three. The Court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society.

(b) If a violation of division (a), (b) or (c) of Section 604.03 involved a vicious dog, whoever violates that section may be found guilty of a misdemeanor of the first degree on a first offense. When any person is found guilty of a misdemeanor of the first degree such person shall be fined one thousand dollars (\$1,000.00) which fine shall be mandatory, and shall not be suspended or remitted. The Court may order the dog to be spayed or neutered at the owner's, keeper's or harbinger's expense. Additionally, the Court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society.

(c) Any owner who does not obtain the liability insurance coverage required in accordance with divisions (a) or (b) of Section 604.04 shall be found guilty of a misdemeanor of the first degree.

(d) Any owner who is found guilty of violating divisions (c) or (d) of Section 604.04 shall be found guilty of a misdemeanor of the first degree and shall be fined one hundred dollars (\$100.00) on each subsequent offense which fine shall be mandatory and shall not be suspended or remitted.

(e) Any owner found guilty of violating this chapter shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of the vicious or dangerous dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

(f) An amount equal to the amount of fines and penalties imposed pursuant to this section shall annually be contributed to and

used for the benefit of the Division of Dog Pound.

(g) This Section shall not apply whenever the conduct proscribed in this chapter constitutes a felony under RC 955.99.

Section 2. That the following existing Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 603.02, as amended by Ordinance No. 1020-76, passed June 14, 1976,

Section 604.01, as amended by Ordinance No. 90-96, passed March 18, 1996, and

Sections 604.03, 604.04, and 604.99 as amended by Ordinance No. 304-A-89, passed June 16, 1989, are hereby repealed.

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

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

Ord. No. 958-99.

By Councilmen Jackson, Robinson and Zone (by departmental request).

An emergency ordinance to amend Section 341.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2035-87, passed October 19, 1987, relating to public land protective districts.

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 341.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2035-87, passed October 19, 1987, is hereby amended to read as follows:

Section 341.01 Purpose

(a) In keeping with its general policy of encouraging the best possible development of the City, Council feels that it is essential to the economic soundness and welfare of the City that the attractiveness of certain areas be enhanced and protected. The economic and social welfare of the City requires reasonable controls over the character, design, placement and relationship of buildings and structures adjoining and in the neighborhood of the Mall, public parks and other public open spaces. The people of the City have invested large sums of money in the development and maintenance of the Mall, public parks and other public open spaces, which investment has in itself enhanced the value of adjoining and neighboring lands.

Therefore, it is declared to be the policy of the City that reasonable controls over the character and design of buildings and structures adjoining or in the neighborhood of the Mall, public parks and other public open spaces within the City in order to provide and protect the light and air available for these areas, thus promoting the public health, safety, morals, comfort, prosperity and general welfare.

(b) Pursuant to division (a) of this section, Public Land Protective District is hereby created, bounded and described as follows:

PUBLIC LAND
PROTECTIVE DISTRICT

Beginning at the intersection of the center line of East 13th Street and the center line of Superior Avenue, N.E.;

Thence Southwesterly along said center line of Superior Avenue, N.E. to its intersection with the center line of East 9th Street;

Thence Southeasterly along said center line of East 9th Street to its intersection with the center line of Vincent Avenue, N.E.;

Thence Southwesterly along said center line of Vincent Avenue, N.E. to its intersection with the center line of East 6th Street;

Thence Southeasterly and Southerly along said center line of East 6th Street to its intersection with the center line of Euclid Avenue;

Thence Westerly along said center line of Euclid Avenue to its intersection with the center line of the Southerly side of Public Square;

Thence Southwesterly along said center line of the Southerly side of Public Square to its intersection with the center line of Ontario Street;

Thence Southeasterly along said center line of Ontario Street and continuing Southeasterly along the center line of Broadway to its intersection with the center line of Scranton Road, S.E.;

Thence Southwesterly and Northwesterly along said center line of Scranton Road, S.E. to the center line of the Cuyahoga River;

Thence Northerly and Westerly along said center line of the Cuyahoga River to its intersection with the center line of the **Carter Road Bridge**;

Thence Northwesterly along said center line of the **Carter Road Bridge** to its intersection with the center line of Canal Road;

Thence Westerly along said center line of Canal Road to its intersection with the center line of Columbus Road;

Thence Southwesterly along said center line of Columbus Road to its intersection with the center line of West Street;

Thence Northwesterly along the center line of West Street to its intersection with the center line of Merwin Street;

Thence Southwesterly along said center line of Merwin Street to its intersection with the center line of Center Street;

Thence Northwesterly along said center line of Center Street to its intersection with the east bank of the Cuyahoga River;

Thence Southwesterly and Southeasterly along said river bank to its intersection with the center line of the Columbus Road Bridge;

Thence Southwesterly along said center line of the Columbus Road Bridge and Columbus Road to the center line of the Hope Memorial Bridge;

Thence Westerly along said center line of the Hope Memorial Bridge to the center line of West 25th Street;

Thence Northerly along the center line of West 25th Street to its intersection with the center line of the Detroit/Superior Bridge;

Thence Northeasterly along said center line of the Detroit/Superior Bridge to its intersection with the center line of the Superior Viaduct;

Thence Northeasterly along said center line of the Superior Viaduct and along its Northeasterly extension to its intersection with the

Northwesterly extension of the center line of Superior Avenue;

Thence Northeasterly along said extension of the center line of Superior Avenue and along said center line of Superior Avenue to its intersection with the center line of West 10th Street;

Thence Northwesterly and Northwesterly along said center line of West 10th Street to its intersection with the center line of Front Avenue;

Thence Westerly along said center line of Front Avenue N.W. to its intersection with the east bank of the Cuyahoga River;

Thence Northerly along said east bank of the Cuyahoga River to its intersection with the shore line of Lake Erie;

Thence following the shore line of Lake Erie in an Easterly direction to its intersection with the Northwesterly prolongation of the center line of East 13th Street;

Thence Southeasterly along said Northwesterly prolongation and along said center line of East 13th Street to the place of beginning, and as outlined in red on the map here attached be and the same is now defined as the Public Land Protective District.

Section 2. That existing Section 341.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2035-87, passed October 19, 1987, is hereby repealed.

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

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

Ord. No. 959-99.

By Councilmen Cimperman, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance to amend Sections 1, 3 and 4 of Ordinance No. 2831-86, passed February 9, 1987, as amended; to supplement said ordinance by adding new Sections 3a and 5; and to renumber existing Section 5 to new Section 6, relating to establishing a Community Reinvestment Area in the area bounded by Lakeside Avenue on the north, W. 6th Street on the east, St. Clair Avenue on the south, and W. 9th Street on the west; and to repeal Ordinance Nos. 1937-96, 1938-96, 550-96, 1866-97, 915-98, 2195-97 and 395-97, relative thereto.

Whereas, Ordinance No. 2831-86, passed February 9, 1987, established a Community Reinvestment Area in the area bounded by Lakeside Avenue on the north, W. 6th Street on the east, St. Clair Avenue on the south, and W. 9th Street on the west, and was subsequently amended by Ordinance No. 1171-94, passed July 20, 1994; and

Whereas, the City desires to expand the Community Reinvestment Area established by Ordinance No. 2831-86 to include the entire area described in Section 341.01 and Section 341.02 of the Codified Ordinances of Cleveland, Ohio, 1976; and

Whereas, the area described in Section 341.01 and Section 341.02 of

the Codified Ordinances of Cleveland, Ohio, 1976, is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged; and

Whereas, the City Planning Commission has surveyed the area described in Section 341.01 and Section 341.02 of the Codified Ordinances of Cleveland, Ohio, 1976, and has presented findings showing that the area is blighted and deteriorated; 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 Sections 1 and 4 of Ordinance No. 2831-86, passed February 9, 1987, and Section 3 of Ordinance No. 2831-86, passed February 9, 1987, as amended by Ordinance No. 1171-84, passed July 20, 1994, are hereby amended to read, respectively, as follows:

Section 1. That it is hereby found and determined that the area bounded by Lakeside Avenue on the north, West 6th Street on the east, St. Clair Avenue on the south, and West 9th Street on the west is expanded to include the area described in Section 341.01 and Section 341.02 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, and that this area is blighted and deteriorated area and one in which housing facilities or structures of historical significance are located and new construction and repair of existing facilities or structures is discouraged.

Section 3. That the conversion of three buildings known as Hoyt Block II, located at 750-850 West St. Clair Avenue (Permanent Parcel No. 101-09-018), into approximately 55 units of multi-family residential housing in the Community Reinvestment Area hereinabove described is declared to be a public purpose for which exemption from real property taxation at Seventy Five percent (75%) of the dollar amount by which the new construction or remodeling increased the market value of the property may be granted for the following periods:

(a) For every dwelling containing more than two (2) units, upon which the cost of remodeling is at least Five Thousand Dollars (\$5,000.00), fifteen (15) years for the residential units only.

The exemption set forth above applies only to the multi-family residential project located at Permanent Parcel No. 101-09-018 and shall not apply to any other multi-family residential projects located in the Community Reinvestment Area hereinabove described.

Section 4. That the Commissioner of Neighborhood Development for the City of Cleveland shall serve as the Housing Officer, as defined in Chapter 3735 of the Ohio Revised Code, for the Community Reinvestment Area described hereinabove and shall administer all activities carried out pursuant to Chapter 3735 of the Ohio Revised Code and this ordinance.

Section 2. That existing Sections 1 and 4 of Ordinance No. 2831-86, passed February 9, 1987, and Section 3 of Ordinance No. 2831-86, passed February 9, 1987, as amended by Ordinance No. 1171-84, passed July 20, 1994, are hereby repealed.

Section 3. That Ordinance No. 2831-86, passed February 9, 1987, as amended by Ordinance No. 1171-84, passed July 20, 1994, is hereby supplemented by adding new Sections 3a and 5 to read, respectively, as follows:

Section 3(a). That the construction of new structures and the remodeling of existing structures in the projects listed below, which are located in the Community Reinvestment Area described hereinabove, have been declared to be a public purpose for which exemptions from real property taxation were granted under Ordinances 1937-96, passed December 16, 1996; 1938-96, passed December 16, 1996; 550-96, passed June 10, 1996; 1866-97, passed December 15, 1997; 915-98, passed July 29, 1998; 2195-97, passed June 15, 1998; 395-97, passed June 16, 1997; 864-96, passed May 20, 1996; and 1457-95, passed September 25, 1995 and which shall be honored under the terms set forth in those ordinances and as restated below:

a. The construction of six townhouses at Kirkham Place at West 10th Street in the Historic Warehouse District (Permanent Parcel No. 101-14-028) is hereby declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(i) The owners of such real property located within Permanent Parcel No. 101-14-028 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of fifteen (15) years for 75% of the assessed taxes for the construction activities described above.

b. Exemption from real property taxation for the following multi-family residential projects in the Community Reinvestment Area described hereinabove is authorized as follows:

(i) The conversion of the Bardons and Oliver Buildings located at 1133 West Ninth Street (Permanent Parcel Nos. 101-08-006 and 101-08-007) into approximately 100 apartments is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

a) The owners of such real property located within Permanent Parcel Nos. 101-08-006 and 101-08-007 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for years 1-5; 50% of the assessed taxes for years 6-10, and 25% of the assessed taxes for years 11-12 for the residential improvements described above.

(ii) The conversion of three vacant buildings located at 1001 Huron Road (Permanent Parcel No. 101-36-022), 1020 Huron Road (Permanent Parcel Nos. 101-36-028 to 101-36-031) and 1104 Prospect Avenue (Permanent Parcel No. 101-36-042) into approximately 165 units is declared to be a public purpose for which exemption from real property taxation shall be granted as follows:

a) The owners of such real property located within Permanent Parcel Nos. 101-36-022, 101-36-028 to 101-36-031, and 101-36-042 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a peri-

od of twelve (12) years for 75% of the assessed taxes for years 1-5; 50% of the assessed taxes for years 6-10, and 25% of the assessed taxes for years 11-12 for the residential improvements described above.

(iii) The construction of approximately 12 residential apartments in the area located at 1895-1905 West 25th Street (Permanent Parcel No. 003-23-033) (Metzner Building) is hereby declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property located within Permanent Parcel No. 003-23-033 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for the construction activities described above.

(iv) The renovation of the four inter-connected buildings that comprise Otis Terminals located at 1300 West Ninth Street (Permanent Parcel Nos. 101-13-005 and 101-13-004) into approximately 249 multi-family residential units is hereby declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property located within Permanent Parcel Nos. 101-13-005 and 101-13-004 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for years 1-5; 50% of the assessed taxes for years 6-10, and 25% of the assessed taxes for years 11-12 for the construction activities described above.

(v) The renovation of four buildings, located at 750 Prospect Avenue (Permanent Parcel No. 101-29-007), known as Pointe at Gateway, to include 42 market rate apartments is hereby declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

a) The owner of such real property located in Permanent Parcel No. 101-29-007 in the Community Reinvestment Area described above may file an application for real property taxation with the Commissioner of Neighborhood Development for a period of twelve (12) years for 75% of the assessed taxes on the construction activities described above.

(vi) The renovation of the building known as Windsor Block located at 322, 328, 334 and 340 Euclid Avenue (Permanent Parcel Nos. 101-26-033, 101-26-034, 101-26-035, 101-26-036, 101-26-064) into approximately 42 residential units is hereby declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property located within Permanent Parcel Nos. 101-26-033, 101-26-034, 101-26-035, 101-26-036, 101-26-064 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for years 1-5; 50% of the assessed taxes for years 6-10, and 25% of the assessed taxes for years 11-12 for the construction activities described above.

The terms set forth for the projects listed above apply only to those projects and shall not apply to any construction or remodeling of single-family, two-family, or multi-family residential properties which commences after the effective date of this amending ordinance.

Section 5. (a) That the construction or remodeling of any other multi-family structure, located in the Community Reinvestment Area described hereinabove, for which construction or remodeling is begun after the effective date of this amending ordinance, is declared to be a public purpose for which exemptions from real property taxation may be granted as follows:

The owners of such multi-family real property may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for construction or remodeling of such property which commences after the effective date of this amending ordinance under the terms set forth below:

(i) For new construction of Low Income Housing Tax Credit multi-family projects where 40% or more of the occupants qualify as low income residents per the tax credit laws, seventy-five percent (75%) of the assessed value of the new structure for a period of twelve (12) years;

(ii) For Low Income Housing Tax Credit multi-family projects upon which the cost of remodeling is at least Five Thousand Dollars (\$5,000.00) and where 40% or more of the occupants qualify as low income residents per the tax credit laws, seventy-five percent (75%) of the dollar amount by which remodeling increased the market value of the structure for a period of twelve (12) years;

(iii) For multi-family residential projects utilizing historic tax credits upon which the cost of remodeling is at least Five Thousand Dollars (\$5,000.00), a period of twelve (12) years for 75% of the dollar amount by which the remodeling increased the market value of the structure for years 1-5, 50% of the dollar amount by which the remodeling increased the market value of the structure for years 6-10, and 25% of the dollar amount by which the remodeling increased the market value of the structure for years 11-12;

(iv) For the construction of all other multi-family residential projects, seventy-five percent (75%) of the assessed value of the new construction for a period of fifteen (15) years;

(v) For the remodeling of all other multi-family residential projects upon which the cost of remodeling is at least Five Thousand Dollars (\$5,000.00), a period of twelve (12) years for 75% of the dollar amount by which the remodeling increased the market value of the structure for years 1-5, 50% of the dollar amount by which the remodeling increased the market value of the structure for years 6-10, and 25% of the dollar amount by which the remodeling increased the market value of the structure for years 11-12.

(b) That the construction of new one (1) and two (2) family residential structures and the remodeling of existing one (1) and two (2) family structures, for which construction or remodeling is completed after the effective date of this amending ordinance, and which are located in the

Community Reinvestment Area described hereinabove, are declared to be a public purpose for which exemptions from real property taxation may be granted as follows:

The owners of such one (1) or two (2) family residential property may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for construction or remodeling of such property which commences after the effective date of this amending ordinance under the terms set forth below:

(i) For new construction of one (1) and two (2) family residential structures, seventy-five percent (75%) of the assessed value of the new structure for a period of fifteen (15) years;

(ii) For one (1) and two (2) family residential structures upon which the cost of remodeling is at least Two Thousand Five Hundred Dollars (\$2,500.00), seventy-five percent (75%) of the dollar amount by which the remodeling increased the market value of the structure for a period of ten (10) years.

Section 4. That existing Section 5 of Ordinance No. 2831-86, passed February 9, 1987, is hereby renumbered to new "Section 6".

Section 5. That the following ordinances are hereby repealed:

Ordinance No. 1937-96, passed December 16, 1996,

Ordinance No. 1938-96, passed December 16, 1996,

Ordinance No. 550-96, passed June 10, 1996,

Ordinance No. 1866-97, passed December 15, 1997,

Ordinance No. 915-98, passed July 29, 1998,

Ordinance No. 2195-97, passed June 15, 1998,

Ordinance No. 395-97, passed June 16, 1997.

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

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

Ord. No. 960-99.

By Councilmen Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance to amend Section 3 and 4 of Ordinance No. 1776-A-90, passed April 22, 1991; relating to establishing the City of Cleveland, except the area defined as the "Downtown Plan Area" by the Civic Vision 2000 Plan, as a Community Reinvestment Area, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain findings and determinations in connection therewith; and to repeal Ordinance Nos. 1865-97, 2366-91, 2122-96, 1788-97, 157-98, 1167-96, 1316-97, 1932-97, 553-96, 1512-93, 93-96, 1352-90, 2283-95, and 1884-91, passed by various ordinances, relating thereto.

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

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

Section 1. That Sections 3 and 4 of Ordinance No. 1776-A-90, passed April 22, 1991, are hereby amended to read, respectively, as follows:

Section 3. That the construction of new structures and the remodeling of existing structures in the Community Reinvestment Area is hereby declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owner of any such real property in the Community Reinvestment Area described hereinabove may file an exemption from real property taxation for a period of fifteen (15) years for one hundred percent (100%) of the assessed taxes for new construction and conversion projects consisting of at least twenty-five (25) one (1) and two (2) family residential properties.

(b) The owner of any such real property in the Community Reinvestment Area described hereinabove may file an exemption from real property taxation for a period of ten (10) years for one hundred percent (100%) of the assessed taxes on the following improvements:

(i) New construction and conversion projects consisting of less than twenty-five (25) one (1) and two (2) family residential properties; and

(ii) Improvements on one (1) and two (2) family residential property which cost greater than \$2,500 and, but for the tax exemption granted pursuant to this ordinance, would increase the assessed value of the real estate seeking the exemption.

(c) The neighborhood residential projects set forth in Section 3(b) above may be eligible to receive an exemption from real property taxation for a period up to twelve (12) years if the project uses the Federal Low Income Housing Tax Credit Program.

(d) That the construction of new multi-family residential structures and the remodeling of existing multi-family residential structures in the projects listed below, which are located in the Community Reinvestment Area described hereinabove, have been declared to be a public purpose for exemption from real property taxation under Ordinances 1865-97, passed 12/15/97; 2366-91, passed 12/16/91; 2122-96, passed 12/16/96; 1788-97, passed 12/15/97; 157-98, passed 4/6/98; 1167-96, passed 7/16/96; 1316-97, passed 12/15/97; 1932-97, passed 3/2/98; 553-96, passed 6/10/96; 1512-93, passed 8/3/93; 93-96, passed 4/29/96; 1352-90, passed 7/23/90; 2283-95, passed 4/29/96, and shall be honored under the terms set forth in those ordinances and as related below:

(i) The renovation of the second, third and fourth floors of the Bender Building located at 2528 Lorain Avenue (Permanent Parcel No. 003-38-031) into 12 multi-family residential units in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

a) The owner of such real property located in Permanent Parcel No. 003-38-031 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the

assessed taxes for the construction activities described above.

(ii) The acquisition and rehabilitation of two (2) vacant four (4) story walkup buildings located at 3147 Prospect Avenue (Permanent Parcel No. 103-06-020) and 2029 East 40th Street (Permanent Parcel No. 103-09-027) into 67 multi-family residential units in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property located at 3147 Prospect Avenue (Permanent Parcel No. 103-06-020) and 2029 East 40th Street (Permanent Parcel No. 103-09-027) may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for 100% of the assessed taxes for acquisition and gut rehabilitation for a period of twelve (12) years.

(iii) The rehabilitation of a nineteen (19) unit apartment complex located at 1847 Crawford Road (Permanent Parcel No. 119-04-056) into 19 multi-family residential units in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

a) The owner of such real property located in Permanent Parcel No. 119-04-056 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the assessed taxes for the construction activities described above.

(iv) The renovation of the KARE Building located at 13010-16 Kinsman Road (Permanent Parcel No. 130-24-021) into eighteen units of multi-family residential housing in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

a) The owners of such real property in the KARE Building located in Permanent Parcel No. 130-24-021 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the assessed taxes for the construction activities described above.

(v) The construction of approximately 110 new homes in attached units on a nine acre site located at 4221 Jennings Road (Permanent Parcel Nos. 009-33-005 and 009-33-006) in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel Nos. 009-33-005 and 009-33-006 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the assessed taxes for the construction activities described above.

(vi) The renovation of a building known as the Lincoln Bathhouse at 1201 Starkweather (Permanent Parcel Nos. 004-21-015 and 004-21-097)

into four condominium units, six new single-family detached townhomes and one duplex unit in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel Nos. 004-21-015 and 004-21-097 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the assessed taxes for the construction activities described above.

(vii) The renovation of the apartment building located at 5114 Herman Avenue (Permanent Parcel No. 003-10-008) into three units of multi-family residential housing in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel No. 003-10-008 located at 5114 Herman Avenue described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the assessed taxes for the construction activities described above.

(viii) The construction of approximately 21 residential units in the Merrell Building (Permanent Parcel No. 003-38-017) located at 1900 West 25th Street into 21 multi-family residential units in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel No. 003-38-017 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for the construction activities described above.

(ix) The construction of approximately 80 units of apartments located between the Notre Dame Academy Building located at 1325 Ansel Road (Permanent Parcel No. 107-12-180) and the Gordon Building located at 1053 East 71st Street (Permanent Parcel No. 105-27-097) in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in the apartments located between the Notre Dame Academy Building and Gordon Building described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the assessed taxes for the construction activities described above.

(x) The rehabilitation of a seven-unit apartment complex located at 1412-16 West 110th Street (Permanent Parcel No. 001-025-094) in the Community Reinvestment Area

described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in the apartment complex located in Permanent Parcel No. 001-025-094 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the assessed taxes for the construction activities described above.

(xi) The construction of new structures and the remodeling of existing structures at Permanent Parcel Nos. 117-17-002, 117-17-003, 117-17-004, known as Rudwick Apartments, at 17500 Euclid Avenue in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property located in Permanent Parcel Nos. 117-17-002, 117-17-003, and 117-17-004 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for the following periods:

i) for every dwelling containing more than two (2) units, upon which the cost of remodeling is at least Five Thousand Dollars (\$5,000.00), the dollar amount by which the remodeling increased the market value of the property for a period of twelve (12) years for the residential dwelling units only;

ii) for every newly constructed dwelling, the dollar amount by which the new construction increased the market value of the property for a period of twelve (12) years for the residential dwelling units only;

iii) for every remodeled or newly constructed structure, no exemption is granted for any commercial or industrial space therein.

The terms set forth for the projects listed above apply only to those projects and shall not apply to any other construction or remodeling of single-family, two-family, or multi-family residential properties located in the Community Reinvestment Area described hereinabove.

(e) That the remodeling of the multi-family residential structures listed below, which are located in the Community Reinvestment Area described hereinabove, are declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(i) The conversion of three buildings located in the Community Reinvestment Area described hereinabove at 10803 Detroit Avenue (Permanent Parcel No. 001-25-028), 10811 Detroit Avenue (Permanent Parcel No. 001-25-027), and 10903 Detroit Avenue (Permanent Parcel No. 001-25-026), known as Schilling Square Condominiums, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel Nos. 001-025-028, 001-25-027, 001-25-026 described hereinabove may file an application for exemption from real property taxation upon the cost of remodeling of at least Five Thousand Dollars (\$5,000.00) with the

Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(ii) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 11014 Detroit Avenue (Permanent Parcel No. 001-18-009), known as Eastman Condominiums, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel No. 001-18-009 described hereinabove may file an application for exemption from real property taxation upon the cost of remodeling of at least Five Thousand Dollars (\$5,000.00) with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(iii) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 2341 West 7th Street (Permanent Parcel No. 004-19-006) into four apartments is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel No. 004-19-006 described hereinabove may file an application for exemption from real property taxation upon the cost of remodeling of at least Five Thousand Dollars (\$5,000.00) with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(iv) The remodeling of two buildings located in the Community Reinvestment Area described hereinabove at 3507 and 3515 East 142nd Street (Permanent Parcel Nos. 139-01-111 and 139-01-113) into twelve apartments, known as Mt. Pleasant Homes III, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel Nos. 139-01-111 and 139-01-113 described hereinabove may file an application for exemption from real property taxation upon the cost of remodeling of at least Five Thousand Dollars (\$5,000.00) with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(v) The remodeling of one apartment building located in the Community Reinvestment Area described hereinabove at 11015-17 Clifton Boulevard (Permanent Parcel No. 001-19-041) is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel No. 001-19-041 described hereinabove may file an application for exemption from real property taxation upon the cost of remodeling of at least Five Thousand Dollars (\$5,000.00) with the Commissioner of Neighborhood Development for the City of Cleveland

for a period of twelve (12) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(vi) The remodeling of one building located in the Community Reinvestment Area described hereinabove at 1644, 1646, 1648, and 1650 Brainard Avenue (Permanent Parcel No. 008-12-049) known as Brainard Terrace, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel No. 008-12-049 described hereinabove may file an application for exemption from real property taxation upon the cost of remodeling of at least Five Thousand Dollars (\$5,000.00) with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(vii) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 8001-8005 Detroit Avenue, (Permanent Parcel No. 002-20-001), known as the Muirville project is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of the multi-family residential units in Permanent Parcel No. 002-20-001 described hereinabove may file an application for exemption from real property taxation upon the cost of remodeling of at least Five Thousand Dollars (\$5,000.00) with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(viii) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 7918 Detroit Avenue (Permanent Parcel No. 002-01-007) known as Detroit Chateau Apartments, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of the multi-family residential units in Permanent Parcel No. 002-01-007 described hereinabove may file an application for exemption from real property taxation upon the cost of remodeling of at least Five Thousand Dollars (\$5,000.00) with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(ix) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 1389-91 West 64th Street, (Permanent Parcel No. 002-12-020), known as Harp Apartments, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of Low Income Housing Tax Credit multi-family residential units in Permanent Parcel No. 002-12-020 described hereinabove may file an application for exemption from real property taxation upon the cost of remodeling of at least Five Thousand Dollars

(\$5,000.00) with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

b) The owners of all other multi-family residential units in Permanent Parcel No. 002-12-020 described hereinabove may file an application for exemption from real property taxation upon the cost of remodeling of at least Five Thousand Dollars (\$5,000.00) with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(x) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 5401 North Marginal Road, (Permanent Parcel No. 105-01-006), known as the Quay 55 apartments, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

a) The owners of such real property in Permanent Parcel No. 105-01-006 described hereinabove may file an application for exemption from real property taxation upon the cost of remodeling of at least Five Thousand Dollars (\$5,000.00) with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the dollar amount by which the remodeling increased the market value of the structure.

The terms set forth for the projects listed above apply only to those projects and shall not apply to any other construction or remodeling of single-family, two-family, or multi-family residential properties located in the Community Reinvestment Area described hereinabove.

(f) That the construction or remodeling of any other multi-family structure, located in the Community Reinvestment Area described hereinabove, for which construction or remodeling is begun after the effective date of this amending ordinance is declared to be a public purpose for which exemptions from real property taxation shall be granted as follows:

The owners of such multi-family real property may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland under the terms set forth below:

(i) For the new construction of Low Income Housing Tax Credit multi-family projects where 60% or more of the occupants qualify as low income residents per the tax credit laws, 100% of the assessed value of the new construction for a period of fifteen (15) years;

(ii) For Low Income Housing Tax Credit multi-family projects upon which the cost of remodeling is at least Five Thousand Dollars (\$5,000.00) where 60% or more of the occupants qualify as low income residents per the tax credit laws, one hundred percent (100%) of the dollar amount by which the remodeling increased the value of the structure for a period of twelve (12) years;

(iii) For multi-family residential projects utilizing historic tax credits upon which the cost of remodeling

is at least Five Thousand Dollars (\$5,000.00) one hundred percent (100%) of the dollar amount by which the remodeling increased the market value of the structure for a period of twelve (12) years;

(iv) For the construction of all other multi-family residential projects, a period of twelve (12) years for 75% of the assessed value of the new structure for years 1-5, 50% of the assessed value of the new structure for years 6-10, and 25% of the assessed value of the structure for years 11-12.

(v) For the remodeling of all other multi-family residential projects upon which the cost of remodeling is at least Five Thousand Dollars (\$5,000.00), a period of twelve (12) years for 75% of the dollar amount by which the remodeling increased the market value of the structure for year 1-5, 50% of the dollar amount by which the remodeling increased the market value of the structure for years 6-10, and 25% dollar amount by which the remodeling increased the market value of the structure for of the for years 11-12.

Section 4. That the Commissioner of Neighborhood Development for the City of Cleveland shall serve as the Housing Officer, as defined by Section 3735.65 *et seq.* of the Ohio Revised Code, for the Community Reinvestment Area described hereinabove and shall administer all activities carried out pursuant to Section 3735.65 *et seq.* of the Ohio Revised Code and this ordinance.

Section 2. That existing Sections 3 and 4 of Ordinance No. 1776-A-90, passed April 22, 1991, are hereby repealed.

Section 3. That the following ordinances are hereby repealed:

Ordinance No. 1865-97, passed December 15, 1997,

Ordinance No. 2366-91, passed December 16, 1991,

Ordinance No. 2122-96, passed December 16, 1996,

Ordinance No. 1788-97, passed December 15, 1997,

Ordinance No. 157-98, passed April 6, 1998,

Ordinance No. 1167-96, passed July 16, 1996,

Ordinance No. 1316-97, passed December 15, 1997,

Ordinance No. 1932-97, passed March 2, 1998,

Ordinance No. 553-96, passed June 10, 1996,

Ordinance No. 1512-93, passed August 11, 1993,

Ordinance No. 93-96, passed April 29, 1996,

Ordinance No. 1352-90, passed July 23, 1990,

Ordinance No. 2283-95, passed April 29, 1996, and

Ordinance No. 1884-91, passed October 7, 1991.

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

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

Ord. No. 961-99.

By Councilmen Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept a Section 108 Loan from the United States Department of Housing and Urban Development in order to provide economic assistance to partially finance the construction of new housing and the rehabilitation of existing housing in the Homeownership Zone; authorizing aid director to enter into a contract with BFR Partners Company, LLC, or its designee, for partial financing for the construction of the project; authorizing the Director of Community Development to enter into a project agreement with BFR Partners Company, LLC, or their designee, and Burten, Bell, Carr Development Corp., or their designee, for the acquisition, clearance and redevelopment of certain lands for the project; and authorizing the Directors of Economic Development and Community Development to enter into a Neighborhood Development Investment Fund contract with BFR Partners Company, LLC, or its designee, for partial financing acquisition, remediation, site preparation and public infrastructure related to the development of housing and acquisition of land in the Homeownership Zone.

Whereas, BFR Partners Company, LLC, or their designee, ("BFR") and Burten, Bell, Carr Development Corp., or their designee, ("BBC"), have submitted a joint proposal which the Director of Community Development has determined to be a satisfactory means of achieving the purposes of elimination and prevention of blighting influences for the Homeownership Zone located in an area bounded by Cedar Avenue; East 36th Street; Community College Avenue and Scovill Avenue; and East 71st Street, in Cleveland, Ohio; and

Whereas, through Ordinance No. 56-94, passed June 13, 1994, the City established the Neighborhood Development Investment Program and the Neighborhood Development Investment Fund (NDIF) for the purpose of stimulating the development of major opportunities for job creation, retention, and expansion in the City's neighborhoods; and

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

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

Section 1. That the Director of Community Development is hereby authorized to apply for and accept a loan in the amount of Twelve Million Dollars (\$12,000,000.00), from the United States Department of Housing and Urban Development ("HUD") Section 108 Loan Program ("108 Loan"), for the purposes set forth in the application and according thereto.

Section 2. That the Director of Community Development is hereby authorized to file all papers and execute all documents necessary to apply for and accept the 108 Loan from HUD, to enter into contract with HUD, to pledge any and all collateral necessary to secure repayment thereof under the 108 Loan agreement (including without limitation future Community Development Block Grant funds), and

receive the funds; and that said funds be and they hereby are appropriated for the purposes of providing economic assistance to partially finance the construction of approximately 420 units of new housing and the rehabilitation of 65 housing units in an area bounded by Cedar Avenue; East 36th Street; Community College Avenue and Scovill Avenue; and East 71st Street, Cleveland, Ohio, known as the Homeownership Zone (the "Project").

Section 3. That the application for said 108 Loan, File No. 961-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 4. That the Director of Community Development is hereby authorized to enter into a contract with BFR Partners Company, LLC, or its designee, to provide economic development assistance for construction of the Project.

Section 5. That the costs of said contract shall not exceed Twelve Million Dollars (\$12,000,000.00), and shall be paid from Fund No. 13 SC 887, and from future community development block grant funds and UDAG repayment funds which are appropriated to pay the costs of said contract.

Section 6. That the Director of Community Development is hereby authorized 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 7. That the Director of Community Development is hereby authorized to accept monies in repayment of the loan.

Section 8. That the Director of Community 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. 13 SC 887.

Section 9. 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 10. That notwithstanding and as an exception to the provisions of Title V of the Community Development Code and Chapters 181 and 183 in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to enter into and execute a project agreement for and on behalf of the City of Cleveland with ("BFR") and ("BBC"), (jointly the "Redeveloper") for the acquisition, disposition and private redevelopment for the homeownership Zone.

Section 11. That the project agreement authorized by Section 10 shall include without limitation the following terms and conditions:

a) an agreement by the City of Cleveland to acquire that property within the Homeownership Zone needed for construction of approximately 420 units of new housing construction;

(b) an agreement by the City of Cleveland to convey, by official deed or deeds, within the Homeownership Zone, certain real property acquired under the City's Land Reutilization Program and located in the Homeownership Zone; provided that the deed or deeds shall contain such

restrictive covenants, reversionary interests or similar provisions as may, in the judgment of the Director of Community Development, be required to insure the elimination within the Homeownership Zone of conditions of blight and deterioration and for the prevention of recurrence of said conditions;

(c) a commitment by the Redeveloper to comply with all Federal and state real property acquisition requirements, including without limitation relocation assistance, to the extent Federal or state funding is usual for acquisition;

(d) a commitment by the Redeveloper to pay all costs of real property acquisition within the Homeownership Zone;

(e) a commitment by the Redeveloper to pay all costs of demolition required to develop the Homeownership Zone in order to build approximately 420 units of new housing construction; and

(f) such other requirements as the Director of Community Development may deem necessary to protect the interests of the City of Cleveland.

Section 12. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the property referenced in Section 11 may be conveyed to the Redeveloper pursuant to the project agreement.

Section 13. That this Council finds the conveyance to the Redeveloper of the property described in Section 12, for the purposes of redevelopment, constitutes a public use of said property.

Section 14. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described in Section 12 of this ordinance at a price not less than the fair reuse value of the property taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed or deeds of conveyance.

Section 15. That the conveyance to the Redeveloper shall be made by official quitclaim deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

Section 16. That the Mayor, the Director of Community Development, the Director of Law, and such appropriate City officials are authorized to execute such certifications and documents, and take such other actions as may be necessary or appropriate in connection with carrying out the terms of the project agreement and the activities contemplated by the Plan.

Section 17. That, subject to the provisions of Section 24 of this Ordinance, the Directors of Economic Development and Community Development are hereby authorized to enter into a Neighborhood Development Investment Fund ("NDIF") contract with BFR, to provide economic development assistance to partially finance the acquisition, remediation, site preparation and public infrastructure related to the development and sale of new housing construction in the Homeownership Zone, located in an area bounded by Cedar Avenue; East 36th Street; Community College Avenue and Scovill Avenue; and East 71st Street, in Cleveland, Ohio.

Section 18. That the terms of said NDIF contract shall comply with the requirements of the Neighborhood

Development Investment Program and NDIF, as set forth in Section 1 of Ordinance No. 56-94 passed June 13, 1994, and shall be in accordance with the terms as set forth in the Executive Summary contained in File mentioned in Section 3 of this ordinance.

Section 19. That the costs of said NDIF contract shall not exceed Three Million Dollars (\$3,000,000.00), and shall be paid from Fund No. 10 SF 501, Request No. 1005.

Section 20. That the Directors of Economic Development and Community Development are hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 18 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 21. That the Directors of Economic Development and Community Development are hereby authorized to accept monies in repayment of such loan and to deposit said monies in Fund No. 10 SF 501.

Section 22. That the Directors of Economic Development and Community Development are hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 10 SC 501, Loan Fees Fund.

Section 23. 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 24. That, prior to entering into any contract authorized herein, the Director of Finance is required and hereby directed to certify that said contract is in compliance with the provision of Section 1 of Ordinance No. 56-94 regarding the use of such funds for construction and/or rehabilitation of housing units within the City, and to certify that unappropriated funds equal to the contract amount set forth in Section 19 of this ordinance have been collected by the City and are available to be allocated to such contract.

Section 25. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 962-99.

By Councilmen Cintron, Gordon, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating West 40th Place, and authorizing the Director of Community Development to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating West 40th Place, including but not limited to, paving, grading, drainage, installing water lines, curbing, sidewalks, lighting, streetscaping, traffic signals, and other necessary appurtenances (the "Improvement"), for the Department of Community Development, 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 Community Development is hereby authorized to enter into contract for the making of the above 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 Nos. 52 SF 223 and 52 SF 225, Request No. 1292.

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

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

Ord. No. 963-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with Cleveland Housing Network, or its designee, to provide development loan assistance in the form of a Community Development Block Grant float loan for the purchase, rehabilitation or construction of low income rental housing.

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 contract with Cleveland Housing Network, or its designee, to provide development loan assistance in the form of a Community Development Block Grant float loan in the amount of \$3,500,000.00 for the purchase, rehabilitation or construction of low income rental housing in the City of Cleveland.

Section 2. That the terms of said loan shall be determined by the Director of Community Development in accordance with regulations, state and local law, and said Director is authorized to amend said terms from time to time, as he deems necessary to remain consistent with said laws and regulations.

Section 3. That the cost of said contract shall be paid from Fund No. 14 SC810, Request No. 1289.

Section 4. That the Director of Community Development shall obtain an irrevocable, unconditional letter of credit to secure repayment of said loan. Any security instrument shall be approved by the Director of Law.

Section 5. That the Director of Community Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in the CDBG fund.

Section 6. That the Director of Community Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from the CDBG 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 authorized hereunder.

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.

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

Ord. No. 964-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with the AIDS Housing Council of Greater Cleveland, Inc. or its designee, for the construction of rental housing facilities.

Whereas, the City of Cleveland has received a Housing Opportunities for Persons With AIDS Grant (HOPWA) from the United States Government; and

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contract with the AIDS Housing Council of Greater Cleveland, Inc. or its designee, for the construction of two multi-unit community residences; one located at 8901 Detroit Avenue and one located at the intersection of Willowmere Road and Lakeview Road.

Section 2. That the contract shall be in the form of a grant, utilizing HOPWA funds, and the cost shall be in an amount not to exceed \$136,500.00, and shall be paid from Fund No. 13 SC 873, Request No. 1290.

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

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

Ord. No. 965-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with the HOPE Gardens, Inc., fiscal agent for the Summer Sprout Program, to operate a community gardening program.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contract with the HOPE Gardens, Inc., fiscal agent for the Summer Sprout Program, to operate a community gardening program.

Section 2. That the cost of said contract shall be in an amount not to exceed \$106,800.00, and shall be paid from Fund No. 14 SF 025, Request No. 1286.

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

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

Ord. No. 966-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation, or construction of low income housing units.

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 contract with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation, or construction of housing units affordable to lower

income households through the lease-purchase program.

Section 2. That the cost of said contract shall be in an amount not to exceed \$2,000,000.00, and shall be paid from Fund Nos. 13 SC 885, Request No. 1288.

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

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

Ord. No. 967-99.

By Councilmen Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2109 East 40th Street to Charles C. Comella, Jr. Trust.

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). 103-17-003, as more fully described in Section 2 below, to Charles C. Comella, Jr. Trust.

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. 103-17-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Ten Acre Lot No. 70, and bounded and described as follows:

Beginning on the Easterly line of East 40th Street at the Southwesterly corner of land conveyed to H. D. Greeley by Deed dated May 25, 1881, and recorded in Volume 329, Page 33 of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed, 136 feet to the Southeasterly corner thereof; thence Northerly on a line parallel to the Easterly line of East 40th Street and along the Easterly line of land so conveyed to H.D. Greeley, 4 feet to the Northerly line of land conveyed to Elijah Van Camp by Deed dated June 6, 1867, and recorded in Volume 151, Page 261 of Cuyahoga County Records; thence Easterly along said Northerly

ly line about 40 feet to the North-easterly corner of land so conveyed to Elijah Van Camp; thence Southerly along the Easterly line of land so conveyed to Elijah Van Camp, about 54 feet 10.5 inches to the Northeasterly corner of land conveyed to Roselina D. Swain by Deed dated May 18, 1875, and recorded in Volume 246, Page 7 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed to Roselina D. Swain, about 176 feet to the Easterly line of East 40th Street; thence Northerly along said Easterly line of East 40th Street, about 52 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.

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.

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

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

Ord. No. 968-99.

By Councilmen Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9120 Laisy Avenue to Henry Riggsby.

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). 127-13-045, as more fully described in Section 2 below, to Henry Rigsby.

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. 127-13-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 31 in T. E. Burton Subdivision of Part of Original Newburgh Township Lot No. 440 as shown by the recorded plat in Volume 12 of Maps, Page 1 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Laisy Avenue S.E. (50 feet wide) and extending back between parallel lines 121 feet 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.

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

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

Ord. No. 969-99.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9114 St. Clair and 820 East 93rd Street to Center for Families and Children.

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). 108-19-008 and 108-19-080, as more fully described in Section 2 below, to Center for Families and Children.

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. 108-19-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 1 in Mary D. Stackpole's Subdivision of part of Original One Hundred Acre Lot No. 368, as shown by the recorded plat in Volume 4 of Maps, Page 28 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southeastery line of St. Clair Avenue, N.E., (formerly St. Clair Street), 80 feet wide at a point 54-50/100 feet Northeastery, measured along said Southeastery line from its point of intersection with the Southwestery line of said Sublot No. 1; thence Southeastery parallel to the Southwestery line of said Sublot No. 1, 150 feet; thence Northeastery parallel to said Southeastery line of St. Clair Avenue, N.E., 45-50/100 feet to the Northeastery line of said Sublot No. 1; thence Northwestery along the Northeastery line of said Sublot No. 1, 150 feet to the said Southeastery line of St. Clair Avenue, N.E., thence Southwestery along said Southeastery line of St. Clair Avenue, N.E., 45-50/100 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Together with a right-of-way and easement over the following described premises:

Beginning on the Southeastery line of St. Clair Avenue, N.E., (80 feet wide), at its point of intersection with the Southwestery line of said Sublot No. 1; thence Southeastery along said Southwestery line of Sublot No. 1; 170 feet; thence Northeastery on a line parallel to said Southeastery line of St. Clair Avenue, N.E., 100 feet to the Northeastery line of said Sublot No. 1; thence Northwestery along said Northeastery line of Sublot No. 1, 20 feet; thence Southwestery on a line parallel to said Southeastery line of St. Clair Avenue, N.E., 83-03/100 feet; thence Northwestery 11-95/100 feet to a line drawn parallel to said Southwestery line of Sublot No. 1 and distant 8 feet 6 inches measured at right angles, Northeastery therefrom, to a point distant Southeast-

erly 141-51/100 feet (measured along said parallel line), from the Southeastery line of St. Clair Avenue, N.E., thence Northwestery on a line parallel to said Southwestery line, and distant Northeastery 8 feet 6 inches therefrom (measured at right angles; 141-51/100 feet to the Southeastery line of St. Clair Avenue, N.E., thence Southwestery along said Southeastery line of St. Clair, N.E., 8 feet 6 inches to the place of beginning, be the same more or less, but subject to all legal highways; and subject also, to the use and occupancy of, and ingress to and egress from, a certain building now located on the extreme Easterly part of the above described easement during the life of said building.

P.P. No. 108-19-080

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 32 in Mary D. Stackpole's Subdivision of part of Original One Hundred Acre Lot No. 368 as shown by the recorded plat in Volume 4 of Maps, Page 28 of Cuyahoga County Records and part of an alley, 16 feet in width, now vacated by the Council of the City of Cleveland Ordinance No. 2011-56, together forming a parcel of land bounded and described as follows:

Beginning in the Westerly line of East 93rd Street, 50 feet in width, at its intersection with the center line of said vacated alley at a point distant due South, 289.41 feet as measured along the Westerly line of East 93rd Street from its intersection with the Southeastery line of St. Clair Avenue, N.E., 80 feet width; thence due South along the Westerly line of said East 93rd Street, 95.06 feet; thence due West at right angles to the Westerly line of East 93rd Street, 124.35 feet; thence due North at right angles to last described course, 20.00 feet to its intersection with the center line of the aforementioned vacated alley, at a point which bears South 31° 07' 00" East, 8.00 feet from the Southwestery corner of Sublot No. 3 in the aforementioned Mary D. Stackpole's Subdivision; thence North 58° 53' 00" East along the center line of said vacated alley, 145.25 feet to the place of beginning, containing 7,154 square feet of land (0.1642 acres) according to a survey by Garrett and Associates Incorporated, Registered Engineers and Surveyors, made in March 1984, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to the rights, if any, of abutting landowners to use that part of the premises included within the former right of way of an alley, 16 feet in width, as now vacated by the Council of the City of Cleveland in Ordinance No. 2011-56.

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.

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

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

Ord. No. 970-99.

By Councilmen White, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11308 Harvard Avenue to Christland 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), 136-19-002 and 136-19-003, as more fully described in Section 2 below, to Christland 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. 136-19-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 57 in William Jantzen's Subdivision of part of Original 100 Acre Lot No. 467, as shown by the recorded plat in Volume 15 of Maps, Page 24 of Cuyahoga County Records, and being 47.68 feet front on the Southerly side of Harvard Avenue, and extending back 143.67 feet deep on the Easterly line, 156.23 deep on the Westerly line and having a rear line of 46.00 feet along the Northerly line of Hayes Court, S.E. 20 feet wide, as appears by said plat, be the same more or less but subject to all legal highways.

P.P. No. 136-19-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 56 in William Jantzen's Subdivision of part of Original 100 Acre Lot No. 467, as shown by the recorded plat in Volume 15 of Maps, Page 24 of Cuyahoga County Records, and being 47.68 feet front on the Southerly side of Harvard Avenue, and extending back 131.12 feet on the Easterly line, 143.67 feet on the Westerly line, and having a rear line of 46 feet along the Northerly line of Hayes Court, S.E., 20 feet wide, as appears by said plat, be the same more or less, but subject to all legal highways.

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.

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

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

Ord. No. 971-99.

By Councilmen Cintron, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Mark A. Rivera Productions, Inc. to provide economic development assistance to partially finance the land acquisition, site improvements and construction of facility at West 41st Street between Train Avenue and Richner Avenue, Cleveland, Ohio.

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 Mark A. Rivera Productions,

Inc. to provide economic development assistance to partially finance the land acquisition, site improvements and construction of facility at West 41st Street between Train Avenue and Richner Avenue, Cleveland, Ohio.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 971-99-A.

Section 3. That the costs of said contract shall not exceed Forty Two Thousand Six Hundred Dollars (\$42,600.00), and shall be paid from Fund No. 17 SF 008, Request No. 1003.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

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

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited 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.

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

Ord. No. 972-99.

By Councilmen Cintron, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a Neighborhood Development Investment Fund contract with Lin's Omni World, to provide economic development assistance to partially finance the acquisition and renovation of the CMF Building located at 3167 Fulton Road, Cleveland, Ohio 44109.

Whereas, through Ordinance No. 56-94, passed June 13, 1994, the City established the Neighborhood Development Investment Program and the Neighborhood Development Investment Fund (NDIF) for the purpose of stimulating the development of major opportunities for job creation, retention, and expansion in the City's neighborhoods; and

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

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

Section 1. That, subject to the provisions of Section 8 of this Ordinance, the Director of Economic Development is hereby authorized to enter into a Neighborhood Development Investment Fund contract with Lin's Omni World, to provide economic development assistance to partially finance the acquisition and renovation of the CMF Building located at 3167 Fulton Road, Cleveland, Ohio 44109.

Section 2. That the terms of said contract shall comply with the requirements of the Neighborhood Development Investment Program and NDIF, as set forth in Section 1 of Ordinance No. 56-94 passed June 13, 1994, and shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 972-99-A.

Section 3. That the costs of said contract shall not exceed One Million Dollars (\$1,000,000.00), and shall be paid from Fund No. 10 SF 501, RL 1001.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance 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 such loan and to deposit said monies in Fund No. 10 SF 502.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such 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, prior to entering into any contract authorized herein, the Director of Finance is required and hereby is directed to certify that un-appropriated funds equal to the contract amount set forth in Section 3 of this ordinance have been collected by the City and are available to be allocated to such contract.

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

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

Ord. No. 973-99.
By Councilmen Cintron, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Lin's Omni World to provide for a ten year abatement for certain real estate taxes as an incentive to expand its facilities to the CMF Building, located at 3167 Fulton Road, Cleveland, Ohio, 44136, in the Cleveland Area Enterprise Zone.

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

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

Whereas, Lin's Omni World (the "Enterprise") has proposed to expand its facilities to the CMF Building, located at 3167 Fulton Road, Cleveland, Ohio, 44136, in the Cleveland Area Enterprise Zone in the City of Cleveland; 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,

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

Section 1. That this Council hereby approves the application of Lin's Omni World for enterprise zone incentives on the basis that Lin's Omni World 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 Lin's Omni World to provide for a ten (10) year abatement for certain real estate taxes as an incentive to expand its facilities to the CMF Building, located at 3167 Fulton Road, Cleveland, Ohio, 44136, in the City of Cleveland; 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. 973-99-A. The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 4. That the Director of Economic Development is hereby authorized to charge and accept fees

in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and such funds are hereby appropriated for the purposes set forth in Chapter 5709 of the Revised Code. Such fees shall be deposited to and expended from fund No. 17 SF 305, Loan Fees Fund.

Section 5. That the Director of Law shall prepare and approve said 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.

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

Ord. No. 974-99.
By Councilmen Rybka, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance to amend the title, Section 1 and Section 2 of Ordinance No. 1886-98, passed December 14, 1998, relating to a contract to partially finance the acquisition and renovation of real property, located at 5700 Broadway Avenue, Cleveland, Ohio.

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

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

Section 1. That the title, Section 1 and Section 2 of Ordinance No. 1886-98, passed December 14, 1998, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with **Timothy Messer** to provide economic development assistance to partially finance the acquisition and renovation of real property, located at 5700 Broadway Avenue, Cleveland, Ohio.

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with **Timothy Messer** to provide economic development assistance to partially finance the acquisition and renovation of real property located at 5700 Broadway Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive summary contained in File No. **1886-98-B**.

Section 2. That the existing title, Section 1 and Section 2 of Ordinance No. 1886-98, passed December 14, 1998, are hereby repealed.

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

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

Ord. No. 975-99.
By Councilmen Sweeney, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a Neighborhood Development Investment Fund contract with Coral Puritas Limited Partnership, to provide economic development assistance to partially finance the renovation of Puritas Park Plaza and the construction of a free standing drug store, to be located at 14015 and 14141 Puritas Avenue, Cleveland, Ohio.

Whereas, through Ordinance No. 56-94, passed June 13, 1994, the City established the Neighborhood Development Investment Program and the Neighborhood Development Investment Fund (NDIF) for the purpose of stimulating the development of major opportunities for job creation, retention, and expansion in the City's neighborhoods; and

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

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

Section 1. That, subject to the provisions of Section 8 of this Ordinance, the Director of Economic Development is hereby authorized to enter into a Neighborhood Development Investment Fund contract with Coral Puritas Limited Partnership, to provide economic development assistance to partially finance the renovation of Puritas Park Plaza and the construction of a free standing drug store, to be located at 14015 and 14141 Puritas Avenue, Cleveland, Ohio.

Section 2. That the terms of said contract shall comply with the requirements of the Neighborhood Development Investment Program and NDIF, as set forth in Section 1 of Ordinance No. 56-94 passed June 13, 1994, and shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 975-99-A.

Section 3. That the costs of said contract shall not exceed Five Hundred Thousand Dollars (\$500,000.00), and shall be paid from Fund No. 10 SF 501, RL 1004.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance 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 such loan and to deposit said monies in Fund No. 10 SF 502.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such 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, prior to entering into any contract authorized herein, the Director of Finance is required and hereby is directed to certify that un-appropriated funds equal to the contract amount set forth in Section 3 of this ordinance have been collected by the City and are available to be allocated to such contract.

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

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

Ord. No. 976-99.
By Councilmen Westbrook, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Campus Movers, Inc. to provide for a ten year abatement for certain real estate taxes as an incentive to construct a new facility at 2160 West 106th Street, Cleveland, Ohio, in the Cleveland Area Enterprise Zone.

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

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

Whereas, Campus Movers, Inc. (the "Enterprise") has proposed to construct a new facility at 2160 West 106th Street, Cleveland, Ohio, in the Cleveland Area Enterprise Zone in the City of Cleveland; 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,

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

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

prove 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 Campus Movers, Inc. to provide for a ten (10) year abatement for certain real estate taxes as an incentive to construct a new facility at 2160 West 106th Street, Cleveland, Ohio; 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. 976-99-A. The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

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

Section 5. That the Director of Law shall prepare and approve said 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.

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

Ord. No. 977-99.
By Councilmen Willis and Robinson (by departmental request).

An emergency ordinance to amend Section 161.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 505-72, passed June 19, 1972, relating to designation of landmarks and landmarks districts.

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 161.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 505-72, passed June 19, 1972, is hereby amended to read as follows:

Section 161.04 Designation of Landmarks and Landmarks Districts

(a) In considering the designating of any area, place, building, structure, work of art or similar object in the City as a landmark or landmark district, the Commission shall apply the following criteria with respect to such property:

(1) Its character, interest or value as part of the development, heritage

or cultural characteristics of the City, State or the United States.

(2) Its location as a site of a significant historic event;

(3) Its identification with a person who significantly contributed to the culture and development of the City;

(4) Its exemplification of the cultural, economic, social or historic heritage of the City;

(5) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;

(6) Its embodiment of distinguishing characteristics of an architectural type or specimen;

(7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City;

(8) Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation;

(9) Its relationship to other distinctive areas which are eligible for preservation according to a plan based on a historic, cultural or architectural motif;

(10) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City.

(b) The Commission shall propose designations of any area, place, building, structure, work of art or similar object in the City as a landmark or landmark district, and thereupon take the following actions:

(1) The Landmarks Commission shall advise the City Planning Commission and secure from the Planning Commission its recommendation with respect to the relationship of the proposed designation to the comprehensive plan of the City, its opinion as to the effect of the proposed designation upon the surrounding neighborhood and its opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection or modification of the proposed designation. **The Planning Commission shall issue its written opinion to the Landmarks Commission no later than thirty (30) days after the proposed designation is referred to the Planning Commission.** The recommendation shall become part of the official record concerning the proposed designation and shall be submitted by the Landmarks Commission along with its recommendation concerning the proposed designation to Council. The Landmarks Commission may make such modifications, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendation by the Planning Commission; **the Landmarks Commission shall not be bound, however, by the recommendation by the Planning Commission.**

(2) The Landmarks Commission shall thereafter notify the owner of such property of the proposed designation. Whenever possible, the Commission shall secure the owner's written consent for submittal of the proposed designation, together with its recommendation and findings of fact, to Council. In the event that the owner refuses or declines to give his written consent to the proposed designation, the Commission shall schedule a public hearing on the question of the proposed designa-

tion, setting forth a date, time and place and causing written notice to be given to the owner or any person having a legal or equitable interest in the property being proposed for designation. The Commission shall cause a legal notice to be published in a newspaper of general circulation in the City setting forth the nature of the hearing, the property involved and the date, time and place of the scheduled public hearing.

(3) The Commission shall conduct the public hearing as provided by **division (b)(2) of this section** and provide a reasonable opportunity for all interested parties to express their opinions under such rules as the Commission may adopt for the purpose of governing the proceedings of the hearings. Each speaker shall be fully identified as to name, address and the interests which he represents. The Commission shall make a determination with respect to the proposed designation in writing within fifteen days after the initial hearing date and shall notify any owner or any person having a legal or equitable interest in the property, as well as such other interested parties as may request a copy thereof. The Commission shall set forth in its recommendations such findings of fact which constitute the basis for its decision and shall transmit the recommendation concerning the proposed designation to Council.

(4) Council shall give due consideration to the findings and recommendations of the Commission, as well as such views as may have been expressed by persons participating in the hearing before the Commission, in addition to the recommendation of the City Planning Commission, in making its determination with respect to the proposed designation of any areas, places, buildings, structures, works of art and other similar objects as landmarks or landmark districts. Council may, in its discretion, hold public hearings on any such proposed designation, whether designation is proposed only with the consent of the owner, or after public hearings before the Commission. Upon its conclusion, Council may designate by ordinance the areas, places, buildings, structures, works of art and other similar objects as a landmark or landmark district.

(5) As soon as is reasonably possible, the Commission shall notify the Division of Building and Housing of the official designation. The Commission shall also file with the County Recorder of Deeds and the County Assessor a certified copy of the designation ordinance together with a notice briefly stating the fact of designation and a summary of the effects the designation will have. The Commission, further, shall send by registered mail a certified copy of the ordinance and a copy of the notice hereinabove described to the owner and any person having a legal or equitable interest in the property.

(6) Notwithstanding any provision of this chapter, Council may rescind the designation of any area, place, building, structure, works of art or similar object as a landmark or landmark district by ordinance. Passage of such an ordinance shall relieve the owner of such area, place, building, structure, works of art or similar object from any duties or penalties contained in this chapter.

Section 2. That Section 161.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 505-72, passed June 19, 1972, is hereby repealed.

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

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

Ord. No. 995-99.

By Councilman Dolan.

An emergency ordinance authorizing the Director of Economic Development to enter into an Amendment to an Enterprise Zone Agreement with PPG, or its designee, to provide assistance to retain a shipping and warehouse facility at 3800 West 143rd Street in the Cleveland Enterprise Zone.

Whereas, pursuant to Ordinance No. 1176-97 authorized by Cleveland City Council, the Director of Economic Development entered into an Enterprise Zone Agreement with PPG, or its designee, to provide for abatement of certain tangible personal property and real estate taxes for a period not to exceed ten years as an incentive to relocate a shipping and warehouse facility from Strongsville to 3800 West 143rd Street in the Cleveland Enterprise Zone; and

Whereas, the City of Cleveland desires to provide financial assistance to PPG or its designee to retain and preserve job opportunities at the facility located in the Cleveland Enterprise Zone; 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 preserve job opportunities and to advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost, now, therefore,

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

Section 1. That the Director of Economic Development is authorized to enter into an Amendment to the Enterprise Zone Agreement, authorized by Cleveland City Council pursuant to Ordinance No. 1176-97, to provide assistance in retaining a manufacturing facility and a shipping and warehouse facility at 3800 West 143rd Street, Cleveland, Ohio. The Amendment shall be in accordance with the terms as set forth in the Executive Summary to be contained in a file to be provided to Council no later than 30 days following introduction of this legislation.

Section 2. That the Director of Law shall prepare and approve said Amendment and that the Amendment shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

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

**FIRST READING EMERGENCY
RESOLUTION REFERRED**

Res. No. 978-99.

By Councilman Cimperman.
An emergency resolution declaring the intention to vacate all that portion of East 13th Street.

Whereas, this Council; is satisfied that there is good cause to vacate all that portion of East 13th Street as hereinafter described, and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of: EAST 13TH STREET (formerly East 14th Street, 31.68 feet wide), extending Northerly from the Easterly prolongation of the Northerly line of Lakeside Avenue N.E. (99.00 feet wide) to the Southerly line of that portion of East 13th Street vacated by the Council of the City of Cleveland by Ordinance Number 2736-53, passed on February 8, 1954.

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.

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

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

Ord. No. 884-A-99 (as a substitute for Ordinance No. 884-99).

By Councilman Sweeney.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to West Side Hungarian Reformed Church to stretch a banner on utility poles (by separate permission) on Puritas Avenue for the period of May 28, 1999 to May 31, 1999, inclusive, to publicize the church's Second Annual Carnival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the West Side Hungarian Reformed Church, 15300

Puritas Avenue, Cleveland, Ohio 44135, to install, maintain and remove one (1) banner at Puritas Avenue and West 150th Street (approximately in front of Church's address of 15300 Puritas Avenue), to be attached to Cleveland Electric Illuminating Company utility poles, (by separate permission) for the period of May 28, 1999 to May 31, 1999, inclusive, publicizing the Church's Second Annual Carnival and exhibiting the Hungarian ethnic culture in the Bellaire-Puritas neighborhood, and which banner shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

Without objection substitute agreed to. Ordinance No. 884-99 laid on the table.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 983-99.

By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contracts with the Cleveland Board of Education and the Jobs for Greater Cleveland's Graduates to provide school-to-work transition assistance.

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 the Cleveland Board of Education to implement the Proficiency Academic Support Project Plus Program, to provide school-to-work transition assistance, in an amount not to exceed \$54,000.00 and shall be paid from Fund No. 15 SF 086, Request No. 08990.

Section 2. That the Director of Personnel and Human Resources is hereby authorized to enter into contract with the Jobs for Greater Cleveland's Graduates to provide school-to-work transition assistance, in an amount not to exceed \$130,000.00 and shall be paid from Fund No. 15 SF 086, Request No. 08989.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 984-99.

By Councilman Sweeney.
An emergency ordinance authorizing the Director of Public Service to issue a permit to Chelm Properties, Inc. to encroach into the public right-of-way of portions of Springdale Avenue and West 188th Street for the Phase II Development Stage of Cleveland Business Park Ltd.

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, assignable by the Permittee with the written consent of the Director of Public Service to Chelm Properties Inc., for Cleveland Business Park Ltd., 31000 Aurora Road, Solon, Ohio 44139, its successors and assigns, for the construction, use and maintenance of the Phase II Development Stage of Chelm Properties, Inc. Cleveland Business Park, Ltd., which will encroach into the public right-of-way of portions of Springdale Avenue and West 188th Street, as more fully described herein:

**LEGAL DESCRIPTION FOR THE
ENCROACHMENT PORTIONS OF:
SPRINGDALE AVE. & W. 188TH
ST. FOR CLEVELAND BUSINESS
PARK, LTD.**

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Springdale Avenue (50 feet wide) and part of West 188th Street (50 feet wide). The parcel is further known as being part of Section No. 3 and part of Section No. 4 of Original Rockport Township, and bounded and described as follows:

Beginning at the intersection of the centerline of West 188th Street (50 feet wide) and the northerly line of Home Gardens Allotment II, thence South 89°-04'-47" East, 25.00 feet to a point on the easterly right-of-way line of West 188th Street;

Thence South 01°-53'-16" West along the easterly right-of-way line of West 188th Street, 144.34 feet to a point of intersection with the northerly right-of-way line of Springdale Avenue (50 feet wide);

Thence South 89°-02'-44" East, 848.30 feet along the northerly right-of-way line of Springdale Avenue to a point;

Thence North 58°-08'-25" East, 32.98 feet along said northerly right-of-way line to a point on the Westerly right-of-way line of Rocky River Drive;

Thence South 25°-19'-31" West, 99.14 feet along said westerly right-of-way line to a point on the southerly right-of-way line of Springdale Avenue;

Thence North 31°-51'-45" West, 26.69 feet along said southerly right-of-way line to a point;

Thence North 89°-02'-44" West, 821.46 feet along said southerly right-of-way line to a point of intersection with the easterly right-of-way line of West 188th Street;

Thence South 01°-53'-16" West, 266.22 feet along said easterly right-of-way line to a point of intersection with the northerly right-of-way line of Widened Maplewood Avenue (60 feet wide);

Thence North 89°-04'-14" West, 50.01 feet along said northerly right-of-way line to a point of intersection with the westerly right-of-way line of West 188th Street;

Thence North 01°-53'-16" East, 266.25 feet along said westerly right-of-way line to a point of intersection with the southerly right-of-way line of Springdale Avenue;

Thence North 89°-02'-44" West, 592.58 feet along said southerly right-of-way line to a point;

Thence North 00°-57'-16" East, 50.00 feet to a point on the northerly right-of-way line of Springdale Avenue;

Thence South 89°-02'-44" East, 593.40 feet along said northerly right-of-way line to a point of intersection with the westerly right-of-way line of West 188th Street;

Thence North 01°-53'-16" East, 144.31 feet along said westerly right-of-way line to a point of intersection with the northerly line of The Home Gardens Allotment II;

Thence South 89°-04'-47" East, 25.00 feet to the point of beginning, containing within said boundaries 95,980 square feet (2,2034 acres) of land, be the same more or less, but subject to all legal highways. Bearings used are based on an assumed meridian and are used to indicate angles only.

Section 2. That said Chelm Properties Inc., for Cleveland Business Park Ltd., encroachment will be placed within the public right-of-way as aforesaid in Section 1, and said encroachment will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 985-99.

By Councilman Patmon.

An emergency ordinance consenting and approving the issuance of a permit for the 10th Annual Miles Standish Miler Fun Run on June 3, 1999 (raindate: June 4, 1999), sponsored by the Miles Standish Elementary School.

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the 10th Annual Miles Standish Miler Fun Run, sponsored by the Miles Standish Elementary School, on June 3, 1999 (raindate: June 4, 1999), beginning at the school, 1000 East 92nd Street, west on Parkgate Rd. to East Blvd., south on East Blvd. to Superior Ave., turn around and head north on East Blvd. to Parkside Rd., north on Parkside Rd. to Parkgate Rd., east on Parkgate Rd. and finish back at the school, 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 of safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 986-99.

By Councilmen Melena and Westbrook.

An emergency ordinance consenting to and approving the issuance of the 9th Annual Dr. John Carey Memorial AIDS Walk on September 19, 1999, sponsored by Kropf Public Relations, Inc.

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 9th Annual Dr. John Carey Memorial AIDS Walk, sponsored by Kropf Public Relations, Inc., on September 19, 1999, with the Walk Route beginning at Edgewater Park. The route will take walkers west on Edgewater Drive to W. 117th St. Walkers will then head south on W. 117th St. to Clifton. Walkers will then head east on Clifton to West Blvd. and north on West Blvd. back to Edgewater Park, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in

order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 987-99.

By Councilman Johnson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Cathedral Church of God In Christ to stretch banners at Buckeye and East 116th Street and at the intersection of MLK and Lamontier Avenue from June 21, 1999 to July 23, 1999, inclusive, publicizing their Open Air Worship Service & Multi Family Flea Market.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Cathedral Church of God In Christ to install, maintain and remove banners at Buckeye and East 116th Street and at the intersection of MLK & Lamontier Avenue for the period from June 21, 1999 to July 23, 1999, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 988-99.
By Councilman Cintron.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Blessed Sacrament School to stretch a banner on utility poles (by separate permission) on Fulton Road for the period of May 15, 1999 to June 15, 1999, inclusive, for the benefit of the school.
 Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,
 Be it ordained by the Council of the City of Cleveland:
Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Blessed

Sacrament School, 3389 Fulton Road, Cleveland, Ohio 44109, to install, maintain and remove one (1) banner on Fulton Road, on the second pole south of Storer Avenue (E), with no number tag, to be attached to Cleveland Public Power Company utility poles, (by separate permission) for the period of May 15, 1999 to June 15, 1999, inclusive, for the benefit of the school, and which banner shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commer-

cial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.
Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.
 Motion to suspend rules. Charter and statutory provisions and place on final passage.
 The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 989-99.
By Councilman Cimperman.
An emergency ordinance authorizing the Director of Public Service to issue a permit to Capital University to encroach into the public right-of-way of Sumner Ave. S.E. (a.k.a. Sumner Ct.) and East 14th St. with seven (7) banners to be hung on utility poles (by separate permission) to make the public aware of the University's existence and location.
 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 Capital University, 1320 Sumner Avenue S.E. (a.k.a. 1320 Sumner Court) Cleveland, Ohio 44115-2849, Lessee of Anripar Company, Lessor, who will allow Capital University, its successors and assigns, to construct, use and maintain of seven (7) banners to be hung on Cleveland Electric Illuminating Company utility poles (by separate permission), which banners will encroach into the public right-of-way of Sumner Avenue S.E. (a.k.a. Sumner Ct.) and East 14th Street at the locations more fully described as follows:

CAPITAL UNIVERSITY ENCROACHMENT PERMIT LOCATIONS FOR BANNERS:

<u>STREET / LOCATION:</u>	<u>POLE NUMBER:</u>	<u>OWNER:</u>
The second utility pole on the southwesterly side of East 14th Street (going northerly toward Sumner Ave. S.E. (a.k.a. Sumner Ct.))	No Number	C.E.I.
The utility pole on the the southwesterly corner of Sumner Ave. S.E. (a.k.a. Sumner Ct.) and East 14th St.	#500069	C.E.I.
The first utility pole on the southwesterly side of Sumner Ave. S.E. (a.k.a. Sumner Ct.)	#500069 Same # as corner pole	C.E.I.
The second utility pole on the southwesterly side of Sumner Ave. S.E. (a.k.a. Sumner Ct.)	#500068	C.E.I.
The third utility pole on the southwesterly side of Sumner Ave. S.E. (a.k.a. Sumner Ct.)	#500067	C.E.I.
The fourth utility pole on the southwesterly side of Sumner Ave. S.E. (a.k.a. Sumner Ct.)	#604079	C.E.I.
The fifth utility pole on the southwesterly side of Sumner Ave. S.E. (a.k.a. Sumner Ct.)	#711430	C.E.I.

Section 2. That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1 of this ordinance.
Section 3. That said banners will be placed within the public right-of-way as aforesaid in Section 1., and said banners will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.
Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.
Section 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.
 Motion to suspend rules. Charter and statutory provisions and place on final passage.
 The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 990-99.

By Councilman Cimperman.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2259 and 2239 West 11th Street to Sutton Builders, LCC.

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). 004-12-055, as more fully described in Section 2 below, to Sutton Builders, LCC.

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. 004-12-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 215 and 216 in Pelton and Jennings Allotment of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 2 of Maps, Page 10 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Easterly line of West 11th Street, at a point distant Southerly 54.75 feet from the Northwesterly corner of said Sublot No. 215; thence Southerly 44.25 feet along the said Easterly line of West 11th Street to a point; thence Easterly 181.50 feet parallel with the Northerly line of said Sublot No. 216 to a point in the Easterly line thereof; thence Northerly 47.25 feet along the Easterly line of said Sublot Nos. 216 and 215 to a point distant Southerly 51.75 feet from the Northeast corner of said Sublot No. 215; thence Westerly 181.53 feet to the place of beginning be the same more or less, but subject to all legal highways.

Driveway Easement recorded in the deed to Anastasios K. Petropoulos (married) and Georgia C. Kamplis (married) recorded in Volume 4769, Page 15 of Cuyahoga County Records.

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 ordi-

nance 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.

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.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 991-99.

By Councilman Cimperman.
An emergency ordinance consenting to and approving the issuance of a permit for a 1 Mile Run on October 16, 1999 sponsored by the Hermes Race System.

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 1 Mile Run, sponsored by Hermes Race System, on October 16, 1999, starting at Eigel & East 9th St., E. 9th to Voinovich Park, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 992-99.

By Councilman Britt.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Ward 6 Multi-Cultural Community Festival to stretch a banner on utility poles (by separate permission) on Woodland Avenue for the period of July 1, 1999 to August 16, 1999, inclusive, publicizing the Ward 6 Multi-Cultural Community Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Ward 6 Multi-Cultural Community Festival, 2540 MLK Jr. Drive, corner of Woodstock Avenue, Cleveland, Ohio 44104, to install, maintain and remove one (1) banner on Woodland Avenue, Pole # E14-192, to be attached to Cleveland Public Power Company utility poles, (by separate permission) for the period of July 1, 1999 to August 16, 1999, inclusive, publicizing the Ward 6 Multi-Cultural Community Festival, and which banner shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

Res. No. 979-99.

By Councilmen White, Britt, Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, Melena, O'Malley, Patmon, Polensek, Robinson, Rybka, Sweeney, Westbrook, Willis and Zone.
An emergency resolution strongly opposing a rally proposed by the Klu Klux Klan in Cleveland.

Whereas, as an All American City, Cleveland embraces and celebrates the ethnic and racial diversity among its many citizens; and

Whereas, through its message of hatred and division, the Klu Klux Klan promotes disunity, divisiveness and violence; and

Whereas, the Klu Klux Klan recently announced its intention to hold a rally in downtown Cleveland; and

Whereas, the NAACP and other organizations have condemned the KKK and are opposed to the proposed rally; and

Whereas, the Council of the City of Cleveland condemns the message of hatred espoused by the KKK and believes that such message is injurious to the safety and welfare of citizens of the City of Cleveland; now therefore

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

Section 1. That the Council of the City of Cleveland encourages unity and acceptance of the many ethnic and racial diversities among the citizens of the City of Cleveland and opposes any attempt by the Klu Klux Klan to hold a rally in Cleveland.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 980-99.

By Councilman Willis.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 12713-17 Woodside Ave., 1st Fl. & Bsmt., and repealing Res. No. 1513-95, objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 12713-17 Woodside Ave. 1st Fl. & Bsmt., by Res. No. 1513-95 adopted August 23, 1995; and

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

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

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

Section 1. That objection to the renewal of a C2 and C2X Liquor Permit to 12713-17 Woodside Ave., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1513-95, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 981-99.

By Councilman Westbrook.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 9913-19 Lorain Ave., 1st Fl. & Bsmt., and repealing Res. No. 1512-98, objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 9913-19 Lorain Ave., 1st Fl. & Bsmt., by Res. No. 1512-98, adopted August 19, 1998; and

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

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

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

Section 1. That objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 9913-19 Lorain Ave., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1512-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 982-99.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit to 3877 Lakeside Ave., 1st Fl. & Bsmt., and repealing Res. No. 1552-98, objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to 3877 Lakeside Ave., 1st Fl. & Bsmt., by Res. No. 1552-98, adopted August 19, 1998; and

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

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

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

Section 1. That objection to the renewal of a D5 and D6 Liquor Permit to 3877 Lakeside Ave., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1552-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 994-99.

By Councilman Patmon.

An emergency resolution urging humanitarian treatment for all refugees, whether in the Balkans, Africa or elsewhere throughout the world.

Whereas, the Balkan crisis has highlighted the plight of refugees who are forced to flee their homelands due to conflict, economic conditions or the lack of food; and

Whereas, the United States and the United Nations have rightfully focused considerable attention and resources to comforting and easing the plight of European refugees; and

Whereas, African refugees face the same hardships and hunger as the Balkan refugees; and

Whereas, it has been recently reported that there are marked differences as to resources provided to the European and African facilities;

a. The U.N. is spending 11 cents per day per refugee in Africa, while they are spending \$1.23 per day per refugee in the Balkans.

b. Some African refugee camps have 1 doctor per 100,000 refugees; Macedonian camps have 1 doctor per 700 refugees.

c. Some camps in Africa hold up to 500,000 people, with as many as 6,000 people dying each day from cholera and other disease; the largest camp in Macedonia holds 33,000 people, with no reported deaths from epidemics or starvation.

d. Clean water is available and plentiful at Balkan refugee camps, while refugees in Nairobi are given 3.5 gallons of water to last for 3 days for a family as large as 10; and

Whereas, the Council of the City of Cleveland is concerned with the humanitarian treatment and preservation of dignity for all refugees, whether in the Balkans, Africa or elsewhere throughout the world; now, therefore

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

Section 1. That the Council of the City of Cleveland urges U.S. officials and the United Nations Commission for Refugees to allocate appropriate and necessary food, health services and accommodations for all refugees and to treat each person as an equal child of God.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this Resolution to the following: President Clinton; Secretary of State Albright; and the U.N. Secretary General.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**SECOND READING
EMERGENCY ORDINANCES**

Ord. No. 100-99.

By Councilmen Coats, Zone and Johnson (by departmental request).

An emergency ordinance to amend Section 627.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 90-96, passed March 18, 1996, relating to carrying concealed weapons.

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

Ord. No. 244-99.

By Councilmen Coats, Zone and Johnson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 135.501 thereof relating to the application and acceptance of annual Drug Abuse Resistance Education grant.

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

Ord. No. 329-99.

By Councilmen Robinson, Zone and Johnson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 161.051 thereof relating to certificate of appropriateness review fee.

Approved by Directors of Landmarks Commission, Finance, Law; Recommended by Committees on City Planning, Legislation, Finance; when amended as follows:

1. In Section 161.051, insert a new division (d) to read as follows:

"(d) All fees generated pursuant to this section shall be deposited into the fund or funds which are designated for use by the Landmarks Commission, and shall be used for Landmark Commission purposes."

Amendment agreed to.

Ord. No. 415-99.

By Councilmen Cintron, Gordon, Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to make alterations and modifications in Contract No. 51022 with Perk Company Inc. for the rehabilitation of Fulton Road, for the Department of Public Service.

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

Ord. No. 457-99.

By Councilmen Sweeney, Robinson and Johnson (by departmental request).

An emergency ordinance giving consent of the City of Cleveland for the repair and resurfacing of Shaker Boulevard to the State of Ohio; authorizing the Director of Public Service to enter into any agreements relative thereto.

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

Ord. No. 581-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance

No. 33-99, passed March 1, 1999, relating to a grant from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1999 Drug Prevention, Treatment and Intervention Program; to supplement by adding new Section 3; and to renumber existing Section 3 to "Section 4."

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

Ord. No. 582-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of medical supplies, for the Division of Fire, Department of Public Safety, for a period not to exceed two years.

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

Ord. No. 583-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain overhead doors at various locations within the Division of Fire, Department of Public Safety, for a period not to exceed two years.

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

Ord. No. 584-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair, maintain and service MSA breathing apparatus, for the Division of Fire, Department of Public Safety, for a period not to exceed two years.

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

Ord. No. 585-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to accept a grant from the State of Ohio — Office of Criminal Justice Services for the Juvenile Accountability Incentive Block Grant Program; and to enter into contract for the lease of office space and the procurement of not to exceed seven vehicles.

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

1. In Section 6, strike line 3 in its entirety and insert in lieu thereof the following: **"every six months."**

Amendment agreed to.

Ord. No. 587-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance to amend Sections 2 and 5 of Ordinance No. 257-97, passed April 14, 1997, relating to expending Economic Development Initiative Grant Funds for the operation of the Empowerment Zone Business Opportunity Program and to enter into contracts under that program.

Approved by Directors of Economic Development, Finance, Law;

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

1. Insert the following new Whereas clauses before the existing one:

"Whereas, the Empowerment Zone's economic development program is predicated on assisting businesses who typically have been excluded from conventional lending programs, both private and public; and Whereas, for reasons that include lack of effective financial and management systems, past credit problems, lack of access to broad consumer networks, and the inability to meet security and collateral underwriting requirements; and

Whereas, the EZ BOP Program was created to meet such unmet needs of Empowerment Zone businesses; and

Whereas, the provision of one-on-one technical assistance for such businesses is as important as the provision of loans and rebates; and

Whereas, the EZ BOP Program represents one of several approaches to address the needs of small businesses; and

Whereas, the Empowerment Zone provides four to six months of assistance to determine suitability of EZ BOP assistance for such businesses; and"

2. In Section 1, at amended Section 5, line 2, strike "2002" and insert in lieu thereof "2001".

Amendments agreed to.

Ord. No. 646-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various sizes of front-end loaders and roll-off containers, for the Division of Waste Collection and Disposal, Department of Public Service.

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

Ord. No. 647-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance to amend the title and Sections 1 and 3 of Ordinance No. 1724-98, passed November 16, 1998, relating to applying and accepting grants from the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment; and authorizing said director to enter into contracts to implement the program.

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

1. In the title, line 4, after "1998" strike the comma and insert the following: **"; to supplement said ordinance by adding new Section 4 thereof; and to renumber existing Section 4 of said ordinance to new "Section 5";"**

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

"Section 3. That Ordinance No. 1724-98, passed November 16, 1998, is hereby supplemented by adding new Section 4 thereof to read as follows:

Section 4. That the Director of Public Health shall provide notice to any Councilmember whose ward contains a test result which is in violation of the ordinances enforced by this Program.

Section 4. That existing Section 4 of Ordinance No. 1724-98, passed November 16, 1998, is hereby renumbered to new "Section 5".

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

Amendments agreed to.

Ord. No. 651-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to maintain, repair and test the life safety system, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, for a period not to exceed five years.

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

1. In the title, line 9, and in Section 1, line 6, strike "five" and insert in lieu thereof "three".

Amendment agreed to.

Ord. No. 704-99.

By Councilman Johnson (by departmental request).

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

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

Ord. No. 718-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Saint Ann Foundation for the Immunization Action Plan Grant; and to enter into contract with Case Western Reserve University to implement the Program.

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

Ord. No. 719-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 2041-97, passed December 15, 1997, relating to applying for and accepting grants from the Health Start Initiative, Maternal Child Health Bureau, U.S. Department of Health and Human Services for Phase II of the Healthy Family Healthy Start Program, Phase II; and to enter into contract with various entities to implement the program.

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

1. In Section 1, line 5, strike "Health start" and insert in lieu thereof "Healthy Start".

Amendment agreed to.

Ord. No. 720-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Ryan White Planning and Evaluation Project.

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

Ord. No. 721-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the State AIDS Community Based Care Program.

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

Ord. No. 722-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Cuyahoga County Board of Health for the 1999 Cuyahoga County Health Promotion Project.

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

Ord. No. 723-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1999-2000 Federal Child Lead Poison Prevention Program.

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

Ord. No. 727-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts to provide for the demolition, removal or the boarding up of structures within the City of Cleveland.

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

Ord. No. 728-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds for administrative expenses of the Department of Community Development; and for reimbursement of non-profit subrecipients for the cost of the audits required by OMB Circular A-133.

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

Ord. No. 779-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of insurance on computer equipment, for the Division of Information Systems Services, Department of Finance, for a period of one year, with two one-year options to renew.

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

Ord. No. 780-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to lease space at the Ninth Street Plaza Building from MJM Management Company, or its designee, for a term not to exceed one year, with one option to renew for an additional one year term, for the public purpose of office space for the Division of Information Systems Services.

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

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 252-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance to supplement Ordinance No. 1085-94, passed June 13, 1994, by adding new Sections 12 and 13 thereof and to renumber existing Section 12 to new Section 14, relating to proffering certain representations for purposes of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee, and authorizing the Director of Port Control to apply to the bond trustee for land release.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 269-99.

By Councilmen Cintron, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2228 and 2220 Seymour Avenue, S.W. to Greater Cleveland Habitat for Humanity, Incorporated.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 366-99.

By Councilmen Sweeney, Robinson and Johnson (by departmental request).

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of the Woodland Avenue Bridge over the G.C.R.T.A and the Norfolk and Southern Railway Co. to the State of Ohio; authorizing the Director of Public Service to enter into any agreements relative thereto; determining the method of making the above public improvement; and authorizing said director to employ professional design consultants to implement such improvement.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 412-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide services necessary to manage and maintain the building and grounds of the Consolidated Rental Car Facility, for a period of two years.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 416-99.

By Councilman Cintron.
An emergency ordinance to accept the dedication of a portion of West 19th Street.

Read third time. Passed. Yeas 21.
Nays 0.

Ord. No. 454-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of air filters and materials necessary to provide related services for air handling units, for the various divisions of the Department of Port Control, for a period not to exceed two years.

Read third time. Passed. Yeas 21.
Nays 0.

Ord. No. 455-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain plumbing systems for the various divisions of the Department of Port Control, for a period not to exceed two years.

Read third time. Passed. Yeas 21.
Nays 0.

Ord. No. 456-99.

By Councilmen Cimperman, Sweeney, Robinson and Johnson (by departmental request).

An emergency ordinance giving consent of the City of Cleveland for the interim repair of the Columbus Road Vertical Lift Bridge over the Cuyahoga River to the County of Cuyahoga; authorizing the Director of Public Service to enter into any agreements relative thereto; determining the method of making the above public improvement; authorizing said director to enter into contract for the making of such improvement; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

Read third time. Passed. Yeas 21.
Nays 0.

Ord. No. 501-99.

By Councilmen Britt, Jones, Robinson and Johnson (by departmental request).

An emergency ordinance to appropriate property for the public use for the acquisition of additional right-of-way on Quincy Avenue.

Read third time. Passed. Yeas 21.
Nays 0.

Ord. No. 502-99.

By Councilmen Jones, Sweeney, Robinson and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing a new service facility located at Seville Avenue, and authorizing the Director of Public Service to enter into contract for the making of such improvement; and authorizing the purchase of furniture, equipment, and if necessary, moving services, in connection with the making of such improvement.

Read third time. Passed. Yeas 21.
Nays 0.

Ord. No. 507-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain the automatic doors for the various divisions of the Department of Port Control, for a period not to exceed two years.

Read third time. Passed. Yeas 21.
Nays 0.

Ord. No. 514-99.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7601-03 Jones Road to Slavic Village Broadway Development Corporation.

Read third time. Passed. Yeas 21.
Nays 0.

Ord. No. 573-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into an amendment to Contract No. 46540 with Southwest Airlines, Co., to provide for the addition of certain space to the Lease, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Read third time. Passed. Yeas 21.
Nays 0.

Ord. No. 591-99.

By Councilmen Sweeney, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Lums Service O.C.S. Division, Inc. to provide economic development assistance to partially finance the acquisition of equipment and the construction of an office and warehouse facility, located at West Parkway, Cleveland, Ohio.

Read third time. Passed. Yeas 21.
Nays 0.

Ord. No. 592-99.

By Councilmen Sweeney, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Lums Service O.C.S. Division to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to expand and relocate its facility to West Parkway located in the Cleveland Area Enterprise Zone.

Read third time. Passed. Yeas 21.
Nays 0.

Ord. No. 653-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with Cleveland State University to provide various housing, urban land-use, property parcel, vacant lot, and residential real estate market data services, products, studies, and other technical assistance in order to facilitate neighborhood planning and programming efforts.

Read third time. Passed. Yeas 21.
Nays 0.

Ord. No. 655-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance to amend Sections 4 and 5 of Ordinance No. 1082-98, passed November 23, 1998, relating to contracts with various non-profit agencies for the implementation of the Emergency Shelter Grant Program and with Cuyahoga County for the operation of the Cleveland/Cuyahoga County Office of Homeless Services.

Read third time. Passed. Yeas 21.
Nays 0.

Ord. No. 783-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 2186-97, passed April 6, 1998, relating to the Director of Public Health to enter into contract with various entities to implement the City's Lead Program by operating various lead abatement programs.

Read third time. Passed. Yeas 21.
Nays 0.

THIRD READING ORDINANCE PASSED

Ord. No. 374-99.

By Councilman Cintron (by request).

An ordinance to accept the dedication of a portion of Stone Court N.W.

Read third time. Passed. Yeas 21.
Nays 0.

THIRD READING EMERGENCY RESOLUTIONS ADOPTED

Res. No. 35-99.

By Councilman Sweeney (by request).

An emergency resolution declaring the intention to vacate all that portion of Postal Court S.W.

Read third time. Passed. Yeas 21.
Nays 0.

Res. No. 425-99.

By Councilmen Britt, Willis, Sweeney, Robinson and Johnson (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for public use for the improvement to a portion of Stokes Boulevard.

Read third time. Passed. Yeas 21.
Nays 0.

Res. No. 519-99.

By Councilmen Britt, Jones, Robinson and Johnson (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for public use for the acquisition of additional right-of-way on Quincy Avenue.

Read third time. Passed. Yeas 21.
Nays 0.

The Council adjourned at 9:00 p.m. to meet on Monday, June 7, 1999, at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

ORDINANCES

Ord. No. 100-99.

By Councilmen Coats, Zone and Johnson (by departmental request).

An emergency ordinance to amend Section 627.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 90-96, passed March 18, 1996, relating to carrying concealed weapons.

Ord. No. 189-99.

By Councilmen Cimperman, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Arcade, LLC, to provide for service payments for the purpose of repayment of the revenue bonds to be issued for the purpose of assisting with the financing of the rehabilitation and redevelopment of the Old Arcade and to provide for payments to the Cleveland City School District, and to declare certain improvements to real property to be a public purpose.

Whereas, on April 3, 1998, pursuant to the authority of Charter Section 76-2, the City Planning Commission adopted and approved the Downtown Euclid Avenue Revitalization Plan (the "Plan") which Plan calls for the revitalization of the Old Arcade; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, improvements to real property consistent with the Plan, may be declared to be a public purpose where fee title to such real property was, at one time, held by the City of Cleveland; and

Whereas, pursuant to the authority of Ordinance No. _____, passed _____, the City acquired fee title to certain real property within the Area, which is more particularly described in the documents set forth in the file described in Section 1 of this ordinance (the "Real Property"), prior to adoption of this Ordinance; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, such improvements so declared to be a public purpose may be exempt from real property taxation; and

Whereas, pursuant to Section 5709.42 of the Ohio Revised Code, the owners of such improvements may be required to make annual service payments in lieu of taxes that would have been paid had such improvements not been exempt; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, said exemption may exceed 75% of such improvements for up to thirty (30) years when a portion of the service payments so collected are distributed to the Cleveland City School District ("the District") in an amount equal to the amount the District would have received had the improvements not been exempt; and

Whereas, the Cleveland City School District has been notified of the intent to enter into the agreement authorized herein, in compliance with Sections 5709.41(C)(4) and 5709.83 of the Ohio Revised Code; and

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the improvements to be constructed by Arcade, LLC ("Redeveloper"), as more fully described in the plans contained in File No. 189-99-A ("the Improvements"), on the Real Property, are consistent with the Plan and are hereby declared to be a public purpose, for purposes of Section 5709.41 and 5709.42 of the Ohio Revised Code.

Section 2. That one hundred percent (100%) of the Improvements are hereby declared exempt from real property taxation for a period of thirty (30) years; and that in no event shall the exemption period extend beyond December 31, 2031.

Section 3. That, pursuant to Section 5709.42 of the Ohio Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of thirty (30) years, or such other period necessary to redeem the bonds described in Section 6 of this Ordinance, in lieu of said exempt taxes to the Cuyahoga County Treasurer; said payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid, had the Improvements not been exempt from taxation.

Section 4. That pursuant to Section 5709.43 of the Ohio Revised Code there is hereby established an Old Arcade Urban Redevelopment Tax Increment Equivalent Fund (the "Fund").

Section 5. That a portion of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvements not been exempt from taxation.

Section 6. That the balance of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the City of Cleveland and deposited in the Fund created by Section 4 hereof to pay the principal (whether at maturity or by prior redemption) of, and interest on revenue bonds issued by the City, pursuant to additional, appropriate legislation of this Council, or other appropriate governmental issuer to finance a portion of the costs of the Improvements, and the costs attributable to the sale of the Bonds, inclusive of attorneys' fees, appraisals and other similar fees.

Section 7. That the Director of Economic Development is hereby authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described herein, including agreements securing the payments described in Section 3 of this Ordinance, which agreement or agreements shall contain those terms set forth in the Executive Summary contained in the file referenced in Section 1 of this ordinance and such other terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest; and to enter into such other agreement or agreements with such other appropriate governmental issuer, necessary and appropriate to issue and redeem the bonds described in Section 6 of this Ordinance,

which agreement or agreements shall contain those terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest.

Section 8. That the relevant project agreements shall include the following terms:

1. That in the event that there is a transfer in title of any part of the project to a non-affiliated party during the Tax Increment Financing ("TIF") authorized by this ordinance, purchaser or transferee shall assume repayment obligations under the HUD Section 108 Loan.

2. That in the event there is a transfer of title to a non-affiliated party of the non-hotel commercial portion during the term of the TIF, to a party whose intended use is other than non-hotel commercial, redeveloper shall immediately retire all outstanding obligations due the City under the \$1,000,000 Economic Development Loan, and Redeveloper shall pay to the City an amount equal to all taxes the City would have received from the time of execution of the TIF agreement to the date of such transfer or sale of the retail portions of the project, but for the TIF.

3. Failure by Redeveloper or the operator(s) of the project to substantially comply with the following economic development objectives of the Project shall be an event of default and Redeveloper shall pay to the City an amount equal to the taxes the City would have received but for the TIF:

a. The investment of \$45 million in the project within three (3) years of passage of this ordinance;

b. The creation of 150 jobs at the Project within three (3) years from the passage of this ordinance and the maintenance of these 150 jobs throughout the duration of the TIF;

c. Compliance with Section 9 of this ordinance; and

d. Renovation of the public open space of the arcade and maintaining same as open space for the public use.

Section 9. 1. With respect to the relationship with and activities of any operator to the hotel located on the Property, it is agreed that such hotel operator shall recognize and observe the right of its employees to form or select any labor organization to act as the employees' exclusive bargaining representative for the purpose of collective bargaining with the operator, or to refrain from such activity, and the right of a labor organization to organize the employees.

2. With respect to the relationship with and activities of the hotel operator, the Redeveloper agrees as a condition of its financial assistance from the City, in addition to the foregoing, that the provisions set forth in the section shall apply.

a. To accommodate a free and informed decision of the employees of the hotel respecting joining or seeking representation by a labor organization, the hotel operator will provide access to certain non-work areas within the hotel during certain non-work times, the exact locations and times to be mutually agreed upon by both the union and the hotel operator.

b. The hotel operator shall have the right to communicate with its employees during the organizing process, shall insure that such communications are factual, and shall

neither show nor disseminate anti-union material in its communications with its employees.

c. Upon notice from the union that at least 30% of employees in an appropriate bargaining unit have signed authorization cards, the hotel operator and labor organization will take all actions necessary to effect validation of such cards within thirty (30) days by the National Labor Relations Board ("NLRB"). If cards signed by a majority of bargaining unit employees are validated by the NLRB, the employees will vote on the question of representation by the labor organization within sixty (60) days from date of the NLRB meeting to validate the cards. If a majority of bargaining unit employees that vote, vote in favor of representation by a labor organization the hotel operator will recognize such labor organization as bargaining representative.

d. If one or more labor organizations notifies the hotel operator that a majority of employees in a proposed bargaining unit or units have signed authorization cards, the hotel operator will make good faith efforts to reach agreement and stipulate to the definition of a bargaining unit. The hotel operator will not assert questions about the definition of the bargaining unit as a means of delaying or impeding the rights of employees and labor organization(s) to proceed expeditiously to an election under the NLRB supervision.

e. The hotel operator shall further agree that interest demonstrated by

employees of the hotel in joining or not joining a labor organization or membership with a labor organization shall not constitute grounds for discriminatory or disparate treatment nor adversely impact a potential employee's ability to be hired.

3. In the event the operator of the hotel located on the Property is found to have failed to perform or observe the conditions set forth above in Section 1. or 2. as evidenced by either: (i) a final judgment or order of the National Labor Relations Board or court of competent jurisdiction, which final judgment or order is not subject to further appeal, or (ii) a finding by the City of Cleveland as set forth in a written notice of default sent by the City's Director of Economic Development, the Redeveloper shall, within thirty (30) days after such judgment or order becomes final (or within such longer period as may be reasonably required), or within thirty (30) days (or within such longer period as may be reasonably required) after City's sending of the notice of default:

a. Cause such hotel operator to comply with such order or judgment and any remedial action required thereunder;

b. If the hotel operator does not comply with Section 3.a. within the time periods set forth therein, the Redeveloper can terminate the contract of such hotel operator to operate such hotel and obtain a qualified replacement hotel operator who will operate in conformity with the above requirements.

In the event Redeveloper fails to comply with its requirements set forth in this Section 3. the loan agreement shall be terminated as of the date of such failure. Also as of the date of such failure, the Redeveloper shall be required to reimburse the City for all taxes the City would have received but for the "TIF".

Section 10. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

Section 11. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Ord. No. 244-99.

By Councilmen Coats, Zone and Johnson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 135.501 thereof relating to the application and acceptance of annual Drug Abuse Resistance Education grant.

Ord. No. 329-99.

By Councilmen Robinson, Zone and Johnson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 161.051 thereof relating to certificate of appropriateness review fee.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 161.051 thereof to read as follows:

Section 161.051 Certificate of Appropriateness Review Fee

(a) A review fee shall be paid to the Landmarks Commission when the Landmarks Commission's approval is required by the Codified Ordinances for issuance of a Building Permit, in accordance with the following schedule to cover the cost of review by the Landmarks Commission payable subsequent to the Landmarks Commission approval, upon issuance of a Certificate of Appropriateness.

(b) The review fee shall be determined on the basis of the following schedule which "improvement cost" is that portion of a project's total improvement cost attributable to exterior improvements requiring review and approval by the Landmarks Commission:

Applicable Improvement Cost	Fee Rate
Less than \$5,000	1.5% of the amount over \$0
\$5,001 - \$10,000	\$75.00 + 1.0% of the amount over \$5,000
\$10,001 - \$100,000	\$125.00 + 0.5% of the amount over \$10,000
\$100,001 - \$500,000	\$575.00 + 0.2% of the amount over \$100,000
\$500,001 - \$5,000,000	\$1,375.00 + 0.05% of the amount over \$500,000
More than \$5,000,000	\$3,625.00 + 0.02% of the amount over \$5,000,000

(c) Exemptions. No fee payments shall be required for the renovation or alteration of existing single-family, two-family and three-family residences or for construction or alteration of accessory structures on the property of such existing residence.

(d) All fees generated pursuant to this section shall be deposited into the fund or funds which are designated for use by the Landmarks Commission, and shall be used for Landmark Commission purposes.

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.

Ord. No. 415-99.

By Councilmen Cintron, Gordon, Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to make alterations and modifications in Contract No. 51022 with Perk Company Inc. for the rehabilitation of Fulton Road, for the Department of Public Service.

Ord. No. 457-99.

By Councilmen Sweeney, Robinson and Johnson (by departmental request).

An emergency ordinance giving consent of the City of Cleveland for the repair and resurfacing of Shaker Boulevard to the State of Ohio; authorizing the Director of Public Service to enter into any agreements relative thereto.

Ord. No. 581-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 33-99, passed March 1, 1999, relating to a grant from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1999 Drug Prevention, Treatment and Intervention Program; to supplement by adding new Section 3; and to renumber existing Section 3 to "Section 4."

Ord. No. 582-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of medical supplies, for the Division of Fire, Department of Public Safety, for a period not to exceed two years.

Ord. No. 583-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain overhead doors at various locations within the Division of Fire, Department of Public Safety, for a period not to exceed two years.

Ord. No. 584-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair, maintain and service MSA breathing apparatus, for the Division of Fire, Department of Public Safety, for a period not to exceed two years.

Ord. No. 585-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to accept a grant from the State of Ohio — Office of Criminal Justice Services for the Juvenile Accountability Incentive Block Grant Program; and to enter into contract for the lease of office space and the procurement of not to exceed seven vehicles.

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

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

Section 1. That the Director of Public Safety is hereby authorized to accept a grant in the amount of \$766,289.00, from the State of Ohio - Office of Criminal Justice Services,

to conduct the Juvenile Accountability Incentive Block Grant Program, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 99-99-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$85,143.00 from Fund No. 01-60-02-0901, is hereby approved in all respects.

Section 3. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Safety is hereby authorized to lease office space at an east side location and a west side location for the implementation of the grant. The term of the lease or leases shall not exceed the grant period and shall be in an aggregate estimated annual amount of \$19,200.00.

That the lease or leases may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the purposes of the grant. That the lease or leases may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

That the lease or leases shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

That the Director of Public Safety, the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease or leases authorized by this ordinance.

Section 4. That the Director of Public Safety is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the lease of not to exceed seven (7) vehicles, to be used for implementation of the program, to be procured by the Commissioner of Purchases and Supplies upon a unit basis.

Section 5. That the cost of the contracts authorized in Sections 3 and 4 above shall be paid from the fund or funds to which are credited the proceeds of the grant accepted pursuant to Section 1 of this ordinance.

Section 6. That the Director of Public Safety shall provide a report to the council regarding the work of this program every six months.

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

Ord. No. 587-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance to amend Sections 2 and 5 of Ordinance No. 257-97, passed April 14, 1997, relating to

expending Economic Development Initiative Grant Funds for the operation of the Empowerment Zone Business Opportunity Program and to enter into contracts under that program.

Whereas, the Empowerment Zone's economic development program is predicated on assisting businesses who typically have been excluded from conventional lending programs, both private and public; and

Whereas, for reasons that include lack of effective financial and management systems, past credit problems, lack of access to broad consumer networks, and the inability to meet security and collateral underwriting requirements; and

Whereas, the EZ BOP Program was created to meet such unmet needs of Empowerment Zone businesses; and

Whereas, the provision of one-on-one technical assistance for such businesses is as important as the provision of loans and rebates; and

Whereas, the EZ BOP Program represents one of several approaches to address the needs of small businesses; and

Whereas, the Empowerment Zone provides four to six months of assistance to determine suitability of EZ BOP assistance for such businesses; 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 Sections 2 and 5 of Ordinance No. 257-97, passed April 14, 1997, are hereby amended to read, respectively, as follows:

Section 2. That any contract authorized hereby shall not exceed \$30,000.00 to any single small business and shall receive the written approval of the Council person in whose ward said small business is located; the costs of said contract shall be paid from Fund No. 18 SF 003 and 18 SF 001, Request No. 22285. Contracts for purposes of the Program in excess of \$30,000.00 may be approved by Council by appropriate legislation.

Section 5. That the contracting authority granted herein shall expire on June 1, 2001; the Director of Economic Development shall, within six months of the effective date of this ordinance, report to Council on activity of the Program, including, but not limited to, the number and value of contracts entered into and projects completed under the Program.

Section 2. That existing Sections 2 and 5 of Ordinance No. 257-97, passed April 14, 1997, 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.

Ord. No. 646-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various sizes of front-end loaders and roll-off containers, for the Division of Waste Collection and Disposal, Department of Public Service.

Ord. No. 647-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance to amend the title and Sections 1 and 3 of Ordinance No. 1724-98, passed November 16, 1998; to supplement said ordinance by adding new Section 4 thereof; and to renumber existing Section 4 of said ordinance to new "Section 5"; relating to applying and accepting grants from the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment; and authorizing said director to enter into contracts to implement the program.

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

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

Section 1. That the title, Section 1 and Section 2 of Ordinance No. 1724-98, passed November 16, 1998, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Public Health to apply for and accept grants from the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment; and authorizing said director to enter into contracts for the purchase of equipment, supplies and services necessary to implement the program.

Section 1. That the Director of Public Health is hereby authorized to apply for and accept grants in the approximate amount of \$366,269 from the U.S. Environmental Protection Agency and \$1,001,311 from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment in accordance with the purposes set forth in the respective applications; that the Director of Public Health is hereby authorized to file all papers enter into contracts, and execute all documents necessary to apply for and receive the funds under said grants; and that said funds be appropriated for the purposes set forth in the agreements and applications for said grants.

Section 3. That the Director of Public Health is hereby authorized to enter into contracts for the purchase of equipment, supplies and services necessary to implement the Program, and that said contracts are payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

Section 2. That the existing title, Section 1 and Section 2 of Ordinance No. 1724-98, passed November 16, 1998, are hereby repealed.

Section 3. That Ordinance No. 1724-98, passed November 16, 1998, is hereby supplemented by adding new Section 4 thereof to read as follows:

Section 4. That the Director of Public Health shall provide notice to any Councilmember whose ward contains a test result which is in violation of the ordinances enforced by this Program.

Section 4. That existing Section 4 of Ordinance No. 1724-98, passed November 16, 1998, is hereby renumbered to new "Section 5".

Section 5. That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

Ord. No. 651-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to maintain, repair and test the life safety system, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, for a period not to exceed three 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 Parks, Recreation and Properties is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to maintain, repair and test life safety system at the Cleveland Convention Center for a period not to exceed three years, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 67 SF' 001, Request No. 22680.

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

Ord. No. 704-99.

By Councilman Johnson (by departmental request).

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

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

Ord. No. 718-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Saint Ann Foundation for the Immunization Action Plan Grant; and to enter into contract with Case Western Reserve University to implement the Program.

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

Ord. No. 719-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 2041-97, passed December 15, 1997, relating

to applying for and accepting grants from the Health Start Initiative, Maternal Child Health Bureau, U.S. Department of Health and Human Services for Phase II of the Healthy Family Healthy Start Program, Phase II; and to enter into contract with various entities to implement the program.

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

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

Section 1. That Section 1 of Ordinance No. 2041-97, passed December 15, 1997, is hereby amended to read as follows:

Section 1. That the Director of Public Health is hereby authorized to apply for and accept grants for Phase II of the Healthy Family Healthy Start Program, from the Healthy Start Initiative, Maternal Child Health Bureau, U.S. Department of Health and Human Services, each year for a period of five (5) years, in the approximate amount of \$3,146,000 for the first project year, and for such additional amounts as will become available for project years two through five, for the purposes set forth in the applications and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grants; and that said funds be and they hereby are appropriated for the purposes set forth in the applications for said grants.

Section 2. That existing Section 1 of Ordinance No. 2041-97, passed December 15, 1997, is hereby repealed.

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

Ord. No. 720-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Ryan White Planning and Evaluation Project.

Ord. No. 721-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the State AIDS Community Based Care Program.

Ord. No. 722-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Cuyahoga County Board of Health for the 1999 Cuyahoga County Health Promotion Project.

Ord. No. 723-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from

the Ohio Department of Health for the 1999-2000 Federal Child Lead Poison Prevention Program.

Ord. No. 727-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts to provide for the demolition, removal or the boarding up of structures within the City of Cleveland.

Ord. No. 728-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds for administrative expenses of the Department of Community Development; and for reimbursement of nonprofit subrecipients for the cost of the audits required by OMB Circular A-133.

Ord. No. 779-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of insurance on computer equipment, for the Division of Information Systems Services, Department of Finance, for a period of one year, with two one-year options to renew.

Ord. No. 780-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to lease space at the Ninth Street Plaza Building from MJM Management Company, or its designee, for a term not to exceed one year, with one option to renew for an additional one year term, for the public purpose of office space for the Division of Information Systems Services.

BOARD OF CONTROL

May 19, 1999

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 19, 1999, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.

Absent: None.

Others: William A. Moon, Commissioner, Purchases and Supplies, Linda Walker, Acting Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 295-99.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on April 7, 1999 for dewatered residuals (all items) for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 1944-98, passed December 14, 1998, are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 296-99.

By Director Balraj.

Resolved by the Board of Control of the City of Cleveland, that all bids received on March 17, 1999 for one (1) jet bridge at Gate A-14 for the Division of Cleveland Hopkins International Airport, Department of Port Control, pursuant to the authority of Ordinance No. 70-98, passed by the Council of the City of Cleveland on March 2, 1998, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 297-99.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to Ordinance No. 250-99 passed by the Council of the City of Cleveland on May 10, 1999, the firm of Roof T.E.C., Inc., is hereby selected upon the nomination of the Director of Public Service from a list of qualified firms available for such employment as the firm of consultants ("Consultant") to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City in order to provide the architectural and engineering services necessary for repair/replacement of roofs at various facilities, located throughout the City.

Be it further resolved, that the Director of Public Service hereby is authorized to enter into a written contract with Roof T.E.C., Inc. based upon its proposal dated April 7, 1999, which contract shall be prepared by the Director of Law and shall include such additional provisions as he deems necessary to benefit and protect the public interest.

The fees for services to be performed under the contract authorized hereby shall not exceed Ninety Five Thousand Five Hundred and No/100 Dollars (\$95,500.00). Reimbursable expenses shall not exceed Eight Thousand Five Hundred and No/100 Dollars (\$8,500.00). The total compensation to the Consultant shall not exceed One Hundred Four Thousand and No/100 Dollars (\$104,000.00).

Be it further resolved, that the employment of the following subconsultant by Roof T.E.C., Inc. is hereby approved:

Dodson - Stilson
MBE 37%

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 298-99.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Vermeer Sales and Service, Inc. for an estimated quantity of six (6) Rotary Mowers, two (2) Off-Road Trucksters and one (1) Brush Chipper, item: #3, approximately one (1) Brush Cutter (unit cost \$26,529.07), for various Divisions of City Government, Department of Public Service, for the period of one (1) year beginning with the date of execu-

tion of a contract received on March 5, 1999, pursuant to the authority of Ordinance No. 1074-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately Twenty Six Thousand Five Hundred Twenty Nine and 07/100 Dollars, (\$26,529.07), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 1785

which shall be certified against such contract in the sum of Twenty Six Thousand Five Hundred Twenty Nine and 07/100 Dollars (\$26,529.07).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 299-99.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Baker Vehicle Systems for an estimated quantity of six (6) Rotary Mowers, two (2) Off-Road Trucksters and one (1) Brush Chipper, item: #1 (approximately six (6) diesel front-cutter mowers & additional equipment (unit cost \$9,995.00 ea.), for various divisions of City Government, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on March 5, 1999, pursuant to the authority of Ordinance No. 1074-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately Fifty Nine Thousand Nine Hundred Seventy and no/100 Dollars, (\$59,970.00), (2%-30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 1783

which shall be certified against such contract in the sum of Fifty Nine Thousand Nine Hundred Seventy and no/100 (\$59,970.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 300-99.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of North Coast Distributing, Inc. for an estimated quantity of six (6) Rotary Mowers, two (2) Off-Road Trucksters and one (1) Brush Chipper, item: #2; two (2) Off-Road Trucksters (unit cost of \$14,940.00) for the various divisions of City Government, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on March 5, 1999, pursuant to the authority of Ordinance No. 1074-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately Twenty Nine Thousand Eight Hundred and no/100 Dollars, (\$29,800.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 1784

which shall be certified against such contract in the sum of Twenty Nine Thousand Eight Hundred and no/100 Dollars (\$29,800.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 301-99.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that all bids received on April 29, 1999 for Ridge Road Landfill-Clay Cap Installation and Hillside Cleaning for the Division of Waste Collection and Disposal, Department of Public Service, pursuant to the authority of Ordinance No. 323-93, passed by the Council of the City of Cleveland on May 3, 1993, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 302-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Standard Law Enforcement Supply Co., for an estimated quantity of 9MM Pistols, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on April 8, 1999, pursuant to Section 135.065 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Forty Nine Thousand, One Hundred and 00/100 Dollars (\$49,100.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid,

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

Requisition No. 0007

100 9MM as specified which shall be certified against such contract in the sum of Forty Nine Thousand, One Hundred and 00/100 Dollars (\$49,100.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 303-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Tread Corporation for a Storage Magazine, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on February 24, 1999, pursuant to the authority of Ordinance No. 1954-98, passed December 14, 1998, which on the basis of the estimated quantity would amount of Fifteen Thousand, Nine Hundred and 00/100 Dollars, (\$15,900.00), (1/2% 10, Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 3618

1 Storage Magazine, as specified, Item #1

which shall be certified against such contract in the sum of Fifteen Thousand, Nine Hundred and 00/100 Dollars (\$15,900.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 304-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Atwell's Police and Fire Equipment, for an estimated quantity of uniforms clothing, item nos. 8, 10, 25, 30 and 34, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on March 25, 1999, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio,

1976, which on the basis of the estimated quantity would amount to Eight Thousand, Two Hundred Five and 00/100 Dollars, (\$8,205.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 0009

Uniform Items:

7 Flashlights, Item 25, as specified Four Hundred Fifty-Five and 00/100 Dollars (\$455.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 305-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of B.P. Britches, for an estimated quantity of uniform clothing, item nos. 75, 77 and 78, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on March 25, 1999, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Twenty Thousand, Nine Hundred Seventy-Five and 00/100 Dollars, (\$20,975.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 0010

Uniform Items:

90 Sweat Pants, Item 77, as specified One Thousand, Fifty Seven and 50/100 Dollars (\$1,057.50).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 306-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Abele Davis, for an estimated quantity of uniform clothing, item no. 127, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning

with the date of execution of a contract, received on March 25, 1999, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Five Hundred Thirty Three and 50/100 Dollars (\$533.50) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 0011

Uniform Items:

Cycling Shoes, Item 127, as specified Fifty Three and 35/100 Dollars (\$53.35)

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 307-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Schwartz Uniform, for an estimated quantity of uniforms clothing, item nos. 1, 2, 11 to 22, 35 (all items), 36, 37, 38, 41, 43, 44, 47, 49 to 60, 69 to 74, 79 (all items), 80 (all items), 83, 86 to 94, 96, 97, 98, 99, 102 to 107, 111, 112 and 115 to 122, for the Division Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on March 25, 1999, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Five Hundred Thirty Nine Thousand, One Hundred Fifty Nine and 50/100 Dollars (\$539,159.50) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 0016

Uniform Items:

112 Cruiser, jackets, Item 1, as specified; 2 Shirts, Item 50, as specified; 2 shirts, Item 53, as specified; 3 shirts, Item 54, as specified; 5 shirts, Item 56, as specified; 4 trousers, Item 89, as specified; 1 cardigan sweater, Item 79A, as specified; 2 Dress trouser, Item 92, as specified; 1 Trouser, Item 93, as specified; 7 Blouse, Cmdr staff, Item 115, as specified; 2 Cap, Cmdr, Item 117, as specified;

which shall be certified against such contract in the sum of Twenty Six Thousand, Nine Hundred Eight Two and 50/100 Dollars (\$29,982.50).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirement for such goods

and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 308-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Werx Corporation, for an estimated quantity of uniform clothing, item nos. 76, 81, 82, 84 and 95, for the Division Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on March 25, 1999, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Twelve Thousand, Five Hundred Five and 00/100 Dollars (\$12,500.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 0008

Uniform Items:

180 Tee shirts extra large, Item 81, as specified

2 Tee Shirts 3XL, Item 81, as specified

1 Socks, Item 76, as specified Six Hundred Twenty-Five and 00/100 Dollars (\$625.00)

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 309-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Cleveland Uniform Inc., for an estimated quantity of uniform clothing, item nos. 7, 26, 27, 31, 45, 46, 61 to 68, 100, 101 and 114, for the Division Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on March 25, 1999, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Sixty Three Thousand, Six Hundred Sixty Four and 50/100 Dollars (\$63,664.50) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 0013

Uniform Items:

105 Duty holsters right hand, Item 31, as specified

10 Duty holster left hand, Item 31, as specified

Six Thousand, Ninety Five and 00/100 Dollars (\$6,095.00)

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 310-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Standard Law Enforcement, for an estimated quantity of uniform clothing, item nos. 3, 4, 5, 6, 9, 28, 29, 32, 33, 39, 40, 42, 85, and 108, for the Division Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on March 25, 1999, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Forty Five Thousand, One Hundred One and 75/100 Dollars (\$45,101.75) (2% 30 days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 0014

Uniform Items:

100, Straight baton, Item 5, as specified Three Thousand, Nine Hundred and 00/100 Dollars (\$3,900.00)

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 311-99.

By Director Jackson.

Whereas pursuant to the authority of Resolution No. 146-99, adopted by this Board of Control on March 24, 1999, the City of Cleveland entered into a concession agreement with Volume/English Enterprises, LLC for the operation of the City Hall Cafeteria for a thirty (30) day period expiring April 30, 1999; now, therefore,

Be it resolved by the Board of Control of Cleveland that pursuant to the authority of Ordinance No. 2103-98, passed by the Council of the City of Cleveland on December 14, 1999, Volume/English Enterprises, LLC is hereby selected from a list of firms determined, after a full and complete canvass by the Director of Parks, Recreation and Properties, as the firm to be employed by contract to provide

the professional services necessary for the operation of a first class food and beverage services concession at the Cleveland City Hall Cafeteria.

Be it further resolved that the Director of Parks, Recreation and Properties is hereby requested to enter into a concession agreement with said Volume/English Enterprises, LLC, on the basis of the March 14, 1999 Proposal, to operate a first class food and beverage services concession operations at the Cleveland City Hall Cafeteria for a term of four (4) years and eight (8) months commencing May 1, 1999, with two (2) options, exercisable by the Director of Parks, Recreation and Properties, to extend the term for (1) year each, for the following percentages of annual gross receipts:

\$0 to \$300,000	10%
\$300,001 and over	11.5%

Be it further resolved that the concession agreement authorized hereby shall be prepared by the Director of Law in accordance with the Request For Proposals and the Proposal, and shall contain such additional provisions as said Director deems necessary to protect and benefit the public interest.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 312-99.

By Director Jackson.
Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 218-99, adopted April 21, 1999, approving C.D. Whitfield Company, Inc. for public improvement of the purchase and installation of two (2) boilers for the West Side Market, is hereby amended by deleting the date "November 11, 1998" where appearing in the first paragraph and substituting therefor the date "November 4, 1998".

Be it further resolved that said resolution is hereby amended by deleting "Division of Convention Center and West Side Market" where appearing in the first and fifth paragraphs and substituting therefor "Division of Convention Center and Stadium".

Be it further resolved that all other terms and provisions of said Resolution No. 218-99 not hereby amended shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 313-99.

By Director Jackson.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Advance Door Company for the public improvement of labor and materials to repair the arch entrance doors for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, received on March 18, 1999, pursuant to the authority of Ordinance No. 761-98, passed May 18, 1998, for a gross price, for the improvement in the aggregate amount of Twenty One Thousand One Hundred and Fifty and

00/100ths Dollars (\$21,150.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 314-99.

By Director Jackson.
Resolved by the Board of Control of the City of Cleveland that all bids received on April 1, 1999 for Tree Maintenance in City Cemeteries for the Division of Park Maintenance & Properties, Department of Parks, Recreation & Properties, pursuant to the authority of Ordinance No. 22054-98, passed by the Council of the City of Cleveland on December 14, 1998, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 315-99.

By Director Jackson.
Be it resolved by the Board of Control of the City of Cleveland that the bid of EnviroCom Construction, base bid and add alternates 1 and 2, for the public improvement of the Recreation Centers Door and Frame Renovation, for the Division of Recreation, Department of Parks, Recreation and Properties, received on May 5, 1999, pursuant to the authority of Ordinance No. 1605-98 passed on October 19, 1998, for a gross price for the improvement in the aggregate amount of Two Hundred Twenty One Thousand Seven Hundred and No/Dollars (\$21,700.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved, that the employment of the following subcontractor to EnviroCom Construction, is hereby approved:

Builders Glass and Door
MBE 8%

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 316-99.

By Director Hudecek.
Whereas, pursuant to the Land Reutilization Program, the City has acquired Permanent Parcel Nos. 118-04-004, 118-04-007, 118-04-010, 118-04-047, 118-04-051, 118-04-052, 118-04-054 and 118-04-050;

Whereas, Ordinance No. 2180-98 passed by the Council of the City of Cleveland on March 22, 1999, authorized the sale of said parcels, this Board of Control adopted Resolution No. 244-99 on April 28, 1999 establishing the Fair Market Value; and

Whereas, said Resolution had the incorrect year for Ordinance 2180-98, now, therefore,

Be it resolved by the Board of

Control of the City of Cleveland that Resolution No. 244-99 adopted by this Board of Control on April 28, 1999 is hereby amended by correcting Ordinance No. 2180-90 to 2180-98.

Be it further resolved that all other provisions of said Resolution No. 244-99 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 317-99.

By Director Balraj.
Be it resolved by the Board of Control of the City of Cleveland that, pursuant to the authority of Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976 the Director of Port Control is hereby authorized to enter into a concession agreement with Spirit of Cleveland, Inc. for use of the Burke Lakefront Airport parking facility to conduct the Great American Rib Cook Off (the "Event") between May 20 and June 7, 1999. Spirit of Cleveland, Inc. shall pay the City a guaranteed minimum concession fee in the amount of \$3,000 or twelve and four-tenths percent (12.4%) of total ticket sales, whichever is greater, but in no case more than \$12,000, for use of the parking facility. Said concession agreement shall be prepared by the Director of Law and shall contain such additional terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.
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.

FREDDIE J. FENDERSON,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, JUNE 7, 1999

9:30 A.M.

Calendar No. 99-105: 3435 East 49th Street, a.k.a. 4910 Dalton Avenue (Ward 12)

T & R Builders c/o Tom Reeves, owner, appeal to construct a 40' x 50' two-story prefabricated steel pan structure to an existing 40' x 40' one-story masonry garage structure located in a Two-Family District and situated on a 40' x 120' corner parcel at the southeast corner of East 49th Street and Dalton Avenue; said change of use being contrary to the Residence District Regulations of Section 337.03 where bulk storage and office uses are not permitted in a Two-Family District and contrary to the Local Retail District Regulations of Section 343.01(b)(3) where office use is first permitted with 5 employees or less and the Landscaping and Screening Regulations of Sections 352.10 and 352.11 where a 6' landscaping strip is required between parking spaces and street at East 49th Street and at Dalton Avenue, but subject to the addition and expansion of nonconforming use limitations of Section 359.01(a) of the Codified Ordinances.

Calendar No. 99-106: 4164 East 97th Street (Ward 2)

Christopher Brown, owner, appeals to change the use of an existing 23' x 50' three-story 2-dwelling adult group home into a boarding house for 6 individuals, located in a Two-Family District and situated on a 40' x 140' parcel on the west side of East 97th Street at 4164 East 97th Street; said change of use being contrary to the Residence District Regulations of Section 337.03 where a boarding house is not permitted in a Two-Family District but first permitted in a Multi-Family District as stated in Section 337.08 but subject to the nonconforming use limitations of Section 359.01(a) of the Codified Ordinances.

Calendar No. 99-107: 18018 Cornwall Road (Ward 11)

Kenneth Buehner, owner, appeals to erect a 24' x 10' wood frame porch to the front of an existing 2 1/2-story, 2-dwelling house situated on a 50' x 165' parcel and located in a One-Family District on the south side of Cornwall Road at 18018 Cornwall Road; said enclosure being contrary to the Yards and Courts Regulations where a 10' porch extension is proposed and an enclosed porch shall extend a maximum of 4' as stated in Section 357.13(B)(4) of the Codified Ordinances.

Calendar No. 99-108: 2509 East 55th Street (Ward 5)

Sherri L. Sullins, appeals to change the use of an existing 151' x 62' two-story masonry post office building into a restaurant located in a General Retail District and situated on a 75' x 151' parcel on the east side of East 55th Street at 2509 East 55th Street; said change of use being contrary to Off-Street Parking and Loading Require-

ments where 0 spaces are proposed and 28 spaces are required as per Section 349.04 of the Codified Ordinances.

Calendar No. 99-109: 13420 Wilton Avenue (Ward 20)

Karone and Jeff Dunbrook, owners, appeal to enclose an existing 5'-5" x 21'-8" front porch of an existing 1-1/2-story one-family dwelling house situated on a 40' x 129' parcel and located in a One-Family District on the north side of Wilton Avenue at 13420 Wilton Avenue; said enclosure being contrary to the Yards and Courts Regulations where a 5'-5" porch extension is proposed and an enclosed porch shall extend a maximum of 4' as stated in Section 357.13(B)(4) of the Codified Ordinances.

Calendar No. 99-110: 744 East 105th Street (Ward 8)

Glenville Church of God, owner c/o Reverend Charles Goodman, and John Rakauskas, agent, appeal to erect a 71' x 37' one-story multi-purpose addition to an existing 131' x 28' church, all situated on a 40' x 269' parcel on the west side of East 105th Street in a Local Retail District at 744 East 105th Street; said addition being contrary to Off-Street Parking and Loading Requirements where an additional 8 parking spaces are required pursuant to Section 349.04 of the Codified Ordinances but subject to the nonconforming use limitations of Section 359.01(a) of the Codified Ordinances.

Calendar No. 99-111: Appeal of Michelle Vitale (Ward 15)

Michelle Vitale, owner, and Daniel Morris, agent, appeal under Section 76-6 from the refused approval of their request to vacate an alley-way of West 42nd Street, West 44th Place and Stardale Court, S.W., which request to vacate was denied due to objections raised by property owners who maintain garages with access via the Stardale Court alley; said denial being issued by the Cleveland Board of Revisions and Robert J. Schneider, Commissioner of Assessments and Licenses, subject to Section 175 of the Codified Ordinances.

Calendar No. 99-112: 4576-4588 West 130th Street (Ward 20)

West 130th Street Company c/o Keith H. Raker, Arter & Hadden LLP, owners, and Lander Day Care Center Inc., prospective purchaser, and Jonathan Rich, agent, appeal to change the use of an existing 40' x 95' one-story masonry building at 4576 West 130th Street and an existing 50' x 72' one-story masonry building at 4588 West 130th Street into a Day Care Center where both buildings are situated on a 215' x 140' corner parcel located in a General Retail District on the southwest corner of Wilton Avenue and West 130th Street at 4576-4588 West 130th Street; said change of use being contrary to the Residential District Regulations where a day care requires the Board of Zoning Appeals approval for adequate side yard spaces and other safeguards to preserve the character of the neighborhood as stated in Section 337.02(f) of the Codified Ordinances.

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, MAY 24, 1999

At the meeting of the Board of Zoning Appeals on Monday, May 24, 1999, the following appeals were heard by the Board:

The following appeals were **Approved**

Calendar No. 99-77: 5906-5912 West Clinton Avenue

Neil and Marcia McReynolds, owners, appealed under Section 355.04 from the refusal to approve a lot split for the 100' x 104' lot in a Two-Family District.

Calendar No. 99-128: 8611 Nevada Avenue

Fairfax Homes Development L.P. c/o Vicki Eaton King, president, and Capri Homes c/o George Fragapane, prospective purchaser, appealed to erect a one-family dwelling house with an attached garage on a corner parcel in a Multi-Family District.

Calendar No. 99-69: 3008 Cedar Avenue, a.k.a. 3006-3008 Cedar Avenue

City of Cleveland, owner, and Quadrangle Inc., tenant, appealed for a permit to use an existing 47' x 132' parcel as an outdoor market and to pave and landscape the parcel located in a General Retail Business District.

Calendar No. 99-70: 2165 East 30th Street

City of Cleveland, owner, and Quadrangle Inc., tenant, appealed for a permit to use an existing 134' x 25' parcel for parking 7 cars and to pave and landscape the parcel located in a Multi-Family District.

The following appeal was **Denied:**

Calendar No. 99-94: 3100 Daisy Avenue

Mustafa Hamid, owner, appealed to change the use of an existing two-story frame house with a 1-1/2-story frame addition into a day care center and one dwelling unit on a 37' x 140' parcel in a Two-Family District.

The following appeal was **Dismissed:**

Calendar No. 99-96: 3488 West 58th Street

Jose T. Henriquez, owner, appealed to change use of an existing 1-1/2-story frame dwelling house into a two dwelling house on a 35' x 55' parcel in a Two-Family District.

The following appeals were **Postponed:**

Calendar No. 99-92: 3969 Lee Road, a.k.a. 3969-3975 Lee Road postponed to June 14, 1999.

Calendar No. 99-93: 10643 St. Clair Avenue postponed to June 7, 1999.

Calendar No. 99-95: 3401 East 53rd Street postponed to July 6, 1999.

On Monday, May 24, 1999, in Executive Session:

The following appeals were heard on Monday, May 17, 1999, and said decisions to **Grant** were approved and adopted by the Board on May 24, 1999:

Calendar No. 99-89: 3654 East 108th Street

Elsuni Elkalifa, owner, and Tony Bankhead, prospective purchaser, appealed to change the use of an existing 28' x 57' two-story masonry building into two locker rooms for storage on the first floor and two dwelling units on the second floor in a Two-Family District.

Calendar No. 99-91: 17903 Euclid Avenue

Mary Whitmore, owner dba Hayden Day Care Center, and Robert Pattison, agent, appealed to construct a 24' x 40' modular classroom addition and a scissors stairwell between the proposed modular classroom and the existing two-story day care center building in a Local Retail District; upon condition that a signed parking lease agreement between the appellant and neighboring property owner is submitted indicating the allowed access and parking space that are provided for the day care school bus and with approval of the revised plan for additional parking as submitted at the hearing.

Calendar No. 99-34: 4901 Fleet Avenue

BP Oil Company, owner c/o Alvin Schneider, appealed to construct a BP Express Gasoline Service Station with a 42' x 55' sales building and a 43' x 79' pump island canopy on a 115' x 226' corner lot in a Local Retail District.

The following appeals were heard on Monday, May 17, 1999, and said decisions to **Deny** were approved and adopted by the Board on May 24, 1999:

Calendar No. 99-81: 5917 Vandalia Avenue

Gary M. Mullins, owner, appealed to construct a 30' x 30' one-story three car garage on a 38' x 125' parcel in a Two-Family District.

Calendar No. 99-46: 4190 Bradley Road

Debra J. Roy, owner, appealed to change the use of an existing 28' x 48' building and an approximate 37' x 368' parcel into a wrecking/junk yard in a Residence-Industry District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

The following are in violation of C.O. 623.14:

Richard Alt, last known address, 1742 West 29th Street, Cleveland, Ohio 44113.

Richard Norris, last known address, 10127 South Blvd., Apartment 2, Cleveland, Ohio 44108.

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
By the Council Committee
On City Planning**

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, May 26, 1999
1:30 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, May 26, 1999, at 1:30 P.M., to consider the following ordinance now pending in the Council:

Ord. No. 518-99.

By Councilman Cintron.
An ordinance to establish a Planned Unit Development Overlay District and approve the corresponding Planned Unit Development project on properties located at the northeast corner of West 41 Street and Bailey Avenue. (Map Change No. 1989, Sheet No. 1)

All interested persons are urged to be present or to be represented at the above time and place.

ODELIA V. ROBINSON,
Chairman
Committee on City Planning

May 19, 1999 and May 26, 1999

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal

Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

THURSDAY, MAY 27, 1999

Pagers and Pager Services, for the various divisions of City government, Department of Finance, as authorized by Ordinance No. 307-99, passed by the Council of the City of Cleveland, March 22, 1999.

May 19, 1999 and May 26, 1999

THURSDAY, JUNE 3, 1999

The Columbus Road Lift Bridge Rehabilitation, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1642-97, passed by the Council of the City of Cleveland, November 24, 1997.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

Laying, Re-laying and repairing sidewalks, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 505-99, 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.

Infrastructure Cable and Riser Wire, for the Division of Traffic Engineering and Parking, Department of Public Safety, as authorized by Ordinance No. 367-99.

May 19, 1999 and May 26, 1999

FRIDAY, JUNE 4, 1999

Building Materials, for the various divisions of City Government, Department of Public Service, as authorized by Ordinance No. 705-99.

Hand Tools and Hand Held Power Tools, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 708-99.

May 19, 1999 and May 26, 1999

WEDNESDAY, JUNE 9, 1999

Photographic Supplies, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 98-99, passed by the Council of the City of Cleveland, April 26, 1999.

May 19, 1999 and May 26, 1999

THURSDAY, JUNE 10, 1999

Continental Airlines - Cleveland 2000 Main Terminal Expansion - Bid Package 15 - General Trades, for the Department of Port Control.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. DOCUMENTS ARE AVAILABLE FROM MORSE DIESEL INTERNATIONAL, CONTINENTAL AIRLINES, INC., CTC BUILDING, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135. A PRE-BID MEETING WILL BE HELD AT THE SAME LOCATION AT 10:00 A.M. ON THURSDAY, JUNE 3, 1999. BIDS WILL BE RECEIVED AT THE SAME ADDRESS (ATTENTION: FRANK ROETZEL) UNTIL 3:00 P.M., THURSDAY, JUNE 10, 1999. PLEASE DIRECT ALL QUESTIONS TO MORSE DIESEL AT (216) 265-4880 OR FAX (216) 265-4908.

May 19, 1999 and May 26, 1999

THURSDAY, JUNE 24, 1999

Bid System Expansion - Residential Re-Forestation Fall 1999, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1071-93, passed by the Council of the City of Cleveland, June 7, 1993.

A PRE-BID CONFERENCE WILL BE HELD ON MONDAY, JUNE 7, 1999, 10:00 A.M., IN THE CLEVELAND PUBLIC POWER BUILDING, 1300 LAKESIDE AVENUE.

May 19, 1999 and May 26, 1999

WEDNESDAY, JUNE 9, 1999

Ridge Road Landfill Clay Cap Installation and/or Ridge Road Landfill Hillside Cleaning, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 323-93, passed by the Council of the City of Cleveland, May 3, 1993.

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.

Jefferson Park Site Improvements and Trent Park Fence Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1605-98, passed by the Council of the City of Cleveland, October 19, 1998.

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

May 26, 1999 and June 2, 1999

WEDNESDAY, JUNE 16, 1999

File Shelving System, for the Department of Finance, on behalf of the Cleveland Municipal Court - Clerk's Office, as authorized by Ordinance No. 986-98, passed by the Council of the City of Cleveland, June 8, 1998.

A MANDATORY PRE-BID MEETING WILL BE HELD ON MONDAY, JUNE 7, 1999, 10:00 A.M., IN THE 2ND FLOOR CONFERENCE ROOM, JUSTICE CENTER, 1200 ONTARIO STREET, LEVEL 2.

Corrosion Control Chemicals, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of the City of Cleveland, 1976.

Aluminum Sulfate and Aluminum Sulfate-Polyelectrolyte Blend Coagulants, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of the City of Cleveland, 1976.

Residential Sound Insulation - Phase 2 - Group B-99, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 469-98, passed by the Council of the City of Cleveland, May 18, 1998.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK 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 MANDATORY PRE-BID MEETING WILL BE HELD ON TUESDAY, JUNE 8, 1999, 12:00 NOON LOCAL TIME, IN THE 2ND FLOOR MAIN CONFERENCE ROOM, ADMINISTRATION OFFICE, CLEVELAND HOPKINS INTERNATIONAL AIRPORT PASSENGER TERMINAL BUILDING.

May 26, 1999 and June 2, 1999

THURSDAY, JUNE 17, 1999

Various Citation Forms, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2105-98, passed by the Council of the City of Cleveland, March 1, 1999.

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

Millcreek Subdivision - Phase 3, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 515-99, passed by the Council of the City of Cleveland, April 19, 1999.

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.

May 26, 1999 and June 2, 1999

FRIDAY, JUNE 18, 1999

Anti-Freeze, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 503-99, passed by the Council of the City of Cleveland, May 17, 1999.

Frame Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 316-99, passed by the Council of the City of Cleveland, May 17, 1999.

Installing Sewer Lift Stations, for the Department of Port Control, as authorized by Ordinance 1019-97, passed by the Council of the City of Cleveland, June 16, 1997.

May 26, 1999 and June 2, 1999

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 877-99.**

By Councilman Cimperman.

An emergency resolution supporting the passage of Ohio House Bill 53, providing equal insurance coverage for mental illnesses and substance abuse disorders.

Whereas, over 50 million Americans suffer from mental illness or substance abuse disorders on an annual basis; and

Whereas, over 170,000 residents in Cuyahoga County, representing approximately 1 out of 10 people or 1 out of 4 families, are experiencing some type of mental illness; and

Whereas, scientific research has demonstrated that mental illnesses are biological brain disorders and are physically induced diseases, as are cancer, heart disease and diabetes; and

Whereas, according to the Cuyahoga County Community Mental Health Board, 96% of health insurance plans provide inferior coverage for mental illnesses and addictions compared to other illnesses; and

Whereas, actuarial studies have shown that the cost of providing equal or comparable insurance coverage for mental illnesses only increases costs by 3.1%; and

Whereas, providing equal coverage for all illnesses makes good economic sense since untreated or undertreated mental illnesses cause health care costs to escalate; and

Whereas, providing equal coverage for mental illnesses is also humanitarian in that those afflicted are able to be treated and have an opportunity to be well; and

Whereas, 19 states have passed parity laws and 13 states have legislation pending; and

Whereas, State Representative Lynn Olman has introduced legislation, House Bill 53, to bring equal insurance coverage for Mental Health and Substance Abuse Disorders in Ohio; now, therefore

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

Section 1. That the Council of the City of Cleveland recognizes the need for equal health insurance coverage for people who are afflicted with mental illness or substance abuse disorders and urges the Ohio General Assembly to adopt House Bill 53.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the following: Secretary of Health and Human Services Donna Shalala; Governor Robert Taft; Speaker of the House JoAnn Davidson; and the Cuyahoga County Commissioners.

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 May 17, 1999.
Effective May 26, 1999.

Res. No. 878-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency resolution approving the report of the assessment equalization board on objections concerning estimated assessments for improvements of the 1999-2000 Tree Maintenance District in the City of Cleveland by controlling blight and disease of shade trees within rights of way by removing, planting, trimming, watering and creating or excavating cut-outs for shade trees and other related activities in and along the streets thereof.

Whereas, the assessment equalization board appointed by Resolution No. 533-99, adopted March 29, 1999, as amended by Ordinance No. 597-99, passed April 12, 1999, to hear and determine all objections concerning the estimated assessments for improvement of the 1999-2000 Tree Maintenance District in the City of Cleveland by removing, planting, trimming, watering and creating or excavating cut-outs for shade trees, in and along the streets of said district in accordance with Resolution No. 533-99, adopted March 29, 1999, as amended by Ordinance No. 597-99, passed April 12, 1999, has filed its report with this Council as to its determination of such objections; and

Whereas, this Council deems said report proper in all respects; and

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

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

Section 1. That the report of the assessment equalization board, appointed by Resolution No. 533-99, adopted March 29, 1999, as amended by Ordinance No. 597-99, passed April 12, 1999, and contained in File No. 878-99-A, is hereby approved.

Section 2. That the assessments as equalized by the board and recommended by it in its report are approved, and the assessments are directed to be filed in the Office of the Clerk of this Council.

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 May 17, 1999.
Effective May 26, 1999.

Res. No. 911-99.

By Councilman Britt.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 8315 Woodland Ave., and repealing Res. No. 1460-98, objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 8315 Woodland Ave., by Res. No. 1460-98, adopted August 19, 1998; and

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

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

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

Section 1. That objection to the renewal of a C2 and C2X Liquor Permit to 8315 Woodland Ave., be and the same is hereby withdrawn and Res. No. 1460-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 17, 1999.
Effective May 26, 1999.

Res. No. 912-99.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit to 3877 Lakeside Ave., 1st Fl. & Bsmt., and repealing Res. No. 1552-98, objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to 3877 Lakeside Ave., 1st Fl. & Bsmt., by Res. No. 1552-98, adopted August 19, 1998; and

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

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

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

Section 1. That objection to the renewal of a D5 and D6 Liquor Permit to 3877 Lakeside Ave., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1552-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

Adopted May 17, 1999.
Effective May 26, 1999.

Res. No. 913-99.

By Councilman Britt.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 10101 Quebec Ave., and repealing Res. No. 234-99, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 10101 Quebec Ave., by Res. No. 234-99, adopted February 22, 1999; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 10101 Quebec Ave., be and the same is hereby withdrawn and Res. No. 234-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted May 17, 1999.
Effective May 26, 1999.

Ord. No. 188-99.

By Councilmen Cimperman, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Directors of Economic Development and/or Community Development to enter into various agreements relating to the provision of economic development financial assistance for the rehabilitation and redevelopment of the Old Arcade (the "Project"); authorizing the Mayor and/or the Director of Economic Development to apply for and accept loan and grant funds from the United States Department of Housing and Urban Development ("HUD") and to enter into agreements for the lending of such funds; authorizing the Commissioner of Purchases and Supplies to acquire title to certain property in the Euclid/Prospect Community Development Plan Area and to convey title to such property to those parties from whom it was acquired to effectuate the public purpose of the Plan and the Project; and authorizing the execution of various contracts, certifications, and other documents related thereto.

Whereas, on April 3, 1998, pursuant to the authority of Charter Section 76-2, the City Planning Commission adopted and approved the

Downtown Euclid Avenue Revitalization Plan (the "Plan") which Plan calls for the revitalization of the Old Arcade; and

Whereas, Arcade, LLC has submitted a proposal for the rehabilitation and redevelopment of the property commonly known as the Old Arcade, which proposed redevelopment provides the best use and best carries out the intent of the Plan; and

Whereas, the acquisition, conveyance, and redevelopment of the Old Arcade has been determined to be a satisfactory and desirable method for the redevelopment in the Plan Area; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety in that the authorization of agreements with Arcade, LLC is necessary so that steps can be undertaken immediately to achieve redevelopment in the Plan Area; now, therefore,

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

Section 1. That the proposal of Arcade, LLC (hereinafter the "Redeveloper") for the acquisition, conveyance and redevelopment of the property commonly known as the Old Arcade is hereby approved.

Section 2. That the Director of Economic Development is hereby authorized to enter into a contract with Redeveloper to provide economic development assistance for the rehabilitation and/or redevelopment of the Old Arcade located at 401 Euclid Avenue, Cleveland, Ohio, and as further described in File No. 188-99-A (the "Project"). The costs of said contract shall not exceed One Million Dollars (\$1,000,000) and shall not exceed Seven Hundred Thousand Dollars (\$700,000) and shall be paid from Fund No. 17 SF 008, Request No. 24300, Three Hundred Thousand Dollars (\$300,000) of the loan will be reserved for:

— paying tenants \$2,000 for each move (the initial move and the move back to the Arcade in the case of retail tenants who choose to return); and

— offsetting lost revenues caused by the decision to waive one month of rent for all tenants.

The Redeveloper will hire a full-time relocation specialist to assist tenants in finding new space and arranging for moves.

Section 3. That the Directors of Community Development and/or Economic Development are hereby authorized to apply for and accept from the United States Department of Housing and Urban Development ("HUD") a HUD Section 108 grant and/or loan in the amount of Three Million Dollars (\$3,000,000.00) for the purposes set forth in the executive summary contained in the above referenced File, and such funds are hereby appropriated for the purposes described in said executive summary. Upon receipt of said Section 108 grant and/or loan, the Directors of Community Development and/or Economic Development is authorized to enter into one or more contracts for financial assistance for the Project in an amount not to exceed the funds received pursuant to the City's application. The costs of said contract shall not exceed the proceeds received pursuant to this section, and shall be paid from Fund No. 17 SF 047.

Section 4. That the terms of the loans described and authorized herein shall be in accordance with the executive summary contained in the above referenced File, and shall be in accordance with applicable federal, state, and local laws and regulations together with such other terms as the director shall deem necessary and appropriate to effectuate the intent of the Project. The Loan Agreement shall also include the following contract and permanent job percentages:

Construction Contracts	30% MBE; 10% FBE
Construction Jobs	25% Minority; 10% Female; 50% Residents
Permanent Jobs by Title or Category	30% Minority; 20% Female; 50% Residents

In the event there is a transfer of title of the property to a non-affiliated party during the first ten (10) years of the Economic Development Loan term, Redeveloper shall repay to the City all outstanding obligations due the City under the \$1,000,000 Economic Development Loan.

Section 5. That the Directors of Community Development and/or Economic Development is hereby authorized to accept such collateral as such Directors shall deem necessary and/or appropriate to secure repayment of said loans, and any security interests or other documents related thereto shall be prepared and approved by the Director of Law.

Section 6. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan authorized and described in Sections 2 and 3 above and to deposit said monies in Fund No. 17 SF 006 and Fund No. 17 SF 042 and the fees from the loan authorized and described in Sections 2 and 3 shall be deposited in Fund No. 17 SF 305.

Section 7. That the Directors of Economic Development and Community Development are hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under applicable federal regulations and to expend such fees to cover costs incurred in the preparation of loan documents, closing and servicing costs, and other expenses related to the Project. Such fees for the loans authorized in Sections 2 and 3 shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 8. That, notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, as amended, the Commissioner of Purchases and Supplies is hereby authorized to acquire the title to all property comprising the Project as more fully described in the above mentioned file and to subsequently reconvey title to such property to the party from whom it was acquired, to comply with the requirements of Section 5709.41(B)(1) of the Ohio Revised Code, provided that the consideration for such conveyances shall be nominal or no consideration as determined by the Board of Control. The Mayor and Commissioner of Purchases and Sup-

plies are hereby authorized to execute any and all documents necessary or appropriate to effectuate the transactions authorized herein.

Section 9. That the agreements authorized pursuant to this Ordinance shall be prepared and approved by the Director of Law and shall contain such provisions as he deems necessary or appropriate to protect the City's interest.

Section 10. That the Mayor, the Directors of Law, Finance, Community Development, and Economic Development are hereby authorized to execute such certifications and documents and to take such other actions as may be necessary or appropriate to carry out the terms of the agreements authorized in this Ordinance.

Section 11. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

Section 12. 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 May 17, 1999.
Effective May 26, 1999.

Ord. No. 365-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to provide the requirements of geotechnical engineering, material testing, environmental assessments and construction inspection seminars for various public improvement project 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 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 the requirements of professional services necessary to perform geotechnical engineering, material testing, environmental assessments and construction inspection seminars for various public improvement project for a period not to exceed two years.

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 ser-

vices 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 Chairman of the Public Service Committee shall be notified if the aggregate total of contracts awarded under this ordinance exceeds One Hundred Thousand Dollars (\$100,000.00).

Section 3. That the costs for such services herein contemplated shall be paid from Fund No. 20 SF 353, Request No. 24532.

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 May 17, 1999.

Effective May 26, 1999.

Ord. No. 452-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide engineering, environmental, safety, remediation and disposal, forensic investigations, and other services needed for the various divisions of the 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 employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide pre-design engineering; construction inspection; structural and geotechnical analysis; permit applications; materials testing and analysis; risk assessments; cost-benefit analysis; laboratory and monitoring services; environmental; remediation and disposal services; forensic investigations; and other related services needed for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Utilities 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 Utilities 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 Utilities, and certified by the Director of Finance.

Section 2. That the costs for such services herein contemplated shall be paid from Fund Nos. 52 SF 001, 54 SF 001 and 58 SF 001, Request No. 24052.

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 May 17, 1999.

Effective May 26, 1999.

Ord. No. 453-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide the requirements of assessment, developmental and training services to employees regarding various Federal and State occupational safety and health regulations, for the various divisions of the 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 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 the requirements of professional services necessary to provide assessment, developmental and training services to employees relating to various Federal and State occupational safety and health regulations and other regulatory requirements, and to provide professional, clerical, and office skills enhancement training, for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Utilities 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 Utilities 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 Utilities, and certified by the Director of Finance.

Section 2. That the costs for such services herein contemplated shall be paid from Fund Nos. 52 SF 001 and 54 SF 001, Request No. 24049.

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 May 17, 1999.

Effective May 26, 1999.

Ord. No. 458-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into a requirement without competitive bidding with Pavement Technology, Inc., for the purchase of labor and materials necessary to apply reclaimer asphalt rejuvenating agent on various City streets, for the Division of Streets, Department of Public Service.

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Pavement Technology, Inc. Therefore, the Director of Public Service is hereby authorized to make a written requirement contract for the period of one year with said Pavement Technology, Inc. for the labor and materials necessary to apply reclaimer asphalt rejuvenating agent on various City streets, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. That all streets paved under last year's contract with Pavement Technology, Inc. are listed herein in File No. 458-99-A.

Section 2. 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 21361)

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 May 17, 1999.

Effective May 26, 1999.

Ord. No. 459-99.

By Councilman Sweeney (by request)

An emergency ordinance authorizing the Director of Public Service to issue a permit to Chelm Properties to encroach into the right-of-way of Sally Avenue for the First Development Stage of the Cleveland Business Park Project.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit assignable by the Permittee with the written consent of the Director of Public Service to Chelm Properties for the Cleveland Business Park Ltd., 31000 Aurora Road, Solon, Ohio 44139, its successors and assigns, for the construc-

tion, use and maintenance for the First Development Stage for the Cleveland Business Park Project; which will encroach into the remainder of the open portion of Sally Avenue as more fully described as follows:

LEGAL DESCRIPTION / SALLY AVENUE ENCROACHMENT AREA:

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and being part of The Kroehle Company's Westport Subdivision as recorded in Volume 111, Page 39 of Cuyahoga County Records and part of The Westport Subdivision Number 2 as recorded in Volume 161, Page 25 of Cuyahoga County Records. The parcel is further known as being part of Section Number 3 of Original Rockport Township, and bounded and described as follows:

Beginning at the intersection of the southerly right of way line of Sally Avenue (50.00 feet wide) and the easterly right of way line of State Highway 713 (175.00 feet wide);

Thence North 10°-20'-02" East, 179.43 feet along the easterly right of way line of State Highway Number 713 to a point of intersection with the north right of way line of Sally Avenue (50.00 feet wide);

Thence South 01°-53'-48" East, 103.61 feet to a point of curvature;

Thence southeasterly along the arc of a curve deflecting to the left, 37.94 feet to a point of tangency. Said curve having a radius of 25.00 feet and whose chord bears South 45°-22'-24" East a distance of 34.40 feet.

Thence South 88°-50'-59" East, 230.86 feet to a point;

Thence South 01°-09'-01" West 50.00 feet to a point of intersection of the east line of Sublot Number 5 and the south right of way line of Sally Avenue;

Thence North 88°-50'-59" West, 289.97 feet to a point on the east right of way line of State Highway Number 713 and being the beginning point;

Said parcel containing 16,151 square feet (0.3708 acres) of land, be the same more or less but subject to all legal highways, as surveyed by Terin J. Kaminski, Registered Surveyor Number 7207 (Ohio).

Bearings given are based on assumed meridian and are intended to describe angles only.

Remainder of Sally Avenue was vacated by Cleveland City Ordinance Number 1335-96 passed on July 17, 1996.

Section 2. That said First Development Stage for Cleveland Business Park will be located within the public right-of-way of Sally Avenue and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

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

Passed May 17, 1999.
Effective May 26, 1999.

**Ord. No. 503-99.
By Councilmen Sweeney and Johnson (by departmental request).**

An emergency ordinance authorizing the purchase by requirement contract of anti-freeze, for the Division of Motor Vehicle Maintenance, Department of Public Service, 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 Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of anti-freeze 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 Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 24163)

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 May 17, 1999.
Effective May 26, 1999.

**Ord. No. 504-99.
By Councilmen Sweeney and Johnson (by departmental request).**

An emergency ordinance authorizing the procurement by requirement contract of the rental of large capacity trucks with operators, for the Division of Streets, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement con-

tract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of the rental of large capacity trucks with operators in the approximate amount as procured during the preceding year, to be procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. 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 procurement thereunder, which procurement, together with all subsequent procurements, 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 21360)

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 May 17, 1999.
Effective May 26, 1999.

**Ord. No. 509-99.
By Councilmen Willis and Johnson (by departmental request).**

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary for underwater inspection, cleaning, debris removal and occasional minor repair of submerged and water filled facilities, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That 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 one year for the necessary items of labor and materials necessary to provide underwater inspection, cleaning, debris removal and occasional minor repair of submerged and/or water filled facilities in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of 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 sep-

arate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. 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 24054)

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 May 17, 1999.
Effective May 26, 1999.

Ord. No. 510-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating chlorine handling systems at various water works plants, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating chlorine tonylinder handling systems at various water works plants, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

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

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223 and 52 SF 225, Request No. 24056.

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 May 17, 1999.
Effective May 26, 1999.

Ord. No. 511-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into contract with The Cleveland Electric Illuminating Company to provide for the purchase and sale of non-residential customer service equipment, for the Division of Cleveland Public Power, Department of Public Utilities.

Whereas, as a result of competition between Cleveland Public Power and The Cleveland Electric Illuminating Company ("CEI") for retail customers in the City of Cleveland, each utility presently is required to install new service equipment whenever that utility gains a new customer, and to remove that equipment if the customer subsequently switches electric suppliers; and

Whereas, the installation and removal of such equipment may cause inconvenience to the customers of each utility, and results in costs that are ultimately borne by the utilities' customers; and

Whereas, in order to avoid unnecessary expense and inconvenience to electric service customers, the City and CEI desire to enter into an agreement to transfer ownership of non-residential customer service equipment whenever a customer desires to switch electric service providers; 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 it is hereby determined that electric service equipment owned by The Cleveland Electric Illuminating Company ("CEI") and installed to serve a non-residential customer who desires to switch to Cleveland Public Power is non-competitive and cannot be secured from any source other than CEI.

Section 2. 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 electric service equipment owned by Cleveland Public Power and installed to serve a non-residential customer who desires to switch to CEI is no longer needed for a public use.

Section 3. That the Director of Public Utilities is hereby authorized to enter into contract with CEI to provide for the purchase of non-residential customer service equipment owned by CEI and installed to serve a non-residential customer who desires to switch service to Cleveland Public Power, and the sale of service equipment owned by Cleveland Public Power and installed to serve a non-residential customer who desires to switch service to

CEI. Such equipment may include, but is not limited to, overhead and underground customer service lines, transformers, poles and switches.

Section 4. That the compensation to be paid for equipment transferred between Cleveland Public Power and CEI shall be not less than fair market value, and shall be determined by the Director of Public Utilities in consultation with the Director of Law. That the Director of Public Utilities shall notify the Clerk of Council of any purchase or sale under this agreement which exceeds \$50,000.

Section 5. That the agreement authorized herein shall be prepared by the Director of Law and shall contain such terms and conditions as the Director deems appropriate to benefit and protect the public interest.

Section 6. That the cost of said contract hereby authorized shall be paid from Fund No. 58 SF 001.

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

Passed May 17, 1999.
Effective May 26, 1999.

Ord. No. 577-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of the transfer and disposal of municipal solid waste, for the Division of Waste Collection and Disposal, Department of Public Service 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 Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of the transfer and disposal of municipal solid waste 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 Waste Collection and Disposal, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond secur-

ing both the execution and performance of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached hereto as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That 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 23200)

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.

EXHIBIT A

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the undersigned _____

(Name and Address)
as Principal and _____

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

The penal sum referred to herein shall be _____

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

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

NOW THEREFORE, if the Obligee accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Obligee may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the

Obligee does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Obligee accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

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

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

SIGNED AND SEALED this _____ day of _____, 19____.

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____
Attorney-in-Fact

TITLE: _____

SURETY COMPANY'S ADDRESS:

Agency Name _____

Street _____

City _____ State _____ ZIP _____

SURETY AGENT'S ADDRESS:

Street _____

City _____ State _____ ZIP _____

Passed May 17, 1999.
Effective May 26, 1999.

Ord. No. 578-99.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of the transfer and disposal of bulk waste, for the Division of Waste Collection and Disposal, Department of Public Service 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 Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of the transfer and disposal of bulk waste 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 Waste Collection and Disposal, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution and performance of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached hereto as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That 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 23197)

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.

**EXHIBIT A
BID GUARANTY AND
CONTRACT BOND**

KNOW ALL MEN BY THESE PRESENTS, that we the undersigned _____

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

The penal sum referred to herein shall be _____

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

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

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

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Oblige against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim

as well as for the Oblige herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

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

SIGNED AND SEALED this _____ day of _____, 19____.

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____
Attorney-in-Fact

TITLE: _____

SURETY COMPANY'S ADDRESS: _____

Agency Name _____

Street _____

City _____ State _____ ZIP _____

SURETY AGENT'S ADDRESS: _____

Street _____

City _____ State _____ ZIP _____

Passed May 17, 1999.
Effective May 26, 1999.

**Ord. No. 579-99.
By Councilmen Sweeney and Johnson
(by departmental request).**

An emergency ordinance authorizing the purchase by requirement contract of the transfer and disposal of tires, for the Division of Waste Collection and Disposal, Department of Public Service 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 Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of the transfer and disposal of tires 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 Waste Collection and Disposal, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution and performance of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached hereto as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That 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 23174)

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.

**EXHIBIT A
BID GUARANTY AND
CONTRACT BOND**

KNOW ALL MEN BY THESE PRESENTS, that we the undersigned _____

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

The penal sum referred to herein shall be _____

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

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

NOW THEREFORE, if the Oblige accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for

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

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

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

SIGNED AND SEALED this _____ day of _____, 19____.

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____
Attorney-in-Fact

TITLE: _____

SURETY COMPANY'S ADDRESS:

Agency Name _____
Street _____
City _____ State _____ ZIP _____

SURETY AGENT'S ADDRESS:

Street _____
City _____ State _____ ZIP _____

Passed May 17, 1999.
Effective May 26, 1999.

Ord. No. 580-99.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1074-98, passed June 15, 1998, relating to the purchase by requirement contract of various on-road vehicles and off-road equipment, and labor and materials necessary for repair and installation of packer bodies, for the various divisions of City government.

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

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

Section 1. That the title and Section 1 of Ordinance No. 1074-98, passed June 15, 1998, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing and directing the purchase by requirement contract of various on-road vehicles and off-road equipment, and labor and materials necessary for repair and installation of packer bodies, for the various divisions of City government.

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various on-road vehicles and off-road equipment, and labor and materials necessary for repair and installation of packer bodies, in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the existing title and Section 1 of Ordinance No. 1074-98, passed June 15, 1998, 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 May 17, 1999.
Effective May 26, 1999.

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

Section 1. That the Director of the City Planning Commission is hereby authorized to apply for and accept a grant in the amount of \$100,000 from the George Gund Foundation, \$100,000 from the Cleveland Foundation and any other grants or gifts from public and private entities to prepare the Civic-Vision Citywide Plan Update, for the purposes set forth in the application and according thereto; that the Director of the City Planning Commission is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grants; and that said funds be and they hereby are appropriated for the purposes set forth in the applications for said grants.

Section 2. That the applications for said grants, File No. 593-99-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$127,000, from Fund No. 01-01-10-0901, is hereby approved in all respects.

Section 3. That the Director of the City Planning Commission is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the following: not to exceed two (2) work stations, one (1) server upgrade and one (1) printer to implement the above described program, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis.

Section 4. That the Director of the City Planning Commission is hereby authorized to enter into contract with Environmental Systems Research Institute ("ESRI") for professional services necessary to obtain GIS computer software, training, and data conversion services on the basis of its proposal dated December 28, 1998, in the total sum not to exceed \$25,000.00.

Section 5. That the cost of the contracts authorized above shall be paid from the fund or funds to which are credited the grant proceeds and gift proceeds accepted pursuant to Section 1 of this ordinance.

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 May 17, 1999.
Effective May 26, 1999.

Ord. No. 593-99.
By Councilmen Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of the City Planning Commission to apply for and accept grants from the George Gund Foundation, the Cleveland Foundation and from other public and private entities for the Civic-Vision Citywide Plan Update; and to enter into contract for computer software, equipment, training and data conversion to implement the program.

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

Ord. No. 638-99.
By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to provide comprehensive maintenance and support services for the CCA/MITS computer system, for a period of one year, with two one-year options to renew.

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

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

Section 1. That the Director of Finance is hereby authorized to employ by contract one or more computer consultants or one or more firms of computer consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform comprehensive database and other maintenance and support for the CCA/MITIS computer system, including but not limited to hardware, software, firmware and application software maintenance and support, for a period of one year commencing upon execution of the contract, with two (2) options, exercisable by the Director of Finance, to renew for an additional one-year term, and cancellable upon thirty days' written notice by said director.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Finance from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Finance 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, and approved and certified by the Director of Finance.

Section 2. That the costs for such services herein contemplated shall be paid from Fund No. 81 SF 001, Request No. 21215.

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 May 17, 1999.
Effective May 26, 1999.

Ord. No. 705-99.
By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of building materials in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in

such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 24627)

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 May 17, 1999.
Effective May 26, 1999.

Ord. No. 706-99.
By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of fasteners, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 24628)

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 May 17, 1999.
Effective May 26, 1999.

Ord. No. 707-99.
By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of fleet washing in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 24629)

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 May 17, 1999.
Effective May 26, 1999.

Ord. No. 708-99.
By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of hand tools and hand held power tools, for the various divisions of City government, for a period not to exceed two years.

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of hand tools and hand held power tools in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 24630)

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 May 17, 1999.
 Effective May 26, 1999.

Ord. No. 709-99.
By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the

requirements for the period of two (2) years for the necessary items of Jacobson mower parts, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 24633)

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 May 17, 1999.
 Effective May 26, 1999.

Ord. No. 710-99.
By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of janitorial supplies, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 24631)

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 May 17, 1999.
 Effective May 26, 1999.

Ord. No. 711-99.
By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of paint and paint materials, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 24634)

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 May 17, 1999.
 Effective May 26, 1999.

Ord. No. 712-99.

By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of paper and cloth wipers in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 24635)

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 May 17, 1999.

Effective May 26, 1999.

Ord. No. 713-99.

By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two

(2) years for the necessary items of plumbing supplies in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 24636)

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 May 17, 1999.

Effective May 26, 1999.

Ord. No. 714-99.

By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of reproduction and mounting service in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certi-

fy thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24639)

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 May 17, 1999.

Effective May 26, 1999.

Ord. No. 715-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the procurement by requirement contract of the rental and laundry service of work clothing, for the various divisions of City government, for a period of two years.

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

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

Section 1. That the Director of Finance is hereby authorized and directed 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 (2) years for the necessary items of the rental and laundry service of work clothing in the approximate amount as procured during the preceding term, to be procured by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City Government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) 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. 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 procurement thereunder, which procurement, together with all subsequent procurements, 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 24638)

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 May 17, 1999.

Effective May 26, 1999.

Ord. No. 875-99.
By Councilmen Gordon, Sweeney, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire property located west of Sky Lane Road, Permanent Parcel No. 009-34-002, for the purpose of extending Spring Road.

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire title to the property described below from Bradley Road, Inc. for the public purpose of extending Spring Road, the following property at no cost to the City of Cleveland:

Spring Road Connector
 Parcel #1

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 81, further bounded and described as follows:

Beginning at a stone and drill hole monument in the centerline of Spring Road, S.W. (60 feet wide) at its intersection with the Westerly line of the Skyview Subdivision No. 1 as shown by the recorded plat in Volume 190 of Maps, Pages 66 and 67 of Cuyahoga County Records.

Thence North 26° 41' 08" East along said Westerly line, 31.49 feet to a point in the Northerly line of said Spring Road, S.W.;

Thence Southwesterly along the arc of a curve deflecting to the left, an arc distance of 20.22 feet, said curve having a radius of 880.00 feet and a chord bearing North 81° 19' 58" West, 20.22 feet to a point of compound curvature;

Thence Southwesterly along the arc of a curve deflecting to the left, an arc distance of 88.11 feet, said curve having a radius of 261.50 feet and a chord bearing South 88° 20' 46" West 87.69 feet to a point in the Easterly line of a parcel of land conveyed to the State of Ohio by deed dated December 21, 1970 and recorded in Volume 12762 page 515 of Cuyahoga County Records;

Thence South 00° 27' 04" West along said Easterly line, 61.69 feet to a point therein;

Thence Northeasterly along the arc of a curve deflecting to the right, an arc distance of 80.47 feet, said curve

having a radius of 201.50 feet and a chord bearing North 86° 33' 28" East, 79.94 feet to a point in the Southerly line of Spring Road, S.W.;

Thence North 26° 41' 08" East, 31.60 feet to the place of beginning. Containing within said bounds, an area of about 5663.42 square feet of land according to a survey dated August, 1998 by Gregory Esber, Registered Ohio Professional Surveyor No. 7741, be the same more or less, but subject to all legal highways, easements, and restriction of record.

Section 2. That the Director of Public Service is hereby authorized to execute on behalf of the City all documents necessary to acquire title to such property and to employ and pay all fees for title companies, surveys, escrows, appraisals, and all other costs necessary for the acquisition of such property.

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 May 17, 1999.
 Effective May 26, 1999.

Ord. No. 876-99.

By Councilman Johnson (by departmental request).

An emergency ordinance to amend Section 42 of Ordinance No. 520-99, passed March 29, 1999, as amended by Ordinance No. 803-99, passed May 3, 1999, relating to compensation for various classifications.

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

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

Section 1. That Section 42 of Ordinance No. 520-99, passed March 29, 1999, as amended by Ordinance No. 803-99, passed May 3, 1999, is hereby amended to read as follows:

Section 42. Hourly Rate — Crafts

Compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

	Effective Date	Minimum	Maximum
1. Asbestos Worker	5-1-99	\$28.18	\$35.23
2. Asphalt Construction Foreman	5-1-99	19.42	29.13
3. Asphalt Raker	5-1-99	18.62	27.93
4. Asphalt Tamper	5-1-99	18.62	27.93
5. Boiler Maker	5-1-98	29.14	36.42
	10-1-97	27.74	34.67
6. Bricklayer	5-1-99	24.89	31.11
7. Bricklayer Foreman	5-1-99	25.89	32.11
8. Bricklayer Helper	5-1-99	19.13	28.69
9. Carpenter	5-1-99	24.63	30.79
10. Carpenter Foreman	5-1-99	25.63	31.79
11. Carpenter Apprentice	5-1-92	5.97	16.43
12. Cement Finisher	5-1-99	25.06	31.32
13. Cement Finisher Foreman	5-1-99	26.06	32.32
14. Construction Equipment Operator — Group A	5-1-99	26.02	29.63
15. Construction Equipment Operator — Group B	5-1-99	25.87	29.48
16. Construction Equipment Operator — Group C	5-1-99	25.02	28.63
17. Construction Equipment Operator — Group D	5-1-99	24.24	27.85
18. Construction Equipment Operator — Group E	5-1-99	23.92	27.53
19. Construction Equipment Operator — Oiler — Group F	5-1-99	17.79	21.40
20. Curb Cutter	5-1-99	19.03	28.55
21. Electrical Worker	5-1-99	28.46	35.57
22. Electrical Worker Foreman	5-1-99	29.46	36.57
23. Glazier	5-1-99	24.90	31.12
24. Ironworker	5-1-98	27.50	34.38
25. Ironworker Foreman	5-1-98	28.50	35.50
26. Jackhammer Operator	5-1-99	18.62	27.93
27. Master Mechanic	5-1-99	26.52	30.13
28. Overhead Floodlight Maintenance Man	5-1-92	21.19	26.49
29. Painter	5-1-99	24.13	30.16
30. Painter — Apprentice	5-1-92	6.95	14.89
31. Painter Foreman	5-1-99	25.13	31.16
32. Paver	5-1-99	18.88	28.32
33. Paving Foreman	5-1-99	19.42	29.13

34.	Pipefitter (Welder)	5-1-99	29.40	36.75
35.	Pipefitter Foreman	5-1-99	30.40	37.75
36.	Plasterer	5-1-99	24.62	30.78
37.	Plasterer Foreman.....	5-1-99	25.02	31.03
38.	Plumber (Welder)	5-1-99	28.90	36.13
39.	Plumber Foreman	5-1-99	29.90	37.13
40.	Roofer	5-1-99	25.38	31.72
41.	Sheet Metal Worker	5-1-99	27.90	34.87
42.	Sheet Metal Worker Foreman	5-1-99	28.90	35.87
43.	Sign Painter	5-1-94	22.55	25.61
44.	Sign Painter Unit Leader	5-1-94	23.55	26.61
45.	Spray Painter	5-1-94	20.22	23.34
46.	Superintendent of Construction Equipment	5-1-99	19.42	29.13

Section 2. That Section 42 of Ordinance No. 520-99, passed March 29, 1999, as amended by Ordinance No. 803-99, passed May 3, 1999, is hereby repealed.

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

Passed May 17, 1999.
Effective May 26, 1999.

Ord. No. 906-99.
By Councilman Cimperman.
An emergency ordinance consenting to and approving the issuance of a permit for the Procession for Peace on May 23, 1999, sponsored by The Western Reserve Association of the United Church of Christ.

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 Procession for Peace, sponsored by the Western Reserve Association of the United Church of Christ, on May 23, 1999, to start at the Detroit-Superior bridge, down Superior, left on Ontario, right on Rockwell to the Peace Stamp, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed May 17, 1999.
Effective May 26, 1999.

Ord. No. 907-99.
By Councilman Melena.
An emergency ordinance consenting to and approving the issuance of a permit for the St. Augustine Run on June 5, 1999, sponsored by Hermes Race Systems.

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 St. Augustine Run, sponsored by Hermes Race Systems, on June 5, 1999, starting at Detroit Ave. and W. 87th, Detroit to Lake Ave., Lake Ave. to West Blvd., West Blvd. into Lakefront State Park and return the same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed May 17, 1999.
Effective May 26, 1999.

Ord. No. 908-99.
By Councilman Willis.
An emergency ordinance consenting to and approving the issuance of a permit for the Children's Run/Run For The Arts on May 23, 1999, sponsored by Hermes Race Systems.

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 Children's Run/Run For The Arts sponsored by Hermes Race Systems, on May 23, 1999, starting at Wade Oval to East Blvd., East Blvd. to

Wade Oval, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed May 17, 1999.
Effective May 26, 1999.

Ord. No. 909-99.
By Councilman Robinson.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Cecilia's Catholic Church to stretch banners across East 152nd Street n-s on Kinsman, for the period from May 21, 1999 to June 7, 1999 inclusive, publicizing St. Cecilia Rummage Sale.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to St. Cecilia's Catholic Church to install, maintain and remove banners across East 152nd St. n-s on Kinsman for the period from May 21, 1999 to June 7, 1999, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission

of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 17, 1999.
Effective May 26, 1999.

Ord. No. 910-99.

By Councilman Robinson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Unity Baptist Church to stretch banners across Kinsman Road at 10480 Kinsman Rd., for the period from May 27, 1999 to June 27, 1999 inclusive, publicizing their Summer Revival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Unity Baptist Church to install, maintain and remove banners across Kinsman Road at 10480 Kinsman Rd. for the period from May 27, 1999 to June 27, 1999, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 17, 1999.
Effective May 26, 1999.

Ord. No. 915-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Mayor to accept state funding from the Ohio Public Works Commission for the Hamlet Avenue and Adolpha Road Sewer Project; determining the method of making the public improvement, authorizing the Director of Public Utilities to enter into contract for

the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing said director to apply and pay for permits, licenses and other authorizations required for the improvement.

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

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

Section 1. That the Mayor is hereby authorized to accept loan funds in the estimated sum of \$735,000 from the Ohio Public Works Commission to finance the improvement of constructing a new sewer on Hamlet Avenue and Adolpha Road, including without limitation, all necessary appurtenances (the "Improvement"); that the Mayor is hereby authorized to enter into a loan agreement with the Ohio Public Works Commission for the repayment of said loan funds, which agreement shall be substantially in the same form, as the agreement in File No. 915-99-A, and shall contain such additional terms as are acceptable to the Director of Law to protect the public interest. The Mayor is further authorized to file all papers and execute all documents necessary to receive the funds under said loan agreement; and said loan funds are hereby appropriated for the purposes set forth in the loan agreement.

Section 2. That upon execution of the loan agreement, the Director of Public Utilities is authorized to repay the loan funds to the Ohio Public Works Commission in accordance with the terms and conditions of the loan agreement, from the operating revenues of the Division of Water Pollution Control, Fund No. 54 SF 001.

Section 3. That, it is hereby determined to make the public improvement of constructing the Improvement, for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement.

Section 4. That the Director of Public Utilities is hereby authorized to enter into contract for the making of the Improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, or such trades or components may be the subject of a separate contract upon a unit basis. Notwithstanding any provisions in Chapter 185 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the contract shall contain such requirements as are contained in the Project loan agreement with the Ohio Public Works Commission which will finance the above public improvement.

Section 5. That the Director of Public Utilities is hereby authorized to enter into such other agreements as are necessary to complete the planning and construction of the Improvement, which agreements shall contain such terms and conditions as the Director of Law determines shall best protect the public interest.

Section 6. That the Director of Public Utilities is hereby authorized and directed to apply and pay for such permits, licenses, or other

authorizations required by any regulating entity or other public authority to perform the work authorized by this ordinance.

Section 7. That the cost of said improvement and all other expenditures authorized by this ordinance shall be paid from the fund and sub-funds to which are credited the proceeds of loans received from the Ohio Public Works Commission for the purpose of making the public improvement of constructing the Improvement.

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 May 17, 1999.
Effective May 26, 1999.

COUNCIL COMMITTEE MEETINGS

Monday, May 24, 1999

Public Parks, Properties & Recreation Committee: 9:30 A.M.—Present: Jones, Chairman; White, Vice Chairman; Britt, Polensek, Sweeney, Excused: Willis, Zone.

Public Safety Committee (Joint with Finance Committee): 1:30 P.M.—Present: Coats, Chairman; Gordon, Jackson, Melena, O'Malley, White, Excused: Zone, Vice Chairman; Willis.

Finance Committee (Joint with Public Safety Committee): 1:30 P.M.—Present: Johnson, Chairman; Westbrook, Vice Chairman; Cintron, Coats, Gordon, Lewis, Melena, Patmon, Robinson, Sweeney. Excused: Willis.

Finance Committee: 2:00 P.M.—Present: Johnson, Chairman; Westbrook, Vice Chairman; Cintron, Coats, Gordon, Lewis, Melena, Patmon, Robinson, Sweeney. Excused: Willis.

Tuesday, May 25, 1999

Community and Economic Development Committee: 9:00 A.M.—Present: Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Rybka.

Public Health Committee: 1:00 P.M.—Present: Gordon, Chairman; Cimperman, Vice Chairman; Cintron, Dolan, Jackson, Robinson. Excused: Britt.

Wednesday, May 26, 1999

Public Safety Committee: 10:00 A.M.—Present: Coats, Chairman; Zone, Vice Chairman; Gordon, Jackson, Jones, Melena, O'Malley, Willis. Excused: White.

City Planning (Zoning): 1:00 P.M.—Present: Robinson, Chairman; Cimperman, Vice Chairman; Dolan, Jackson, O'Malley, White, Willis.

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

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