

The City Record

Official Publication of the City of Cleveland

May the Nineteenth, 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
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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

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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

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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.

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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.

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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 19, 1999

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CITY COUNCIL

MONDAY, MAY 17, 1999

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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 10, 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 Carmody, Konicek, Balraj, Ricchiuto, Guzman, Jackson, Hudecek, Patterson, Warren, Axelrod, Dove, Morrison and Acting Directors Whitlow and Milton.

Absent: Mayor White.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Leon Lawrence, Pastor of Greater Faith Baptist Church, located at 13816 St. Clair Avenue in Ward 10. Pledge of Allegiance.

MOTION

On the motion of Councilman Dolan, seconded by Councilman Lewis, the reading of the minutes of the last meeting was dispensed with and the journal approved.

COMMUNICATIONS

File No. 864-99.

From the Department of Port Control re: Report-Consolidated

Rental Car Complex Employment Practices by Colliers International pursuant to Ordinance No. 1288-98. Received.

File No. 865-99.

From Legal and Safer Employer Research, Inc. (LASER, Inc.) Re: preliminary research program involving Steingass Mechanical Contracting, Inc. Received.

File No. 866-99.

From the Cleveland Landmarks Commission re: Agenda for meeting on May 13, 1999. Received.

STATEMENT OF WORK ACCEPTED

File No. 867-99.

From the Department of Port Control re: Contract No. 51951, Phase I Foundations and Structural Steel for the Consolidated Rental Car Facility at Cleveland Hopkins International Airport. Received.

File No. 868-99.

From the Department of Port Control re: Contract No. 52443, Building Envelope/Interiors Consolidated Rental Car Facility. Received.

File No. 869-99.

From the Department of Port Control re: Contract No. 52809, Site Structures Consolidated Rental Car Facility. Received.

File No. 870-99.

From the Department of Port Control re: Contract No. 52724, Signage Package Consolidated Rental Car Facility. Received.

File No. 871-99.

From the Department of Port Control re: Contract No. 52364, Maplewood Avenue. Received.

File No. 872-99.

From the Department of Port Control re: Contract No. 52241, Phase III Reconstruction of Maplewood Avenue. Received.

File No. 873-99.

From the Department of Port Control re: Contract No. 52364, Phase IV Maplewood Tunnel Springdale Avenue Improvements. Received.

File No. 874-99.

From the Department of Port Control re: Contract No. 52783, Final Paving Package Consolidated Rental Car Facility. Received.

VETO**File No. 806-99-A.**

May 13, 1999

BY HAND DELIVERY

The Honorable Jay Westbrook
President of Council
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Re: Ordinance No. 806-99

Dear Council President Westbrook:

I veto Ordinance No. 806-99 and return it to you with my veto noted thereon.

Ordinance No. 806-99 amends Section 161.04 of the Codified Ordinances to provide that the City Planning Commission must render written recommendations about proposed landmark designations to the Landmarks Commission within thirty days after a request for recommendations is referred to it. The Ordinance further amends the Codified Ordinances to provide that the Landmarks Commission shall not be bound by the recommendation of the City Planning Commission.

The passage of Ordinance 806-99 violated Charter Section 76-3, which provides that all ordinances which concern "regulations affecting or controlling the use or development of land . . . before adoption and before they shall become legal or binding upon the City, shall be submitted to the Planning Commission for report and recommendation." Ordinance 806-99 was not submitted to the Planning Commission before adoption.

Furthermore, the amendment causes procedural difficulties. Current Codified Ordinance Section 161.04 provides that the Planning Commission must give very specific recommendations to the Landmarks Commission about "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." To fulfill this obligation, the Planning Commission must investigate and study a proposed designation. The thirty day limitation is unnecessarily short and may restrict the City Planning Commission from giving a proposed designation adequate consideration.

For the above reasons, I hereby veto Ordinance No. 806-99.

Sincerely,

MICHAEL R. WHITE

Mayor

Received.

CONDOLENCES RESOLUTIONS

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

Res. No. 899-99—John T. Tartt.**Res. No. 916-99**—Sandra Reed Benson.**Res. No. 917-99**—Gladys Towns Sims.**CONGRATULATIONS RESOLUTIONS**

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

Res. No. 914-99—Bishop Robert L. Hubbard, Sr.**Res. No. 918-99**—Cleveland Crunch.**Res. No. 919-99**—Woodhill Homes.**Res. No. 920-99**—Robert J. Black.**Res. No. 921-99**—The Salvation Army Greater Cleveland Area Services.**Res. No. 922-99**—Ms. Claudie Manningham.**Res. No. 923-99**—Carver Park Estates.**Res. No. 924-99**—Garden Valley Estates.**Res. No. 925-99**—King Kennedy Estates.**Res. No. 926-99**—OLDE Cedar.**Res. No. 927-99**—Outhwaite Homes.**Res. No. 928-99**—Cleveland Chapter of the National Black MBA Association.**Res. No. 929-99**—Bettie Ford.**Res. No. 930-99**—Marilyn Gell Mason.**Res. No. 931-99**—Phenomenal Women Foundation.**APPRECIATION RESOLUTION**

The rules were suspended and the following resolution was adopted without objection:

Res. No. 932-99—Old Stone Church.**FIRST READING EMERGENCY ORDINANCES REFERRED****Ord. No. 879-99.****By Councilmen Willis and Johnson (by departmental request).**

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

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials needed to repair and install 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 Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (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 22125)

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. 880-99.**By Councilmen Willis and Johnson (by departmental request).**

An emergency ordinance authorizing the purchase by contract of one payment processor envelope extractor machine, for the Division of Utilities Fiscal Control, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one (1) payment processor envelope extractor machine, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Utilities Fiscal Control, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 50 SF 001, Request No. 23376.

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. 881-99.**By Councilmen Willis and Johnson (by departmental request).**

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants necessary to prepare the 1999 and 2000 annual reports and consumer information materials, for the Division of Water, Cleveland Public Power and Water Pollution Control.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to employ by contract one or more public relations firms 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 prepare the 1999 and 2000 annual reports and other consumer information materials for the Division of Water, Cleveland Public Power and Water Pollution Control, including but not limited to research, writing, creative design, photographs, artwork, layout, preparation of camera-ready reproduction and offset lithographic reproduction and other related services.

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, 58 SF 001 and 54 SF 001, Request No. 24063.

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. 882-99.

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 design, layout, produce and distribute the 1999 and 2000 water quality reports and other periodic reports, 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 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 design, layout, produce and distribute the 1999 and 2000 water quality reports and other periodic reports, including but not limited to writing, photography, artwork, and offset lithographic reproduction, for the Division of Water.

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 No. 52 SF 001, Request No. 24060.

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. 883-99.

By Councilman Britt.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Fairfax Renaissance Development Corporation to encroach into the right-of-way of various locations in the Fairfax Neighborhood area with eleven (11) identification signs.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Fairfax Renaissance Development Corporation, 8520 Carnegie Avenue, Cleveland, Ohio 44106, its successors and assigns, for the construction, use and maintenance of eleven (11) freestanding metal signs and poles to identify the Fairfax Neighborhood area, and which signs will encroach into the public right-of-way in eleven (11) site locations which are more fully described as follows:

**FAIRFAX RENAISSANCE
DEVELOPMENT CORPORATION
SITE LOCATIONS FOR ELEVEN
(11) NEIGHBORHOOD
IDENTIFICATION SIGNS:**

1. Quincy Avenue at East 79th Street
2. Carnegie Avenue at East 79th Street
3. Euclid Avenue at East 79th Street
4. & 5. Chester Avenue at East 79th Street - 2-Locations
6. Cedar Avenue at East 89th Street
7. Chester Avenue at East 105th Street
8. Euclid Avenue at East 105th Street
9. Stokes Drive at Carnegie Avenue
10. Cedar Avenue at Stokes Boulevard
11. Quincy Avenue at East 90th Street

Section 2. That said banners will be placed within the public rights-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 3. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

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

Ord. No. 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.

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

Ord. No. 885-99.
By Councilmen Dolan, Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into a fifth amendment to Contract No. 38890 with Pleasant Valley Enterprises for the lease of property located at 14550 Lorain Avenue.

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, any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary notwithstanding, the Director of Public Service is hereby authorized to enter into a fifth amendment to the Lease Agreement with Pleasant Valley Enterprises, City Contract No. 38890, for the lease of property at 14550 Lorain Avenue, to extend the term for one year so as to expire on September 15, 2000, and two one-year options exercisable by the Director of Parks, Recreation and Properties, to renew for two additional one-year terms, and cancellable upon thirty days written notice by said director. The rental for the lease of property for 2000 shall be \$71,000, and \$75,000 for each option year exercised and shall be paid from Fund No. 10 SF 401, Request No. 21366. This fifth amendment authorized herein shall be prepared by the Director of Law and shall contain such additional conditions and provisions as said director deems necessary to protect and benefit the public interest.

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 Service, Finance, Law; Committees on Public Service, Finance.

Ord. No. 886-99.
By Councilmen O'Malley, Sweeney, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for the ingress and egress to and from the Ridge Road Transfer Station, 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 notwithstanding and as an exception of the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of the ingress and egress to and from the Ridge Road Transfer Station:

3741 Ridge Road
Permanent Parcel No. 013-08-001
Situating in the City of Cleveland,
County of Cuyahoga, State of Ohio

and known as being part of Original Brooklyn Township, Lot No. 25 and is further bounded and described as follows:

Beginning at a 1" iron pin found at the intersection of the center line of Ridge Road S.W. (variable width) with the center line of Clinton Road S.W. (variable width).

Thence South 05° 32' 13" East, along said center line of Ridge Road S.W., a distance of 1169.06 feet to the Southerly line of Original Lot No. 26, said point marked by a 1" iron pin found North 89° 07' 35" West, along said Southerly line of Original Lot No. 26, a distance of 0.20 feet.

Thence South 89° 07' 35" East, along said Southerly line of Original Lot No. 26, a distance of 43.27 feet to the Easterly right of way line of said Ridge Road S.W., at the Southwesterly corner of Parcel "D" of land conveyed to the City of Cleveland by deed recorded in Volume 8689, Page 269 of Cuyahoga County Records and the principal place of beginning of the land herein described:

Course 1: Thence South 89° 07' 35" East, along the Southerly line of said Parcel "D", a distance of 38.20 feet;

Course 2: Thence South 53° 53' 29" West, a distance of 44.09 feet to the Easterly right of way line of Ridge Road S.W., as aforesaid;

Course 3: Thence North 05° 32' 13" West, along said Easterly right of way line of Ridge Road S.W., a distance of 26.69 feet to the principal place of beginning and containing 0.0116 Acres (507 Square Feet) of land according to a survey made by Thomas J. Neff, Jr. Registered Surveyor No. 7065-Ohio in October of 1998.

The subject area being part of Parcel #1 and Parcel #2 of land conveyed to DanMaur Investments Ltd. by deed recorded in Volume 95-08128, Page 34 of Cuyahoga County Records.

The basis of bearings for the area surveyed is North 05° 32' 13" West, as the center line of Ridge Road S.W., as assumed;

Be the same more or less but subject to all legal highways.

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

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

Section 4. That all costs of acquisition of land shall be paid from Fund Nos. 20 SC 290, 20 SC 340, 20 SC 351 and 20 SC 295, Request No. 1300.

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, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Ord. No. 887-99.
By Councilmen Sweeney, Jackson, Coats and Johnson (by departmental request).

An emergency ordinance appropriating funds obtained from Norfolk Southern and CSX; authorizing the Director of Public Service to employ professional consultants to perform architectural, engineering and other services necessary to design noise walls, landscaping and fencing; authorizing the Director of Economic Development to employ professional consultants to provide architectural and acoustical services for the insulation of homes; and authorizing the purchase by contract of equipment to respond to rail incidents involving hazardous materials for the Department of Public Safety.

Whereas, pursuant to Ordinance No. 978-98, passed June 8, 1998, this Council approved and ratified an agreement entered into by the Mayor with Norfolk Southern Corporation ("Norfolk Southern") which, among other things, required specified financial contributions from the railroad to the City for various purposes delineated in the agreement; and

Whereas, pursuant to Ordinance No. 1041-98, passed June 8, 1998, this Council approved and ratified an agreement entered into by the Mayor with CSX Corporation ("CSX") which, among other things, required specified financial contributions from the railroad to the City for various purposes delineated in the agreement; and

Whereas, this Council wishes to appropriate funds received in accordance with the agreements with Norfolk Southern and CSX for various purposes consistent with the agreements with the railroads; 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 this Council hereby appropriates funds received from Norfolk Southern and CSX pursuant to their agreements in the amount of One Million Seven Hundred Twenty-Two Thousand Three Hundred Twenty-Seven Dollars (\$1,722,327.00), from Fund Nos. 10 SF 525 and 10 SF 526, for the purposes of employing professional consultants to perform architectural, engineering and other services necessary to design noise walls, landscaping and fencing and to provide architectural and acoustical services for insulation of homes; providing hazmat training; and acquiring equipment to respond to rail incidents involving hazardous materials, pursuant to the following schedule:

Personnel	-0-
Other Expenses	\$1,722,327

Section 2. That the Director of Public Service is hereby authorized and directed to employ by contract one or more professional architects, engineers, one or more firms of architects and engineers, and other consultants necessary for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to design noise walls, landscaping, fencing and other improvements adjoining rail lines.

The selection of said consultant or 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 prepared by the Director of Law, approved by the Director of Public Service, and certified by the Director of Finance.

Section 3. That the Director of Economic Development is hereby authorized and directed to employ by contract one or more professional architects, engineers, one or more firms of architects and engineers, and other consultants necessary for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide architectural and acoustical services for the insulation of homes.

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

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 purchase of equipment necessary to respond to rail incidents involving hazardous materials, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Fire, Department of Public Safety.

Section 5. That the costs of the services and contracts herein contemplated shall be paid from Fund Nos. 10 SF 525 and 10 SF 526.

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 Public Service, Economic Development, Public Safety, Finance, Law; Committees on Public Service, Community and Economic Development, Public Safety, Finance.

Ord. No. 888-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various salt spreader, insert and plow parts, including installation if necessary, 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 various salt spreader, insert and plow parts, including installation if necessary, 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 24170)

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. 889-99.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase real property for the expansion of Greenwood Playground, for the Department of Parks, Recreation and Properties.

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

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

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

PERMANENT PARCEL NO. 007-06-060
Situating in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Sublot No. 1 and part of Sublot No. 58 in Jonah P. Hill's Allotment of part of Original Brooklyn Township Lot No. 53, as shown by the recorded plat in Volume 8 of Maps, Page 16 of Cuyahoga County Records, and bounded

Beginning on the Easterly line of West 40th Street, at a point distant Northerly 24.5 ft. from its intersection with the most Southerly line of said Sublot No. 58; thence Northerly 0.5 ft. along the said Easterly line of West 40th Street, to an inner corner of said Sublot No. 58; thence Westerly 20 ft. along the Southerly line of said Sublot No. 58, which is also the Northerly line of West 40th Street, to the Southwesterly corner of said Sublot No. 58; thence Northerly 25 feet along the Easterly line of West 40th Street, to the Northwest corner of said Sublot No. 58; thence Easterly along the Northerly line of said Sublot No. 58 and along the Northerly line of said Sublot No. 1, to a point distant Westerly 80 ft. from its intersection with the Westerly line of West 38th Street; thence Southerly parallel with the said Westerly line of West 38th Street, to a point distant Northerly 24.5 ft. at right angles from the Southerly line of said Sublot No. 1; thence Westerly parallel with the Southerly line of said Sublot No. 1, to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No.: 007-06-083
Exhibit "A"

Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 2 in J. P. Hill's Allotment of part of Original Brooklyn Township Lot No. 53, as shown by the recorded plat in Volume 8 of Maps, Page 16 of Cuyahoga County Records, and bounded as follows:

Beginning at the intersection of Northerly line of Bailey Avenue, S.W., with the Westerly line of West 38th Street, (formerly Mechanics Street); thence Northerly along the Westerly line of West 38th Street, 50 feet 1 inch to the Northerly line of Sublot No. 2; thence Westerly along the Northerly line of Sublot No. 2, 79 feet 2.5 inches to the Northeast corner of land conveyed to Frank Bede and Ethel Bede by Deed dated June 11, 1943, and recorded in Volume 5609, Page 284 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to Frank Bede and Ethel Bede about 50.04 feet to the Southeast corner thereof; thence Easterly along the Southerly line of Sublot No. 2, which is also the Northerly line of Bailey Avenue S.W., 82 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No.: 007-06-084

Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 80 feet of Sublot No. 1 in Jonah P. Hill's Allotment of part of Original Brooklyn Township Lot No. 53 as shown by the recorded plat in Volume 8 of Maps, Page 16 of Cuyahoga County Records and being 50 feet 1 inch front on the Westerly side of West 38th Street (formerly Mechanics Street), and extending back of equal width 80 feet, as appears by said plat be the same more or less, but subject to all legal highways.

Parcel No. 007-06-101

Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 1 and part of Sublot No.

58 in Jonah P. Hill's Subdivision of part of Original Brooklyn Township No. 53, as shown by the recorded plat in Volume 8 of Maps, Page 16 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Easterly line of West 40th Street at a point distant Northerly 24.5 feet from its intersection with the most Southerly line of said Sublot No. 58, thence Southerly 24.50 feet along the said Easterly line of West 40th Street to its intersection with the most Southerly line of said Sublot No. 58; thence Easterly along the most Southerly line of said Sublot No. 58, and along the Southerly line of said Sublot No. 1 to a point distant Westerly 80 feet from its intersection with the Westerly line of West 38th Street; thence Northerly parallel with the said Westerly line of West 38th Street; to a point distant Northerly 24.5 feet at right angles from the Southerly line of said Sublot No. 1; thence Westerly parallel with the Southerly line of said Sublot No. 1 to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

Section 4. That all costs of acquisition of land shall be paid from Fund No. 20 SF 354, Request No. 3301

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 Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Recreation and Properties, City Planning, Finance.

Ord. No. 890-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various equipment, controls and related supplies for heating, ventilating, air conditioning, and refrigeration equipment, for the Division of Property Management, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various equipment, controls and related supplies for heating, ventilating, air conditioning, and refrigeration equipment, in the approximate amount as pur-

chased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Property Management, Department of Parks, Recreation and Properties. 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 21712)

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 Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Recreation and Properties, Finance.

Ord. No. 891-99.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in the Village of Cuyahoga Heights, Ohio adjacent to the Interstate 77 exit ramp and East 71st Street in the Village of Cuyahoga Heights.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located in the Village of Cuyahoga Heights, Ohio adjacent to the Interstate 77 exit ramp and East 71st Street in the Village of Cuyahoga Heights; and

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

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

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

TRACT NO. 1
CITY-OWNED LAND ADJACENT TO
INTERSTATE 77 EXIT RAMP AND
EAST 71ST STREET IN THE
VILLAGE OF CUYAHOGA
HEIGHTS

Situated in the Village of Cuyahoga Heights, County of Cuyahoga and State of Ohio and known as being part of Original One Hundred (100) acre Lot No. 301 and part of

Original Independence Township Lots Nos. 5 and 24 in Tract No. 1, East of the River and further bounded and described as follows:

Beginning at a 5/8" iron pin found on the Westerly line of East 71st Street, width varies, at the Southwesterly line of the Seneca Hills Subdivision No. 1 as shown on the plat recorded in Volume 184 Page 53 of Cuyahoga County Map Records;

Thence South 10° 44' 52" West along the Westerly line of East 71st Street 228.12 feet to a 5/8" iron pin set;

Thence North 79° 15' 08" West along a Northerly line of East 71st Street, 17.00 feet to a 5/8" iron pin set at a point of curvature on the Westerly line of East 71st Street;

Thence along the curved Westerly line of East 71st Street deflecting to the left, an arc of 273.50 feet, said curve having a radius of 1482.39 feet and a chord that bears South 05° 27' 44" West, 273.12 feet to a 5/8" iron pin set at the intersection of the Westerly line of East 71st Street and the Southeasterly line of the Willow Freeway-Brecksville Road Extension (U.S. Route 21), width varies;

Thence North 25° 49' 18" West along the Southeasterly line of Willow Freeway-Brecksville Road Extension, 174.51 feet to a 5/8" iron pin set at a point of curvature;

Thence along the curved Southeasterly line of Willow Freeway-Brecksville Road Extension deflecting to the right, an arc of 265.49 feet, said curve having a radius of 5629.58 feet and a chord that bears North 24° 28' 13" West, 265.47 feet to a 5/8" iron pin set on the Southwesterly line of aforesaid Seneca Hills Subdivision No. 1;

Thence North 70° 51' 47" East along the Southwesterly line of the Seneca Hills Subdivision No. 1, 287.08 feet to the point of beginning and containing 1.3602 acres of land as calculated and described by North Coast Engineering & Surveying Co., Inc. in October, 1998, be the same, more or less, but subject to all legal highways.

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

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

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

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

Ord. No. 892-99.

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

An emergency ordinance determining to proceed to control blight and disease of shade trees by removing, planting, trimming, watering and creating or excavating cutouts for shade trees in and along the public rights-of-way in portions of the City of Cleveland; and adopting the assessments.

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 to proceed to control blight and disease of shade trees by removing, planting, trimming, watering and creating or excavating cutouts for shade trees (collectively, "Tree Maintenance") in and along the streets of the 1997 Tree Maintenance District as established in Resolution No. 929-98, adopted October 12, 1998 (the "Resolution of Necessity").

Section 2. That said Tree Maintenance shall be performed in accordance with the provisions of the Resolution of Necessity, and with the plans, specifications, profiles and estimates heretofore approved and filed in the office of the Clerk of Council.

Section 3. That it is further determined that the portion of the cost of said Tree Maintenance to be assessed against benefited property shall be assessed in the amount, manner and number of installments as provided for in the Resolution of Necessity.

Section 4. That the cost of said Tree Maintenance shall be paid, prior to the collection of assessments, from Fund No. 10 SF 200. Proceeds of the assessments levied hereinafter shall be deposited to Fund No. 10 SF 200.

Section 5. That the list of assessments for the cost of said Tree Maintenance reported to this Council and now on file in the office of the Clerk of Council, and aggregating \$167,580.00 and as approved by the Assessments Equalization Board heretofore appointed by Resolution No. 535-99, adopted March 29, 1999, as amended by Ordinance No. 597-99, passed April 12, 1999, the report of which Board was approved by Resolution No. _____, adopted _____, 1999, be and the same are hereby adopted and confirmed as final assessments.

Section 6. That the several amounts of the final assessments are hereby assessed and levied on the lots and lands benefited and to be charged therewith in the 1999-2000 Tree Maintenance District as set forth in the Resolution of Necessity.

Section 7. That it is determined that the assessments do not exceed the special benefits resulting from the improvement, and do not exceed any statutory limitation.

Section 8. That the Clerk of Council is directed to continue on file in her office a list of the assessments and the description of the lots and lands.

Section 9. That the total assessment against each lot and parcel of land shall be payable in cash to the Commissioner of Assessments and Licenses of the City within thirty (30) days after the passage of this

ordinance or, at the option of the property owner assessed, in one (1) annual installment. All assessments and installments which have not been paid at the expiration of the thirty (30) day period shall be certified by the Clerk of Council to the County Auditor, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

Section 10. That the Clerk of this Council is hereby directed to deliver a certified copy of this ordinance to the County Auditor within fifteen (15) days after the passage of this ordinance as required by Section 319.61 of the Revised Code.

Section 11. That the Clerk of this Council is directed to cause notice of the levy of the assessments herein to be filed with the County Auditor within twenty (20) days following the passage of this ordinance.

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.

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

Ord. No. 893-99.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a property for the expansion of Humphrey Park located at 16003 Damon Avenue, for the Division of Property Management, Department of Parks, Recreation and Properties.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of expanding Humphrey Park:

Permanent Parcel No. 113-13-022
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the West-erly 15 feet of Sublot No. 419 and the Easterly 10 feet of Sublot No. 420 in Eastwood Subdivision of part of Original Euclid Township Tract No. 16, as shown by the recorded plat in Volume 31 of Maps, Page 27 of Cuyahoga County Records; Said West-erly 15 feet of Sublot No. 419 and East-erly 10 feet of Sublot No. 420 together form a parcel of land having a frontage of 25 feet on the Northerly line of Damon Avenue, N.E. (formerly Nansen Street), extending back 101-63/100 feet deep on the Westerly line 101-57/100 feet deep on the Easterly line, and having a rear line of 25.02, as appears by said plat, be the same more or less but sub-

ject to all legal highways.

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

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

Section 4. That all costs of acquisition of land shall be paid from Fund No. 20 SF 330, Request No. 1299.

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 Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Recreation and Properties, City Planning, Finance.

Ord. No. 894-99.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the State of Ohio, Department of Natural Resources for the Round 6 Nature-Works Program; determining the method of making the public improvement of rehabilitating Mercedes Cotner Park and authorizing the Director of Parks, Recreation and Properties to enter into contract with the making of such improvement, payable from the grant proceeds.

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 apply for and accept a grant from the State of Ohio, Department of Natural Resources, for the Round 6 Nature-Works Program, for the purposes set forth in the project description and according thereto; that the Director of Parks, Recreation and Properties is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the project description for said grant.

Section 2. That the project description for said grant, File No. 894-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects, including the obligation of the City of Cleveland to provide twenty-five percent (25%) of the total project cost from Fund No. 20 SF 354.

Section 3. That pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improve-

ment of rehabilitating Mercedes Cotner Park for the Department of Parks, Recreation and Properties, 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 Parks, Recreation and Properties is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 5. That the cost of said improvement hereby authorized shall be paid from the grant proceeds pursuant to Section 1 of this ordinance and cash from matching funds committed pursuant to Section 2 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.

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

Ord. No. 895-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with 1501 Companies, LTD., to provide economic development assistance to partially finance the land and building acquisition and the demolition of three distressed homes located at 1501 Abbey Avenue, Cleveland, Ohio 44113.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with 1501 Companies, LTD., to provide economic development assistance to partially finance the land and building acquisition and the demolition of three distressed homes located at 1501 Abbey Avenue, Cleveland, Ohio 44113.

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. 895-99-A.

Section 3. That the costs of said contract shall not exceed Ninety-Nine Thousand Dollars (\$99,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 1002.

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. 896-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance to amend Section 2 of Ordinance No. 1181-97, passed June 16, 1997, as amended by Ordinance No. 424-99, passed March 29, 1999, relating to economic development assistance contracts with Glenville Development Corporation and University Circle Incorporated.

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 2 of Ordinance No. 1181-97, passed June 16, 1997, as amended by Ordinance No. 424-99, passed March 29, 1999, is hereby amended to read as follows:

Section 2. That the terms of said loan and grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1181-97-C.

Section 2. That existing Section 2 of Ordinance No. 1181-97, passed June 16, 1997, as amended by Ordinance No. 424-99, passed March 29, 1999, is hereby repealed.

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

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

Ord. No. 897-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Vesper Corporation, and/or a wholly-owned subsidiary thereof, to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to assist in acquiring machinery and equipment and constructing a facility, to be located at 3249 East 80th Street, East 79th to East 80th Streets, including the vacated Avrina Avenue, Cleveland, Ohio, located 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, Vesper Corporation, and/or a wholly-owned subsidiary thereof (the "Enterprise") has proposed to acquire machinery and equipment and to construct a manufacturing facility to be located at 3249 East 80th Street, East 79th to East 80th Streets, including the vacated Avrina Avenue in the City of Cleveland; and

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

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

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

Section 1. That this Council hereby approves the application of Vesper Corporation, and/or a wholly-owned subsidiary thereof for enterprise zone incentives on the basis that Vesper Corporation, and/or a wholly-owned subsidiary thereof, 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 Vesper Corporation, and/or a wholly-owned subsidiary thereof to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to assist in acquiring machinery and equipment and constructing a facil-

ity, to be located at 3249 East 80th Street, East 79th to East 80th Streets, including the vacated Avrina Avenue, 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. 897-99-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. 900-99.

By Councilman Johnson (by departmental request).

An emergency ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$16,120,000 for the purpose of providing funds to improve the municipal street system and related facilities and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds; to authorize agreements with respect to the Bonds; and to authorize the issuance of notes in anticipation of such Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Sixteen Million One Hundred Twenty Thousand Dollars (\$16,120,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is seventeen (17) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may fur-

ther be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Sixteen Million One Hundred Twenty Thousand Dollars (\$16,120,000) for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveway approaches and pedestrian walkways as designated, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving retaining walls, relocating certain utilities, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing signs, signals, markings and other devices for traffic control purposes, together with the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto, and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such Bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Bridges and Roadways Improvement Bonds, Series 1999". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be

numbered as determined by the Director of Finance.

The Bonds shall be dated as of August 1, 1999, or such other date, but in no event later than December 31, 1999, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed seven percent (7%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed seven percent (7%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on May 15 and November 15 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning November 15, 1999 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on November 15 in seventeen (17) substantially equal annual installments, beginning November 15, 2000, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 1999 and no later than August 1, 2001, (iii) the final maturity date of the Bonds shall be no later than seventeen (17) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100

percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, or the Director of Finance may determine that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity. In the event that the Bonds are callable, the earliest date for optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the

redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining

generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Firststar Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 900-99-A. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange

and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City

only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking

Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Original Purchaser"); provided, however, that if, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever actions may be necessary to terminate that underwriter's standing as Original Purchaser.

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the

City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1999". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the

General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds.

The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation.

The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) **Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) **Payment and Discharge of Bonds.** Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as

hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Sixteen Million One Hundred Twenty Thousand Dollars (\$16,120,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes.

The Notes shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Bridges and Roadways Improvement Bond Anticipation Notes, Series 1999"; shall be issued in such numbers and denominations as may be requested by the Note

Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. In connection with the issuance of the Notes and the Bonds, Carmona Motley Hoffmann, Inc. shall serve as the financial advisor of the City. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Firststar Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount

of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1999". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes

at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use

and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other

actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it

is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

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

Ord. No. 901-99.
By Councilman Johnson (by departmental request).

An emergency ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$900,000 for the purpose of providing funds for the acquisition and improvement of fire-fighting apparatus and equipment, and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds; to authorize agreements with respect to the bonds; and to authorize the issuance of notes in anticipation of such Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Nine Hundred Thousand Dollars (\$900,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is ten (10) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time

in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Nine Hundred Thousand Dollars (\$900,000) for the purpose of acquiring, rehabilitating, installing, enlarging, renovating, equipping, and otherwise improving fire-fighting apparatus and equipment, including fire trucks and aerial ladders, together with all appurtenances necessary and incidental thereto and for the purpose of paying capitalized interest and all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such Bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Fire-Fighting Apparatus Improvement Bonds, Series 1999". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of August 1, 1999, or such other date, but in no event later than December 31, 1999, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed seven percent (7%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal

amount and maturity of each Bond to which a rate applies) shall not exceed seven percent (7%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on May 15 and November 15 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning November 15, 1999 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on November 15 in ten (10) substantially equal annual installments, beginning November 15, 2000, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 1999 and no later than August 1, 2001, (iii) the final maturity date of the Bonds shall be no later than ten (10) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit

against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, or the Director of Finance may determine that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity. In the event that the Bonds are callable, the earliest date for optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed,

and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmaturing and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding

paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Firststar Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 901-99-A. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the

Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The

Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Original Purchaser"); provided, however, that if, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Bonds, the Director of Finance is hereby authorized and directed, in the name of and on

behalf of the City, to take whatever actions may be necessary to terminate that underwriter's standing as Original Purchaser.

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or

amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any

legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1999". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the

Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of

such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpayment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Nine Hundred Thousand Dollars (\$900,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Fire-Fighting Apparatus Improvement Bond Anticipation Notes, Series 1999"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. In connection with the issuance of the Notes and the Bonds, Carmona Motley Hoffmann, Inc. shall serve as the financial advisor of the City. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Firstar Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and

Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1999". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.
(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the

Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

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

Ord. No. 902-99.

By Councilman Johnson (by departmental request).

An emergency ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$5,180,000 for the purpose of providing funds for improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds; to authorize agreements with respect to the Bonds; and to authorize the issuance of notes in anticipation of such Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Five Million One Hundred Eighty Thousand Dollars (\$5,180,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Five Million One Hundred Eighty Thousand Dollars (\$5,180,000) for the purpose of providing funds for constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, police stations, fire stations, service stations, centers and facilities, waste collection, transfer and disposal facilities, and health facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose, and for the purpose of paying capitalized interest and all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such Bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Public Facilities Improvement Bonds, Series 1999". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of August 1, 1999, or such other date, but in no event later than December 31, 1999, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed seven percent (7%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not

exceed seven percent (7%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on May 15 and November 15 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning November 15, 1999 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on November 15 in twenty (20) substantially equal annual installments, beginning November 15, 2000, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 1999 and no later than August 1, 2001, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Require-

ment (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, or the Director of Finance may determine that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity. In the event that the Bonds are callable, the earliest date for optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In

the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in

that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pur-

suant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Firststar Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 902-99-A. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust

office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and deal-

ers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Original Purchaser"); provided, however, that if, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever actions may be necessary to terminate that underwriter's standing as Original Purchaser.

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall speci-

fy the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compli-

ance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single con-

solidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1999". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges

and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or

redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Five Million One Hundred Eighty Thousand Dollars (\$5,180,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Public Facilities Improvement Bond Anticipation Notes, Series 1999"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. In connection with the issuance of the Notes and the Bonds, Carmona Motley Hoffmann, Inc. shall serve as the financial advisor of the City. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Firststar Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying

agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require

that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1999". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes.

The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes.

The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes.

The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax.

During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said

tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken

any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certifi-

icates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

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

Ord. No. 903-99.
By Councilman Johnson (by departmental request).

An emergency ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$3,420,000 for the purpose of providing funds to improve municipal parks and recreation facilities and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds; to authorize agreements with respect to the Bonds; and to authorize the issuance of notes in anticipation of such Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Three Million Four Hundred Twenty Thousand Dollars (\$3,420,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and

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

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Three Million Four Hundred Twenty Thousand Dollars (\$3,420,000) for the purpose of providing funds to improve municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate, and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such Bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Parks and Recreation Facilities Improvement Bonds, Series 1999". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of August 1, 1999, or such other date, but in no event later than December 31, 1999, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed seven percent (7%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed seven percent (7%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on May 15 and November 15 of each year or on the days specified in the Certificate

of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning November 15, 1999 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on November 15 in twenty (20) substantially equal annual installments, beginning November 15, 2000, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 1999 and no later than August 1, 2001, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory

Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, or the Director of Finance may determine that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity. In the event that the Bonds are callable, the earliest date for optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds

which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest

accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the

City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Firststar Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 903-99-A. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on

the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the

Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Original Purchaser"); provided, however, that if, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever actions may be necessary to terminate that underwriter's standing as Original Purchaser.

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the

principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the

original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1999". Such bonds shall contain a summary statement of purposes encom-

passing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds.

The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation.

The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and

agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver

to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment

to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Three Million Four Hundred Twenty Thousand Dollars (\$3,420,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes.

The Notes shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Parks and Recreation Facilities Improvement Bond Anticipation Notes, Series 1999"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. In connection with the issuance of the Notes and the Bonds, Carmona Motley Hoffmann, Inc. shall serve as the financial advisor of the City. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Firstar Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement

among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid

obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1999". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the

Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the

Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and

that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior

to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

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

Ord. No. 904-99.

By Councilman Johnson (by departmental request).

An emergency ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$2,310,000 for the purpose of providing funds for public improvements of municipal properties and easements in residential neighborhoods and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds; to authorize agreements with respect to the Bonds; and to authorize the issuance of notes in anticipation of such Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Two Million Three Hundred Ten Thousand Dollars (\$2,310,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Two Million Three Hundred Ten Thousand Dollars (\$2,310,000) for the purpose of providing funds for public improvements of streets and municipal properties and easements in residential neighborhoods by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary and installing street lighting and signs, signals, markings and other devices for traffic control together with the provision of all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate, and to pay capitalized interest and all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such Bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Residential Neighborhoods Improvement Bonds, Series 1999". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of August 1, 1999, or such other date, but in no event later than December 31, 1999, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed seven percent (7%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed seven percent (7%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on May 15 and November 15 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning November 15, 1999 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on November 15 in twenty (20) substantially equal annual installments, beginning November 15, 2000, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 1999 and no later than August 1, 2001, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current

Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, or the Director of Finance may determine that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity. In the event that the Bonds are callable, the earliest date for optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by

the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmaturing and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be

redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance,

each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Firststar Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 904-99-A. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surren-

der at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The

Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Original Purchaser"); provided, however, that if, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser

with respect to the Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever actions may be necessary to terminate that underwriter's standing as Original Purchaser.

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance.

and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accor-

dance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1999". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is nec-

essary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as

hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpayment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Two Million Three Hundred Ten Thousand Dollars (\$2,310,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Residential Neighborhoods Improvement Bond Anticipation

Notes, Series 1999"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. In connection with the issuance of the Notes and the Bonds, Carmona Motley Hoffmann, Inc. shall serve as the financial advisor of the City. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Firstar Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or

transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1999". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to J.P. Morgan Securities Inc., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., and Loop Capital Markets, LLC (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a)

and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or avail-

able under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County

Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

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

Ord. No. 905-99.

By Councilman Johnson.

An emergency ordinance authorizing and directing the Director of Economic Development to enter into a contract with the Call & Post to provide economic development assistance to partially finance equipment, facility improvements and job creation and retention programs.

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

directed and authorized to enter into a contract with the Call & Post to provide economic development assistance to partially finance equipment, facility improvements and job creation and retention programs.

Section 2. That the terms of said loan shall be in accordance with the terms set forth in an Executive Summary to this legislation. The Director of Economic Development shall present an Executive Summary to the Clerk of Council and to the Chairman of the Finance Committee containing the terms to be included as a file no later than August 16, 1999.

Section 3. That the cost of said contract shall be a loan in the amount of Three Hundred Thousand Dollars (\$300,000.00) and shall be a grant in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00), and shall be paid from Fund _____ SF _____

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary 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 _____ SF _____

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

Section 7. That the Director of Law is hereby authorized and directed to prepare said contract and such other documents as may be necessary 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, Finance, Law; Committees on Community and Economic Development, Finance.

**FIRST READING
ORDINANCE REFERRED**

Ord. No. 898-99.
By Councilman Cimperman,
An ordinance to change the Use, Area, and Height Districts of lands on the southeasterly side of Glass Avenue, N.E. between E. 61 Street and Norwood Avenue, N.E. (Map Change No. 1992, Sheet No. 4)

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

Section 1. That the Use, Area, and Height Districts of lands bounded and described as follows,

Beginning at the intersection of the northeasterly extension of a line located one hundred forty (140) feet southeast of the southeasterly line

of Glass Avenue, N.E. and the center line of Norwood Avenue, N.E.; thence southeasterly along said center line of Norwood Road, N.E. to its intersection with the northeasterly extension of a line located one hundred eighty (180) feet southeast of said southeasterly line of Glass Avenue, N.E.; thence southwesterly along said northeasterly extension and along said line which is parallel to and one hundred eighty (180) feet southeast of said southeasterly line of Glass Avenue, N.E. and along its southwesterly extension to its intersection with the center line of East 61 Street; thence northwesterly along said center line of East 61 Street to the center line of Glass Avenue, N.E.; thence northeasterly along said center line of Glass Avenue, N.E. to its intersection with the northwesterly extension of a line located two hundred (200) feet northeast of the northeasterly line of East 61 Street; thence southeasterly along said northwesterly extension and along said line which is parallel to and two hundred (200) feet northeast of said northeasterly line of East 61 Street to its intersection with said line located one hundred forty (140) feet southeast of said southeasterly line of Glass Avenue, N.E.; thence northeasterly along said line which is parallel to and one hundred forty (140) feet southeast of said southeasterly line of Glass Avenue, N.E. and along its northeasterly extension to the place of beginning,

and as outlined in red on the map hereto attached be and the same are hereby changed to a Multi Family Use District, a 'C' Area District and a '2' Height District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1992, Sheet 4 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

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

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.

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. 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	28.50
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.

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. 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.

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. 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.

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. 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.

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. 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.

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. 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.

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. 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 of constructing the 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, how-

ever, 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.

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. 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.

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. 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.

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. 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.

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. 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.

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. 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.

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. 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.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, City Planning, Finance; when amended as follows:

1. Strike the first whereas clause in its entirety, and insert in lieu thereof the following:

"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"

2. In the second whereas clause, lines 2 and 3, strike "within the Area and".

3. In Section 1, lines 1 and 2 strike "in the Area"; in line 4, after "Property," insert **"are consistent with the Plan and"**.

4. In Section 2, line 4, strike "2021" and insert in lieu thereof **"2031"**.

5. Insert new Sections 8 and 9 to read, respectively, as follows:

"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."

6. Renumber existing Sections 8 and 9, respectively, to new "Section 10" and "Section 11". Amendments agreed to.

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.

Approved by Directors of Port Control, Finance, Law; Recommended by Committee on Aviation and Transportation.

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.

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

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.

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

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.

Approved by Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 416-99.

By Councilman Cintron.

An emergency ordinance to accept the dedication of a portion of West 19th Street.

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

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.

Approved by Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

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.

Approved by Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

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

ing 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.

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

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.

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

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 Johnston Parkway, 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.

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

1. In the title, line 5 and in Section 1, line 4, strike "Johnston Parkway" and insert in lieu thereof the following "**Seville Avenue**".

Amendment agreed to.

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.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance.

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.

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

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.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, City Planning, Finance, when amended as follows:

1. In Section 1, line 5, after "space" insert "**on Concourse B**"; and strike "October 18, 1993" and insert in lieu thereof "**September 1, 1999**".

Amendment agreed to.

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.

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

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.

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

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.

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

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.

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

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.

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

SECOND READING ORDINANCE

Ord. No. 374-99.

By Councilman Cintron (by request).

An ordinance to accept the dedication of a portion of Stone Court N.W.

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

SECOND READING EMERGENCY RESOLUTIONS

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.

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

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.

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

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.

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

SECOND READING EMERGENCY ORDINANCES PASSED

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 reconvey 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.

Approved by Directors of Economic Development, Community Development, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, City Planning, Finance, when amended as follows:

1. Strike the first whereas clause in its entirety and insert in lieu thereof the following:

"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"

2. In the third whereas clause, strike lines 3, 4 and 5 in their entirety and insert in lieu thereof the following: **"desirable method for the redevelopment in the Plan Area; and"**

3. In the fourth whereas clause, strike lines 5, 6, 7 and 8 in their entirety and insert in lieu thereof the following: **"immediately to achieve redevelopment in the Plan Area; now, therefore"**

4. In Section 1, lines 3 and 4, strike "in the Euclid/Prospect Community Development Plan Area".

5. In Section 2, strike line 7 in its entirety and insert in lieu thereof the following: **"shall not exceed One Million Dollars (\$1,000,000) and; at the end, strike the period and insert the following: ", 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."

6. In Section 4, at the end, add the following: **"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."

7. In Section 8, line 9, after "nominal" insert **"or no"**.
Amendments agreed to.

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

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

Ord. No. 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.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Recommended by Committees on Public Service, City Planning, Finance, when amended as follows:

1. In Section 1, line 2, strike ", revocable at the will of Council, and".

Amendment agreed to.

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

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

Ord. No. 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.

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

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

THIRD READING EMERGENCY ORDINANCES PASSED

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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 reclaimite asphalt rejuvenating agent on various City streets, for the Division of Streets, Department of Public Service.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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/MITIS computer system, for a period of one year, with two one-year options to renew.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

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.

Read third time. Passed. Yeas 21. Nays 0.

The Council adjourned at 8:35 p.m. to meet on Monday, May 24, 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. 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. 188-99, passed May 17, 1999, 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 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 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 Incremental 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 Incremental 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 quali-

fied 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. 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.

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.

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.

Ord. No. 374-99.

By Councilman Cintron (by request). An ordinance to accept the dedication of a portion of Stone Court N.W.

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.

Ord. No. 416-99.

By Councilman Cintron.

An emergency ordinance to accept the dedication of a portion of West 19th Street.

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.

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.

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.

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.

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.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing a new service facility located at **Seville Avenue**, Cleveland, Ohio, for the Division of

Architecture, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

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

Section 3. That the Director of Public Service is hereby authorized to 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: furniture, equipment and, if necessary, moving services, to be utilized in connection with the making of the above public improvement, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Public Service.

Section 4. That the cost of said purchases and improvement hereby authorized shall be paid from Fund Nos. 20 SF 351 and 13 SF 215, Request No. 23254.

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. 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.

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.

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.

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

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

Section 1. That the Director of Port Control is hereby authorized to enter into an Amendment to Lease between the City and Southwest Airlines, Co. ("Lessee"), City Contract No. 46540 to add to Lessee's right and obligation under the lease the following space **on Concourse B**, effective **September 1, 1999**: Office/Operational space — 646 square feet.

All other terms and conditions contained in the original lease shall remain the same.

Section 2. That the Amendment to the Lease herein authorized shall be prepared by the Director of Law and shall contain such terms and conditions as said Director deems necessary to protect and benefit the public interest.

Section 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. 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.

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.

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.

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.

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.

RESOLUTIONS

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.

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.

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.

BOARD OF CONTROL

May 12, 1999

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 12, 1999, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Acting Directors Huth and Director Axelrod.

Absent: None.

Others: JoAnn Arki, Acting Commissioner, Purchases and Supplies. Laura A. Williams, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 273-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 2012-97, passed by the Council of the City of Cleveland on February 2, 1998, Jerome H. Schmelzer & Associates is hereby selected upon the nomination of the Director of Public Utilities from a list of public relation firms determined, after a full and complete canvass by said Director, as the firm to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City of Cleveland in order to provide professional services necessary to perform research, writing, creative design, photography, artwork, layout, preparation of camera ready artwork and offset lithographic reproduction of the 1998 Annual Report for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a written contract with Jerome H. Schmelzer & Associates based upon his proposal dated January 18, 1999, which contract shall be prepared by the Director of Law and shall provide for furnishing of professional services as contained in such proposal and shall contain such terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the work shall commence upon execution of said contract and shall further provide that the aggregate fee will not be in excess of \$39,990.00.

Be it further resolved that the employment of the following subcontractors to Jerome H. Schmelzer & Associates is hereby approved:

SUB-CONTRACTOR		WORK	
I Design (4% FBE)		Layout Design	
DSC GRAPHIC Design (8% MBE)		Printing	
Polk Photography (8% MBE)		Photography	

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Director Hudecek.

Resolution No. 274-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of A. P. O'Horo Company for the public improvement of North Royalton Pump Station and Tank and a 10% contingency allowance for the Division of Water, Department of Public Utilities, received on March 17, 1999, pursuant to the authority of Ordinance No. 1239-92, passed July 15, 1992, for a gross price for the improvement in the aggregate amount of Nineteen Million Nine Hundred Eighty Seven Thousand Dollars (\$19,987,000.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by A.P. O'Horo Company, for the above-mentioned public improvement is hereby approved:

SUBCONTRACTOR		WORK	
Nordonia Building		FBE \$140,000.00	
Burkshire Construction		FBE \$900,000.00	
KLE Construction		MBE \$3,000,000.00	

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Director Hudecek.

Resolution No. 275-99.

By Director Konicek.
 Be it resolved by the Board of Control of the City of Cleveland, that the bid of The Smith and Oby Company for the public improvement of Nottingham Pump Station Improvements - Phase 3 - First High Pump Units and a 10% contingency allowance for the Division of Water, Department of Public Utilities, received on March 31, 1999, pursuant to the authority of Ordinance No. 1507-92, passed August 19, 1992, for a unit basis for the improvement in the aggregate amount of One Million Four Hundred Thirty Thousand Dollars (\$1,430,000.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by The Smith and Oby Company, for the above-mentioned public improvement is hereby approved:

SUBCONTRACTOR	WORK
Burkshire Construction	FBE \$130,000.00
M & K Enterprises	MBE \$200,000.00

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Patterson, Acting Director Huth and Director Axelrod.
 Nays: None.
 Absent: Director Hudecek.

Resolution No. 276-99.

By Director Konicek.
 Be it resolved, by the Board of Control of the City of Cleveland that all bids received on December 30, 1998 for pipe repair couplings (all items) for the Division of Water, Department of Public Utilities, pursuant to the authority of Section 129.25 of the Codified Ordinance of Cleveland Ohio, 1976, are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Patterson, Acting Director Huth and Director Axelrod.
 Nays: None.
 Absent: Director Hudecek.

Resolution No. 277-99.

By Director Balraj.
 Resolved, by the Board of Control of the City of Cleveland that the bid of Aero-Mark, Inc. for an estimated quantity of labor and materials necessary for painting of roadways, runways and other paved areas (Items No. 1, 2, 3, 4, 5, 6, 7, and 8), for the various Divisions of the Department of Port Control, for the period of two (2) years beginning with the execution of a contract received on the 10th day of March, 1999, pursuant to the authority of Ordinance No. 2149-97, passed February 2, 1998, which on the basis of the estimated quantity would amount to Nine Hundred Fifty Seven Thousand Seven Hundred Eighty and no/100 Dollars, (\$957,780.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is

hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 2312 which shall be certified against such contract in the sum of Two Hundred Thousand Dollars (\$200,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Patterson, Acting Director Huth and Director Axelrod.
 Nays: None.
 Absent: Director Hudecek.

Resolution No. 278-99.

By Director Ricchiuto.
 Resolved, by the Board of Control of the City of Cleveland that the bid of Fox International Ltd., Inc. for an estimated quantity of emergency light bars, emergency sirens, shotgun locks and screen conversion kits, items: #1 Alternate bid (unit price of 731.50 ea.) #2 Alternate bid (unit price of \$403.00 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 26, 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 Thirty Five Thousand One Hundred Sixty Nine and 50/100 Dollars, (\$35,169.50), (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. 1752 which shall be certified against such contract in the sum of Thirty Five Thousand One Hundred Sixty Nine and 50/100 Dollars (\$35,169.50).
 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, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Patterson, Acting Director Huth and Director Axelrod.
 Nays: None.
 Absent: Director Hudecek.

Resolution No. 279-99.

By Director Ricchiuto.
 Resolved, by the Board of Control of the City of Cleveland that the bid of Parr Emergency Products Sales, Inc. for an estimated quantity of Emergency light bars, emergency sirens, shotgun locks and screen

conversion kits, item: #3 (unit cost \$119.00 ea.) #4 (unit cost \$93.50) 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 26, 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 Six Thousand Five Hundred Eighty Seven and 50/100 Dollars, (\$6,587.50), (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. 1751 which shall be certified against such contract in the sum of Six Thousand Five Hundred Eighty Seven and 50/100 Dollars (\$6,587.50).

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, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Patterson, Acting Director Huth and Director Axelrod.
 Nays: None.
 Absent: Director Hudecek.

Resolution No. 280-99.

By Director Ricchiuto.
 Resolved by the Board of Control of the City of Cleveland, that all bids received on April 7, 1999 for one (1) Cab and Chassis with Line Body/Bucket (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 1074-98, passed by the Council of the City of Cleveland on June 15, 1998, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Patterson, Acting Director Huth and Director Axelrod.
 Nays: None.
 Absent: Director Hudecek.

Resolution No. 281-99.

By Director Ricchiuto.
 Resolved, by the Board of Control of the City of Cleveland that the bid of Fleet Supplies, Inc. for an estimated quantity of Gasoline (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on April 30, 1999, pursuant to the authority of Ordinance No. 2171-98, passed March 1, 1999, which on the basis of the estimated quantity would amount to approximately Nine Hundred Eighty Nine Thousand One Hundred Sixty One and no/100 Dollars, (\$989,161.00), (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. 1770

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

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Director Hudecek.

Resolution No. 282-99.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Fabrizi Trucking & Paving Co., Inc., 389 Columbus Road, Valley City, OH 44280-9799 for the public improvement of The Rehabilitation of Aetna Road from Broadway to East 93rd Street for the Division of Engineering and Construction, Department of Public Service, received on April 29, 1999, pursuant to the authority of Ordinance No. 1257-97, passed July 16, 1997, upon a unit basis, for the improvement in the aggregate amount of Three Million, Three Hundred Sixty Nine Thousand, Eighty Four and 66/100 Dollars (\$3,369,084.66), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Service is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors of Fabrizi Trucking & Paving Co., Inc. for the aforementioned public improvement hereby are approved:

SUBCONTRACTORS

Sircle Construction, Inc.
(MBE) 11%

Cook Paving & Construction Co.
(MBE) 4%

Friedel Trucking Company, Inc.
(FBE) 3%

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Director Hudecek.

Resolution No. 283-99.

By Director Whitlow.

Resolved, by the Board of Control of the City of Cleveland that the bid of Dasibi Environmental Corp. for an estimated quantity of Air Analyzer Equipment (all items), for the Division of Environment, Department of Public Health, for a period of one (1) years beginning with the date of execution of a contract received on the 31st day of March, 1999, pursuant to the authority of Ordinance No. 1724-98, passed Novem-

ber 16, 1998 which on the basis of the estimated quantity would amount to Twenty-Two Thousand Eight Hundred Eighteen and 00/100 Dollars, (\$22,818.00), (Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Health is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 05204

Air analyzer equipment which shall be certified against such contract in the sum of Twenty-Two Thousand Eight Hundred Eighteen and 00/100 Dollars (\$22,818.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Director Hudecek.

Resolution No. 284-99.

By Director Jackson.

Resolved by the Board of Control of the City of Cleveland, that all bids received on March 31, 1999 for plumbing and heating supplies for the Division of Property Management, Department of Parks, Recreation and Properties, pursuant to the authority of Ordinance No. 1956-98, passed by the Council of the City of Cleveland on December 7, 1998, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Director Hudecek.

Resolution No. 285-99.

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Whitmer Company for an estimated quantity of Swimming Pool Chemicals (all items) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period of one (1) year beginning with the date of execution of a contract received on May 5, 1999, pursuant to the authority of Ordinance No. 322-99, passed March 29, 1999, which on the basis of the estimated quantity would amount to Thirty Seven Thousand Four Hundred Twenty Five and 00/100 Dollars, (\$37,425.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No.

which shall be certified against such contract in the sum of Twenty Nine Thousand Six Hundred Fifty and no/100 Dollars (\$29,650.00).

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, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Director Hudecek.

Resolution No. 286-99.

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of Hillcrest Food Service for an estimated quantity of various food items (Bid 1: 1-28) (Bid 2: 29-202) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period of one (1) year beginning with the date of execution of a contract received on May 5, 1999, pursuant to the authority of Ordinance No. 320-99, passed March 29, 1999, which on the basis of the estimated quantity would amount to Eighty Three Thousand Two and 59/100 Dollars, (\$83,002.59), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No.

which shall be certified against such contract in the sum of Twenty Five Thousand and 00/100 Dollars (\$25,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Director Hudecek.

Resolution No. 287-99.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 134-22-149 under said Land Reutilization Program; and

Whereas, Ordinance No. 2112-98 passed March 22, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Thomas C. Horwath has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of

Ordinance No. 2112-98 passed March 22, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Thomas C. Horwath for the sale and development of Permanent Parcel No. 134-22-149, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$400.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 288-99.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 121-19-045, 126-02-106, 126-02-113, and 126-05-049 under said Land Reutilization Program; and

Whereas, Ordinance No. 658-99 passed April 19, 1999, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 658-99 passed April 19, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Greater Cleveland Habitat for Humanity for the sale and development of Permanent Parcel Nos. 121-19-045, 126-02-106, 126-02-113, and 126-05-049, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 289-99.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 115-01-041 located at 833 East 141st Street in Ward 10; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Helen Bryant, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 10 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Helen Bryant for the sale and development of Permanent Parcel No. 115-01-041 located at 833 East 141st Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 290-99.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 003-33-022 located at 2612 Bridge Avenue in Ward 14; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, LaVerne Searl, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with LaVerne Searl for the sale and development of Permanent Parcel No. 003-33-022 located at 2612 Bridge Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 291-99.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel Nos. 008-02-047 and 008-02-120 located at 2937 West 17th Street and rear of 2937 West 17th Street in Ward 14; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, William Vazques, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcels; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

2. The parcel are either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcels is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of

Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with William Vazques for the sale and development of Permanent Parcel Nos. 008-02-047 and 008-02-120 located at 2937 West 17th Street and rear of 2937 West 17th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$1.00 each, which amount is hereby determined to be not less than the Fair Market value of said parcels for uses in accordance with said Program.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 292-99.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel Nos. 119-26-060 (Easterly part) located at 8004 Lucia Avenue in Ward 6; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Monica Moore and Kenneth Moore, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcels; and

Whereas, the following conditions exist:

1. The member of Council from Ward 6 has consented to the proposed sale;

2. The parcel are either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcels is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Monica Moore and Kenneth Moore for the sale and development of Permanent Parcel Nos. 119-26-060 (Easterly part) located at 8004 Lucia Avenue, in accordance with the Land Reutilization Program in such manner as

best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 293-99.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 004-17-136 located at 2492 Thurman Avenue in Ward 13; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Susan Reese, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcels; and

Whereas, the following conditions exist:

1. The member of Council from Ward 13 has consented to the proposed sale;

2. The parcel are either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcels is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Susan Reese for the sale and development of Permanent Parcel Nos. 004-17-136 located at 2492 Thurman Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 294-99.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Hooks Concrete Corporation for an estimated quantity of labor and materials to repair tree lawns (all items) for the various divisions of the Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract received on the 28th day of April, 1999, pursuant to the authority of Ordinance No. 809-97, passed June 9, 1997 on the basis of the estimated quantity would amount to Two Hundred Seventy Six Thousand Five Hundred Fifty Dollars, (\$276,550.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 3875 which shall be certified against such contract in the sum of One Hundred Fifty Thousand Dollars (\$150,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Whitlow, Guzman, Jackson, Patterson, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: Director Hudecek.

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

CIVIL SERVICE NOTICE

ANNOUNCEMENT - 1999

Announcement No.	Classification
22-A Machinist (Promotional)	Unit Leader
29-B Legal Secretary (Open)	
39 Assistant Commissioner Motor Vehicle Maintenance (Non-Comp)	
40 Chief Sidewalk Inspector (Open)	
41 Water Plant Manager (Promotional)	

PROOF OF CITY RESIDENCY

Any applicant wishing to receive residency credit will be asked to show that he/she is a bona fide resident of the City of Cleveland. The following list gives examples of items that an applicant may present **at the time of filing**. The Civil Service Commission requires a minimum of three items from at least three **different** categories, where applicable. All items must be **current**. Please note that presentation of these items does not constitute conclusive proof of bona fide residency. Acceptable categories include, but are not limited to, the following:

- Lease - from rental agency.
- Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.
- Utility bills bearing the property address **and** your name.
- Post Office change of address form properly date stamped.
- Official documents relating to home ownership including deed, purchase agreement, or insurance policy.
- Bank statements (Within last three months).
- School registration of children.
- Car insurance documents.
- Car registration **or** Driver's License **or** Ohio I.D. (**One only**).
- Loans and credit card statements (Within last three months).
- Rental contracts (e.g.: furniture, tools, car, etc.).
- Current bills not listed above (Within last three months).
- The following are examples of **unacceptable** categories of proof:
- Library cards.
- Voter registration cards.
- Birth certificates.
- Notarized letters or affidavits.
- Social Security card.
- Rental receipts from independent party without cancelled checks or money order receipt.

**APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 22-A**

MACHINIST UNIT LEADER (PROMOTIONAL)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of a promotional examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$13.46 to \$18.51 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 1701 East 13th Street. No other form will be accepted. **APPLICATIONS WILL BE RECEIVED FOR ENTRANCE TO THIS EXAMINATION FROM 8:30 A.M. ON MONDAY, MAY 24, 1999 UNTIL 4:30 P.M. ON FRIDAY, MAY 28, 1999.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON MAY 28, 1999.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

DUTIES OF THE POSITION

Under general supervision, schedules and supervises the work performed by maintenance staff personnel. Plans and implements projects. Maintains records of maintenance activities and prepares reports. Orders equipment and materials required for projects. Modifies plant equipment and procedures as necessary. Assists in the performance of maintenance jobs. Performs other job-related duties as required.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

Must have legal status as a Machinist; High School Diploma or G.E.D. and a related trade school or vocational training certificate required; two (2) years of experience in a machine shop environment required (Two (2) years of related experience may substitute for certificate); or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job.

SENIORITY CREDIT: Additional points are given to a passing grade on a Promotional Examination in compliance with the Ohio Revised Code and the Rules of the Civil Service Commission.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

**APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 29-B**

LEGAL SECRETARY (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an open Examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$17,189.55 to \$31,410.17 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 1701 East 13th Street. No other form will be accepted. **APPLICATIONS WILL BE RECEIVED FOR ENTRANCE TO THIS EXAMINATION FROM 8:30 A.M. ON MONDAY, MAY 24, 1999 UNTIL 4:30 P.M. ON FRIDAY, MAY 28, 1999.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON MAY 28, 1999.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION & PERFORMANCE EXAMINATION (Applicants must be able to type a minimum of 55 words per minute)

DUTIES OF THE POSITION

Under supervision, assists in the preparation of legal documents and other papers. Performs general clerical duties. Takes and transcribes legal dictation as required. Tracks legislation as necessary. Performs other job-related duties as required.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

High school diploma or G.E.D. plus one (1) year of legal secretarial experience required; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job.

NOTE: Applicants will be required to pay a nonrefundable \$10.00 filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt.

NOTE: All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

NOTE: Those persons who are residents of the City of Cleveland and who received passing scores shall have ten (10) additional points added to their grades. See accompanying list of acceptable forms of proof of residency applicants need to present at the time of filing.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 39

ASSISTANT COMMISSIONER MOTOR
VEHICLE MAINTENANCE (NON-
COMP)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of a non-competitive examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$26,273.96 to \$70,559.87 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 1701 East 13th Street. No other form will be accepted. **APPLICATIONS WILL BE RECEIVED FOR ENTRANCE TO THIS EXAMINATION FROM 8:30 A.M. ON MONDAY, MAY 24, 1999 UNTIL 4:30 P.M. ON FRIDAY, MAY 28, 1999.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON MAY 28, 1999.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's grade will be determined based on Education and Experience found in Resume.

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under administrative direction, supervises and coordinates fleet management activities. Assists fleet management committee in making equipment purchases for City departments. Establishes and monitors equipment replacement schedule for City departments. Prepares legislation for general funds for equipment purchases. Assists in allotting funds.

Analyzes equipment bids. Develops and updates specifications for City equipment. Prepares recommendations concerning bids and specifications. Establishes and enforces vehicle operating policies and procedures. Establishes and enforces vehicle replacement procedures.

Maintains equipment and vehicle records and documents. Maintains fuel records and hazardous materials records. Provides various reports and statistical information as required. Maintains vehicle title and licensing records. Maintains all mandated records related to refueling sites and storage tanks.

Investigates and tests new products related to vehicle/equipment operations. Assists in management of divisional personnel. Supervises the City's refueling operations. Administers special programs as directed. Performs other job-related duties as required.

MINIMUM QUALIFICATIONS FOR
ENTRANCE TO THIS EXAMINA-
TION AS ESTABLISHED BY THE
CIVIL SERVICE COMMISSION OF
THE CITY OF CLEVELAND ARE AS
FOLLOWS:

High school diploma or G.E.D. required; Five (5) years supervisory experience in a transportation maintenance/repair facility with 2 or more of those years working with safety practices/standards associated with the operation, maintenance, and/or repair of vehicles (including safety vehicles) and equipment of up to and over 20,000 lbs. gross vehicle weight; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job. CDL required; Master Heavy Duty Mechanic and Automobile Mechanic Certification required.

NOTE: All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

CIVIL SERVICE ANNOUNCEMENT

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 40

CHIEF SIDEWALK INSPECTOR (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an open Examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$15,641.78 to \$36,276.04 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 1701 East 13th Street. No other form will be accepted. **APPLICATIONS WILL BE RECEIVED FOR ENTRANCE TO THIS EXAMINATION FROM 8:30 A.M. ON MONDAY, MAY 24, 1999 UNTIL 4:30 P.M. ON FRIDAY, MAY 28, 1999.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON MAY 28, 1999.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

DUTIES OF THE POSITION

Under general direction, directs and supervises the work performed by sidewalk inspectors. Investigates damage and repair complaints.

Conducts inspections of sidewalks and sidewalk construction to ensure compliance with municipal codes. Writes tickets for sidewalk violations. Prepares reports of inspection findings. Performs other job-related duties as required.

MINIMUM QUALIFICATIONS FOR
ENTRANCE TO THIS EXAMINA-
TION AS ESTABLISHED BY THE
CIVIL SERVICE COMMISSION OF
THE CITY OF CLEVELAND ARE AS
FOLLOWS:

High school diploma or G.E.D. required. Must have three (3) years of experience in sidewalk inspection or construction or in general cement work; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job.

NOTE: Applicants will be required to pay a nonrefundable \$10.00 filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt.

NOTE: All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 41

WATER PLANT MANAGER (PRO-
MOTIONAL)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of a promotional examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$23,647.11 to \$66,784.93 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 1701 East 13th Street. No other form will be accepted. **APPLICATIONS WILL BE RECEIVED FOR ENTRANCE TO THIS EXAMINATION FROM 8:30 A.M. ON MONDAY, MAY 24, 1999 UNTIL 4:30 P.M. ON FRIDAY, MAY 28, 1999.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON MAY 28, 1999.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: ORAL EXAMINATION

DUTIES OF THE POSITION

Under administrative direction, manages the operations of a potable water plant. Develops water plant operations plans and projects. Schedules maintenance work and plant operations. Monitors plant operations to ensure compliance with EPA requirements.

Coordinates existing equipment with new construction and new technology. Plans changes and improvements

to the facility. Oversees the monitoring of pressure and purity in accordance with standards set by various governmental agencies. Schedules the maintenance and repair of plant equipment. Supervises and analyzes pump performance tests and vibration analyses. Supervises and analyzes chemical performance evaluations and evaluates laboratory data for compliance with all applicable regulations. Oversees the preparation and maintenance of records and reports related to potable water plant operations. Performs other job-related duties as required.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

Must have legal status as a Water Plant Shift Supervisor; High school diploma or G.E.D. required; Five (5) years supervisory experience in a drinking water treatment plant required; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job. Must have a Class III Water Treatment License required by the Ohio Environmental Protection Agency. Must obtain a Class IV Water Treatment License within two (2) years of the date of appointment.

SENIORITY CREDIT: Additional points are given to a passing grade on a Promotional Examination in compliance with the Ohio Revised Code and the Rules of the Civil Service Commission.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

FREDDIE J. FENDERSON,
President
May 19, 1999

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 1, 1999

9:30 A.M.

Calendar No. 99-71: 10635 Leuer Avenue (Ward 8)

Transportation Displays Incorporated, owner, and Darlene Evans McCoy, Esq., agent, appeal from the expiration of a permit to erect a 14' x 48' high illuminated billboard in a Semi-Industry District, which expired on February 12, 1999, and the issuance of a permit in error with said installation being contrary to the Sign Regulations of Section 350.01(e) where not more than one billboard panel may be located on a single structure and Section 350.10(h) where due to the setback from the highway, the billboard shall be set back from the outer pavement edge a minimum of 1' for each 1 sq. ft. of sign panel and being contrary to the spacing requirements of Section 350.10(e) of the Codified Ordinances.

Calendar No. 99-72: 6010 Carnegie Avenue (Ward 6)

Transportation Displays Incorporated, owner, and Darlene Evans

McCoy, Esq., agent, appeal from the expiration of a permit to erect a 48' x 37' high illuminated billboard in a General Industry District, which expired on February 12, 1999, and the issuance of a permit in error with said installation being contrary to the Sign Regulations of Section 350.01(e) where not more than one billboard panel may be located on a single structure and Section 350.10(h) where due to the setback from the highway, the billboard shall be set back from the outer pavement edge a minimum of 1' for each 1 sq. ft. of sign panel and being contrary to the spacing requirements of Section 350.10(e) of the Codified Ordinances.

Calendar No. 99-73: 10605 Leuer Avenue (Ward 8)

Transportation Displays Incorporated, owner, and Darlene Evans McCoy, Esq., agent, appeal from the expiration of a permit to erect a 48' x 14' x 47' high illuminated billboard in a Semi-Industry District, which expired on February 12, 1999, and the issuance of a permit in error with said installation being contrary to the Sign Regulations of Section 350.01(e) where not more than one billboard panel may be located on a single structure and Section 350.10(h) where due to the setback from the highway, the billboard shall be set back from the outer pavement edge a minimum of 1' for each 1 sq. ft. of sign panel and being contrary to the spacing requirements of Section 350.10(e) of the Codified Ordinances.

Calendar No. 99-88: Appeal of Delmar Gogol (Ward 6)

Delmar Gogol, owner of property located at 12401 Fairview Court, appeals under Section 76-6 and the Charter of the City of Cleveland and Section 161.05 of the Codified Ordinances from being denied a Certificate of Appropriateness for the construction of new porches to the front of said dwelling and to side it with dryvit siding, said refusal for a Certificate dated March 11, 1999 by the Cleveland Landmarks Commission upon the recommendation of Hunter Morrison, Director of City Planning.

Calendar No. 99-97: 605-607 East 131st Street (Ward 10)

Bright Star Missionary Baptist Church, owner c/o Reverend David Hunter, appeals to change the use of an approximately 27' x 30' existing two family dwelling into a day care center located in a Two-Family District and situated on an approximate 138' x 38' corner lot on the northeast corner of Shaw Avenue and East 131st Street; said change of use being contrary to the Residential District Regulations of Section 337.03 where a day care in a Two-Family District requires Board of Zoning Appeals' approval and contrary to the Off-Street Parking and Loading Requirements of Section 349.04(c) where 7 parking spaces are required and 0 are proposed and landscaping is required between the required parking and the street as stated in Section 349.10 and 349.11 of the Codified Ordinances.

Calendar No. 99-98: 2882 Detroit Avenue (Ward 14)

2888 Detroit LLC c/o Doug R. Perkowski, agent, appeals to change the use of an existing 158'

x 261' three-story masonry building into 66 residential units with 57 parking spaces in the basement and 22 surface parking spaces in the rear of the building and situated on a 280' x 190' corner lot and located in a Semi-Industry District at the northeasterly corner of West 29th Street and Detroit Avenue; said change of use being contrary to the Yards and Courts Regulations of Section 357.06 where the required front yard setback is 40' and 0' is proposed and the side yard requirements are not less than 8' and 0' is proposed and the rear yard requirements are not less than 20' and 0' is proposed and the interior side yard requirements are not less than 8' and 0' is proposed and contrary to the Area Requirement Regulations of Section 355.04 where the maximum gross floor area equal to the lot area or 41,712 sq. ft. and 77,091 sq. ft. are proposed and the Landscaping and Screening Requirements of Section 352.10 where a 6' landscaping strip is required along Vermont Avenue and contrary to the Off-Street Parking and Loading Requirements where parking is not allowed within the setback as stated in Section 349.05 of the Codified Ordinances.

Calendar No. 99-99: 12715 Shaw Avenue (Ward 10)

John Carter, owner, and Charles Winston, tenant, appeal to change the use of an existing 29' x 59' one-story automotive garage building into a car wash situated on an approximate 104' x 115' corner lot and located in a Local Retail and Two-Family District on the northwest corner of East 128th Street and Shaw Avenue at 12715 Shaw Avenue; said change of use being contrary to the Business District Regulations of Section 343.01 where a car wash is not permitted in a Local Retail District and Section 343.11 where a car wash is permitted in a General Retail District provided the premises are located not less than 100' from a Residential District and contrary to the Off-Street Parking and Loading Requirements of Section 349.07(1) where only one such driveway is permitted for each 100' of frontage and two driveways are proposed with 95' of frontage and a 6' landscaping strip is required along Shaw Avenue and East 128th Street and 0' is proposed and along the northerly property line where 3' is proposed instead of a 10' landscaping strip as required by the Landscaping and Screening Requirements of Section 352.10 of the Codified Ordinances.

Calendar No. 99-100: 3856 East 131th Street (Ward 2)

H. M. Martin Funeral Home, owner c/o Daryl Mapson, agent, appeal to construct a 50' x 90' two-story chapel addition to an existing 2 1/2-story funeral home and to construct a 41' x 30' one-story garage to the rear of said property, all situated on a 120' x 150' corner lot on the west side of East 131st Street in a Local Retail District at 3856 East 131st Street; said change of use being contrary to the Business District Regulations of Section 343.01(b)(3) where a funeral home is not permitted in a Local Retail District and Section 343.11 where a funeral home is first permitted in a General Retail District, provided there are no more than 5 employees and contrary to the Enforcement

and Penalty Regulations of Section 327.02(e) where an adequate site plan is required showing the parking layout where 59 parking spaces are required and 7 are proposed, landscaping between parking and street, driveway of maximum 30' and an 8' landscaping strip is required between the Local and Residential Districts at the rear and evidence of ownership of the 3 separate lots, but subject to the expansion of nonconforming use and requiring Board of Zoning Appeals' approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 99-103: 3167 Fulton Road (Ward 14)

Lin's Omni World, Inc., owner c/o Jason Shang Chi Lin, and Kenneth Martin, agent, appeal to change the use of an existing 172' x 145' four-story masonry building into a mixed use building for business, mercantile, restaurant and assembly use and parking for 88 cars and situated on an approximate 520' x 253' corner parcel located in a Semi-Industry District at the southeast corner of Paris Avenue and Fulton Road at 3167 Fulton Road; said change of use being contrary to the Off-Street Parking and Loading Requirements of Section 349.04 where 212 parking spaces are required and 88 are proposed and a proposed landscaping plan is required as stated in Landscaping and Screening Requirements of Section 352.12 of the Codified Ordinances.

Calendar No. 99-104: 2704 Clark Avenue (Ward 14)

Gerald Zahler, owner, and Around the Clock Day Care c/o Tim Renfro, tenant, appeal to change the use of an existing 52' x 136' portion of an existing 152' x 144' one-story masonry retail building into a day care center located in a General Retail District and situated on an approximate 360' x 327' parcel on the north side of Clark Avenue at 2704 Clark Avenue; said change of use being contrary to the Residential District Regulations where a day care center requires 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 17, 1999

At the meeting of the Board of Zoning Appeals on Monday, May 17, 1999, the following appeals were heard by the Board:

The following appeals were **Approved**

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 d.b.a. 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 **Denied:**

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.

The following appeals were **Withdrawn:**

Calendar No. 99-87: 16717 Laverne Avenue

Sherry L. McGuire, owner, appealed to install approximately 67 linear feet of 6' high stockade fencing, 40 linear feet of 4' high stockade fencing and 30 linear feet of 4' high chain link fencing to the rear and side of a 2 1/2-story dwelling in a One-Family District.

Calendar No. 99-90: Appeal of Bosch, Inc.

Gerald E. Bosch d.b.a. Bosch, Inc. appealed from being denied a license to sell firearms on the premises at 1945 West 112th Street.

The following appeals were **Postponed:**

Calendar No. 99-86: 4961 Old Grayton Road postponed to June 1, 1999.

Calendar No. 99-33: 16501 Euclid Avenue postponed to June 1, 1999.

On Monday, May 17, 1999, in Executive Session:

The following appeals were heard on Monday, May 10, 1999, and said decisions to **Grant** were approved and adopted by the Board on May 17, 1999:

Calendar No. 99-82: 2415 East 55th Street

Community Guidance, Inc., owner, and Fresh Start Inc., prospective purchaser, appealed to continue use as a correctional halfway house for 100

residents an existing 4-story masonry building on the southeast corner of Quincy Avenue and East 55th Street; said approval conditioned upon submission of written stipulation of terms for operation signed by council rep and Fresh Start Inc. and revised plans showing upgrades for landscaping and fencing.

Calendar No. 99-84: 798 East 185th Street.

Dante Lavelli, owner, and Laura Robinson, prospective purchaser, appealed to change use of an existing 2-story masonry bank building into a Child Care Center on a corner parcel in a Local Retail Business District; approval conditioned upon submission of modified plan with board on board fencing opposite residential property.

Calendar No. 99-85: 3868 Carnegie Avenue

Charles Comella, owner, and Total Learning Center c/o James Jackson, tenant, appealed to change use of an existing two-story masonry office building into a Child Care Center in a General Retail business District.

Calendar No. 99-102: 2221 Professor Avenue

Primo Group, owner, and Mojo Restaurant, tenant c/o Gherre Herschman, agent, appealed to change use of an existing three-story, one dwelling unit, eight rooming occupancies, two stores and one office building into a restaurant on the first floor and offices on the second floor and parking for 10 cars on a corner parcel in a General Retail Business District with parking for 8 cars to be located on the northeast corner of Literary Road and Professor Avenue; conditioned upon all required parking agreements being submitted in writing with appropriate signatures.

The following appeals were heard on Monday, May 10, 1999, and said decisions to **Deny** were approved and adopted by the Board on May 17, 1999:

Calendar No. 99-83: 10902 Florian Avenue

Steve Gladstone, owner, and Reliable Customer Service c/o Rocco Sutura, agent, appealed to demolish an existing 24' x 8' first floor front porch and an existing 24' x 8' second floor front porch and to build a 24' x 8' enclosed room addition in place of each porch of an existing 2-dwelling house in a Two-Family District.

Calendar No. 99-53: 2925 East 75th Street a.k.a. 7507-19 Kinsman Road

Lillian Rabah, owner, and Moorad H. Rabah, tenant, appealed to expand a nonconforming one-story masonry car wash building into a 30' x 60' one-story masonry car wash building on a 229' x 171' lot in a General Retail District.

Calendar No. 99-57: 1743-49 East 55th Street

Charles S. Smith, owner, appealed to change use of an existing two-story masonry store building in a Semi-Industry and Multi-Family District on a 179' x 150' parcel with a one-story masonry storage building to the south into a bar and lounge for assembly use and parking for 27 cars.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
May 12, 1999

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

* * *

Docket L-5-99.

RE: Appeal of Michael S. Diamond, appeals from a LETTER OF DENIAL FOR RENEWAL OF JOURNEYMAN PLUMBER LICENSE of the Commissioner of the Division of Assessments & Licenses dated April 26, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit Mr. Diamond to reinstate his JOURNEYMAN PLUMBER LICENSE with payment of the dues and to waive the late filing fees. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Bowes.

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

* * *

Docket L-6-99.

RE: Appeal of Eugene Vasu, appeals from a LETTER OF DENIAL FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated April 16, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

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

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

* * *

Docket L-7-99.

RE: Appeal of Richard Barney, appeals from a LETTER OF DENIAL FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated April 13, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

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

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

Docket L-8-99.

RE: Appeal of Stephen O'Malley, appeals from a LETTER OF DENIAL FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated April 16, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit Mr. O'Malley to reinstate his ELECTRICAL CONTRACTOR LICENSE without retaking the test, but with payment of the late filing fees. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket L-9-99.

RE: Appeal of James G. Williams, appeals from a LETTER OF DENIAL FOR RENEWAL OF MASTER PLUMBER LICENSE of the Commissioner of the Division of Assessments & Licenses dated April 30, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order to permit Mr. Williams to reinstate his MASTER PLUMBER LICENSE without retaking the test, but with payment of the late filing fees. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket A-13-99.

Appeal of Eugene T. Baugh, Owner of the One Story Masonry Bar and Two Stores located on the premises known as 14501-07 Woodworth Avenue from a VACATE FORTHWITH / CONDEMNATION I-6 / ELECTRICAL/HVAC/CONDEMNATION SUPPLEMENT of the Commissioner of the Division of Building and Housing dated February 11th, 17th, 22nd and 23rd, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to find that the violations do exist and to require the Appellant to obtain permits and begin abatement of the violations within thirty (30) days; the property is REMANDED at this time to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Bowes.

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

* * *

Docket A-16-99.

RE: Appeal of Principal Owner of Record, Eugene M. Holden (Deceased), Arthur A. Berke and Pictures, Inc., Owners of the One Story Masonry Theatre located on the premises known as 3151-55 West 25th Street from a VACATE ORDER/CONDEMNATION ORDER /CONDEMNATION ORDER I-6/NOTICE OF VIOLATION/ELECTRICAL of the Commissioner of the Division of Building and Housing dated February 1,

1999, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant an additional thirty (30) days in which to obtain permits and abate the violations; the property is REMANDED at this time to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

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

* * *

Docket A-42-99.

Appeal of Frank Feltrin, Owner of the One Story Frame Residential Property located on the premises known as 3732 Bosworth Road from a NOTICE OF VIOLATION/ELEVATOR CODE of the Commissioner of the Division of Building and Housing dated February 9, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request and to find that the violations do exist, but that Mr. Lesko, Appellant's neighbor, has agreed to grant an easement to allow a swell drainage pipe to be put across his property to the street from the low point of the property. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

Docket A-54-99.

RE: Appeal of Spencer Robinson Owner of the One Story Residential Frame Property located on the premises known as 2512 Thurman Avenue from a CONDEMNATION I FO 30 DAY MAIN STRUCTURE of the Commissioner of the Division of Building and Housing dated February 12, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify, the Commissioner's CONDEMNATION I FO 30 DAY MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant thirty (30) days in which to obtain permits and four (4) months in which to complete rehabilitation of the property, the property is to remain boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the CONDEMNATION I FO 30 DAY MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by October 26, 1999. Motion so in order.

Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

Docket A-55-99.

RE: Appeal of Willie Wade, Owner of the Two/One-half Story Frame Residential Property located on the premises known as 6818-20 Claasen Avenue from a NOTICE OF VIOLATION/EXTERIOR MAINTENANCE dated January 7, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request and to find that the violations do exist; the property is REMANDED at this time to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-69-99.

RE: Appeal of K&S Parking Company, Inc., Owner of the Property/Parking Sign located on the premises known as 600 Front Avenue (a.k.a. 1130 West 3rd Street) from CLEVELAND BUILDING CODE SECTION 3109.01(a) of the Commissioner of the Division of Building and Housing dated April 8, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code.

Docket A-69-99 has been POSTPONED; to be rescheduled for May 26, 1999.

* * *

Docket A-71-99.

RE: Appeal of Joe Popik, Owner of the Single Family Residential Property and Proposed Swimming Pool located on the premises known as 4196 West 11 Street from NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated April 19, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to be installed three (3) feet from the adjacent neighbors property line, noting the letter of concurrence from the neighbor. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-72-99.

RE: Appeal of Eva Soto, Owner of the Single Family Residential Property and Proposed Swimming Pool located on the premises known as 4763 Marcie Drive from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated April 19, 1999, requiring compliance with the Codified Ordinances of the City of

Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to be installed four (4) feet from the adjacent property line, noting the letter of concurrence from the adjacent neighbor. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-73-99.

RE: Appeal of Sandra Maldonado, Owner of the Two Family Residential Property and Proposed Swimming Pool located on the premises known as 3904 Mapledale Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated April 19, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to be installed four (4) feet/two (2) inches from the adjacent neighbors property line, noting the letter of concurrence from the neighbors. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-74-99.

RE: Appeal of Mark Smith, Owner of the Single Family Residential Property and Proposed Swimming Pool located on the premises known as 14018 Parkdale Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated April 19, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to be installed as indicated on the drawings, noting the letter of concurrence from the neighbor. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-75-99.

RE: Appeal of Mike Dobrovich, Owner of the Two-Family Residential Property and Proposed Swimming Pool located on the premises known as 3895 West 20th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated April 19, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to be installed four (4) feet from the side

property owner and four (4) feet from the rear property owner, noting the letter of concurrence from the side property owner; and to request a letter from Litehouse Pools confirming the existence of a parking garage with some description of the garage. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-76-99.

RE: Appeal of John Sochin, Owner of the Single Family Residential Property and Proposed Swimming Pool located on the premises known as 4116 West 48th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated April 19, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to be installed two (2) feet from the adjacent property as indicated on the drawings, noting the pre-existence of a pool in that location. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

APPROVAL OF RESOLUTIONS:

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

- A-173-95—Isabelle Basile.
- A-7-99—Dorothy J. Bell.
- A-65-99—Bellaire-Puritas Dev. Corp.

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

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

- A-177-96—Geneva Hopson Paige.
- L-3-99—Sanford T. Maxey Sr.
- L-4-99—Calvin W. Howard.
- A-33-99—Equivantage, Inc.
- A-38-99—Carol Huff.
- A-66-99—Chery'ol M. Gilson.
- A-68-99—James & Maureen A. Turner.

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

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

L-2-99—Burl McClain.
A-58-99—IMC Mortgage Company.
A-60-99—IMC Mortgage Company.

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

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

A-37-99—Edward Renshaw.
A-39-99—Anthony Koussa.
A-56-99—The Sherwin-Williams Company.

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

APPROVAL OF AMENDED RESOLUTIONS:

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

* * *

Docket A-234-98.
Mike Sadowsky & Frank Maenza — 1628 Fall Street:

FROM:

... a motion is in order at this time to permit the facility to be classified as Use Group A-3 occupancy with the requirement that the occupancy levels of 135 and 124 people guest per room be posted and maintained, noting that the lighting levels will be consistent with the restaurant lighting levels, and that a full service menu is available and maintained through to 1:00 a.m.; and to require that hardwired smoke detectors be installed throughout with the approval of the Division of Fire....

TO:

... permit the facility to be classified as Use Group A-3 occupancy, noting that the lighting levels will be consistent with the restaurant lighting levels and that a full service menu is available and maintained through to 1:00 a.m.; with the requirement that the occupancy limits of 135 persons and 124 persons in respect to dining rooms be posted and observed, and that hardwired smoke detectors be installed throughout with the approval of the Division of Fire....

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

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

Docket A-15-99.
S. Wilkoff & Sons Company - 2700 East 47th Street:

FROM:

... to grant the variance and permit the facility to be classified as E/S-2 with the implication that means non-combustible storage in all areas; and to permit the existing sprinkler system to be inactive, for the present occupancy only; and to require that the facility's grounds be cleaned to a point agreeable with the Fire Department to allow proper access to all areas . . .

TO:

... to grant the variance and permit the facility to be classified as E/S-2 with the requirement for non-combustible storage in all areas; and to permit the existing sprinkler system to be deactivated and removed, **for the present occupancy only**; and to require that the facility's grounds be cleaned to a point agreeable with the Fire Department to allow proper access to all areas....

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

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Bowes and seconded by Mr. Williams for Approval of the Minutes as presented by the Secretary respectively, subject to the Codified Ordinances of the City of Cleveland:

April 28, 1999

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

JOSEPH F. DENK,
CHAIRMAN

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."

WEDNESDAY, MAY 26, 1999

Summer Lunch Program, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 320-99, passed by the Council of the City of Cleveland, March 29, 1999.

May 12, 1999 and May 19, 1999

FRIDAY, MAY 28, 1999

Blaw Knox Paver Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 247-99, passed by the Council of the City of Cleveland.

Crane Carrier Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 177-99, passed by the Council of the City of Cleveland.

Caterpillar Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 177-99, passed by the Council of the City of Cleveland.

Grad-All Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 177-99, passed by the Council of the City of Cleveland.

Case Equipment Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 177-99, passed by the Council of the City of Cleveland.

Dewatered Residuals, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1936-96, passed by the Council of the City of Cleveland, December 26, 1996.

A **MANDATORY PRE-BID MEETING** WILL BE HELD ON THURSDAY, MAY 20, 1999, 9:00 A.M., AT THE CROWN WATER PLANT, 955 CLAGUE ROAD, WESTLAKE, OHIO.

May 12, 1999 and May 19, 1999

WEDNESDAY, JUNE 2, 1999

Fasteners, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 706-99, passed by the Council of the City of Cleveland.

Paper and Cloth Wipers, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 712-99, passed by the Council of the City of Cleveland.

Jacobson Mower Parts, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 709-99, passed by the Council of the City of Cleveland.

May 12, 1999 and May 19, 1999

FRIDAY, JUNE 4, 1999

Reproduction and Mounting Services, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 714-99, passed by the Council of the City of Cleveland.

Rental and Laundry of Work Clothing, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 715-99, passed by the Council of the City of Cleveland.

Ford Truck Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 314-99, passed by the Council of the City of Cleveland.

Towing Services, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 315-99, passed by the Council of the City of Cleveland.

One (1) Cab and Chassis with Line Body/ Bucket and Additional Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

May 12, 1999 and May 19, 1999

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

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 807-99.

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

An emergency resolution of condolence regarding the incident that occurred at Columbine High School in Littleton, Colorado.

Whereas, the Cleveland City Council is most grieved and saddened by the tragic event that occurred at Columbine High School in Littleton, Colorado, on Tuesday morning, April 20, 1999. The lives of twelve students and one teacher were tragically ended as a result of the senseless violence that was committed against them; and

Whereas, the following students; Cassie Bernal, Steven Robert Curnow, Corey Depooter, Kelly Fleming, Matthew Kechter, Daniel Mauser, Daniel Rohrbough, Rachel Scott, Isaiah Shoels, John Tomlin, Lauren Townsend, Kyle Velasquez, were all extremely gifted and talented with very promising futures; and

Whereas, William David Sanders was a dedicated business teacher who spent his professional career instructing and guiding the students at Columbine High School; and

Whereas, the Cleveland City Council is evermore committed on working together with safety officials and other public officials on ending these horrific actions of violence that are taking the lives of our young people throughout our society; and

Whereas, the Cleveland City Council offers to the families of these individuals and to Columbine High School this resolution of condolence; now, therefore

Be it resolved that this Council extends sincere condolences to the families of those twelve students and one teacher whose promising lives were tragically ended, and to the students and staff of Columbine High School.

Be it further resolved, that the Clerk of Council be and she is hereby requested to transmit copies of the Resolution of Condolence to the Mayor of Littleton, Colorado for proper presentation.

Adopted May 3, 1999.

Effective May 13, 1999.

Res. No. 808-99.

By Councilman Coats.

An emergency resolution acknowledging Workers Memorial Day and urging all employers and employees to ensure workplace safety.

Whereas, through passage of numerous resolutions, this Council of the City of Cleveland has recognized the right of employees to seek safe, fair and productive working conditions and to be remunerated equitably for their hard work; and

Whereas, the safety of workers should be the paramount concern in all business and industry; and

Whereas, this Council of the City

of Cleveland acknowledges Workers Memorial Day, a day in remembrance of workers who have been fatally injured at work; now, therefore

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

Section 1. That the Council of the City of Cleveland is supportive of safe, productive working conditions for all workers in the City of Cleveland and acknowledges Workers Memorial Day, a day to remember workers who have been fatally injured during work. This Council urges all employers and employees to keep safety as the paramount concern in all businesses to ensure a workplace free from injury.

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 3, 1999.

Effective May 13, 1999.

Res. No. 809-99.

By Councilman Britt.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D6 Liquor Permit to 12112 Mayfield Rd., 1st Fl. & Bsmt., and repealing Res. No. 1457-98 objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3 and D6 Liquor Permit to 12112 Mayfield Rd., 1st Fl. & Bsmt., by Res. No. 1457-98 adopted by Council on 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 and D6 Liquor Permit to 12112 Mayfield Rd., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1457-98, 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 3, 1999.

Effective May 13, 1999.

Res. No. 810-99.

By Councilman Britt.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor permit to 11919 Mayfield Rd., and repealing Res. No. 1459-98, objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 11919 Mayfield Rd., by Res. No. 1459-98, 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 11919 Mayfield Rd., be and the same is hereby withdrawn and Res. No. 1459-98, 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 3, 1999.

Effective May 13, 1999.

Res. No. 811-99.

By Councilman Britt.

An emergency resolution withdrawing objection to the transfer of ownership of a D5 and D6 Liquor Permit to 12113 Mayfield Rd., and repealing Res. No. 1458-98, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to 12113 Mayfield Rd., by Res. No. 1458-98, adopted by Council on 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 12113 Mayfield Rd., be and the same is hereby withdrawn and Res. No. 1458-98, 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 3, 1999.

Effective May 13, 1999.

Res. No. 812-99.

By Councilman Britt.

An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 8502 Quincey Ave., and repealing Res. No. 1064-98, objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 8502 Quincey Ave., by Res. No. 1064-98, adopted June 8, 1998; and

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

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

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

Section 1. That objection to the issuance of a C1 Liquor Permit to 8502 Quincy Ave., be and the same is hereby withdrawn and Res. No. 1064-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

Adopted May 3, 1999.

Effective May 13, 1999.

Res. No. 813-99.

By Councilmen Westbrook, Sweeney, Coats and Polensek.

An emergency resolution requiring the laying, re-laying and repairing of sidewalks, driveway aprons, curbs, gutters and/or castings on certain streets and any associated corner properties herein named in the City of Cleveland.

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 is necessary to lay, re-lay and repair sidewalks, driveway aprons, curbs, gutters and/or castings, including adjustments of utility boxes, where necessary, in the City of Cleveland on the following streets, at the locations hereinafter named and between the points mentioned, including both the frontage and depth of corner lots where said streets intersect, be laid, re-layed and repaired, with either stone flagging or concrete, to the full width of the present sidewalks or curbing on the streets and any associated corner properties respectively:

West 93rd Street and West 95th Street — Madison Avenue to Willard Avenue

9801 Denison Avenue — Southwest corner of Denison Avenue and West 98th Street

3243 West 98th Street — Southeast corner of Denison Avenue and West 98th Street

2220 West 93rd Street — South side of Willard Avenue between West 93rd Street and West 95th Street

Endora — Between Hillsborough and Rudwick

Darwin Avenue — I90 ramp to East 152nd Street

Alcove — North and south sides of Euclid Avenue

East 145th Street — South of St. Clair Avenue

Cleveland Road — North of St. Clair Avenue

Catalpa Road — North of Euclid Avenue

East 176th — Villaview to Nottingham Road

East 177th — Villaview to Nottingham Road

Creekview — Nottingham Road to east end

Dillewood — 176th Street to east end

Nottingham Road — Villaview to Lakeshore Boulevard

Shelton Road — Nottingham Road to east end

Tiverton Road — Nottingham Road to east end

Sprengle Road — West 146th St. to West 143rd St. (Curb only)

Section 2. That the Director of Finance shall cause a written notice of the adoption of this resolution to be served upon the owner, agent of the owner, of each parcel of land abutting upon the sidewalk, driveway apron, curb, gutter, and/or casting to be laid or re-layed or repaired, in the manner provided by law for the service of summons in civil actions and in accordance with Section 164 of the City Charter of the City of Cleveland. A copy of the notice, with the time and manner of service endorsed thereon, signed by the person serving it shall be returned to the office of the Director of Finance and there filed and preserved. The said notice shall also provide that: if the sidewalk, driveway apron, curb, gutter, and/or casting are not laid, re-layed or repaired by the abutting owner, in accordance with the notice, within fifteen (15) days from service of notice or completion of the publication thereof, the City will proceed, through the appropriate department, to lay, re-lay or repair such sidewalk, driveway apron, curb, gutter, and/or casting, including adjustments of utility boxes, where necessary at the cost and expense of the owner of the property in front of which the same is laid, re-layed, repaired; and the cost and expense thereof, unless paid to the Director of Finance, will be assessed against the abutting property, and collected in the same manner as other assessments, as provided in Section 165 of the Charter of the City of Cleveland.

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

Adopted May 3, 1999.

Effective May 13, 1999, without the signature of the Mayor.

Res. No. 843-99.

By Councilman Coats.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 18027 Euclid Ave.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 2899257, Robyn R. Freckleton, 18027 Euclid Ave., Cleveland, Ohio 44112; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 2899258, Robyn R. Freckleton, 18027 Euclid Ave., Cleveland, Ohio 44112 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 10, 1999.

Effective May 19, 1999.

**Res. No. 844-99.
By Councilmen Westbrook and Willis.**

An emergency resolution urging the Ohio Legislature to thoroughly review and evaluate the electric deregulation legislation in order to ensure that such policy is fair to all Ohioans.

Whereas, competition in the electric service industry is occurring across the country and is sought by regulators and public officials to begin in Ohio; and

Whereas, such competition will occur only through the deregulation of the electric service industry, which presently operates as a legally mandated monopoly; and

Whereas, deregulation in the electric service industry is being largely encouraged and promoted from large industry, particularly in northern Ohio where rates for electricity are the highest in the State and region; and

Whereas, competition through deregulation is expected to decrease rates, and promote competition in the electric industry; and

Whereas, two electric deregulation bills, HB 5 and SB 3, are presently before the State Legislature, and may pass by June; and

Whereas, many concerned public officials, groups and individuals seek electric deregulation legislation that will benefit consumers and will have a constructive impact on the environment; and

Whereas, this Council recently held a public hearing at which citizens and organizations provided input and identified many issues, which must be addressed including the following:

(a) Stranded costs recovery, which shifts the burden on consumers to pay the cost for the bad investment decisions made by Ohio's electric utilities.

(b) The impact that deregulation will have on municipal electric utilities and their ability to compete with privately operated electric utilities.

(c) Harmful negative impacts that deregulation could have on the environment.

(d) Potential impact that deregulation may have on low-income assistance programs.

(e) Impact that deregulation will have on the taxing structure of electric utilities that could affect the funding of the school districts and local government funds.

(f) The affect that transition charges could have on electric rates charged to customers in order to pay for expensive electric power plants.

Whereas, this Council believes that it is the responsibility of the Ohio Legislature to thoroughly review and evaluate the electric deregulation legislation in order to ensure that such policy is fair to all Ohioans; now therefore:

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

Section 1. That this Council strongly urges the Ohio Legislature to thoroughly review and evaluate the electric deregulation legislation in order to ensure that it is fair to all Ohioans and provides for the following:

(a) Mandated environmental improvements in the electric power industry with coal burning power plants operating under current pollution control standards.

(b) A substantial percentage of new energy generation must come from environmentally safe and renewable sources such as solar, wind or fuel cells.

(c) Residential and small business customers must receive the same rate relief as larger major business customers.

(d) Citizens must have an active input in decisions regarding the electric power industry.

(e) Maintain the current quality and reliability of electricity to all consumers and customers.

(f) Consumer protection provisions to ensure accessibility to the competitive market and appropriate education for customers.

(g) Promotion of community choice through aggregation with an opt-out provision to ensure consistent services and the lowest competitive price for energy.

Section 2. That the Clerk of Council is directed to transmit a certified copy of this resolution to Governor Robert Taft, and JoAnn Davidson, Speaker of the Ohio House and Richard Finan, President of the Ohio Senate.

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

Adopted May 10, 1999.

Effective May 19, 1999.

Yugoslavia to secure the release of the U.S. prisoners of war and this Council wishes to express its gratitude for the courageous actions of the delegation.

Section 2. That the Council is hopeful and prayerful that the conflict in Yugoslavia will be resolved quickly and that peace may be returned to the region.

Section 3. That the Clerk of Council is hereby requested to transmit a copy of this resolution to President Clinton; Vice-President Gore; Reverend Jesse Jackson; Reverend Joan Brown Campbell; Father Irines Dobrijevic; National Council of Churches; Senators Voinovich and DeWine; Congressmembers Kucinich, Tubbs Jones, Brown, LaTourette and Sawyer.

Section 4. 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 10, 1999.

Effective May 19, 1999.

**Res. No. 845-99.
By Councilmen Willis, Patmon, Westbrook, Johnson, Sweeney, Cinton, Robinson, White, Cimperman, Zone and Jones.**

An emergency resolution congratulating Reverend Jesse Jackson and other members of the religious delegation that secured the peaceful release of the U.S. POWs from Yugoslavia.

Whereas, a delegation of Christian, Muslim and Jewish leaders led by Reverend Jesse Jackson recently succeeded in securing the release of three U.S. Army prisoners of war from Yugoslavian President Slobodan Milosevic; and

Whereas, the United States' POWs had been held captive for 31 days; and

Whereas, the delegation traveled to Belgrade, the capital of Yugoslavia, under dangerous and perilous conditions as the conflict involving approximately 800 NATO aircraft entered into its 39th day of continuous bombings and missile attacks; and

Whereas, Reverend Joan Brown Campbell, General Secretary of the National Council of Churches in New York, and a former resident of Cleveland, was an integral part of the delegation and personally met with President Milosevic along with Reverend Jackson and other members of the delegation; and

Whereas, Father Irines Dobrijevic, a Serbian-American priest from St. Sava Orthodox Cathedral in Parma, Ohio, was also an active and important member of the delegation; and

Whereas, this Council of the City of Cleveland is grateful for the selfless efforts of Reverend Jackson and the members of the delegation in securing the safe release of three American servicemen through peaceful means; now, therefore

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

Section 1. That the Council of the City of Cleveland is proud of the historic accomplishment of the delegation led by Reverend Jesse Jackson and congratulates Reverend Jackson, Reverend Campbell and Father Dobrijevic and all of the religious leaders that traveled to war torn

**Res. No. 846-99.
By Councilman Patmon.
An emergency resolution expressing Council's congratulations to Rev. Jesse Jackson for securing the release of U.S. servicemen from Kosovo.**

Whereas, this Council takes great pride and pleasure in recognizing and congratulating the Honorable Reverend Jesse Lewis Jackson for his heroic efforts in winning the release of the American hostages in Kosovo; and

Whereas, in his capacity as a responsible national and religious leader, Reverend Jackson has shown a tremendous conviction for the safety of the American soldiers as he stepped forward to save the lives of others; and

Whereas, despite the failed attempts of military and political leaders to win the release of the soldiers, the Reverend Jackson was successful in utilizing not a military resolve but a spiritual resolve; and

Whereas, Councilman Patmon from Cleveland's Eighth Ward and the residents of that said Ward are proud to have named a street after the Reverend Jesse Jackson. Cleveland is believed to be the only major American city to name a street after him for dedicating his life for the betterment of mankind and the spiritual growth and development of the world's communities; and

Whereas, the Reverend Jackson is a loving spiritual messenger, father, husband and living legend and role model for our youth; now, therefore.

Be it resolved, that this Council does hereby recognize and congratulate the Honorable Jesse Lewis Jackson for all his accomplishments throughout his career, but especially for his most recent accomplishment in securing the release of three young soldiers in a non-violent manner without the need of guns, bombs and/or tanks.

Be it further resolved, that the Clerk of Council be and she is hereby requested to transmit a copy of this Resolution of Congratulations to Councilman Bill W. Patmon for proper presentation.

Adopted May 10, 1999.

Ord. No. 1418-98.
By Councilmen Jackson, Rybka,
and Johnson (by departmental re-
quest).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use to the Cleveland Gear Company, or in the alternative to lease said property to Cleveland Gear Company, or a lease with option to purchase located north of Avrina Avenue between East 79th Street and East 81st Street.

Whereas, the City of Cleveland owns certain property located north of Avrina Avenue between East 79th Street and East 81st Street and no longer needed for public use; and

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

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

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

BLOCK A

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being BLOCK "A" in the consolidation for the City of Cleveland of part of Original One Hundred Acre Lot Number 431 as shown by the recorded plat in Volume _____ of Maps, Page _____ of Cuyahoga County Records, further bounded and described as follows:

Beginning at a 3/4" iron pin found at the intersection of the centerline of Avrina Avenue, (60.00 feet wide), with the old centerline of East 79th Street, 60.00 feet wide;

Thence North 89° 32' 10" East, 40.00 feet, along the centerline of said Avrina Avenue to a point therein;

Thence North 00° 09' 00" East, 30.00 feet, along the prolongation of the Easterly line of said East 79th Street to a point also being the principal place of beginning;

Thence North 00° 09' 00" East, 346.00 feet, along the Easterly line of said East 79th Street to a point also being the Southerly corner of Sublot 66 in Charles Seymour's Subdivision as shown by the recorded plat in Volume 5 of Maps, Page 38 of Cuyahoga County Records;

Thence North 89° 32' 10" East, 140.32 feet, along the Southerly line of Sublot 66 to a point also being the Southeast corner of said Sublot 66;

Thence North 00° 08' 53" East, 38.00 feet along the Easterly line of Sublot 66 to a point also being the Southwest corner of said Sublot 80;

Thence North 89° 32' 10" East, 132.55 feet, along the Southerly line

of Sublot 80 to a point in the Westerly line of East 80th Street, 60.00 feet wide;

Thence South 00° 08' 45" West, 384.00 feet, along said Westerly line to its intersection with the Northerly line of Avrina Avenue;

Thence South 89° 32' 10" West, 272.89 feet along the Northerly line of said Avrina Avenue to the place of beginning. Containing 2.2830 acres of land according to a survey made in June 1998 by Bemba K. Jones, Ohio registered surveyor #7343 and recorded as aforesaid. The meridian for all bearings in this description is assumed.

BLOCK B & C

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being BLOCK "B and C" in the consolidation for City of Cleveland of part of Original One Hundred Acre Lot Number 431 as shown by the recorded plat in Volume _____ of Maps, Page _____ of Cuyahoga County Records, further bounded and described as follows:

Beginning at a stone with drill hole found at the intersection of the centerline of Avrina Avenue, (60.00 feet wide), and East 80th Street, (60.00 feet wide);

Thence North 00° 08' 45" East, 263.81 feet, along the centerline of said East 80th Street to a point;

Thence North 89° 39' 29" East, 30.00 feet, to a point on the Easterly line of East 80th Street, also being the Southwest corner of Sublot 99 in Charles Seymour's Subdivision as shown by the recorded plat in Volume 5 of Maps, Page 38 of Cuyahoga County Records, and the principal place of beginning;

Thence North 89° 39' 29" East, 139.84 feet, along said Southerly line of Sublot 99 to a point;

Thence South 00° 17' 13" West, 17.20 feet, to a point also being the Southwest corner of Sublot 20;

Thence South 89° 41' 16" East, 119.82 feet along the Southerly line of said Sublot 20 to a point in the Westerly line of East 81st Street, (50.00 feet wide);

Thence South 00° 18' 58" West, 80.06 feet along said Westerly line of East 81st Street to a point also being the Northeast corner of Sublot 23;

Thence North 89° 39' 32" West, 119.78 feet along the Northerly line of said Sublot 23 to a point;

Thence North 00° 17' 13" East, 20.85 feet to a point also being the Northeast corner of Sublot 96;

Thence South 89° 37' 28" West, 139.65 feet along the Northerly line of said Sublot to a point in the Easterly line of East 80th Street;

Thence North 00° 08' 45" East, 74.43 feet along the Easterly line of said East 80th Street to the place of beginning Containing 0.465 acres of land according to a survey made in June 1998 by Bemba K. Jones, Ohio registered surveyor #7343 and recorded as aforesaid. The meridian for all bearing in this description is assumed.

Section 2. That provided the City of Cleveland does not lease the above described property to Cleveland Gear Company, by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Cleveland Gear Company at a price not less than fair market value as determined by the Board of Control.

Section 3. That provided the City of Cleveland does not lease the above described property to Cleveland Gear Company, the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 4. That, provided the City of Cleveland does not sell the above described property to Cleveland Gear Company, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976 the Director of Economic Development is authorized to lease or lease with option to purchase, to Cleveland Gear Company, certain property which is determined to be not needed for public use for the term of the lease and which is described in Section 1 of this ordinance. The term of the lease and other terms and conditions are set forth in File No. 1418-98-A.

Section 5. That, provided the City of Cleveland does not sell the above described property to Cleveland Gear Company, the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the city.

Section 6. That, provided the City of Cleveland does not sell the above described property to Cleveland Gear Company, the Director of Economic Development and the Director of Law, and other appropriate City officials are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease or lease with option to purchase authorized by 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.

Passed May 10, 1999.
 Effective May 19, 1999.

Ord. No. 1962-98.**By Councilman Sweeney.**

An emergency ordinance to amend Sections 337.23, 350.13 and 357.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, respectively, by Ordinance Nos. 1271-91, passed October 21, 1991, and 3076-A-89, passed December 10, 1990, and Ordinance No. 1740-97, passed November 24, 1997 relating to accessory uses and signs in residence districts, and yard encroachments permitted.

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 337.23, as amended by Ordinance No. 1271-91, passed October 21, 1991,

Section 350.13, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, and

Section 357.13, as amended by Ordinance No. 1740-97, passed November 24, 1997

are hereby amended to read as follows:

Section 337.23 Accessory Uses in Residence Districts

(a) Permitted Accessory Uses. The following accessory uses and buildings are permitted in a Residence District. Such permitted accessory buildings shall be located on the rear half of the lot, a minimum of eighteen inches from all property lines and at least ten feet from any main building on an adjoining lot in a Residence District. Accessory buildings shall not occupy more than forty percent (40%) of the area of the required rear yard and, in the case of a corner lot, shall be located back of any required setback or specific building line. For side street yard regulations consult Sections 357.05 to 357.07.

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

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

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

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

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

(6) Except as provided in division (c)(7) of Section 349.13, a wall, fence or hedge within the limits of a required yard, provided that such wall, fence or hedge is not more than six feet six inches above the grade level of the land on both sides thereof when located immediately adjacent to the rear lot line, except where such rear lot line is also the side lot line of adjoining residential premises; and not more than six feet nor more than the least distance between such wall, fence or hedge and an existing or potential main building on an adjoining lot, above such grade level in another location, and further providing that all fences shall be erected so that the finished side faces out toward adjoining properties or streets, and the unfinished side, if any, faces toward the interior of the property on which such fence is to be erected. It is further provided that in the case of any parking lot authorized by ordinance or a variance granted thereon, an educational, religious, medical, community service or other similar institution a height of six feet six inches shall be permitted on any side.

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

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

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

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

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

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

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

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

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

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

Section 350.13 Signs for Residential Districts

Signs in Residential Districts and Residence-Office Districts, as well as signs for community facility uses permitted in these districts, shall be permitted as regulated below:

(a) Permitted Types, Number, Area and Height (Residential). Signs by use and structural type are permitted only in accordance with regulations presented in the schedule of Permitted Types, Number, Area and Height (Residential). Sign types not listed are prohibited except for political signs which are permitted as regulated in Section 350.11. Automatic changeable copy signs are prohibited in all Residence Districts. (All signs are permanent unless listed as temporary).

**SCHEDULE OF PERMITTED TYPES, NUMBER, AREA, & HEIGHT
(RESIDENTIAL)**

SIGNS BY USE TYPE	LAND USE CATEGORIES			
	1-2 FAMILY DWELLINGS	TOWNHOUSES (ROW HOUSES) ²	MULTI-FAMILY APARTMENTS	COMMUNITY FACILITY
NAMEPLATE	TYPES: wall or free-standing #: 2 per dwelling unit SF: 2 Ht: 3'	TYPES: wall #: 1 per dwelling unit SF: 2	Not Permitted	Not Permitted
INFORMATION	TYPES: wall or free standing #: minimum necessary as approved by Building Commissioner SF: 1 Ht: 2'	TYPES: wall or free standing #: minimum necessary as approved by Building Commissioner SF: 4 Ht: 3'	TYPES: wall or free standing #: minimum necessary as approved by Building Commissioner SF: 4 Ht: 3'	TYPES: wall or free standing #: minimum necessary as approved by Building Commissioner SF: 4 Ht: 3'
IDENTIFICATION ¹	TYPES: wall, free-standing or canopy #: 1 per vehicular entrance to a subdivision SF: 20 Ht: 5'	TYPES: wall, free-standing or canopy #: 1 per vehicular entrance SF: 20 Ht: 5'	TYPES: wall, free-standing or canopy #: 1 per vehicular ¹ entrance SF: 20 Ht: 5'	TYPES: wall, free-standing or canopy #: 1 per vehicular entrance SF: 40 Ht: 5'
DIRECTIONAL	Not Permitted	TYPES: wall or free standing #: minimum necessary as approved by Building Commissioner SF: 4 Ht: 3'	TYPES: wall or free standing #: minimum necessary as approved by Building Commissioner SF: 4 Ht: 3'	TYPES: wall or free standing #: minimum necessary as approved by Building Commissioner SF: 4 Ht: 3'
REAL ESTATE (Temporary)	TYPES: free-standing or window #: 1 per lot SF: 6 Ht: 6'	TYPES: free-standing or window #: 1 per unit SF: 6 Ht: 6'	TYPES: wall, window or free-standing #: 1 per vehicular entrance SF: 32 Ht: 8'	TYPES: wall, window or free-standing #: 1 per vehicular entrance SF: 32 Ht: 8'
DEVELOPMENT (Temporary)	TYPES: free-standing #: 1 per vehicular entrance to a subdivision SF: 48 Ht: 10'	TYPES: wall, window or free-standing #: 1 per vehicular entrance SF: 64 Ht: 10'	TYPES: wall, window or free-standing #: 1 per vehicular entrance SF: 64 Ht: 10'	TYPES: wall, window or free-standing #: 1 per vehicular entrance SF: 64 Ht: 10'
BULLETIN BOARD	Not Permitted	Not Permitted	Not Permitted	TYPES: wall or free-standing #: 1 per lot SF: 40 Ht: 8'

TYPE: Permitted signs by structural type
#: Maximum number of signs
SF: Maximum sign face area (in square ft.) per side of each sign
Ht.: Maximum height for free-standing signs

¹One additional identification sign not exceeding 10 square feet in area shall be permitted for each apartment building in a complex of two (2) or more such buildings.

²In any One-Family or Two-Family Residential District, such signs are permitted only for subdivisions of at least ten (10) lots.

(b) Location (Residential). Signs as permitted for residential and community facility uses shall conform with the location regulations presented in the Schedule of Location Regulations (Residential) in addition to the regulations of Section 350.08.

**SCHEDULE OF LOCATION REGULATIONS (RESIDENTIAL)
Free-Standing Sign Types**

Minimum Distance From	Nameplate Political & Information	Identification	Real Estate* & Development	Bulletin Board
All Lot Lines Occupied 1-2 Family Dwelling	5'	20'	20'	25'
	—	35'	75'	—

*Real estate signs for individual one-family, two-family and townhouse units shall be located a minimum distance of two (2) feet from every lot line and dwelling.

(c) Garage Sale and Open House Sign Regulations. Signs directing attention to a real estate open house or a sale of household items from a garage or house shall be permitted for one and two-family dwellings and townhouses (rowhouses) in accordance with the following regulations:

- (1) Maximum Number of signs: one (1) per lot or townhouse unit.
- (2) Permitted Sign Types: window or free-standing.
- (3) Maximum Sign Area: four (4) square feet per sign.
- (4) Maximum Height: four (4) feet for free-standing signs.
- (5) Location: five (5) feet minimum setback from every lot line.
- (6) Display Period: no more than three 4-day periods per year.

(d) Temporary Directional Signs: Signs directing attention to a real estate open house, garage sale or house auction, for a single-family, two-family or townhouse unit, may be displayed as free-standing signs on "tree lawn" areas in accordance with the following regulations:

- (1) Maximum Number of Signs: four (4) per event, with no more than two (2) per block for any single event.
- (2) Maximum Sign Area: two (2) square feet per sign.
- (3) Maximum Heights: three (3) feet.
- (4) Location: at least one (1) foot from curbs and sidewalks and only on corner lots or at street intersections.
- (5) Display Period: only on the days of the event and not more than three (3) 3-day periods per year for garage sales and house auctions and not more than two (2) days per week for open house events.
- (6) Consent: Temporary directional signs shall be displayed only with the consent of the owner of the property that immediately adjoins the tree lawn on which the sign is to be placed.
- (e) Signs or Accessory Business Uses. In any Multi-Family Residential District, a business or home occupation permitted as an accessory use may be identified by means of a permitted nameplate sign. Such sign may be displayed as either a wall or window sign not exceeding two (2) square feet in area and illuminated, if at all, by reflected light from a light source which is not visible from beyond the subject lot. No such signs, however, shall be permitted in a One-Family or Two-Family Residential District.
- (f) Office Buildings. Signs for office buildings in Residence-Office Districts shall be permitted in accordance with the regulations for retail uses as provided in Section 350.14.

Section 357.13 Yard Encroachments Permitted

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

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

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

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

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

(3) Except as provided in division (a)(6) of Section 337.23, fences, walls or hedges not more than fifty-four inches above grade level; provided that on a corner lot no wall, fence or other structure shall be erected and no hedge, shrub, tree or other vegetation shall be maintained which exceeds thirty inches above the sidewalk grades of the intersecting streets in the area bounded by the street lines or such corner lots and a line thirty feet from a point where such street lines intersect, and providing further, that the Board of Zoning Appeals may, after public hearing, permit the construction of a wall or fence not higher than ten feet above the grade level to enclose a public or private playground or any other area or structure which is the property of any agency or branch of government, where adjacent premises will not be substantially injured thereby. Notwithstanding Sections 329.04 and 357.14 of this Zoning Code, the Board of Zoning Appeals may, after public notice and hearing, permit the erection of structures between the street line and setback building line if such structures are needed to provide protection from crime for the occupants of a building or for property at a building. The Board shall determine if the proposed structures are needed by taking into account security conditions in the neighborhood, including the feasibility of alternative means of security, and by considering any detrimental effect the proposed structures will have on the property itself or on the neighborhood and any positive or mitigating effect created by the installation of landscaping or other design features which are not required by this code. The Board may approve a proposed design in part if the Board finds that only that part meets the requirements of this section. However, when in the discretion of the Zoning Administrator, the proposed corner fence will not block lines of sight and will be constructed of such material such as to not block lines of sight such as a metal chain link, he or she shall issue a permit for such corner fence provided that the fence shall not exceed fifty-four inches.

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

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

(c) Rear Yard and Interior Side Yard Encroachments. Except as restricted or limited by other provisions of this Zoning Code, the following rear yard and interior side yard encroachments shall be permitted in any use district:

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

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

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

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

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

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

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

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

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

Section 337.23, as amended by Ordinance No. 1271-91, passed October 21, 1991,

Section 350.13, as amended by Ordinance No. 3076-A-89, passed December 10, 1990 and

Section 357.13, as amended by Ordinance No. 1740-97, passed November 24, 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.

Passed May 3, 1999.

Effective May 13, 1999.

Ord. No. 2052-98.
By Councilmen Patmon, Willis, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the northeast corner of St. Clair Avenue and East 105th Street to Glenville Town Center, Ltd.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located at the northeast corner of St. Clair Avenue and East 105th Street; and

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

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

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

5.5179 Acre Parcel of Land

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original One Hundred Acre Lot No. 362, formerly in the Village of Glenville, now the City of Cleveland, and further described as follows:

Beginning at a drill hole set at the intersection of the Northerly line of St. Clair Avenue, 80 feet wide, and the Westerly line of East 106th Street, 50' feet wide, and the Principal Place of Beginning of the land intended to be described herein;

Thence South 58° 38' 44" West, along said Northerly line of St. Clair Avenue, a distance of 430.39 feet to a P.K. Nail set therein;

Thence North 31° 21' 16" West, a distance of 66.21 feet to a P.K. Nail set at an angle point;

Thence North 00° 03' 36" West, a distance of 249.77 feet to a drill hole set at an angle point;

Thence South 89° 56' 28" West, a distance of 121.19 feet to a P.K. nail set at an angle point;

Thence North 41° 51' 01" West, a distance of 25.21 feet to a P.K. nail set at an angle point;

Thence South 89° 56' 28" West, a distance of 49.37 feet to a drill hole set in the Easterly line of East 105th Street, 60 feet wide;

Thence North 00° 00' 40" West, along said Easterly line, a distance of 235.97 feet to a mag nail set at the Southwesterly corner of lands conveyed to Broadwalk Apartments, LTD. as recorded in Volume 15639, Page 27 of the C.C.D.R.;

Thence South 89° 58' 45" East, along the Southerly lines so conveyed, a distance of 382.71 feet to a 5/8" iron pin found, (0.12 feet North) and (0.07 feet West) and a 5/8" iron pin found, (0.11 feet North) and (0.22 feet East), at the Southeasterly corner thereof;

Thence North 00° 00' 16" West along the Easterly line of lands so conveyed, a distance of 50.00 feet to a 3/4" iron pin found, (0.27 feet North) and (0.12 feet West) at the Northeasterly corner thereof at its intersection with the Southerly line of lands conveyed to Michael E. Ruffin as recorded in Volume 93-10771 Page 51 of the C.C.D.R.;

Thence South 89° 58' 45" East,

along the Southerly line of lands so conveyed, a distance of 206.94 feet to a 5/8" iron pin set with cap, #7394 (Ciuni & Lynn), on the Westerly line of said East 106th Street, 50 feet wide;

Thence South 00° 00' 16" East, along the Westerly line of East 106th Street, a distance of 386.72 feet to the Principal Place of Beginning, and containing 5.5179 acres of land, be the same more or less, but subject to all legal highways and easements of record.

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

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

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

Passed May 10, 1999.

Effective May 19, 1999.

Ord. No. 2056-98.
By Councilmen Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Dubick Fixture & Supply, Inc. to provide economic development assistance to partially finance exterior and interior renovations of property at 6101 Euclid Avenue, Cleveland, Ohio, for First Steps Daycare.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone Business Opportunity contract with Dubick Fixture & Supply, Inc. to provide economic development assistance to partially finance exterior and interior renovations of property at 6101 Euclid Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan and grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 2056-98-A.

Section 3. That the Director of Economic Development shall, pursuant to the authority of Ordinance

No. 82-96, passed April 1, 1996, put Economic Development Initiative Grant funds in an amount equal to the Loan Amount in the Empowerment Zone debt Service Reserve account created by that ordinance. Said grant funds shall be paid from Fund No. 18 SF 003.

Section 4. That the costs of said contract shall not exceed a Loan Amount of \$155,000 and a Rebate Amount of \$62,000. The Loan shall be paid from Fund Nos. 18 SF 001 and 18 SF 003 and the Rebate Amount shall be paid from Fund No. 18 SF 003, Request No. 23760.

Section 5. That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in 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 6. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

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

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

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

Passed May 3, 1999.

Effective May 13, 1999.

Ord. No. 2057-98.
By Councilmen Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Dubick Fixture & Supply, Inc. to provide economic development assistance to partially finance exterior and interior renovations of property at 6201 Euclid Avenue, Cleveland, Ohio, for renovation as a commercial showroom for Dubick Fixtures & Supply, 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 the Director of Economic Development is hereby authorized to enter into an Empowerment Zone Business Opportunity contract with Dubick Fixture & Supply, Inc. to provide economic development assistance to partially finance exterior and interior renovations of property at 6201 Euclid Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan and grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 2057-98-A.

Section 3. That the Director of Economic Development shall, pursuant to the authority of Ordinance No. 82-96, passed April 1, 1996, put Economic Development Initiative Grant funds in an amount equal to the Loan Amount in the Empowerment Zone debt Service Reserve account created by that ordinance. Said grant funds shall be paid from Fund No. 18 SF 003.

Section 4. That the costs of said contract shall not exceed a Loan Amount of \$93,000 and a Rebate Amount of \$62,000. The Loan shall be paid from Fund Nos. 18 SF 001 and 18 SF 003 and the Rebate Amount shall be paid from Fund No. 18 SF 003, Request No. 23760.

Section 5. That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in 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 6. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

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

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

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

Passed May 3, 1999.
Effective May 13, 1999.

Ord. No. 97-99.
By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Office of Criminal Justice Services for the 1999 Curfew Enforcement Sweeps Program; and to enter into a contract with Partnership for a Safer Cleveland and a contract for the lease of a facility 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 Safety is hereby authorized to apply for and accept a grant in the amount of \$112,462.50, from the Office of Criminal Justice Services, to conduct the 1999 Curfew Enforcement

Sweeps 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. 97-99-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 \$37,487.50 from Fund No. 01-60-02-0901, is hereby approved in all respects.

Section 3. That the Director of Public Safety is hereby authorized to enter into contract with Partnership for a Safer Cleveland 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 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 a facility for the implementation of the grant. The term of the lease shall not exceed the grant period and shall be in an estimated amount of \$50,000.00 and shall be payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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 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 authorized by this ordinance.

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

Passed May 10, 1999.
Effective May 19, 1999.

Ord. No. 105-99.
By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Jerald A. Schneiberg, attorney at law, to provide workers' compensation administrative hearing services and related comprehensive services for the Department of Personnel and Human Resources.

Whereas, this ordinance constitutes an emergency measure providing for

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

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

Section 1. That the Director of Personnel and Human Resources is hereby authorized to enter into contract with Jerald A. Schneiberg, attorney at law, to provide workers' compensation administrative hearing services and related comprehensive services, on the basis of his proposal dated December 1998, payable from Fund No. 01-04-02-0320, Request No. 23685, for the Department of Personnel and Human Resources.

Section 2. That the contract authorized by Section 1 shall state that Jerald A. Schneiberg shall, to the greatest extent feasible, hire and employ residents of the City of Cleveland to carry out his obligations under the contract. The contract shall be for a period of no greater than one year.

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 10, 1999.
Effective May 19, 1999.

Ord. No. 106-99.
By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Integrated Consulting Services to provide workers' compensation actuarial and auditing services for the Department of Personnel and Human Resources.

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

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

Section 1. That the Director of Personnel and Human Resources is hereby authorized to enter into contract with Integrated Consulting Services to provide workers' compensation actuarial and auditing services on the basis of his proposal dated December 10, 1998, payable from Fund No. 01-04-02-0320, Request No. 23686, for the Department of Personnel and Human Resources.

Section 2. That the contract authorized by Section 1 shall state that Integrated Consulting Services shall, to the greatest extent feasible, hire and employ residents of the City of Cleveland to carry out its obligations under the contract. The contract shall be for a period of no greater than one year.

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 10, 1999.
Effective May 19, 1999.

Ord. No. 177-99.
By Councilmen Sweeney and Johnson (by departmental request).
An emergency ordinance authorizing the purchase by requirement contract of Crane carrier, Caterpillar gradall and Case equipment parts, including labor if necessary, 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 Crane carrier, Caterpillar gradall and Case equipment parts, including labor if necessary 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 24159)

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 3, 1999.
 Effective May 13, 1999.

Ord. No. 247-99.
By Councilmen Sweeney and Johnson (by departmental request).
An emergency ordinance authorizing the purchase by requirement contract of Blaw Knox paver equipment parts, including labor if necessary, 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 Blaw Knox paver equipment parts, including labor if necessary 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 24161)

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 3, 1999.
 Effective May 13, 1999.

Ord. No. 248-99.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into contract without competitive bidding with E. J. Ward, Inc. for the purchase of spare replacement parts for the fuel control terminals and for telephone consultation needed to maintain the terminals, 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 it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than E.J. Ward, Inc. Therefore, the Director of Public Service is hereby authorized to make a written contract with said E.J. Ward, Inc. upon

the basis of its proposal for the purchase of spare replacement parts for the fuel control terminals and for telephone consultation needed to maintain the terminals, for a two year period, 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.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 300, Request No. 24160.

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 3, 1999.
 Effective May 13, 1999.

Ord. No. 249-99.
By Councilmen Jones, Sweeney Robinson and Johnson (by departmental request).

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of Harvard Avenue from East 154th Street to the east corporation line; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is hereby given to the County of Cuyahoga (the "County") to construct the following improvements in accordance with plans, specifications and estimates approved by the County: The rehabilitation of Harvard Avenue from East 154th Street to the east corporation line (the "Improvement").

Section 2. That the City hereby proposes to cooperate with the County in the cost of the improvement by assuming and contributing the entire cost and expense of the Improvement less any funds administered by the Ohio Public Works Commission which are used for the Improvement, and less the County's portion of the cost of the Improvement. In addition, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract, at the request of the City, which are determined by the County not to be eligible or made necessary by the Improvement.

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

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

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

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

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

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

e) Prohibit all parking within the limits of the roadway which is a part of the Improvement in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by City ordinance or resolution.

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

b) That in the event any additional right-of-way is required for the Improvement, the County will arrange for the acquisition thereof.

c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement in accordance with applicable sections of the Ohio Revised Code.

d) That the street within the limits of the Improvement is hereby designated a through highway within the meaning of Section 4511.07(F) of the Ohio Revised Code.

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

f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other City-owned utilities and appurtenances thereto which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that said rearrangements shall be done at such time as requested by the County.

g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or

betterments of existing facilities.

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

i) That the City hereby agrees that the County shall be and hereby is saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions a), b), e), f) and h), of this section.

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

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

Section 6. That the Council of the City hereby requests the Board of Commissioners of the County to proceed with the Improvement.

Section 7. That the Director of Public Service is hereby authorized to enter into an agreement with the Board of Commissioners of the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

a) That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current County Engineer standards for construction of County roads and bridges.

b) That the County will arrange for the supervision and administration of the construction contract for the Improvement, and will review the construction plans for conformance with division a) of this section and make an inspection of the completed project.

c) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of such additional items is approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of said construction and of preliminary and design engineering therefor, but the City shall not be responsible for the cost of supervision of said additional construction.

d) That the City hereby agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project.

e) That if the project is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the aforesaid funds.

f) That within the corporate limits of the City, the City hereby agrees to contribute twenty percent (20%) of the cost of construction, construction supervision, right-of-way, and incidentals and forty percent (40%) of the cost of preparation of plans and specifications. That the City hereby agrees to deposit with the Treasurer of Cuyahoga County the City's share of the estimated cost of the project or the Director of Public Service is hereby authorized to enter into escrow agreement with the Board of County Commissioners prior to an award of a contract for the improvement.

Section 8. That the Director of Public Service is hereby authorized to apply to the County for an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project, and to enter into such agreements with the County as are necessary to finance the Improvement.

Section 9. That the Director of Public Service is hereby authorized to apply to the County Board of Commissioners for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept said funds and to file all papers and execute all documents necessary to receive said funds; and that said funds be and are hereby appropriated for the purposes set forth above.

Section 10. That the Clerk of Council is hereby authorized and directed to transmit to the Director of ODOT and to the County three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvement.

Section 11. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 10, 1999.

Effective May 19, 1999.

Ord. No. 250-99.

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 architectural, engineering and other related services for the purpose of replacing or repairing roofs at various facilities in the Department of Public Service; determining the method of making the public improvement of replacing or repairing roofs, and authorizing the Director of Public Service to enter into contract for the making of such improvement.

Whereas, this ordinance constitutes an emergency measure providing for

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

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

Section 1. That the Director of Public Service is hereby authorized to employ by contract one or more architects, engineers or other consultants or one or more firms of architects, engineers or other 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 replace or repair roofs at various facilities, including but not limited to the Glenville Service Center, Ridge Road Service Center, Building Nos. 4 and 5 at Harvard Yards, Streets and Waste Collection Buildings at the Ridge Road Station, and the Bridges and Docks Service Facility at East 65th Street.

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

Section 2. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of replacing or repairing roofs at various facilities, including but not limited to the Glenville Service Center, Ridge Road Service Center, Building Nos. 4 and 5 at Harvard Yards, Streets and Waste Collection Buildings at the Ridge Road Station, and the Bridges and Docks Service Facility at East 65th Street, for the Division of Architecture, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 3. That the Director of Public Service is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

Section 4. That the cost of said improvement and professional services hereby authorized by this ordinance shall be paid from Fund Nos. 20 SF 340 and 20 SF 351, Request No. 24675.

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

Passed May 10, 1999.
Effective May 19, 1999

Ord. No. 251-99.
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 to create a detailed design of the consolidated maintenance facility 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 a detailed design of the consolidated maintenance facility 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 Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 119, and from any funds or sub-funds to which are credited any federal grants or federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract, Request No. 24854.

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 10, 1999.
Effective May 13, 1999.

Ord. No. 253-99.
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 or design review services to create a detailed design for the westside cargo ramp 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 or design review consultants, or one or more firms of design or design review 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 a detailed design for the westside cargo ramp at Cleveland Hopkins International Airport, including but not limited to the exterior concrete areas, sewers, and appurtenances.

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 Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 119, and from any funds or sub-funds to which are credited any federal grants or federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract, Request No. 24792.

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 10, 1999.
Effective May 19, 1999.

Ord. No. 310-99.
By Councilmen Willis and Johnson (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to enter into a Mutual Aid Agreement with The Cleveland Electric Illuminating Company for the interchange and use of personnel and equipment upon request during system emergencies.

Whereas, the prompt restoration of electric service during outages will benefit the health, safety and

welfare of electric utility customers in the City of Cleveland; and

Whereas, electric service will be restored more promptly and efficiently through the execution of a Mutual Aid Agreement between Cleveland Public Power and The Cleveland Electric Illuminating Company; 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 Public Utilities is hereby authorized to enter into a Mutual Aid Agreement with The Cleveland Electric Illuminating Company for emergency repair service and for emergency equipment, personnel and supplies during system emergencies.

Section 2. That the agreement authorized herein shall be consistent with the "Suggested Governing Principles" contained in File No. 310-99-A, and shall contain such other terms and conditions as the Director of Law deems appropriate to benefit and protect the public interest.

Section 3. That the costs, if any, related to the agreement authorized herein shall be paid from funds appropriated for the Division of Cleveland Public Power, Department of Public Utilities.

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 3, 1999.

Effective May 13, 1999.

Ord. No. 314-99.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials needed to repair and maintain Ford trucks, 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 labor and materials necessary to repair and maintain Ford trucks 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 24165)

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 3, 1999.

Effective May 13, 1999.

Ord. No. 315-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of towing services, 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 towing services in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of 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 24162)

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 3, 1999.

Effective May 13, 1999.

Ord. No. 316-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair frames and for vehicle alignments, 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 labor and materials necessary to repair frames and for vehicle alignments 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 24164)

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 3, 1999.

Effective May 13, 1999.

Ord. No. 364-99.**By Councilmen Sweeney, Westbrook and Johnson (by departmental request).****An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. 50723 for constructing a parking facility at Cleveland Hopkins International Airport with Choice/Donley, for the Department of Port Control.**

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

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

Section 1. That the Director of Port Control is hereby authorized to make the following alterations and modifications in Contract No. 50723 with Choice/Donley for constructing a parking facility at Cleveland Hopkins International Airport, for the Department of Port Control:

1	Add Emergency Stair Enclosures-This item includes adding glass enclosures around the emergency stairs to facilitate maintenance and reduce ice hazard.	\$ 1,182,070.00
2	Add Install Rubber Flooring on East Bridge-This item will improve the appearance of the East Bridge floor. The floor is currently concrete.	\$ 33,315.00
3	Add Enhancements to Third Floor Walkway Area-The enhancements include rubber tile flooring, heating and air conditioning, interior wall coverings and lighting changes.	\$ 798,030.00
4	Add Enhancements to Long Term Garage Walkway Area-The enhancements include painting, new lighting, new flooring, and assorted electrical items.	\$ 101,370.00
5	Add Stair Tower Doors-This item converts current non-powered doors at Stair Core "G" to power assist doors.	\$ 80,480.00
6	Stair Tower Finishes-This item enhances the finishes(ceilings, walls, and floors) at Stair Core "G". The original design documents specify raw concrete in these areas.	\$ 361,036.00
7	Electrical Ductbank Relocation-This item moves the media ductbank from the current location to the inside of garage.	\$ 43,778.00
8	Add Landscaping Around Parking Garage-This item adds sprinklers and landscaping around the Parking Structure.	\$ 360,546.00
9	Fencing at Long Term Garage-This item will add fencing at the Long Term Garage to dissuade people from crossing Park Road at ground level. The crosswalk was removed from this area.	\$ 10,000.00
10	Bollards at Exit Canopies-This item was requested to control exiting traffic at the exit canopies.	\$ 2,000.00
11	Enhancements to Garage Signage-This item will enhance the Garage signage by installing some illuminated signs at the ramps and extra signage at key decision points.	\$ 50,500.00
12	Limo Lot-Due to expansion at the Terminal, the limousines must be moved. It was decided to move them to an area West of the Short Term Garage site. This item will construct a parking area at this site. This item will include site grading, base installation, asphalt installation, and striping.	\$ 225,375.00
13	Enclosure at main Stair Core-This item is to construct an enclosure at the Stair Core/Garage Interface to facilitate maintenance during the winter. There tends to be a large build-up of ice in this area.	\$ 73,973.00

New Items	\$ 3,322,473.00
Contingency	<u> 237,491.00</u>
Subsidiary Additions	\$ 3,084,982.00
Original Contract Amount	\$ 45,784,000.00
Subsidiary Additions	<u> 3,084,982.00</u>
REVISED CONTRACT AMOUNT	\$ 48,868,982.00

which alteration has been recommended in writing by the said Director of Port Control, countersigned by the mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Port Control and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$3,084,982.00, to be paid from Fund No. 60 SF 112, 60 SF 115, 60 SF 117, 60 SF 116, and 60 SF 119.

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 10, 1999.

Effective May 19, 1999.

Ord. No. 367-99.
By Councilmen Coats and Johnson
(by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of infrastructure cable and riser wire, including associated equipment, for Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of infrastructure cable and riser wire, including associated equipment 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 Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. 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 22783)

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 10, 1999.

Effective May 19, 1999.

Ord. No. 368-99.
By Councilmen Coats and Johnson
(by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of breath alcohol machines, for the Division of Police, Department of Public Safety.

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

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

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

Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of breath alcohol machines 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 Police, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. 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 24394)

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 10, 1999.

Effective May 19, 1999.

Ord. No. 460-99.
By Councilmen Willis, Jackson and Johnson
(by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Athersys, Inc. to provide economic development assistance to partially finance the acquisition of equipment at its operation located at 11000 Cedar 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 Athersys, Inc. to provide economic development assistance to partially finance the acquisition of research and development equipment for its facility located at 11000 Cedar 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. 460-99-A.

Section 3. That the costs of said contract shall not exceed Four Hundred Thousand Dollars (\$400,000.00), and shall be paid from Fund Nos. 12 SF 954 and 17 SF 008, Request No. 24299.

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 Nos. 12 SF 958 and 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.

Passed May 10, 1999.

Effective May 19, 1999.

Ord. No. 505-99.
By Councilmen Sweeney, Robinson and Johnson
(by departmental request).

An emergency ordinance determining the method of making the public improvement of laying and re-laying and repairing sidewalks, handicap ramps, curbing, driveway aprons, median strips, intersections, bridge approaches, utility box adjustments, and/or castings, and miscellaneous appurtenances in the City and authorizing the Director of Public Service to enter into one or more requirement contracts for the making of said improvements through December 31, 2000.

Whereas, pursuant to Resolution No. 1095-97, passed June 16, 1997, and Resolution No. 813-99, adopted May 3, 1999, this Council declared that certain specified sidewalks, driveway aprons, curbs, gutters and/or castings be laid, re-layed or repaired by the owner of such parcel of land abutting upon said sidewalks, curbing or intersections; and

Whereas, said resolution provided further if the sidewalks, driveway aprons, curbs, gutters and/or casting were not laid, re-layed or repaired by the abutting owner as provided in the Notice, the City would proceed to lay, re-lay or repair such sidewalks, driveway aprons, curbs, gutters and/or castings at the cost and expense of the abutting owner; and

Whereas, certain City sidewalks, curbs, driveway aprons, gutters, and/or castings, require laying, re-laying or repair, in conjunction with the sidewalks and curbing repairs in certain districts of the City; 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 Sections 165 and 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of laying, re-laying and repairing specified sidewalks, driveway aprons, curbs, gutters and/or castings in the City as identified in Resolution No. 1095-97 and Resolution No. 813-99, by one or more public improvement requirement contracts duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That provided this Council authorizes and the City sells bonds for the purposes authorized herein, the Director of Public Service is hereby authorized to enter into a written requirement contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for all such work estimated to be performed during the period ending December 31, 2000, on a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specific districts within the City.

Section 3. That the written requirement contract for the making of the above public improvement may also include laying, relaying and repairing median strips, intersections, bridge approaches, and handicap ramps, which cost shall be borne by the City and not assessed to the adjoining landowners.

Section 4. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, laying, re-laying and repairing median strips, intersections, bridge approaches and handicap ramps in the City, in conjunction with the making of the sidewalk improvements authorized in Section 1, by one or more public improvement requirement contracts duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 5. That provided this Council authorizes and the City sells bonds for the purposes authorized herein, the Director of Public Service is hereby authorized to enter into a written requirement contract for the making of the public improvement described in Section 4 with the lowest responsible bidder after competitive bidding for all such work estimated to be performed during the period ending on December 31, 2000, on a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specific districts within the City.

Section 6. That the cost of the contract or contracts authorized by the ordinance shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a

requisition against such contract duly certified by the Director of Finance.

Section 7. That the cost of the improvements hereby authorized shall be paid from Fund Nos. 20 SF 341 and 10 SF 034 and from the fund to which are credited the proceeds of the sale of general obligation bonds issued for the purpose which include the above improvement, Request No. 24533. It is the intent of this Council that the districts be assessed for the improvements authorized in Section 1 hereof pursuant to the assessment process which will be submitted by the Director of Finance upon conclusion of the work, and that all or a portion of the monies collected as a result of said assessment be used to reimburse the appropriate account.

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 10, 1999.

Effective May 19, 1999, without the signature of the Mayor.

Ord. No. 516-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Vesper Corporation to provide economic development assistance to partially finance the construction and acquisition of machinery and equipment, located across from 3249 East 80th Street between East 79th and East 80th Streets, north and south of the vacated Arvina 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 Vesper Corporation to provide economic development assistance to partially finance the construction and acquisition of machinery and equipment, for its facility located approximately four acres across from 3249 East 80 Street between East 79th and East 80th Streets, north and south of the vacated Arvina 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 516-99-A.

Section 3. That the costs of said contract shall not exceed Eight Hundred Thousand Dollars (\$800,000.00), and shall be paid from Fund No. 10 SF 501, Request No. 24293.

Section 4. That the Director of Economic Development is hereby authorized to accept the collateral as set forth in the Executive Summary contained in the file refer-

enced 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. 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 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.

Passed May 10, 1999.

Effective May 19, 1999.

Ord. No. 517-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance to amend Sections 2 and 3 of Ordinance No. 939-97, passed June 16, 1997, relating to economic development assistance contracts with Glenville Development Corporation.

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 existing Sections 2 and 3 of Ordinance No. 939-97, passed June 16, 1997, are hereby amended to read, respectively, as follows:

Section 2. That the terms of said loan and grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 939-97-C.

Section 3. That the costs of said contract shall not exceed Six Million Five Hundred Thousand Dollars (\$6,500,000.00), and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 22297.

Section 2. That existing Sections 2 and 3 of Ordinance No. 939-97, passed June 16, 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.

Passed May 10, 1999.

Effective May 19, 1999.

Ord. No. 586-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to amend the agreement with the Board of County Commissioners of Cuyahoga County, Ohio, to dedicate and sell one thousand and fifty additional plots of ground in Highland Park Cemetery and Cleveland Memorial Gardens for the burial of Honorably Discharged Soldiers, Sailors, Marines and Nurses.

Whereas, pursuant to Ordinance No. 155-98, passed February 9, 1998, Council authorized the Director of Parks, Recreation and Properties to enter into an agreement with the Board of County Commissioners of Cuyahoga County, Ohio (the "County Commissioners"), to dedicate plots of ground in West Park Cemetery and Highland Park Cemetery for the burial of Honorably Discharged Soldiers, Sailors, Marines and Nurses; and

Whereas, on April 28, 1998, the Director of Parks, Recreation and Properties entered into such an agreement with the County Commissioners; 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 Parks, Recreation and Properties is authorized to amend the agreement with the County Commissioners to dedicate and sell one thousand and fifty (1,050) additional plots of ground in Highland Park Cemetery and Cleveland Memorial Gardens, to be purchased in increments of three hundred and fifty (350) plots, for the burial of Honorably Discharged Soldiers, Sailors, Marines and Nurses, at the same prices and fees as set forth in Section 133.30 of the Codified Ordinances of Cleveland, Ohio, 1976 currently in effect at the time each increment is purchased.

Section 2. That said amendment shall provide that the Commissioners shall pay to the City of Cleveland for the cost of the land for each grave site the sum established by Section 133.30 of the Codified Ordinances of Cleveland, Ohio, 1976, and said funds shall be set aside and used as follows:

87.5% to the Cemetery Operating Fund;

12.5% to the Cemetery General Fund

Section 3. That the agreement shall be prepared by the Director of Law and shall contain such other terms and conditions as may be required to protect the interests of the parties.

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 10, 1999.

Effective May 17, 1999,

Ord. No. 800-99.

By Councilmen Britt and Willis.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle Incorporated to stretch banners on Martin Luther King Jr. Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar Hill for the period from May 17, 1999 to June 15, 1999, inclusive, publicizing Parade the Circle Celebration.

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 University Circle Incorporated to install, maintain and remove a banner on Martin Luther King Jr. Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar Hill for the period from May 17, 1999 to June 15, 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 3, 1999.

Effective May 13, 1999.

Ord. No. 801-99.

By Councilmen Coats and Dolan.

An emergency ordinance directing the Director of Public Safety to donate fire alarm boxes no longer needed for municipal purposes to The Western Reserve Fire Museum at Cleveland 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, notwithstanding any Ordinance or Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Safety shall inventory all fire alarm boxes in the City of Cleveland, and upon determination that any fire alarm box is no longer needed for municipal purposes, such fire alarm

box shall be disposed of by donation of said fire alarm box to The Western Reserve Fire Museum at Cleveland Inc. The Director of Public Safety shall maintain the inventory and update it at least annually, with a copy to be provided to the Clerk of Council and to The Western Reserve Fire Museum at Cleveland Inc.

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 3, 1999.

Effective May 13, 1999, without the signature of the Mayor.

Ord. No. 802-99.

By Councilman Jackson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Young Audiences to stretch two (2) banners on utility poles (by separate permission) on Carnegie Avenue for the period of May 3, 1999 to May 21, 1999, inclusive, to publicize their special performances.

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 Young Audiences, 2460 Fairmount Boulevard, Suite 307, Cleveland, Ohio 44106, to install, maintain and remove two (2) banners at Carnegie Avenue, to be attached to the fourth utility pole west of East 65th Street (N) Pole Number K-3-39 and the first utility pole west of East 65th Street (S) no pole number (by separate permission) for the period of May 3, 1999 to May 21, 1999, inclusive. Said banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said 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.

Passed May 3, 1999.

Effective May 13, 1999.

Ord. No. 803-99.**By Councilman Johnson (by departmental request).****An emergency ordinance to amend Section 42 of Ordinance No. 520-99, passed March 29, 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, 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	5-1-98	\$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	5-1-98	24.89	31.11
7.	Bricklayer Foreman	5-1-98	25.89	32.11
8.	Bricklayer Helper	5-1-99	19.13	28.69
9.	Carpenter	5-1-98	24.63	30.79
10.	Carpenter Foreman	5-1-98	25.63	31.79
11.	Carpenter Apprentice	5-1-92	5.97	16.43
12.	Cement Finisher	5-1-98	25.06	31.32
13.	Cement Finisher Foreman	5-1-98	26.06	32.32
14.	Construction Equipment Operator — Group A	5-1-98	26.02	29.63
15.	Construction Equipment Operator — Group B	5-1-98	25.87	29.48
16.	Construction Equipment Operator — Group C	5-1-98	25.02	28.63
17.	Construction Equipment Operator — Group D	5-1-98	24.24	27.85
18.	Construction Equipment Operator — Group E	5-1-98	23.92	27.53
19.	Construction Equipment Operator — Oiler — Group F	5-1-98	17.79	21.40
20.	Curb Cutter	5-1-99	19.03	28.55
21.	Electrical Worker	5-1-98	28.46	35.57
22.	Electrical Worker Foreman	5-1-98	29.46	36.57
23.	Glazier	5-1-98	24.90	31.12
24.	Ironworker	5-1-98	27.50	34.38
25.	Ironworker Foreman	5-1-98	28.50	28.50
26.	Jackhammer Operator	5-1-99	18.62	27.93
27.	Master Mechanic	5-1-98	25.67	29.28
28.	Overhead Floodlight Maintenance Man	5-1-92	21.19	26.49
29.	Painter	5-1-98	24.13	30.16
30.	Painter — Apprentice	5-1-92	6.95	14.89
31.	Painter Foreman	5-1-98	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)	5-1-98	29.40	36.75
35.	Pipefitter Foreman	5-1-98	30.40	37.75
36.	Plasterer	5-1-98	24.62	30.78
37.	Plasterer Foreman	5-1-98	25.02	31.03
38.	Plumber (Welder)	5-1-98	28.90	36.13
39.	Plumber Foreman	5-1-98	29.90	37.13
40.	Roofer	5-1-98	25.38	31.72
41.	Sheet Metal Worker	5-1-98	27.07	33.84
42.	Sheet Metal Worker Foreman	5-1-98	28.07	34.84
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, 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 3, 1999.

Effective May 13, 1999.

Ord. No. 804-99.**By Councilman Westbrook.**

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with VERIO for materials and services necessary to provide Internet access for Cleveland City Council.

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

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

Section 1. That the Clerk of Council is hereby authorized to enter into an agreement with VERIO for materials and services necessary to provide high-speed, burstable access to the Internet for Cleveland City Council for a period of two years commencing June 1, 1999.

Section 2. That total cost for such services and purchases herein contemplated shall not exceed Twenty-Eight Thousand Two Hundred Ninety Dollars (\$28,290.00) and shall be paid Fund No. 01 SF 001.

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 3, 1999.

Effective May 13, 1999, without the signature of the Mayor.

Ord. No. 805-99.**By Councilman Willis.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Hessler Neighborhood Association to stretch a banner on a utility pole (by separate permission) on Ford Drive for the period of May 17, 1999 to May 24, 1999, inclusive, to publicize the Hessler Street Fair.

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 Hessler Neighborhood Association, 11326 Hessler Road, Cleveland, Ohio 44106, to install, maintain and remove one (1) banner at 1961 Ford Drive (on the North side), to be attached to utility pole number NE4-22A1712, (by separate permission) for the period of May 17, 1999 to May 24, 1999, inclusive, publicizing the Hessler Street Fair. Said banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not 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.

Passed May 3, 1999.

Effective May 13, 1999.

Ord. No. 806-99.**By Councilmen Willis and Robinson.**

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 land-

mark or landmark district, and thereupon take the following actions:

(1) The Landmarks Commission shall advise the City Planning Commission of the proposed designation 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 designation, 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 con-

cerning 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, build-

ings, 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.

Passed May 3, 1999.

Vetoed May 13, 1999.

Ord. No. 838-99.

By Councilman Johnson (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the Cleveland Firefighters, Local 93; and to amend Section 28 of Ordinance No. 520-99, passed March 29, 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 in accordance with division (B) of Section 4117.10 of the Revised Code, this Council hereby approves a collective bargaining agreement with the Cleveland Firefighters, Local 93 which contains the terms set forth in File No. 838-99-A, for the period from April 1, 1998 through March 31, 2001, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

Increase	Effective Date of Increase
Three percent (3%)	April 1, 1998
Three and one-half percent (3.5%)	April 1, 1999
Three and one-half percent (3.5%)	April 1, 2000

Section 2. That Section 28 of Ordinance No. 520-99, passed March 29, 1999, is hereby amended to read as follows:

Section 28. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Maintenance Supervisor	\$21,019.66	\$41,830.52
2. Airport Safety Supervisor	22,408.01	43,650.95
3. Assistant Chief Building Inspector	17,705.24	41,829.35
4. Assistant Chief Housing Inspector	17,705.24	40,414.83
5. Assistant Custodian	16,559.28	38,264.37
6. Assistant Superintendent of Electrical Generation	21,019.66	44,786.47
7. Bridge Inspector	13,958.10	32,928.96
8. Bureau Manager — Housing	26,797.11	64,862.82
9. Bureau Manager — Demolition	26,797.11	64,862.82
10. Bureau Manager — Building	26,797.11	64,862.82
11. Cable Production Manager	20,410.00	73,481.81
12. Chief Bridge Operator	16,559.28	39,603.62
13. Chief of Electric Meter Bureau	26,274.57	55,906.32
14. Chief Guard	15,764.74	32,747.82
15. Chief Safety Signal System	\$18.60 per hour	\$29.06 per hour
16. Chief Sidewalk Inspector	15,641.78	36,276.04
17. Chief Street Permit Inspector	14,790.48	34,503.43
18. Chief of Traffic Signal Unit	\$18.60 per hour	\$29.06 per hour
19. Community Development Code Enforcement Inspector Supervisor	34,464.91	44,884.01
20. Coordinator of Parking Enforcement	18,627.62	41,341.23
21. Correctional Supervisor	17,543.01	40,415.94
22. District Forester	31,043.38	46,065.90
23. Electric Bridge Operator Leader	\$ 8.55 per hour	\$14.33 per hour
24. Environmental Assistant	17,705.24	40,415.94
25. Field Operations Forester	32,445.00	47,805.98

26.	General Superintendent Waste Collection	30,473.96	50,347.87
27.	House Sergeant	13,137.29	28,928.93
28.	Instrumentation Supervisor	29,200.50	42,030.72
29.	Parking Meter Foreman	24,679.38	32,552.82
30.	Printing Foreman	28,404.92	41,130.46
31.	Supervisor of Landscape Construction	17,078.47	36,858.25
32.	Supervisor of Parking Enforcement Unit	18,262.21	32,108.72
33.	Supervisor of Markets	14,790.48	35,711.05
34.	Supervisor of Weights and Measures	14,790.48	34,503.43
35.	Survey Party Chief	18,099.87	44,470.78
36.	Tunnel Maintenance Foreman	17,078.47	30,155.23
37.	Tunnel Maintenance Man	15,764.72	27,532.64

Section 3. That existing Section 28 of Ordinance No. 520-99, passed March 29, 1999, is hereby repealed.

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 10, 1999.

Effective May 19, 1999.

Ord. No. 839-99.

By Councilman Melena.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to The La Sagrada Familia Church to stretch banners in front of 7750 Detroit Avenue from June 1, 1999 to June 30, 1999, inclusive, publicizing The La Sagrada Familia Church's 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 La Sagrada Familia Church to install, maintain and remove banners from in front of 7750 Detroit Avenue for the period from June 1, 1999 to June 30, 1999, inclusive. Said banners shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 10, 1999.

Effective May 19, 1999.

Ord. No. 840-99.

By Councilman Cimperman.

An emergency ordinance authorizing and directing the Director of Public Service to issue permit to Cuyahoga County Fair to hang one (1) banner, on Cleveland Public Power utility poles (by separate permission) which will encroach into the public right-of-way of Euclid Avenue for the period of July 16, 1999 to August 16, 1999, inclusive, to publicize this event.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Cuyahoga County Fair, 2364 Queenston Road, Cleveland Heights, Ohio 44118, to install, maintain and remove one (1) banner, to be hung on Cleveland Public Power Poles (by separate permission), at 419 Euclid Avenue on the (N) side Pole Number B59-8 and on the (S) side Pole Number B58-8, for the period of July 16, 1999 to August 16, 1999, inclusive to publicize the Cuyahoga County Fair. Said Banners shall be approved by 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.

Passed May 10, 1999.

Effective May 19, 1999.

Ord. No. 841-99.

By Councilman Cimperman.

An emergency ordinance authorizing and directing the Director of Public Service to issue permit to Cleveland Irish Cultural Festival to hang one (1) banner, on Cleveland Public Power utility poles (by separate permission) which will encroach into the public right-of-way of Euclid Avenue for the period of June 26, 1999 to July 26, 1999, inclusive, to publicize this event.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Cleveland Irish Cultural Festival, 2364 Queenston Road, Cleveland Heights, Ohio 44118, to install, maintain and remove one (1) banner, to be hung on Cleveland Public Power Poles (by separate permission), on Euclid Avenue on the 3rd pole East of East 9th Street (S) Pole Number B61-10 and the 4th pole East of East 9th Street (N) Pole Number B60-10, for the period of June 26, 1999 to July 26, 1999, inclusive to publicize the Cleveland Irish Cultural Festival. Said Banners shall be approved by 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.

Passed May 10, 1999.

Effective May 19, 1999.

Ord. No. 842-99.
By Councilman Melena.
An emergency ordinance consenting and approving the issuance of a permit for the American Lung Association's bike-a-thon, a short run and a walk on June 13, 1999, sponsored by the American Lung Association.

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 bike-a-thon, a short run and a walk, sponsored by the American Lung Association on June 13, 1999, the route for the bike tour and the walk will start in the Edgewater State Park. The bike-a-thon will exit Edgewater Park onto Edgewater Drive to Cove Rd. The same route will be followed when they re-enter Cleveland on the return portion of the tour. The route for the short run and walk are as follows: start lower Edgewater Park trail south east side of loop. Head west/clockwise around lower loop one full lap, then up hill on trail to entrance/exit to upper park. Right/west on Cliff Dr. to Edgewater Dr., right/west on Edgewater Dr., to easterly Harborview Dr., turn right on to Harborview Dr. around to Edgewater Dr. to 117th Street. Turn back/around on Edgewater Dr., east on Edgewater Dr. to West Blvd. Left on West Blvd. to entrance road into park. Take entrance road around to last parking area, just before this area to your right is a sidewalk, turn right onto this sidewalk. Stay on this sidewalk/trail which goes behind upper pavilion to main trail going down hill. Go down hill on main trail, at bottom of hill bear left and go past lower pavilion to finish line, 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 10, 1999.
 Effective May 19, 1999.

City Planning Committee (joint with Community and Economic Development Committee and Finance Committee): 1:30 P.M.— Present: Robinson, Chairman; Cimperman, Vice Chairman; Dolan, Jackson, O'Malley, White, Willis.

Finance Committee (joint with Community and Economic Development Committee and City Planning Committee): 1:30 P.M.— Present: Johnson, Chairman; Westbrook, Vice Chairman; Cintron, Coats, Gordon, Lewis, Melena, Patmon, Robinson, Sweeney, Willis.

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

Tuesday, May 18, 1999

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

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

Wednesday, May 19, 1999

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

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

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Monday, May 17, 1999

Public Parks, Property & Recreation Committee: 9:30 A.M.— Present: Jones, Chairman; White, Vice Chairman; Britt, Polensek, Sweeney, Willis, Zone.

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

Community and Economic Development Committee (joint with City Planning Committee and Finance Committee): 1:30 P.M.— Present: Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Rybka.

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