

The City Record

Official Publication of the City of Cleveland

February the Twenty-Third, Two Thousand

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL—LEGISLATIVE

President of Council—Michael D. Polensek

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	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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 Diane Downing, Senior Executive Assistant for Health and Human Services
 Barry Withers, Executive Assistant for Administration
 Kenneth Silliman, Executive Assistant for Development
 Reuben Sheperd, Executive Assistant for Services
 Nina Turner, Executive Assistant for Legislative Affairs
 Sharon Sobol Jordan, Interim Director, Office of Equal Opportunity

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 Lauren Moore, Chief City Prosecutor; Criminal Branch – Justice Center 8th Floor, Court Towers, 1200 Ontario Street
 Karen E. Martinez, Law Librarian, Room 100

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 Frank Badalamenti, Manager, Internal Audit
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 Assessments and Licenses – Robert J. Schneider, Commissioner, Room 122
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 Cleveland Hopkins International Airport – Mark D. Vanloh, Commissioner
 Burke Lakefront Airport – _____, Commissioner

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

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 Neighborhood Development – Donald T. Moss, Commissioner.
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DEPT. OF ECONOMIC DEVELOPMENT – Christopher P. Warren, Director, Room 210

DEPT. OF AGING – Susan E. Axelrod, Director, Room 122

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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 Connally	15C
Judge Sean C. Gallagher	12B
Judge Mabel M. Jasper	14D
Judge Mary E. Kilbane	14C
Judge Kathleen Ann Keough	13D
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Robert J. Triozzi	12C
Judge Joseph J. Zone	12A

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

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WEDNESDAY, FEBRUARY 23, 2000

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CITY COUNCIL

MONDAY, FEBRUARY 21, 2000

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PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Dolan, Chairman;

O'Malley, Vice Chairman; Jones, Patmon, Robinson, Rybka, Sweeney.

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

WEDNESDAY—Alternating

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

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

The following Committee is subject to the Call of the Chairman:

Mayor's Appointment Committee: O'Malley, Chairman; Britt, Cimperman, Patmon, Sweeney.

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

ORDINANCES

Ord. No. 1435-99.

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

An emergency ordinance to amend Section 350.14, 350.19 and 350.20 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to signs for shopping centers and other business uses.

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 350.14, as amended by Ordinance No. 648-96, passed June 10, 1996,

Section 350.19, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, and

Section 350.20, as amended by Ordinance No. 1131-93, passed June 14, 1993

are hereby amended to read, respectively, as follows:

Section 350.14 Signs for Retail Districts

Signs for uses in University Retail, Local Retail, General Retail and Shopping Center Districts shall be permitted as regulated below:

(a) Maximum Sign Face Area (Retail). The maximum sign face area of all permanent building-mounted signs for each building or unit thereof shall be related to the width of the building or unit. (For lots without buildings or with unusually small buildings, see division (d) of Section 350.20.) Maximum sign face area, excluding the area of free-standing signs, shall be determined according to the measurement standards of Section 350.05 and the following formula where "W" is the width of frontage (in feet) of the building or unit thereof: $(W \times 1/5) + 25 = \text{SQUARE FEET OF SIGNAGE}$.

(b) Permitted Types, Number, Area and Height (Retail).

Signs by use and structural type are permitted only in accordance with the regulations presented in the schedule of Permitted Types, Number, Area and Height (Retail). Sign types not listed are prohibited except for political signs which are permitted as regulated in Section 350.11. (All signs are permanent unless listed as temporary).

**SCHEDULE OF PERMITTED TYPES, NUMBER, AREA, & HEIGHT
(RETAIL)**

SIGNS BY USE TYPE	SIGNS BY STRUCTURAL TYPE				
	FREE-STANDING	WALL	WINDOW	CANOPY	PROJECTING
IDENTIFICATION OR BUSINESS ^{2, 3}	#: 1 per lot ⁴ SF: 50 ¹ Ht: 12'-Local Retail Districts 25'-Other Retail Districts	SF:As regulated by formula		#: 1 per building unit SF: 6 if hanging from soffit	#: 1 per building unit SF: 12
DIRECTIONAL & INFORMATION ⁵	#: Minimum necessary as approved by Building Commissioner				
	SF: 4 Ht: 3'	SF: 4	SF: 4	SF: 4	Not Permitted
REAL ESTATE (Temporary)	#: 1 per street frontage SF: 48 Ht: 10'	#: 1 per building side SF: 48	#: 1 per building unit SF: 12	Not Permitted	Not Permitted
DEVELOPMENT ⁶ (Temporary)	#: 2 per lot (total) SF: 96 Ht: 12'	SF: 96	SF: 12	Not Permitted	Not Permitted
TEMPORARY (Excluding Real Estate and Development)	As permitted in Section 350.12		SF: 25% of window area	As permitted in Section 350.12	

#: Maximum number of signs
 SF: Maximum sign area (in square ft.) per side of each sign
 Ht.: Maximum height for free-standing signs and roof signs
 Sign Area Formula: (W x 1.5) + 25 · square feet

¹Except 75 sq. ft. maximum for establishments with a building frontage of 100-200 ft. and 100 sq. ft. maximum for establishments with a building frontage exceeding 200 ft. For shopping centers, see Section 350.14(d).

²Identification or business signs using animation, electronically-changeable copy or flashing lights are specifically prohibited for "adult entertainment uses," as defined in Section 343.11(a)[347.07(b)].

³Identification and business signs using animation or electronically-changeable copy are permitted in General Retail and Shopping Center districts as free-standing, wall or window signs and, for theatres, also as canopy signs.

⁴See division (b) of Section 350.20.

⁵For hospitals, colleges and other public facilities and institutions, directional and information signs may be permitted to a maximum area of 12 sq. ft. and a maximum height of 6 ft. as necessary in the determination of the Building Commissioner.

⁶In Local Retail Districts, wall and free-standing development signs shall be limited to 48 sq. ft. and 10 ft. in height (for free-standing signs).

(c) Location (Retail). Free-standing signs as permitted for retail uses shall conform with the location regulations presented in the Schedule of Location Regulations (Retail) in addition to the regulations of Section 350.08.

SCHEDULE OF LOCATION REGULATIONS (RETAIL)
 Free-Standing Sign Types

Minimum Distance From	Identification/ Business	Real Estate & Development	Information & Political	Directional
Residential District Line Street R.O.W. Line(s)	25'	25'	5'	5'
Side & Rear Lot Lines	3'	3'	3'	1'
	5'	5'	5'	5'

(d) Shopping Centers. For purposes of this Chapter three (3) or more retail businesses located on a single lot and served by common parking or common vehicular entrances shall be classified as a "shopping center" and shall be permitted one (1) free-standing identification sign and one (1) wall identification sign in addition to other permitted signs and in accordance with the following regulations:

(1) Display of Information. Each shopping center identification sign shall display only the name of the center and the name of not more than one (1) business located within the center, except that, **with approval of the council member whose ward is affected as expressed by an ordinance or resolution of Council, for any shopping center with retail floor area exceeding 150,000 square feet, excluding "outlots" with separate free-standing signs, such sign may display the names of not more than two (2) businesses located within the center.**

(2) Size. The maximum sign face area of a shopping center identification sign shall equal twenty (20) square feet for each 10,000 square feet of gross floor area but shall not exceed 125 square feet. All shopping centers, however, shall be permitted a sign of at least fifty (50) square feet.

(3) Other Regulations. All other regulations of this chapter applicable to identification signs shall apply to a shopping center identification sign.

(4) Other Signs. A lot displaying a shopping center identification sign may display no other free-standing identification or business signs.

(5) Secondary Frontages and Entrances. One (1) additional shopping center identification freestanding sign and one (1) additional shopping center identification wall sign shall be permitted for a shopping center with more than one vehicular entrance, provided that such signs meet the requirements of division (b) of Section 350.20.

(6) Outlots. If a vehicular entrance or parking lot of a shopping center also serves a use located on a separate lot (i.e., "out lot"), the free-standing identification or business sign permitted for such lot shall be limited to a maximum of twenty-five (25) square feet in area and seven (7) feet in height.

(7) Design Review. No sign identifying a shopping center or identifying two (2) or more businesses within a shopping center and no permanent identification sign of any type located within a designated Shopping Center District shall be erected or altered in appearance without the approval of the City Planning Commission or its Director. In considering such approval, the Commission shall seek to ensure that the signs demonstrate a high degree of graphic and architectural quality, legibility, and design compatibility with the shopping center, its signage and nearby development.

(8) Consolidation of Free-Standing Signs. In the case of a shopping center with more than the number of signs allowed under this Chapter, which signs were legally established prior to the effective date of this ordinance, a new free-standing sign identifying two (2) or more businesses may be erected if the following conditions are met:

A. the new multi-tenant sign shall display the name of the shopping center and tenant names no greater in number than the tenant names currently displayed on free-standing signs in the shopping center, but in no case shall more than six (6) tenant names be displayed on such sign;

B. all other free-standing business identification signs on the shopping center property shall be removed prior to erection of the new sign, except that conforming signs permitted for outlots may be retained;

C. the sign does not, exceed twelve (12) feet in height;

D. the council member whose ward is affected approves, as expressed by an ordinance or resolution of Council.

(e) Gasoline Service Stations. Signs for gasoline service stations shall conform with all regulations of this chapter except for the maximum sign area regulations of division (a) of Section 350.14 and any regulations which directly conflict with the regulations stated below:

(1) Free-standing Business Sign. Each station shall be permitted one (1) permanent free-standing business signs, with total sign face area of the panel or panels not exceeding one hundred (100) square feet. Such sign shall be limited to identifying the company name, management, fuel prices, and services offered.

(2) Signs at Service Islands. Stations shall be permitted information signs at fuel or other service islands which display information regarding type of service or are necessary in directing or instructing the motorist who has entered the station area. Signs not extending beyond the edges of fuel pumps are permitted and shall not be counted as business identification signs.

(3) Wall and Canopy Signs. Each station shall be permitted permanent identifications, business, directional and information signs displayed as wall or canopy signs and not exceeding one hundred (100) square feet in combined area. Non-opaque internally-illuminated canopy surfaces ("fascia") shall be considered as sign panels for purposes of sign area measurement.

(4) Temporary Signs. Temporary signs shall be permitted in accordance with the regulations of Section 350.12.

(f) Drive-Through Restaurants. For restaurants providing direct service to customers in motor vehicles, one (1) free-standing or wall-mounted "menu board" sign (limited to information regarding the restaurant's menu and related instructions) shall be permitted for each drive-through lane in addition to signs and sign area otherwise permitted. Such sign shall not exceed forty (40) square feet in area and six (6) feet in height and shall meet setback regulations applicable to free-standing identification signs (as specified in division (c) of this section).

(g) Regulations for Larger Projecting Signs. A projecting sign may exceed the otherwise maximum permitted size of twelve (12) square feet and the otherwise maximum permitted projection of four (4) feet from a building wall if such sign meets the following standards:

(1) Such sign shall be set back from the closest interior side lot line and the closest tenant party wall line at least one (1) foot for each one (1) square foot of sign area.

(2) Such sign shall in no case exceed thirty-six (36) square feet in area nor eight (8) feet in projection from the building wall and shall be set back at least two (2) feet from the outer edge of any street curb.

(3) No Building Permit shall be issued for such sign without approval of the City Planning Commission, which shall consider the design quality of the sign and its compatibility with the design character of the subject property and surrounding properties. In addition to considering such general design factors as placement, proportions, color, materials, and consistency with signs to be seen as a series, the City Planning Commission may specifically require use of non-rectangular, custom-shaped panels, exposed neon or reflected lighting, unobtrusive support structures, narrow-profile sign cabinets, or other design features necessary to ensure that a larger projecting sign will enhance the appearance of the building on which it is placed and the district in which it is located.

(4) At least five (5) working days prior to the City Planning Commission meeting at which approval under the regulations of this division will be considered, written notice shall be provided to the City Council member in whose ward the proposed sign is to be located.

(h) Supplemental Regulations. Signs in Retail Districts shall also conform to regulations of Section 350.20.

Section 350.19 Nonconforming Signs and Uses

A sign which is displayed pursuant to a Building Permit issued by the City, but does not conform to current regulations, shall be deemed a legal nonconforming sign (hereinafter referred to as a "nonconforming" sign) and shall be governed by the following regulations:

(a) Permitted Repair and Alterations. A nonconforming sign may be painted, cleaned or repaired as required in Section 350.18 but shall not be otherwise altered, moved or replaced unless made to conform to current regulations. Such sign, however, may be altered to permit a change of message or change of face if such change does not structurally alter the sign casing or support.

(b) **Limitation on Reconstruction.** A nonconforming sign or part thereof damaged or deteriorated to an extent exceeding fifty percent (50%) of its replacement cost shall not be reconstructed or replaced unless made to conform to regulations of this Code. For a nonconforming sign damaged by a single incident (such as a storm), to an extent less than fifty percent (50%) of its replacement cost, reconstruction is permitted only if such work is begun within six (6) months of the incident and is completed within twelve (12) months of the incident.

(c) **Discontinuance of Use.** A nonconforming sign shall be removed or made to conform to regulations of this Code if the use to which the sign refers has been discontinued for a continuous and immediately preceding period of at least **six (6)** months, except as provided in division (f) of this section. In the case of a nonconforming billboard, as defined in this chapter, such sign shall be removed or made to conform to regulations of this Code if, for a continuous and immediately preceding period of at least twelve (12) months, the billboard has been blank or has displayed copy which is **faded** or damaged so as to render it illegible or has referred to an event or activity which has ended or to a business or product or service which has been discontinued.

(d) **Temporary Signs.** All nonconforming temporary signs, including portable signs, shall be removed or made to comply with the regulations of this Code within thirty (30) days after issuance of a violation notice by the City.

(e) **Signs for Nonconforming Uses.** For legal nonconforming uses, such as a retail use in a residential zoning district, the applicable signage regulations shall be those most appropriate to the nature of the nonconforming use.

(f) **Landmark Signs.** A landmark sign is one which is determined to be historically or architecturally significant by the Landmarks Commission in accordance with the standards of divisions (a) of Section 161.04 of the Codified Ordinances. A sign so identified by the Commission shall be exempt from the prohibitions regarding reconstruction or retention as stated in divisions (a) and (b) of Section 350.19. Any proposed reconstruction of such sign shall be permitted only if approved by the Landmarks Commission in accordance with its customary standards for review.

Section 350.20 Supplemental Regulations

The following supplemental regulations shall apply to permitted signs in non-residential zoning districts:

(a) **Non-Ground Floor Uses.** For uses not located on the ground floor and for ground floor uses which lack direct access from the building exterior, the following signs shall be permitted in addition to signs otherwise permitted for the building. Regardless of the number of such uses in a building, not more than one (1) wall or projecting identification sign, a maximum of twelve (12) square feet in area, shall be placed at each ground floor entrance providing access to the uses in question. In addition, for each such use, window signs not exceeding twenty (20) square feet in total area shall be permitted for display on the inside surface of windows within the subject space.

(b) **Secondary Frontages and Entrances.**

(1) **Secondary Frontages.** A building or building unit with frontage on a second street or with a customer building entrance from a rear or side parking lot shall be permitted total additional wall, window, projecting and canopy sign area not to exceed 50% of the sign area otherwise permitted. Such signs shall be displayed so that the total sign area placed on any facade does not exceed the maximum sign area permitted for the building's primary frontage. This provision shall also apply to buildings or building units with secondary frontage along the Cuyahoga River or Lake Erie and to buildings adjoining a freeway right-of-way.

(2) **Secondary Entrances.** For lots served by more than one (1) vehicular entrance, one (1) additional free-standing identification sign shall be permitted at each additional vehicular entrance if the minimum distance between any two (2) such signs is five hundred (500) feet as measured along street lines. Where such distance is less than five hundred (500) feet but more than three hundred (300) feet, a second free-standing identification sign shall be permitted if the height of each such sign is no greater than twelve (12) feet and the combined sign area of the two signs is no greater than one hundred fifty percent (150%) of the maximum sign area permitted for a single free-standing identification sign on the subject property.

(c) **New Businesses.** Upon its initial opening, a new business establishment may display a temporary identification sign for a maximum period of sixty-two (62) days prior to installation of a permanent identification sign. Such temporary sign may be a wall, window or portable sign which shall conform with all regulations applicable to permanent signs (except clearly inapplicable structural requirements) and shall be counted as part of the maximum permitted permanent sign area. In addition, temporary window signs for such new businesses may cover up to 75% of window area. Strings of pennants, streamers, pinwheels, balloons and similar small lightweight objects shall be permitted for "grand openings" for a single period not exceeding seven (7) days within the first six (6) months after issuance of the initial Occupancy Certificate for a new business.

(d) **Open Lots.** For uses without buildings, and for uses on lots where building frontage is less than 20% of lot frontage, maximum sign face area for the use, including free-standing signs, shall be the greater of fifty (50) square feet or the figure resulting from the following formula where "LW" equals the width of the lot frontage, as defined in division (a)(2) of Section 350.05: $LW \times 1.0 = \text{SQUARE FEET OF SIGNAGE}$. The area of a free-standing sign shall in no instance exceed one hundred (100) square feet.

(e) **Major Public Assembly Facilities.** For public assembly facilities located within the Central Business District and providing a minimum seating or attendance capacity of 5,000 persons, signage shall be permitted in accordance with the following standards contained in this division (e) which recognize the unique nature of these large-scale public assembly facilities. Except as provided in these standards, all other regulations of this Zoning Code shall apply to such signage.

(1) **Type, Number, Height and Location of Signs.** The City Planning Commission may authorize variations in otherwise applicable regulations of this chapter to the extent necessary to provide adequate information to the public.

(2) **Electronic Changeable Copy Signs.** Information displayed through electronically changeable copy on signs located on the premises of a qualifying public assembly facility or on property located within 500 feet of the qualifying public assembly facility and owned or leased by the owners of said public assembly facility shall be limited to the following:

- A. identification of the facility or events held at the facility.
- B. identification of the events held at other local public assembly facilities and identification of festivals and other special events held in the City.
- C. identification of products or services offered for sale on the premises of the qualifying public assembly facility.
- D. public service messages, such as time, temperature and information of a civil nature, including welcoming of visitors to the City.
- E. acknowledgement of organizations or individuals sponsoring events held at the facility or contributing to the construction or operation of the facility as sponsors or patrons.

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

Section 350.14, as amended by Ordinance No. 648-96, passed June 10, 1996,

Section 350.19, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, and

Section 350.20, as amended by Ordinance No. 1131-93, passed June 14, 1993

are hereby repealed.

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

Ord. No. 2096-99.

By Councilmen Dolan and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary for the maintenance and repair of computerized keycard access/fire detection, time and attendance equipment, for the various divisions of the Department of Port Control for a period not to exceed two years.

Ord. No. 2154-99.

By Councilmen Lewis and Patmon (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 127.42 thereof, relating to dishonored check fee.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 127.42 thereof, to read as follows:

Section 127.42 Dishonored Check Fee

When any person shall give or cause to be given to any City official, Department or Division, a negotiable instrument in payment of any obligation of such person due the City, which instrument is subsequently dishonored by the party or institution upon whom drawn, a **one-time fee of Twenty-Five Dollars (\$25.00) for each check** shall be added to the original obligation as a Dishonored Check Fee. The Dishonored Check Fee shall be first deposited toward defraying the costs of collection for the division in which the original obligation arose. Assessment of the Dishonored Check Fee shall not relieve a maker of a dishonored negotiable instrument of criminal or civil liability otherwise provided by law.

Section 2. That the Department of Finance is authorized to issue policies and procedures necessary to assess the dishonored check fee described in Section 1. Such policies and procedures shall be issued in a form substantially similar to the policies and procedures submitted to City Council by the Finance Department and contained in File No. 2154-99-A. Any substantial departure from the policies and procedures contained in the above mentioned file shall require City Council approval.

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. 2172-99.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of not to exceed eleven pumps for swimming pools, for the Division of Recreation, Department of Parks, Recreation and Properties.

Ord. No. 59-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Integrated Consultant Services, Ltd. to provide workers' compensation actuarial and auditing services for the Department of Personnel and Human Resources.

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

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

Section 1. That the Director of Personnel and Human Resources is hereby authorized to enter into contract in an amount not to exceed **\$195,000.00** with Integrated Consulting Services, Ltd. to provide workers' compensation actuarial and auditing services on the basis of their proposal dated November 29, 1999, payable from Fund No. 01-040201-632000, Request No. 16218, for the Department of Personnel and Human Resources.

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

Ord. No. 138-2000.

By Councilmen White, Robinson, Patmon, Rybka, Cintron, Brady, Melena and Cimperman.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program on scattered sites to Cleveland Housing Network Limited Partnership 17.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-20-007 as more fully described in Section 2 below, to Cleveland Housing Network Limited Partnership 17.

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

P. P. No. 007-20-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot

No. 450 in H. Stone Addition, of part of Original Brooklyn Township Lots Nos. 53 and 68 as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records and being 50 feet front on the Southerly side of Seymour Avenue, S.W., and extending back of equal width 122 feet, 5 inches to the Northwesterly side line of Erin Avenue, S.W., as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-24-075 as more fully described in Section 4 below, to Cleveland Housing Network Limited Partnership 17.

Section 4. That the real property to be sold pursuant to Section 3 of this Ordinance is more fully described as follows:

P. P. No. 007-24-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West half of Sublot No. 187 in the East half of Sublot No. 188 in Hiram Stone's Allotment of part of Original Brooklyn Township Lots Nos. 53 and 68, as shown by the recorded plat in Volume 1 of Maps, Pages 41 and 42 of Cuyahoga County Records and being together a parcel of land 50 feet front on the South side of Wade Avenue, S.W., and extending back of equal width 132 feet deep, to an alley, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 008-06-045 as more fully described in Section 6 below, to Cleveland Housing Network Limited Partnership 17.

Section 6. That the real property to be sold pursuant to Section 5 of this Ordinance is more fully described as follows:

P. P. No. 008-06-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 16 in Mary B. Rowley's Allotment of part of Original Brooklyn Township Lot No. 72 as shown by the recorded plat in Volume 8 of Maps, Page 32 of Cuyahoga County Records, and being 30 feet front on the Easterly side of West 18th Place (formerly Ditton Street) and extending back of equal width 110 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 019-13-115 as more fully described in Section 8 below, to Cleveland Housing Network Limited Partnership 17.

Section 8. That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P. P. No. 019-13-115

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 7 in the Guardian Subdivision of part of Original Rockport Township Section No. 10, as shown by the recorded plat in Volume 65 of Maps, Page 9 of Cuyahoga County Records and being 40 feet front on the Northerly side of Brookfield Avenue, S.W., 104.06 feet deep on the Easterly line, 104.50 feet deep on the Westerly line and 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 9. Reserved.

Section "10".

Section 11. Reserved.

Section "12".

Section 13. Reserved.

Section "14".

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 019-18-078 as more fully described in Section 16 below, to Cleveland Housing Network Limited Partnership 17.

Section 16. That the real property to be sold pursuant to Section 15 of this Ordinance is more fully described as follows:

P. P. No. 019-18-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 185 in the Domal Land Company's Subdivision of part of Original Rockport Township Section No. 10, as shown by the recorded plat in Volume 25 of Maps, Page 20 of Cuyahoga County Records and being 40 feet front on the Northerly side of Matherson Avenue, S.W., and extending back of equal width, 100 feet deep, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 019-19-090 as more fully described in Section 18 below, to Cleveland Housing Network Limited Partnership 17.

Section 18. That the real property to be sold pursuant to Section 17 of this Ordinance is more fully described as follows:

P. P. No. 019-19-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 40 in Clark Manchester Company's Homesite Allotment No. 7 of part of Original Rockport Township Section No. 10 as shown by the recorded plat in Volume 67 of Maps, Page 5 of Cuyahoga County Records and being 40 feet front on the Northerly side of Kadel Avenue, S.W., and extending back of equal width, 123 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 019-22-013 as more fully described in Section 20

below, to Cleveland Housing Network Limited Partnership 17.

Section 20. That the real property to be sold pursuant to Section 19 of this Ordinance is more fully described as follows:

P. P. No. 019-22-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 159 in Joseph Schrimshaw's Highview Allotment of part of Original Rockport Township Section No. 10, as shown by the recorded plat in Volume 83 of Maps, Page 27 of Cuyahoga County Records and being 40 feet front on the Southerly side of Grimsby Avenue, S.W., and extending back of equal width 112.47 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 019-22-014 as more fully described in Section 22 below, to Cleveland Housing Network Limited Partnership 17.

Section 22. That the real property to be sold pursuant to Section 21 of this Ordinance is more fully described as follows:

P. P. No. 019-22-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 160 in Joseph Schrimshaw's Highview Allotment of part of Original Rockport Township Section No. 10, as shown by the recorded plat in Volume 83 of Maps, Page 27 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-19-022 as more fully described in Section 24 below, to Cleveland Housing Network Limited Partnership 17.

Section 24. That the real property to be sold pursuant to Section 23 of this Ordinance is more fully described as follows:

P. P. No. 004-19-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the West-erly part of Sublot No. 671 in the S.S. Stone's Subdivision of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records. Said part of Sublot No. 671 has a frontage of 33 feet on the Easterly side of West 7th Street (formerly University Street), and extends back of equal width 135 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 25. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-08-092 as more fully described in Section 26 below, to Cleveland Housing Network Limited Partnership 17.

Section 26. That the real property to be sold pursuant to Section 25 of this Ordinance is more fully described as follows:

P. P. No. 108-08-092

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 44 in Schatzinger and Tremain's Subdivision of part of Original One Hundred Acre Lot No. 361, as shown by the recorded plat in Volume 18 of Maps, Page 7 of Cuyahoga County Records, and also the Easterly one-half of Block A in W. H. Van Tine Jr., Trustee's Allotment of part of Original One Hundred Acre Lots Nos. 361 and 369, as shown by the recorded plat in Volume 17 of Maps, Page 29 of Cuyahoga County Records, and together forming a parcel of land 60 feet front on the Westerly side of East 102nd Street, formerly Eldridge Avenue) and extending back of equal width 122.5 feet, as appears by the said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances.

Section 27. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-25-086 as more fully described in Section 28 below, to Cleveland Housing Network Limited Partnership 17.

Section 28. That the real property to be sold pursuant to Section 27 of this Ordinance is more fully described as follows:

P. P. No. 108-25-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 299 in Cleveland Realty Company's Subdivision of part of Original One Hundred Acre Lots Nos. 370 and 362, as shown by the recorded plat in Volume 24 of Maps, Page 17 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Elgin Avenue, and extending back between parallel lines 110 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 29. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-25-096 as more fully described in Section 30 below, to Cleveland Housing Network Limited Partnership 17.

Section 30. That the real property to be sold pursuant to Section 29 of this Ordinance is more fully described as follows:

P. P. No. 108-25-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 287 in the Cleveland Realty Company's Subdivision of part of Original One Hundred Acre Lots Nos. 370 and 362, as shown by the recorded plat in Volume 24 of Maps, Page 17 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Elgin Avenue, N.E., and extending back of equal width 110 feet, as appears by said plat.

Section 31. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No. 108-26-093 as more fully described in Section 32 below, to Cleveland Housing Network Limited Partnership 17.

Section 32. That the real property to be sold pursuant to Section 31 of this Ordinance is more fully described as follows:

P. P. No. 108-26-093

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 72 in the Cleveland Realty Company's Subdivision of part of Original One Hundred Acre Lots Nos. 362 and 370, as shown by the recorded plat in Volume 24 of Maps, Page 17 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Garfield Avenue (formerly Bennington Street) and extending back of equal width 110 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to restrictions recorded in Volume 1083, Page 533 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

Section 33. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-26-098 as more fully described in Section 34 below, to Cleveland Housing Network Limited Partnership 17.

Section 34. That the real property to be sold pursuant to Section 33 of this Ordinance is more fully described as follows:

P. P. No. 108-26-098

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 67 in the Cleveland Realty Company Subdivision, of part of Original One Hundred Acre Lots Nos. 370 and 362, as shown by the recorded plat in Volume 24 of Maps, Page 17 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 35. Reserved.

Section "36".

Section 37. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-09-020 as more fully described in Section 38 below, to Cleveland Housing Network Limited Partnership 17.

Section 38. That the real property to be sold pursuant to Section 37 of this Ordinance is more fully described as follows:

P. P. No. 135-09-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 157 in the Van DeBoeHager Company's Union Heights Subdivision of part of Original One Hundred Acre Lot No. 450, as shown by the recorded plat of said Subdivision in Volume 43 of Maps, Page 20 of Cuyahoga County Records. Said Sublot No. 157 has a frontage of 40 1/100 feet on the Northerly side of Sandusky Avenue, S.E., and extends back 126 8/100 feet on the Easterly line, 126 76/100 feet on the Westerly line, and has a rear line of 40 feet, as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 39. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 136-01-095 as more fully described in Section 40 below, to Cleveland Housing Network Limited Partnership 17.

Section 40. That the real property to be sold pursuant to Section 39 of this Ordinance is more fully described as follows:

P. P. No. 136-01-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 56 in Leo W. Sapp's Subdivision of part of Original One Hundred Acre Lots Nos. 457 and 458, as shown by the recorded plat in Volume 5 of Maps, Page 26 of Cuyahoga County Records, and being 40.02 feet front on the Northerly side of Elizabeth Street, (now known as Elizabeth Avenue, S.E.) and extending back of equal width 140 feet to the Southerly line of Prince Avenue, S.E. (formerly Prince Street), as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 41. Reserved.

Section "42".

Section 43. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 136-02-008 as more fully described in Section 44 below, to Cleveland Housing Network Limited Partnership 17.

Section 44. That the real property to be sold pursuant to Section 43 of this Ordinance is more fully described as follows:

P. P. No. 136-02-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 86 in Leo W. Sapp's Subdivision of part of Original One Hundred Acre Lots Nos. 458 and 457, as shown by the recorded plat in Volume 5 of Maps, Page 26 of Cuyahoga County Records and being a resurvey recorded in Volume 12, Page 25 of Cuyahoga County Records, and being 40.02 feet front on the Northerly side of Elizabeth Avenue and 140 feet deep running through to Prince Avenue, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 45. Reserved.

Section "46".

Section 47. Reserved.

Section "48".

Section 49. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 50. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed nec-

essary or appropriate. **In meeting the minority participation goals, Cleveland Housing Network shall utilize MBE firms certified by the City's Office of Equal Opportunity for all work exceeding \$2,500 for a single transaction, or \$10,000 for a year. Minority firms that are not certified shall not be counted toward the goals.**

Section 51. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

Section 52. 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. 175-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program on scattered sites to the Buckeye Area Development Corporation or designee.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-33-111 as more fully described in Section 2 below, to Buckeye Area Development Corporation or designee.

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

P. P. No. 121-33-111

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 40 in Grether and Palmer Subdivision of part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 14 of Maps, Page 39 of Cuyahoga County Records and being 40 feet front on the Southwesterly side of Mt. Carmel Road, and extending back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-33-112 as more fully described in Section 4 below, to Buckeye Area Development Corporation or designee.

Section 4. That the real property to be sold pursuant to Section 3 of this Ordinance is more fully described as follows:

P. P. No. 121-33-112

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 39 in Grether, Grether and Palmer and Perkins Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 14 of Maps, Page 39 of Cuyahoga County Records. Said Sublot No. 39 has a frontage of 40 feet on the Southwesterly side of Mt. Carmel Road, S.E., (formerly Ingersoll Road), and extends back between parallel lines 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. Reserved.

Section 6. Reserved.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-34-009 as more fully described in Section 8 below, to Buckeye Area Development Corporation or designee.

Section 8. That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P. P. No. 121-34-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in Quincy Heights Subdivision of part of Original One Hundred Acre Lots Nos. 418, 419 and 420, as shown by the recorded plat in Volume 37 of Maps, Page 2 of Cuyahoga County Records and being 36 feet front on the Southwesterly side of Woodstock Avenue, S.E., (formerly Quincy Avenue) and extending back of equal width 84.28 feet, as appears by said plat, be the same more or less, but subject to all legal highways. Subject to Zoning Ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 121-34-089 as more fully described in Section 10 below, to Buckeye Area Development Corporation or designee.

Section 10. That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P. P. No. 121-34-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 43 in Heisley Heights' Subdivision of part of Original One Hundred Acre Lot Nos. 418, 419 and 420 as shown by the recorded plat in Volume 36 of Maps, Page 23 of Cuyahoga County Records, and being 40 feet front on the Northeasterly side of Mount Overlook Avenue, S.E., and extending back of equal width

104.65 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-01-020 as more fully described in Section 12 below, to Buckeye Area Development Corporation or designee.

Section 12. That the real property to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P. P. No. 128-01-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 16 in the Marshall Re-Subdivision of part of Original One Hundred Acre Lots Nos. 425 and 426, as shown by the recorded plat in Volume 22 of Maps, Page 15 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Shale Avenue, S.E., and extending back of equal width 126 feet, as appears by said plat, be the same more or less, but subject to all legal highways. Subject to Zoning Ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-01-024 as more fully described in Section 14 below, to Buckeye Area Development Corporation or designee.

Section 14. That the real property to be sold pursuant to Section 13 of this Ordinance is more fully described as follows:

P. P. No. 128-01-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and bounded and described as follows, to wit: and known as being Sublot No. 12 in Marshall Re-Subdivision of Block "A" and "B" and Sublots Nos. 52, 54, 56 and 58 in the Bigalow Allotment of part of Original One Hundred Acre Lots Nos. 425 and 426, as shown by the recorded plat in Volume 22 of Maps, Page 15 of Cuyahoga County Records and being 40 feet front on the Northerly side of Shale Avenue, S.E., and extending back of equal width, 126 feet deep, be the same more or less, but subject to all legal highways. Also subject to all zoning ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-01-120 as more fully described in Section 16 below, to Buckeye Area Development Corporation or designee.

Section 16. That the real property to be sold pursuant to Section 15 of this Ordinance is more fully described as follows:

P. P. No. 128-01-120

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 90 in Benham's Luna Heights Subdivision of part of Original One Hundred Acre Lot Nos. 417 and 418 as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records and being 40 feet front on the Southerly side of Crestwood Avenue, and extending

back of equal width 105 feet as appears by said plat.

Subject to zoning ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-13-004 as more fully described in Section 18 below, to Buckeye Area Development Corporation or designee.

Section 18. That the real property to be sold pursuant to Section 17 of this Ordinance is more fully described as follows:

P. P. No. 128-13-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 6 in J.J. Elwell and others Subdivision of part of Original One Hundred Acre Lots Nos. 426 and 425 as shown by the recorded plat in Volume 25 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Southerly side of Elwell Avenue, S.E., and extending back of equal width, 100 feet deep, be the same more or less, but subject to all legal highways. Also subject to all zoning ordinances, if any.

Subject to restrictions and Building Line Restrictions recited in Volume 427, Page 615 of Cuyahoga County Records, filed April 11, 1888 and refilled in Volume 573, Page 492 of Cuyahoga County Records, filed July 14, 1894.

Section 19. Reserved.

Section 20. Reserved.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-13-061 as more fully described in Section 22 below, to Buckeye Area Development Corporation or designee.

Section 22. That the real property to be sold pursuant to Section 21 of this Ordinance is more fully described as follows:

P. P. No. 128-13-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 28 in The I.H. Marshall Subdivision of part of Original One Hundred Acre Lots Nos. 425 and 426, as shown by the recorded plat in Volume 7 of Maps, Page 20 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Stoughton Avenue, and extending back of equal width 136 feet, as appears by said plat, be the same more or less, but subject to all legal highways. Also subject to all zoning ordinances, if any.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-13-096 as more fully described in Section 24 below, to Buckeye Area Development Corporation or designee.

Section 24. That the real property to be sold pursuant to Section 23 of this Ordinance is more fully described as follows:

P. P. No. 128-13-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 36 in J. Heinas and G.W. Taylor Subdivision of part of Original One

Hundred Acre Lots Nos. 425 and 426, as shown by the recorded plat in Volume 13 of Maps, Page 42 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Sophia Avenue, and extending back 113.07 feet on the Easterly line, 113.24 feet on the Westerly line, and having a rear line of 40 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 25. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-14-016 as more fully described in Section 26 below, to Buckeye Area Development Corporation or designee.

Section 26. That the real property to be sold pursuant to Section 25 of this Ordinance is more fully described as follows:

P. P. No. 128-14-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bounded and described as follows, to wit:

Known as being Sublot No. 63 in Prochaska and Polcar Subdivision of part of Original One Hundred Acre Lot No. 426 as shown by the recorded plat in Volume 28 of Maps, Page 23 of Cuyahoga County Records and being 35 feet front on the Westerly side of East 104th Street and extending back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

BEING the same property acquired by the Grantor pursuant to the provisions of the National Housing Act, as amended (12 USC 1701 et. seq.) and the Department of Housing and Urban Development Act (79 Stat. 667).

SUBJECT TO ALL covenants, restrictions, reservations, easements, conditions and right appearing of record; and SUBJECT to any state of facts an accurate survey would show.

Section 27. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-14-023 as more fully described in Section 28 below, to Buckeye Area Development Corporation or designee.

Section 28. That the real property to be sold pursuant to Section 27 of this Ordinance is more fully described as follows:

P. P. No. 128-14-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 56 in Prochaska and Polcar's South Woodland Avenue Allotment of a part of Original One Hundred Acre Lot No. 426, as shown by the recorded plat in Volume 28 of Maps, Page 23 of Cuyahoga County Records, and being 36 feet front on the Northerly side of Sophia Avenue, S.E., (formerly Heina Street), and extending back 117.08 feet on the Westerly line, 117.27 feet on the Easterly line, and having a rear line of 36 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 29. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-14-024 as more fully described in Section 30 below, to Buckeye Area Development Corporation or designee.

Section 30. That the real property to be sold pursuant to Section 29 of this Ordinance is more fully described as follows:

P. P. No. 128-14-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 55 in Prochaska and Polcar's South Woodland Allotment of part of Original One Hundred Acre Lot No. 426 and Re-Allotment of Joseph Doffner's Allotment of part of Original One Hundred Acre Lot No. 426 as shown by the recorded plat in Volume 28 of Maps, Page 23 of Cuyahoga County Records and being 37 feet front on the Northerly side of Sophia Avenue, S.E., and extending back 117.08 feet on the Easterly line, 116.88 feet on the Westerly line and having a rear line of 37 feet, which is also the Southerly side of a 10 foot alley, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 31. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-14-026 as more fully described in Section 32 below, to Buckeye Area Development Corporation or designee.

Section 32. That the real property to be sold pursuant to Section 31 of this Ordinance is more fully described as follows:

P. P. No. 128-14-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 88 feet of Sublot No. 53 in Prochaska and Polcar's "South Woodland Avenue" Allotment of part of Original One Hundred Acre Lot No. 426, as shown by the recorded plat in Volume 28 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Northerly side of Sophia Avenue, S.E., (formerly Heina Street), and extending back of equal width with a distance of 88 feet along the Easterly side of East 102nd Street, (formerly Marshall Street), be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 33. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-14-033 as more fully described in Section 34 below, to Buckeye Area Development Corporation or designee.

Section 34. That the real property to be sold pursuant to Section 33 of this Ordinance is more fully described as follows:

P. P. No. 128-14-033

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

46 in Prochaska Polcar's South Woodland Avenue Allotment of part of Original One Hundred Acre Lot No. 426, as shown by the recorded plat in Volume 28 of Maps, Page 23 of Cuyahoga County Records and being 35 feet front on the Southerly side of Sophia Avenue and extending back 110.44 feet on the Westerly line, 110.26 feet on the Easterly line and having a rear line of 35 feet, as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 35. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-14-036 as more fully described in Section 36 below, to Buckeye Area Development Corporation or designee.

Section 36. That the real property to be sold pursuant to Section 35 of this Ordinance is more fully described as follows:

P. P. No. 128-14-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 43 in Prochaska and Polcar's "South Woodland Avenue" Allotment of part of Original One Hundred Acre Lot No. 426 and a Re-Allotment of Joseph Duffner's Allotment of part of Original One Hundred Acre Lot No. 426, as shown by the recorded plat in Volume 28 of Maps, Page 23 of Cuyahoga County Records and being 35 feet front on the Southerly side of Sophia Avenue, S.E., and extending back 109.9 feet deep on the Westerly line, 109.72 feet deep on the Easterly line and 35 feet wide in the rear, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 37. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-14-089 as more fully described in Section 38 below, to Buckeye Area Development Corporation or designee.

Section 38. That the real property to be sold pursuant to Section 37 of this Ordinance is more fully described as follows:

P. P. No. 128-14-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 28.46 feet of Sublot No. 53 in Prochaska and Polcar's South Woodland Avenue Allotment of part of Original One Hundred Acre Lot No. 426, and a Re-Allotment of Joseph Duffner's Allotment of part of said Original One Hundred Acre Lot No. 426; the premise hereby conveyed being all of said Sublot No. 53, except the Southerly 88 feet thereof conveyed to Jennie Berta, by Deed dated March 28, 1922, and recorded in Cuyahoga County Records of Deeds, Volume 2538, Page 523, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 39. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No. 128-22-047 as more fully described in Section 40 below, to Buckeye Area Development Corporation or designee.

Section 40. That the real property to be sold pursuant to Section 39 of this Ordinance is more fully described as follows:

P. P. No. 128-22-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 59 in the Helper-Woodland Hills Park Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat in Volume 42 of Maps, Page 26 of Cuyahoga County Records, and being 50 feet front on the Northernly side of Ramona Boulevard, 150 feet deep on the Easterly line, 150 feet deep on the Westerly line and 42.43 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 41. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 129-16-140 as more fully described in Section 42 below, to Buckeye Area Development Corporation or designee.

Section 42. That the real property to be sold pursuant to Section 41 of this Ordinance is more fully described as follows:

P. P. No. 129-16-140

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 38 in William M. Southern's Brugge Farm Subdivision of part of Original One Hundred Acre Lot No. 429, as shown by the recorded plat in Volume 35 of Maps, Page 9 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 125th Street (formerly John Street) and extending back of equal width 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to restrictions recorded in Volume 1494, Page 527 of Cuyahoga County Records.

Also subject to all zoning ordinances, if any.

Section 43. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 44. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate. **In meeting the minority participation goals, Cleveland Housing Network shall utilize MBE firms certified by the City's Office of Equal Opportunity for all work exceeding \$2,500 for a single transaction, or \$10,000 for a**

year. Minority firms that are not certified shall not be counted toward the goals.

Section 45. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

Section 46. 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.

BOARD OF CONTROL

February 16, 2000

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 16, 2000, at 11:00 a.m. with Mayor White presiding.

Present: Mayor White, Directors Carter, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Absent: Directors Brooks, Patterson. Others: Myrna Branche, Commissioner, Purchases and Supplies, Sharon Sobol Jordan, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 78-00.

By Director Brooks.
Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of January, 2000 in the amount of \$322.00, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor White, Directors Carter, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.
Nays: None.

Absent: Directors Brooks, Patterson.

Resolution No. 79-00.

By Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland, that Resolution No. 140-95, adopted February 27, 1995, as amended by Resolution No. 152-95, adopted March 1, 1995, fixing rates, rules and regulations relating to the operation of the Division of Cleveland Public Power, Department of Public Utilities, for electric service, is hereby amended by deleting that portion of said Resolution identified as "Energy Adjustment Charge", and adding a new section entitled **Energy Adjustment Charge** which fixes certain rates, rules and regulations relating to electric service, subject to the approval of the Council of the City of Cleveland, as follows:

Energy Adjustment Charge

(a) An additional incremental charge for excess fuel and power production and purchase power costs may be applied to the rates prescribed in Sections 523.02 to 523.065 and any other rate schedule as may be adopted by the City.

(b) The incremental charge shall be based on the fuel and purchase power cost per kilowatt hour delivered calculated pursuant to subsections (c)(1) and (2) of this Section, and shall not be less than the charge calculated pursuant to such subsections on October 1, 1997.

(c)(1) The fuel and purchase power cost per kilowatt hour sold to residential ratepayers shall be determined by dividing the sum of the cost of the kilowatt hours purchased from the Power Authority of the State of New York and the average cost of kilowatt hours purchased from other sources needed to supply the residential customers. For the period ending December 31, 2005, the incremental charge calculated herein shall be adjusted by subtracting 15 mils per kilowatt hour for residential customers who provide the Division of Cleveland Public Power with a certificate of reduction of taxes obtained pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code, and 9.75 mils per kilowatt hour for all other residential customers. Beginning on January 1, 2006, the incremental charge for all residential customers shall be adjusted by subtracting 15 mils per kilowatt hour.

(2) Except as provided in Section 523.048, the fuel and purchase power cost per kilowatt hour sold to all ratepayers, other than residential ratepayers, during the twelve months of the year, shall be determined by dividing the sum of the total cost of coal, oil, gas and purchase power by the total kilowatt hours distributed, except that the computation shall exclude the cost of PASNY power and the amount of PASNY power allocable to kilowatt hours distributed, and shall exclude the costs of all purchase power from a specific source or sources purchased by the Division for distribution to ratepayers pursuant to Section 523.048. For the period ending December 31, 2005, the incremental charge calculated herein shall be adjusted by subtracting 3.0 mils per kilowatt hour. Beginning on January 1, 2006, such incremental charge shall be adjusted by subtracting 15 mils per kilowatt hour.

(d) At the end of each month, the Division of Cleveland Public Power shall determine the excess fuel and power charge during such month as herein provided.

Be it further resolved that all other provisions of said Resolution No. 140-95, adopted February 27, 1995, as amended by Resolution No. 152-95, adopted March 1, 1995 not expressly amended hereby shall remain unchanged and in full force and effect.

Be it further resolved that, subject to the approval of City Council, Board of Control Resolution No. 344-94, adopted May 18, 1994, and any other action of the Board of Control fixing an incremental surcharge for the payment of the judgment rendered in Cuyahoga County Common Pleas Case 78605, also referred to in Sections 523.25 and 523.251 of the Codified Ordinances as the "CEI

Lawsuit Surcharge," are hereby rescinded.

Yeas: Mayor White, Directors Carter, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.
Absent: Directors Brooks, Patterson.

Resolution No. 80-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 453-99, passed by the Council of the City of Cleveland on May 17, 1999, The Dell Group, d.b.a. Creative Solutions is hereby selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities, as the firm to be employed by contract to provide scaffolding and fall protection safety training services for a period of two years on an as needed basis, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a contract with The Dell Group, d.b.a. Creative Solutions based upon its proposal dated November 3, 1999, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as contained in said proposal, for an aggregate fee not in excess of \$35,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

SUBCONTRACTOR WORK

Ultra Printing & Design
FBE \$3,000

Yeas: Mayor White, Directors Carter, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.
Absent: Directors Brooks, Patterson.

Resolution No. 81-00.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on November 10, 1999 for diving and underwater inspection services (all items) for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 509-99, passed by the Council of the City of Cleveland on May 17, 1999 are hereby rejected.

Yeas: Mayor White, Directors Carter, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.
Absent: Directors Brooks, Patterson.

Resolution No. 82-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of The Craun-Liebing Company for an estimated quantity of various parts for pump stations, for the Division of Water Pollution Control, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 19th day of January 2000, pursuant to the authority of Ordinance No. 1606-96, passed October 28, 1996 on the basis

of the estimated quantity would amount to Eighty Thousand Dollars and 00/100 (\$80,000.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 11421

which shall be certified against such contract in the sum of Thirty Thousand Dollars and 00/100 (\$30,000.00).

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, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.
Absent: Directors Brooks, Patterson.

Resolution No. 83-00.

By Director Sheffield-McClain.

Whereas, by Resolution No. 24-00, adopted January 19, 2000, pursuant to the authority of Ordinance No. 574-99, passed by the Cleveland City Council June 7, 1999, this Board of Control approved the bid of Montgomery-Kone, Inc. and

Whereas, in said Resolution No. 24-00, the bidder's name was incorrectly stated as Montgomery-Kone, Inc.; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 24-00, adopted January 22, 1997, affirming and approving the bid of Montgomery-Kone, Inc. as the lowest and best for the labor and materials necessary to maintain and repair elevators, escalators and moving walkways for the various divisions of the Department of Port Control, is hereby amended by changing the bidder name to "Kone Inc."

Be it further resolved that all other provisions of said resolution not expressly amended hereby shall remain in full force and effect.

Yeas: Mayor White, Directors Carter, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.
Absent: Directors Brooks, Patterson.

Resolution No. 84-00.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that all bids received on December 15, 1999 for solid waste disposal services, contract E.W. all items, for the Division of Waste Collection and Disposal, Department of Public Service, pursuant to the authority of Ordinance No. 1124-99, passed by the Council of the City of Cleveland on October 4, 1999, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.
Absent: Directors Brooks, Patterson.

Resolution No. 85-00.

By Director Ricchiuto.

Whereas, by Resolution No. 52-00, adopted January 26, 2000, pursuant to the authority of Ordinance No. 1264-99, passed by the Cleveland City Council August 11, 1999, this Board of Control approved the bid of The Cleveland Ignition Co., as the lowest and best bid for the purchase of various automotive and truck parts, items: 1, 4(A-C) and 5(A-C); and

Whereas, in said Resolution No. 52-00, the requisition number was incorrectly stated as 17404; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 52-00, adopted January 26, 2000, affirming and approving the bid of The Cleveland Ignition Co. as the lowest and best for the purchase of various automotive and truck parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, hereby is amended by changing the requisition number to 17504.

Be it further resolved that all other provisions of said resolution not expressly amended hereby shall remain in full force and effect.

Yeas: Mayor White, Directors Carter, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.
Absent: Directors Brooks, Patterson.

Resolution No. 86-00.

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. 106-23-102 under said Land Reutilization Program; and

Whereas, Ordinance No. 1876-99, passed December 13, 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, Patrick Prince 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. 1876-99, passed December 13, 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 Patrick Prince for the sale and development of Permanent Parcel No. 106-23-102, 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 \$1.00, 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, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.
Absent: Directors Brooks, Patterson.

Resolution No. 87-00.

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. 023-21-011 under said Land Reutilization Program; and

Whereas, Ordinance No. 1661-99, passed December 13, 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, Henry C. Neely and Geraldine Neely have 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. 1661-99, passed December 13, 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 Henry C. Neely and Geraldine Neely for the sale and development of Permanent Parcel No. 023-21-011, 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 \$560.00, 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, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.

Absent: Directors Brooks, Patterson.

Resolution No. 88-00.

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. 135-21-119 under said Land Reutilization Program; and

Whereas, Ordinance No. 1848-99, passed December 13, 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, Donnell Tate, Jr. 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. 1848-99, passed December 13, 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 Donnell Tate, Jr. for the sale and development of Permanent Parcel No. 135-21-119, 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 \$1.00, 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, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.

Absent: Directors Brooks, Patterson.

Resolution No. 89-00.

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. 106-15-051 under said Land Reutilization Program; and

Whereas, Ordinance No. 1875-99, passed December 13, 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, Bertha Williams 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. 1875-99, passed December 13, 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 Bertha Williams for the sale and development of Permanent Parcel No. 106-15-051, 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 \$1.00, 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, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.

Absent: Directors Brooks, Patterson.

Resolution No. 90-00.

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. 105-32-120 under said Land Reutilization Program; and

Whereas, Ordinance No. 327-99, passed November 29, 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, Jean Bragg and Don C. Bragg, Sr. have 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. 327-99, passed November 29, 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 Jean Bragg and Don C. Bragg, Sr. for the sale and develop-

ment of Permanent Parcel No. 105-32-120, 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 \$1.00, 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, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.

Absent: Directors Brooks, Patterson.

Resolution No. 91-00.

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. 109-15-148 located at 10822 Morison Avenue in Ward 8; 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, Leroy Robinson and D. Robinson, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 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 purchasers of said parcel are 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 Leroy Robinson and D. Robinson for the sale and development of Permanent Parcel No. 109-15-148 located at 10822 Morison 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, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.

Absent: Directors Brooks, Patterson.

Resolution No. 92-00.

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. 110-06-068 located at 619 East 126th 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, Dorothy Bell, 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 Dorothy Bell for the sale and development of Permanent Parcel No. 110-06-068 located at 619 East 126th 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, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.

Absent: Directors Brooks, Patter-son.

Resolution No. 93-00.

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. 107-02-052 located at 907 Ida Avenue in Ward 8; 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, Virgil W. Nicholson, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 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 Virgil W. Nicholson for the sale and development of Permanent Parcel No. 107-02-052 located at 907 Ida 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, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.

Absent: Directors Brooks, Patter-son.

Resolution No. 94-00.

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. 111-01-034 located at 576 East 114th Street in Ward 9; 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, Shirley Haynes, 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 9 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 Commu-

nity Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Shirley Haynes for the sale and development of Permanent Parcel No. 111-01-034 located at 576 East 114th 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, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.

Absent: Directors Brooks, Patter-son.

Resolution No. 95-00.

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 46-97, passed by the Council of the City of Cleveland on April 21, 1997, the Director of Community Development was authorized to enter into a project agreement ("Agreement") with Villas of Woodhaven, Limited Liability Company, or its designee, for the acquisition, clearance and redevelopment of certain lands in the East 79th-East 89th-Euclid-Chester Community Development Plan Area ("Plan Area");

Whereas, the Director of Community Development and the Commissioner of Purchases and Supplies are prepared to effectuate the sale and conveyance of the City-owned Land Bank property to the Villas of Woodhaven LLC, or its designee, in accordance with and pursuant to the terms and conditions of the Agreement;

Whereas, said Ordinance No. 46-97, provided that the consideration to be paid for the property shall be at a price not less than the fair reuse value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 46-97, passed by the Council of the City of Cleveland on April 21, 1997, the Commissioner of Purchases and Supplies is hereby directed to sell certain property located within the Plan Area to the Villas of Woodhaven LLC, or its designee with the consideration to be paid for the City Land Bank property to be One Hundred Dollars (\$100.00) per lot which amount is hereby determined to be not less than the fair reuse value of said parcels.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the Official Deed of the City of Cleveland conveying said property.

Yeas: Mayor White, Directors Carter, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.

Absent: Directors Brooks, Patter-son.

Resolution No. 96-00.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the conditional bid of MD Helicopters,

Inc. for an estimated quantity of turbine helicopters except for such terms and conditions as are not acceptable to the Director of Law, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on December 22, 1999, pursuant to the authority of Ordinance No. 182-99, passed June 7, 1999, which on the basis of the estimated quantity would amount to two million one hundred ninety thousand four hundred and twelve and 00/100 Dollars (\$2,190,412) (Net 30 days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 12554

One (1) turbine helicopter, as specified,

which shall be certified against such contract in the sum of One Million Ninety Five Thousand Two Hundred and Six 00/100 Dollars (\$1,095,206.00).

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, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Director Smith, Directors Jackson, Hudecek, Warren, Acting Director Alexander.

Nays: None.

Absent: Directors Brooks, Patterson.

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 Lake-side 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 stated in the examination announcement.

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

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

ANNE BLOOMBERG,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 6, 2000

9:30 A.M.

Calendar No. 00-24: 3603 Riverside Avenue (Ward 15)

Linda L. Darling, owner, appeals to change the use of an existing one family dwelling house situated on a 32' x 150' parcel into a bed and breakfast (room and board) house located in a Two-Family District on the south side of Riverside Avenue at 3603 Riverside Avenue; said change of use being contrary to the Residential District Regulations of Section 337.03 where Bed and Breakfast use is not permitted in a Two-Family District but first permitted in a Multi-Family District and contrary to the Off-Street Parking and Loading Requirements where 4 parking spaces are required and 0 are proposed as stated in Section 349.04 of the Codified Ordinances.

Calendar No. 00-25: 2710 Church Avenue (Ward 14)

Cuyahoga Metropolitan Housing Authority c/o Norris McClure, owner, appeals to demolish an existing 60' x 122' one-story metal frame garage situated on an approximate 67' x 139' parcel with an alley and construct a 24 space surface parking lot located in a Semi-Industry District on the north side of Church Avenue at 2710 Church Avenue; said construction being contrary to the Landscaping and Screening Requirements of Section 352.10 where off-street parking spaces require a 6' landscaped frontage strip along West 28th Street and 0' is proposed and a landscape plan is required as stated in Section 352.12 of the Codified Ordinances.

Calendar No. 00-26: 11100-22 Clifton Boulevard (Ward 17)

Stuart J. Graines, owner, appeals under the authority of Section 329.02(d) where the appellant has the right to appeal to the Board of Zoning Appeals, and Section 327.99(a) where the appellant is subject to prosecution and penalties, and the Charter of the City of Cleveland from the issuance of a Violation Notice on December 20, 1999 by the Commissioner of the Division of Building and Housing, Department of Community Development, where the property at 11100-22 Clifton Boulevard has been cited under the Enforcement and Penalties Requirements of Section 327.02(b) where no building shall be erected, altered or enlarged until a permit for such erection, alteration or enlargement has been issued by the Commissioner of Building and where there shall be no change or substitution in the use of any building or premises and no extension of any existing use, nor shall any premises be occupied for any new use until a Certificate of Occupancy has been issued, as stated in Section 327.02(c) of the Codified Ordinances.

Calendar No. 00-27: 4310-4314 Clark Avenue (Ward 14)

Ceska Sin Sokol, owner, appeals to install an 8' long x 4' high x 4' wide projecting sign 8'3" high

above finish grade over the existing door on an existing building located in a Semi-Industry District on the north side of Clark Avenue at 4310-4314 Clark Avenue, said projecting sign being contrary to the Sign Regulations Requirements of Section 350.08(a) where the lowest element of any projecting sign above a pedestrian way shall be at least 10' above finish grade and 8' is proposed and Section 350.08(e) where two sign faces of a projecting sign shall be separated by no more than 2' and an 8' separation with a third sign face is proposed and must comply with the Design Review District Regulations as stated in Section 350.16 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, FEBRUARY 22, 2000

At the meeting of the Board of Zoning Appeals on Tuesday, February 22, 2000, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 00-14: 2509 East 55th Street

Sherri L. Sullins, owner, appealed to change the use of a two-story post office building into a restaurant in a General Retail District.

Calendar No. 00-16: 1195 East 106th Street

The Greater Abyssinia Baptist Church, owner c/o T.L. Steward, contractor, appealed to install 6 accessory off-street parking spaces in a Two-Family District.

Calendar No. 99-258: 7239 Kinsman Road

James Strong, owner, and Lillie Muston, tenant, appealed to change the use of a two-story retail store building into a carry-out restaurant in a Multi-Family District.

Calendar No. 99-506: 15407 Kinsman Road

Kim Scott, owner, appealed to change the use of a one-story masonry building into a day care center in a Local Retail Business District; upon condition that dumpster will be placed away from the proposed outdoor play area and to the north side of the driveway to the adjacent property.

The following appeal was **Denied:**

Calendar No. 00-9: 12503 Kinsman Road

Ernest Howard, owner, and Sprint-Com, Inc., lessee, appealed to construct a 129' high monopole tower on a 100' x 181' corner parcel in a Local Retail District.

The following appeal was **Withdrawn:**

Calendar No. 00-15: 3440-3442 West 117th Street

Kim & Kim Incorporated, owners c/o Alejandro Galindo, appealed to construct 55 linear feet of 6' high

board on board fence between a parking lot and the Residence District in a General Retail Business District.

The following appeals were **Postponed**:

Calendar No. 99-560: 3926 Valley Road postponed to March 6, 2000.

Calendar No. 00-17: 1867 East 82nd Street postponed to March 27, 2000.

On Tuesday, February 22, 2000, in Executive Session:

The following appeals were heard on Monday, February 14, 2000 and said decisions were approved and adopted by the Board on February 22, 2000.

The following appeals were **Approved**:

Calendar No. 00-5: 4399-4403 State Road

William McCullough, owner, appealed to change the use of a one-story masonry building into offices, demolish an attached garage and construct a 30' x 25' masonry garage for storage on a 72' x 117' parcel in a Local Retail District.

Calendar No. 99-275: 14301 Sylvia Avenue

Anthony Gray, owner, appealed to change the use of a 38' x 58' two-story residential and commercial building and 3 dwelling units into a Church and 2 dwelling units in a Two-Family District; approval with appellant's agreement to comply with request to submit within 6 months the documentation that confirms a location where future parking expansion can be accommodated.

The following appeal was **Denied**:

Calendar No. 00-7: 2408 Denison Avenue

John W. Hickey, owner, and John Rakauskas, agent, appealed to change the use of an existing one-story commercial building into a hot dog restaurant in a Local Retail Business District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of February 16, 2000

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

* * *

Docket L-2-00.

RE: Appeal of Fred Mazzola, appeals from a LETTER OF DENIAL FOR RENEWAL OF

JOURNEYMAN PLUMBER LICENSE of the Commissioner of the Division of Assessments & Licenses dated January 6, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

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

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

* * *

Docket L-3-00.

RE: Appeal of Ernest F. Fritinger, appeals from a LETTER OF DENIAL FOR RENEWAL OF JOURNEYMAN PLUMBER LICENSE of the Commissioner of the Division of Assessments & Licenses dated January 6, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit Mr. Fritinger to renew his JOURNEYMAN PLUMBER 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 A-1-00.

RE: Appeal of David A. & Laura L. Dylan, Owners of the Residential Property located on the premises known as 3465 East 53rd Street from a ORDER TO VACATE of the Commissioner of the Division of Building and Housing dated December 9, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-1-00 has been POSTPONED; to be rescheduled for March 1, 2000.

* * *

Docket A-2-00.

RE: Appeal of Paul & Cesare Noce, Owners of the One Store/Two Story Masonry Property located on the premises known as 720 East 152nd Street from a NOTICE OF VIOLATION/VACATE FORTHWITH of the Commissioner of the Division of Building and Housing dated December 14, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-2-00 has been POSTPONED; to be rescheduled for March 15, 2000.

* * *

Docket A-3-00.

RE: Appeal of Ralph Blue, Owner of the One Family Residential

Property located on the premises known as 10836 Hathaway Avenue from a 30 DAY FIRE CONDEMNATION/MS of the Commissioner of the Division of Building and Housing dated December 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 REMAND the property at 10836 Hathaway Avenue to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Williams.

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

* * *

Docket A-14-00.

RE: Appeal of William Stewart, Owner of the One Family Residential Property & Garage located on the premises known as 2922 Ambler Avenue from a 72 HR. EMG. FIRE CONDEMNATION ORDER/MS & GARAGE of the Commissioner of the Division of Building and Housing dated January 12, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 72 HR. EMG. FIRE CONDEMNATION ORDER/MS & GARAGE and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to obtain permits for rehabilitation of the property immediately; and to grant the Appellant six (6) months in which to complete abatement of the violations on the property, and to require that the property be maintained 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 72 HR. EMG. FIRE CONDEMNATION ORDER/MS & GARAGE 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 September 1, 2000. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket A-15-00.

RE: Appeal of Charles Pope, Owner of the One Family Residential Property located on the premises known as 3074 Nursery Avenue from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated January 11, 2000, requiring compliance with the Codi-

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

BE IT RESOLVED, a motion is in order at this time to require the Appellant to obtain any required additional permits and to grant the Appellant a six (6) month extension of time on the current permit in which to complete abatement of all the violations on the property, and to require that the property be maintained boarded and secured and the grounds debris free during that period of time; 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. Williams and seconded by Mr. Sullivan.

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

* * *

Docket A-21-00.

RE: Appeal of Massie M. Bowman, Owner of the One Family Residential Property located on the premises known as 1575 East 108th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated February 2, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the third floor to be occupied without a formal second means of egress; but to require that hardwired smoke detectors be installed throughout the house with annunciation and that a chain ladder be left on the third floor as suggested and windows be operative. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

* * *

Docket A-27-00.

RE: Appeal of Bedford Properties, Owners of the Nine Story Mixed Use Building Property located on the premises known as 777 Rockwell Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated February 10, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-27-00 has been WITHDRAWN at the request of the Appellant February 16, 2000.

* * *

OTHER BOARD BUSINESS:

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

Docket A-308-99 — International Preparatory School — 10701 Shaker Boulevard:

A motion is in order at this time to treat the penthouse in the manner described in the letter by the Appellant dated January 25, 2000 to Robert Vilkas, Commissioner of the Division of Building and Housing, with the additional items that the fire detection and the alarming system be extended to the vacated areas and that an inspection be conducted to indicate compliance by the Division of Building and Housing. 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. Bowes and seconded by Mr. Sullivan for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

- A-302-99—Frank & Marcella Menge.
- A-312-99—First Merit Bank, N.A.
- A-313-99—Djunc Stokic.
- A-314-99—IMC Mortgage Company
- A-335-99—Dollar Bank.
- A-336-99—Siegel Properties Carnegie, Ltd.
- A-337-99—Steven Jopek.
- A-338-99—Jeffrey F. Tretera.
- A-8-00—Danford Jones.
- A-12-00—Woodrow Gildersleeve, Sr.

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

A separate motion was entered into the record by the Chairman to not approve or adopt Docket A-45-99, noting that the docket was WITHDRAWN per the Appellant's letter dated February 11, 2000.

* * *

APPROVAL OF MINUTES

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

February 2, 2000

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

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, MARCH 2, 2000

Rehabilitation of East 40th Street — Phase II: East 55th Street to Central Avenue, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1282-98, passed by the Council of the City of Cleveland, July 29, 1998.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

February 9, 2000, February 16, 2000 and February 23, 2000

WEDNESDAY, MARCH 1, 2000

Reflective Sheeting, for the Division of Traffic Engineering and Parking, Department of Public Safety, as authorized by Ordinance No. 759-98, passed by the Council of the City of Cleveland, June 1, 1998.

Photocopiers, for the Various Division of City Government, Department of Finance, as authorized by Ordinance Nos. 1065-98 and 172-99, passed by the Council of the City of Cleveland, July 29, 1998 and March 29, 1999, respectively.

Commercial Electric Water Heaters, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 761-98, passed by the Council of the City of Cleveland, May 18, 1998.

February 16, 2000 and February 23, 2000

FRIDAY, MARCH 3, 2000

Emergency Repairs to Eagle Avenue Bridge/West 3rd Street Ramp, 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, December 24, 1997.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

February 16, 2000 and February 23, 2000

WEDNESDAY, MARCH 8, 2000

HVAC/R Equipment and Controls, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 890-99, passed by the Council of the City of Cleveland, June 7, 1999.

Cable, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

Uniform Clothing, for the Division of Fire, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976.

February 16, 2000 and February 23, 2000

THURSDAY, MARCH 16, 2000

SSI Tack Coat, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 1831-99, passed by the Council of the City of Cleveland, December 6, 1999.

Cold Mix, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 1832-99, passed by the Council of the City of Cleveland, December 6, 1999.

Manhole Risers, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 1825-99, passed by the Council of the City of Cleveland, December 6, 1999.

February 16, 2000 and February 23, 2000

WEDNESDAY, MARCH 8, 2000

Vitrified Clay Pipe, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.27 of the Codified Ordinances of the City of Cleveland, 1976.

Various Sewer Maintenance Appurtenances — Slabs, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.27 of the Codified Ordinances of the City of Cleveland, 1976.

Processing of Recyclable Materials, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 1124-99, passed by the Council of the City of Cleveland, October 4, 1999.

Grinding and Street Preparation, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 1838-99, passed by the Council of the City of Cleveland, December 15, 1999.

February 23, 2000 and March 1, 2000

Request for Qualifications (RFQ) Relocation of Employee Parking Lot to Riveredge Site — RFQ Design Package — D-420

Interested firms may obtain Qualification Packages beginning March 3, 2000 by going to:

www.clevelandairport.com

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

proposal@clevelandairport.com

For Further Information Contact:

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

PRE-QUALIFICATION MEETING:

TUESDAY, MARCH 8, 2000,
10:30 a.m.
Program Management
19501 Five Points Road
Cleveland, Ohio 44135

SUBMITTAL DUE DATE:

WEDNESDAY, MARCH 22, 2000
AT 12:00 O'CLOCK NOON

February 23, 2000 and March 1, 2000

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 228-2000.

By Councilman Johnson.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 3111 East 93rd Street, and repealing Resolution No. 74-2000, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 3111 East 93rd Street by Resolution No. 74-2000, adopted January 10, 2000; and

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

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

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

Section 1. That the objection to the transfer of ownership of a C1 and C2 Liquor Permit to 3111 East 93rd Street is hereby withdrawn and Resolution No. 74-2000, adopted January 10, 2000, containing said objection is hereby repealed, and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted February 14, 2000.

Effective February 22, 2000.

Res. No. 229-2000.

By Councilman Melena.

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit to 6422 Storer Avenue, 1st Fl. & Bsm., and repealing Res. No. 1324-99, objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 Liquor Permit to 6422 Storer Avenue, 1st Fl. & Bsm., by Res. No. 1324-99, adopted by Council July 14, 1999; 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 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 Liquor Permit to 6422 Storer Avenue, 1st Fl. & Bsm., be and the same is hereby withdrawn and Res. No. 1324-99, 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 February 14, 2000.
Effective February 22, 2000.

Res. No. 230-2000.

By Councilman Rybka.

An emergency resolution expressing the support of Cleveland City Council for the Slavic Village Development proposal for housing tax credits for the Harvard Elementary School housing development project.

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

Whereas, Slavic Village Development is preparing to develop the abandoned 60,000 s.f. Harvard Elementary an existing school building into 50 units of one and two bedroom affordable housing for low-income seniors; and

Whereas, 100 percent of these units will be occupied by low-income seniors; and

Whereas, 100 percent of these units will serve a special needs population, specifically low-income seniors; and

Whereas, this project site is a key component of a targeted revitalization plan, and will create significant positive spin-off through its redevelopment; and

Whereas, this development creates high quality affordable housing units for seniors, a currently under-served population in the local housing market, and is located within walking distance of many amenities; and

Whereas, the Harvard Elementary School development proposal restores a highly visible blighted building with architectural significance, thereby maintaining the integrity and promoting the stability of the neighborhood; and

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

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

Section 1. This Council supports the Slavic Village Development proposal for housing tax credits for the Harvard Elementary School housing development project.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two copies of this resolution to the Executive Director of Slavic Village Development.

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

Adopted February 14, 2000.
Effective February 22, 2000.

Res. No. 231-2000.

By Councilman Polensek.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 15220 Saranac Rd., 1st Fl. Only.

Whereas, Council has been notified by the Director of Liquor Control of an application for the trans-

fer of ownership of a C1 and C2 Liquor Permit from Permit No. 6494930, John V. Oblak Est. & Marie Oblak Extr., 15220 Saranac Rd., 1st Fl. Only, Cleveland, Ohio 44110 to Permit No. 89166070005, 3249 E. 143 Inc., DBA Milverton Food Mart, 15220 Saranac Rd., 1st Fl. Only, Cleveland, Ohio 44110; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 6494930, John V. Oblak Est. & Marie Oblak Extr., 15220 Saranac Rd., 1st Fl. Only, Cleveland, Ohio 44110 to Permit No. 89166070005, 3249 E. 143 Inc., DBA Milverton Food Mart, 15220 Saranac Rd., 1st Fl. Only, Cleveland, Ohio 44110 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted February 14, 2000.
Effective February 22, 2000.

Res. No. 232-2000.

By Councilman Willis.

An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 914-918 East 123rd Street, and repealing Res. No. 111-99 objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 914-918 East 123rd Street, by Res. No. 111-99, adopted by Council January 25, 1999; 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 914-918 East 123rd Street, be and the same is hereby withdrawn and Res. No. 111-99, 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 February 14, 2000.
Effective February 22, 2000.

Ord. No. 910-98.

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

An emergency ordinance to amend Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 327-95, passed February 27, 1995, relating to the Cleveland Public Power energy adjustment charge, and to repeal Section 523.25 of the Codified Ordinances, passed July 23, 1990, and Section 523.251 of the Codified Ordinances, passed June 6, 1994, relating to the CEI Lawsuit Surcharge.

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 rates, rules and regulations relating to the operation of the Division of Cleveland Public Power, Department of Public Utilities, for electric service, fixed by the Board of Control by the adoption of Resolution No. ____-00, on ____, -00, be and the same are hereby approved.

Section 2. That Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 327-95, passed February 27, 1995, is hereby amended to read as follows:

Section 523.21 Energy Adjustment Charge

(a) An additional incremental charge for excess fuel and power production and purchase power costs may be applied to the rates prescribed in Sections 523.02 to 523.065 and any other rate schedule as may be adopted by the City.

(b) The incremental charge shall be based on the fuel and purchase power cost per kilowatt hour delivered calculated pursuant to subsections (c)(1) and (2) of this Section, and shall not be less than the charge calculated pursuant to such subsections on October 1, 1997.

(c)(1) The fuel and purchase power cost per kilowatt hour sold to residential ratepayers shall be determined by dividing the sum of the cost of the kilowatt hours purchased from the Power Authority of the State of New York and the average cost of kilowatt hours purchased from other sources needed to supply the residential customers. For the period ending December 31, 2005, the incremental charge calculated herein shall be adjusted by subtracting 15 mils per kilowatt hour for residential customers who provide the Division of Cleveland Public Power with a certificate of reduction of taxes obtained pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code, and 9.75 mils per kilowatt hour for all other residential customers. Beginning on January 1, 2006, the incremental charge for all residential customers shall be adjusted by subtracting 15 mils per kilowatt hour.

(2) Except as provided in Section 523.048, the fuel and purchase power cost per kilowatt hour sold to all ratepayers, other than residential ratepayers, during the twelve months of the year, shall be determined by dividing the sum of the total cost of coal, oil, gas and purchase power by the total kilowatt hours distributed, except that the computation shall exclude the cost of PASNY power and the amount of PASNY power allocable to kilowatt hours distributed, and shall exclude the costs of all purchase power from a specific source or sources purchased by the Division for distribution to ratepayers pursuant to Section 523.048. For the period ending December 31, 2005, the incremental charge calculated herein shall be adjusted by subtracting 3.0 mils per kilowatt hour. Beginning on January 1, 2006, such incremental charge shall be adjusted by subtracting 15 mils per kilowatt hour.

(d) At the end of each month, the Division of Cleveland Public Power shall determine the excess fuel and power charge during such month as herein provided.

Section 3. That existing Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 327-95, passed February 27, 1995, existing Section 523.25, as enacted by Ordinance No. 1657-90, passed July 23, 1990, and existing Section 523.251, as enacted by Ordinance No. 978-94, passed June 6, 1994, are hereby repealed.

Section 4. That the revenue resulting from the increase in the incremental charge provided for herein shall be applied exclusively to the repayment of any bond obligations of Cleveland Public Power.

Section 5. That during the annual budget review, the Director of Public Utilities shall submit a written report to all members of City Council and present such report orally to the Public Utilities Committee of Cleveland City Council which indicates the status of the repayment of Cleveland Public Power's bond obligations.

Section 6. That by the end of each calendar year Cleveland Public Power shall receive from the gener-

al fund an amount equal to eighty-five percent (85%) of the excise tax imposed by Section 5727.81(A) of the Ohio Revised Code and collected by the City of Cleveland during that year to be applied exclusively to the repayment of any bond obligations of Cleveland Public Power.

Section 7. That at least every three months beginning April 1, 2000, the Director of Public Utilities shall submit a written report to all members of City Council which indicates Cleveland Public Power's readiness for a competitive marketplace, system upgrades, and financing.

Section 8. That, within two (2) years from the date of passage of this ordinance, the Division of Cleveland Public Power shall create an operative Cleveland Public Power maintenance facility located on the east side of Cleveland.

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 February 14, 2000.
Effective February 22, 2000.

Ord. No. 1963-99.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to encroach into the right-of-way of the Easterly and Westerly Chester Avenue Median Islands between East 23rd and East 24th Streets, and between East 24th Street and the Inner-Belt Bridge with landscaping and an irrigation system.

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

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

Section 1. That 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 Cleveland State University, 1983 East 24th Street, Cleveland, Ohio 44114, its successors and assigns, for the construction, use and maintenance of landscaping and an irrigation system which will encroach into the public right-of-way of the Chester Avenue Median Islands between East 23rd and East 24th Streets and between East 24th Street and the Inner-Belt Bridge as further described as follows:

ENCROACHMENT AREA/EASTERLY ISLAND WITHIN CHESTER AVE. N.E.

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Original Ten Acre Lot Numbers 83 and 84 within the bounds of Chester Avenue N.E., 118.00 feet in width, bounded and described as follows:

Beginning at the stone monument in the centerline of East 21st Street, 66.00 feet in width, at its intersection with the centerline of said Chester Avenue N.E.; thence North 89°-36'-31" East along said centerline of Chester Avenue N.E. 990.18

feet to a point; thence South 0°-23'-29" East, 15.22 feet to the principal place of beginning and the point of curvature in the north face of the northerly curb of the island herein to be described;

Course No. 1: thence North 89°-35'-52" East along the north face of the northerly curb of said island, 570.67 feet to a centerline of the expansion joint of the Innerbelt Bridge;

Course No. 2: thence South 5°-42'-16" East along said expansion joint, 17.98 feet to a point in the south face of the southerly curb of said island;

Course No. 3: thence South 89°-37'-52" West along the southerly face of the south curb of said island, 572.33 feet to a point of curvature therein;

Course No. 4: thence northerly along the arc of a circle deflecting to the right, 27.59 feet to the principal place of beginning, said curved line having a radius of 8.78 feet and a chord which bears North 0°-23'-08" West a distance of 17.56 feet, containing 10,254 square feet of land (0.2354 acres), according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in June, 1999, be the same more or less.

The bearings used herein are based on an assumed meridian and are used only to denote angles.

ENCROACHMENT AREA/WESTERLY ISLAND WITHIN CHESTER AVE. N.E.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being a part of Original Ten Acre Lot Numbers 81 and 82, within the bounds of Chester Avenue N.E., 118.00 feet in width, bounded and described as follows:

Beginning at the stone monument in the centerline of East 21st Street, 66.00 feet in width, at its intersection with the centerline of said Chester Avenue N.W.; thence North 89°-36'-31" East along said centerline of Chester Avenue N.E., 446.72 feet to a point; thence South 0°-23'-29" East, 14.12 feet to the principal place of beginning and the point of curvature in the north face of the northerly curb of the island herein to be described;

Thence northeasterly along the north face of the northerly curb of said island the following distances and courses:

Course No. 1: thence South 87°-32'-22" East, 24.08 feet;

Course No. 2: thence North 89°-42'-50" East, 78.37 feet;

Course No. 3: thence North 89°-32'-01" East, 112.08 feet;

Course No. 4: thence North 89°-29'-50" East, 197.54 feet to a point of curvature therein;

Course No. 5: thence southerly along the arc of a circle deflecting to the right, 7.96 feet to a point of tangency in the south face of the southerly curb of said island, said curved line having a radius of 2.54 feet and a chord which bears South 0°-30'-54" East, a distance of 5.07 feet;

Thence southwesterly along the south face of the southerly curb of said island, the following courses and distances:

Course No. 6: thence South 89°-34'-08" West, 82.37 feet to a point of curvature therein;

Course No. 7: thence southwesterly along the arc of a circle deflecting to the left, 8.87 feet to a point of tangency therein, said curved line having a radius of 163.03 feet and a chord which bears South 88°-07'-54" West, a distance of 8.87 feet;

Course No. 8: thence South 86°-34'-26" West, 39.10 feet;

Course No. 9: thence South 84°-23'-37" West, 99.16 feet;

Course No. 10: thence South 88°-24'-47" West, 20.28 feet;

Course No. 11: thence South 89°-02'-59" West, 22.59 feet to a point of curvature therein;

Course No. 12: thence northwesterly along the arc of a circle deflecting to the right, 90.01 feet to a point of tangency therein, said curved line having a radius of 596.13 feet and a chord which bears North 86°-37'-29" West a distance of 89.92 feet;

Course No. 13: thence North 82°-17'-57" West, 51.42 feet to a point of curvature therein;

Course No. 14: thence northerly along the arc of a circle deflecting to the right, 7.28 feet to the principal place of beginning, said curved line having a radius of 2.39 feet and a chord which bears North 5°-04'-50" East a distance of 4.77 feet, containing 4,266 square feet of land (0.0979 acres), according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in June, 1999, be the same more or less.

The bearings used herein are based on an assumed meridian and are used only to denote angles.

ENCROACHMENT AREA/WESTERLY 20-FOOT WIDE WATER LINE WITHIN CHESTER AVE. N.E./PROFILE LINE 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, lying within the bounds of Chester Avenue N.E., 118.00 feet in width, in Original Ten Acre Lot No. 82, known as being an area 20.00 feet wide for a water line, 10.00 feet on each side of a centerline as described as follows:

Beginning at the stone monument in the centerline of East 21st Street, 66.00 feet in width, at its intersection with the centerline of said Chester Avenue N.E.; thence North 89°-36'-31" East, along said centerline of Chester Avenue N.E., 688.69 feet to a point; thence South 0°-23'-29" East, 15.35 feet to the principal place of beginning of the centerline herein to be described;

Thence South 0°-23'-29" East on a line perpendicular to said centerline of Chester Avenue N.E., 67.65 feet to a point in the southerly line thereof and its southerly terminus, according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in June, 1999, be the same more or less.

The bearings used herein are based in an assumed meridian and are used only to denote angles.

ENCROACHMENT AREA/EASTERLY 20-FOOT WIDE WATER LINE WITHIN CHESTER AVE. N.E./PROFILE 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, lying within the bounds of Chester Avenue N.E., 118.00 feet in width, in Original Ten Acre Lot Number 83, known as being an area 20.00 feet wide for a water line, 10.00 feet on each side of a centerline described as follows:

Beginning at the stone monument in the centerline of East 21st Street, 66.00 feet in width, at its intersection with the centerline of said Chester Avenue N.E.; thence North 89°-36'-31" East along said centerline of Chester Avenue N.E., 1161.45 feet to a point; thence South 0°-23'-

29" East, 15.24 feet to the principal place of beginning of the centerline herein to be described;

Thence South 0°-23'-29" East on a line perpendicular to said centerline of Chester Avenue N.E., 67.76 feet to a point in the southerly line thereof and its southerly terminus, according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in June, 1999, be the same more or less.

The bearings used herein are based on an assumed meridian and are used only to denote angles.

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

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

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

Passed February 14, 2000.

Effective February 22, 2000.

**Ord. No. 2115-99.
By Councilmen O'Malley and Patmon (by departmental request).**

An emergency ordinance authorizing the purchase by requirement contract of the labor and materials necessary to dispose of catch basin debris, for the Division of Water Pollution 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 requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to dispose of catch basin materials in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water Pollution Control, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than

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 11312)

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

Passed February 14, 2000.

Effective February 22, 2000.

**Ord. No. 2118-99.
By Councilmen Melena, Cintron and Patmon (by departmental request).**

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to provide the design of the rehabilitation of the West 77th Street bridge.

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 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 the design of the rehabilitation of the West 77th Street bridge.

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

Section 2. That the costs for such services herein contemplated shall be paid from Fund No. 20 SF 334, Request No. 4385.

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

Passed February 14, 2000.

Effective February 22, 2000.

Ord. No. 2158-99.
By Councilmen O'Malley and Pat-
mon (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with BancTec USA, Inc. for the purchase of hardware and software maintenance, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than BancTec USA, Inc. Therefore, the Director of Public Utilities is hereby authorized to make one or more written contracts with said BancTec USA, Inc. upon the basis of their proposal dated October 29, 1999, for hardware and software maintenance for two BancTec 9500 remittance processing machines, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Water, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 18694.

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

Passed February 14, 2000.
 Effective February 22, 2000.

Ord. No. 2161-99.
By Councilmen Cintron and Pat-
mon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of traffic paint, for the Division of Traffic Engineering and Parking, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of traffic paint 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 Traffic Engineering and Parking, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire

year.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 4397)

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

Passed February 14, 2000.
 Effective February 22, 2000.

Ord. No. 2162-99.
By Councilmen Cintron and Pat-
mon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of refurbished aluminum sign blanks, for the Division of Traffic Engineering and Parking, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of refurbished aluminum sign blanks 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 Traffic Engineering and Parking, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 4398)

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

from and after the earliest period allowed by law.

Passed February 14, 2000.
 Effective February 22, 2000.

Ord. No. 2163-99.
By Councilmen Cintron and Pat-
mon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair police motorcycles, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed one year.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of labor and materials necessary to repair police motorcycles, 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 one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 9808)

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

Passed February 14, 2000.
 Effective February 22, 2000.

Ord. No. 2164-99.
By Councilmen Cintron and Pat-
mon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of aluminum signs, for the Division of Traffic Engineering and Parking, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of aluminum signs 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 Traffic Engineering and Parking, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 4387)

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

Passed February 14, 2000.
Effective February 22, 2000.

Ord. No. 2165-99.
By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various electronic traffic signal equipment, for the Division of Traffic Engineering and Parking, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various traffic signal 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 the Division of Traffic Engineering and Parking, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate

contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 4396)

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

Passed February 14, 2000.
Effective February 22, 2000.

Ord. No. 220-2000.
By Councilman Cimperman.

An emergency ordinance consenting to and approving the issuance of a permit for the Walk for Hunger on May 13, 2000, sponsored by the Hunger Network of Greater Cleveland.

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 Walk for Hunger, sponsored by the Hunger Network of Greater Cleveland, on May 13, 2000 beginning at Burke Lakefront Airport and progresses west on Erieside continuing North between stadium and Lake Erie. South on W. 3rd, 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 February 14, 2000.
Effective February 22, 2000.

Ord. No. 221-2000.
By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Indians Run on April 9, 2000, 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 Cleveland Indians Run, sponsored by Hermes Race Systems, on April 9, 2000, starting on Ontario heading north to St. Clair, St. Clair east on East 6th Street, East 6th Street north to Lakeside, Lakeside to West 3rd Street, West 3rd Street north around Stadium site to East 9th Street, East 9th Street south to Eagle, Eagle then west to finish in front of Jacobs Field (Plaza), provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed February 14, 2000.
Effective February 22, 2000.

Ord. No. 222-2000.
By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Rockers walk on May 9, 2000, sponsored by the Cleveland Rockers and 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 a walk, sponsored by the Cleveland Rockers and Hermes Race Systems, on May 9, 2000, starting on Ontario heading southerly to Hope Memorial Bridge to West 25th Street to Veterans Memorial Bridge to Huron to Ontario to finish in front of Jacobs Field Plaza, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the

City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed February 14, 2000.

Effective February 22, 2000.

Ord. No. 223-2000.

By Councilman Dolan.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with BOSH Builders for eligible costs related to the acquisition of a water and sewer easement on PPN# 027-01-068, for the City of Cleveland; beginning at Rocky River Drive going to the "Scullin Place" housing development project site using Ward 21 Workers' Compensation "Neighborhood Capital" Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with BOSH Builders for eligible costs related to the acquisition of a water and sewer easement on PPN# 027-01-068, for the City of Cleveland; beginning at Rocky River Drive going to the "Scullin Place" housing development project site using Ward 21 Workers' Compensation "Neighborhood Capital" Funds.

Section 2. That the costs of said contract shall be in an amount not to exceed Seventeen Thousand Five Hundred Dollars (\$17,500) and shall be paid from Fund No. 10 SF 166.

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

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

Passed February 14, 2000.

Effective February 22, 2000.

Ord. No. 224-2000.

By Councilmen Dolan, Rybka, Cimperman, Melena, O'Malley, Cinton, Brady, Patmon, Jones and Lewis.

An emergency ordinance to repeal Ordinance No. 1108-96, passed, June 14, 1999, relating to authorization for the purchase, improvement and renovation, and relocation of fixtures of a facility located at 1440 Lakeside 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 Ordinance No. 1108-96, passed June 14, 1999, is hereby repealed.

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

Passed February 14, 2000.

Effective February 22, 2000, without the signature of the Mayor.

Ord. No. 225-2000.

By Councilman Jackson.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with MetroHealth for HIV/AIDS programming in Ward 5, using Ward 5 Workers' Compensation "Neighborhood Capital" Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with an agreement with MetroHealth for HIV/AIDS programming in Ward 5, using Ward 5 Workers' Compensation "Neighborhood Capital" Funds.

Section 2. That the costs of said contract shall be in an amount not to exceed Seventy Thousand Dollars (\$70,000) and shall be paid from Fund No. 10 SF 166.

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

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

Passed February 14, 2000.

Effective February 22, 2000.

Ord. No. 226-2000.

By Councilman Melena.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with NOLASCO Housing Corporation for eligible costs related to the Beveledere project using Ward 17 Workers' Compensation "Neighborhood Capital" Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with NOLASCO Housing Corporation for eligible costs related to the Beveledere project using Ward 17 Workers' Compensation "Neighborhood Capital" Funds.

Section 2. That the costs of said contract shall be in an amount not to exceed Fifty-One Thousand Dollars (\$51,000) and shall be paid from Fund No. 10 SF 166.

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

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

Passed February 14, 2000.

Effective February 22, 2000.

Ord. No. 227-2000.

By Councilman Rybka.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Ohio Canal Corridor for the preservation of the Hulett Ore Unloaders using Ward 12 Workers' Compensation "Neighborhood Capital" Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Ohio Canal Corridor for the preservation of the Hulett Ore Unloaders using Ward 12 Workers' Compensation "Neighborhood Capital" Funds.

Section 2. That the costs of said contract shall be in an amount not to exceed Five Thousand Dollars (\$5,000) and shall be paid from Fund No. 10 SF 166.

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

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

Passed February 14, 2000.

Effective February 22, 2000.

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