

The City Record

Official Publication of the City of Cleveland

November the First, 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	4691 East 177th Street	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	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

MAYOR – Michael R. White

Judith Zimomra, Chief of Staff
 Barry Withers, Executive Assistant for Administration
 Susan E. Axelrod, Senior Executive Assistant for Health and Human Services
 Kenneth Stillman, Executive Assistant for Development
 Reuben Sheperd, Executive Assistant for Services
 Nina Turner, Executive Assistant for Legislative Affairs
 Lucille Ambroz, Director, Office of Equal Opportunity

DEPT. OF LAW – Cornell P. Carter, Director, Pinky Carr, Chief Counsel, Room 106

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

DEPT. OF FINANCE – Ronald E. Brooks, Director, Room 104; Frank Badalamenti, Manager, Internal Audit

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

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

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

DEPT. OF PORT CONTROL – LaVonne Sheffield-McClain, Director,

Cleveland Hopkins International Airport, 5300 Riverside Drive;
 Cleveland Hopkins International Airport – Mark D. Vanloh, Commissioner
 Burke Lakefront Airport – _____, Commissioner

DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113

DIVISIONS – Waste Collection and Disposal – Randell T. Scott, Acting Commissioner, 5600 Carnegie Avenue.
 Streets – Randell T. Scott, Commissioner, Room 25
 Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
 Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards
 Architecture – Paul Burik, Acting Commissioner, Room 517

DEPT. OF PUBLIC HEALTH – Michele C. Whitlow, Director, Mural Building 1925 St. Clair Avenue

DIVISIONS – Health – Cheri Hahn, Commissioner, Mural Building, 1925 St. Clair Avenue
 Environment – Donald Culp, Commissioner, Mural Building, 1925 St. Clair Avenue
 Correction – Thomas Hardin, Commissioner, Cleveland House of Corrections, 4041 Northfield Road

DEPT. OF PUBLIC SAFETY – Henry Guzmán, Director, Room 230.

DIVISIONS – Police – Martin L. Flask, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street
 Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue
 Traffic Engineering & Parking – Lt. Richard Petrencsik, Commissioner, 4150 East 49th Street, Building #1
 Dog Pound – John Baird, Chief Dog Warden, 2690 W. 7th Street
 Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive

DEPT. OF PARKS, RECREATION & PROPERTIES – Nicholas P. Jackson, Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.

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

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

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

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

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

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

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

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

DEPT. OF AGING – Dolores Alexander, Director, Room 122

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

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

SINKING FUND COMMISSION – Michael R. White, President; Betsy Hruby, Asst. Sec'y.; Martin Carmody, Director; Council President Michael D. Polensek.

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

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

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

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

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

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

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

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

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

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

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

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

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	13C
Judge Ronald B. Adrine	15A
Judge Colleen C. Cooney	14A
Judge C. Ellen Connolly	15C
Judge Sean C. Gallagher	12B
Judge Mabel M. Jasper	14D
Judge Mary E. Kilbane	14C
Judge Kathleen 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



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WEDNESDAY, NOVEMBER 1, 2000

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CITY COUNCIL

MONDAY, OCTOBER 30, 2000

The City Record

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Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

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

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

Cleveland, Ohio

Monday, October 30, 2000.

The meeting of the Council was called to order, The President, Michael D. Polensek, in the Chair.

Councilmen present: Brady, Cimperman, Cintron, Coats, Gordon, Jackson, Jones, Lewis, Melena, O'Malley, Sweeney, Westbrook, White and Willis.

Also present were Mayor White and Directors Carter, Brooks, Konicek, Sheffield-McClain, Ricchiuto, Guzman, Jackson, Hudecek, Patterson, Warren, Alexander, Dove, Morrison, and Acting Director Miller.

Absent: Directors Whitlow and Jackson.

Pursuant to Ordinance No. 2976-76, the Council Meeting was opened with a prayer offered by Rev. Walter Brownridge of Christ Episcopal Church. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1926-2000.

Agreement No. 54899 with OM Partners, L.L.C. re: management and maintenance services for Consolidated Rental Car Facility at Cleveland Hopkins International Airport. Received.

File No. 1927-2000.

Agreement No. 56506 with Koester, DiSalvo and Fried re: auditing services for Hough Area Partners in Progress, Inc., (HAPP). Received.

File No. 1928-2000.

Agreement No. 56509 with Wesco Distribution re: purchase of standard wire for various divisions of the Department of Finance. Received.

File No. 1929-2000.

Agreement No. 56628 with Worker's Compensation Neighborhood Capital Fund Grant Program re: Cudell Improvement, Inc. for neighborhood security patrol activities. Received.

File No. 1930-2000.

Agreement No. 56629 with Boise Cascade Office Products, Corp. re: paper stock, envelopes for the Division of Printing. Received.

File No. 1931-2000.

Agreement No. 56664 with Fairfax Renaissance Development Corp. re: Cityworks Neighborhood Matching Grant Program for Neighborhood Beautification Project. Received.

File No. 1932-2000.

Agreement No. 56655 with Fairfax Renaissance Development Corp. re: Cityworks Neighborhood Matching Grant Program for Yard Light Project - E. 86th Street Club. Received.

File No. 1933-2000.

Agreement No. 56659 with Fairfax Renaissance Development Corp. re: Cityworks Neighborhood Matching Grant Program for Jones Pavilion Beautification - E. 80th, 81st, and 82nd Streets Collaboration. Received.

File No. 1934-2000.

Agreement No. 56661 with Emmanuel Baptist Church re: Cityworks Neighborhood Matching Grant Program for Test Preparation for the SOS Program. Received.

File No. 1935-2000.

Agreement No. 56662 with New Mount Zion Baptist Church re: Cityworks Neighborhood Matching Grant Program for Park Beautification — Means Memorial Committee. Received.

File No. 1936-2000.

Agreement No. 56663 with Umoja & Kuumba Youth Association re: Cityworks Neighborhood Matching Grant Program for Football Program. Received.

File No. 1937-2000.

Agreement No. 56666 with Amistad Development Corp. re: Cityworks Neighborhood Matching Grant Program for Rolling Thunder Youth Bowling League. Received.

File No. 1938-2000.

Agreement No. 56668 with Kamm's Corners Development Corp. re: 2000 Paint Refund Program. Received.

File No. 1939-2000.

Agreement No. 56682 with Calfee, Halter and Griswold, LLP re: legal representation - Charter review - Fraternal Order of Police. Received.

File No. 1940-2000.

Agreement No. 56707 with Cy-clonics, Inc. re: portable booth components - Burke Lakefront Airport. Received.

File No. 1941-2000.

From the Office of Equal Opportunity re: Denials of Certification - Third Quarter, 2000. Received.

File No. 1942-2000.

From the Office of Equal Opportunity re: Certified MBEs and FBEs, Reporting Period: Third Quarter, 2000. Received.

**FROM DEPARTMENT OF
LIQUOR CONTROL**

File No. 1943-2000.

Re: New Application - 3274905 - Jerome J. Gorczyca, d.b.a. Puritas Shell, 14930 Puritas Avenue. (Ward 20). Received.

File No. 1944-2000.

Re: Transfer of Ownership Application - 0595175 - Thomas K. Bell, 819 Jefferson Avenue, first floor. (Ward 13). Received.

File No. 1945-2000.

Re: Stock Transfer Application - 7958201 - Sabrina, Inc., d.b.a. Kwik Shop, 7001 Hough Avenue. (Ward 7). Received.

OATH OF OFFICE

File No. 1946-2000.

Gustavsson-Monago, Marie Luise — Civil Service Commission — Oath of Office. Received.

File No. 1947-2000.

Bloomberg, Anne E. — Civil Service Commission — Oath of Office. Received.

File No. 1948-2000.

Wilson, Gregory J. — Civil Service Commission — Oath of Office. Received.

File No. 1949-2000.

Preston, Earl Jr., Reverend — Civil Service Commission — Oath of Office. Received.

File No. 1950-2000.

Cosgrove, Timothy J. — Civil Service Commission — Oath of Office. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1951-2000—Jack B. Bredt.

Res. No. 1952-2000—Viola E. Allen.

Res. No. 1953-2000—Michael Jerome Glenn.

Res. No. 1954-2000—Thomas A. Johnson.

CONGRATULATION RESOLUTION

The rules were suspended and following Resolution was adopted without objection:

Res. No. 1955-2000—Black Studies Program.

APPRECIATION RESOLUTION

The rules were suspended and following Resolution was adopted without objection:

Res. No. 1956-2000—Tonya Block.

MOTION

By Councilman O'Malley that pursuant to the Rules of Council, Rule 11 be invoked and the following staff members of the Cleveland City Council be officially voted upon as official employees of the Cleveland City Council: Oneida Baez, Bryan Gilloly, John James, Ines Jimenez, Kimberly Burks-Moss, Shams Muhammad, Veronica Pierce, Rachel Nigro-Scalish, Alan Schneider, Donna Smith, Laura Sunderman, and Susan Sweet.

Seconded by Councilman Lewis.

A roll call ensued and the aforementioned staff received unanimous approval as follows. Yeas 15. Nays 0.

Those who voted in the affirmative were Councilmen Polensek, Brady, Cimperman, Cintron, Coats, Gordon, Jackson, Jones, Lewis, Melena, O'Malley, Sweeney, Westbrook, White, Willis.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 1957-2000.

By Councilmen Polensek and Patmon.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 154 relating to creation of the City Audit Commission.

Whereas, the Council of the City of Cleveland concurs with the following statement of the Governmental Accounting Standards Board (GASB) concerning the objective of financial reporting: "Accountability requires government to answer to the citizenry, to justify the raising of public resources and the purposes for which they are used. Governmental accountability is based on the belief that the citizenry has a 'right to know', a right to receive openly disclosed facts that may lead to public debate by the citizens and their elected representatives. Financial reporting plays a major role in fulfilling government's duty to be publicly accountable in a democratic society;" and

Whereas, the Government Finance Officers Association encourages the government's use of audit committees to ensure the integrity of the audit process and to increase the

level of confidence in the financial reporting process; and

Whereas, the Auditor of the State of Ohio recommends audit committees for all government subdivisions in the State; and

Whereas, by letter dated September 27, 2000 to Mayor Michael R. White and Council President Michael D. Polensek, the State Auditor recommended the formation of an audit committee in the City of Cleveland comprised of members of Cleveland City Council and the Administration with the purpose of such committee to become the focal point between the City and its auditors; and

Whereas, in adhering to the recommendation of the State Auditor and in order to monitor the effectiveness and efficiency of operations; to monitor the reliability of financial reporting; and to ensure compliance with applicable laws and regulations, the Council of the City of Cleveland seeks to form the City Audit Commission; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department to ensure the fiscal responsibility of the City of Cleveland; 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 Chapter 154, to read as follows:

Chapter 154

CITY AUDIT COMMISSION

Section 154.01 Establishment and Members

Section 154.02 Declaration of Purpose

Section 154.03 Duties of Commission

Section 154.04 Meetings and Attendance

Section 154.01 Establishment and Members

There is hereby established a City Audit Commission composed of seven members consisting of the Mayor, or the Director of Finance as his designee; the President of Council, or the Chairman of the Finance Committee as his designee; the Director of Law; one member appointed by the Mayor; and two members appointed by the President of Council. The final member, who shall serve as Chair of the City Audit Commission, shall be chosen jointly by the Mayor and Council President, shall have at least ten years experience in auditing or financial accounting, and shall have no financial or contractual interest with the City of Cleveland. The appointed members' terms shall be two years and the term of the Chair shall be three years. The Director of Law shall designate one of his assistants to serve as Secretary of the City Audit Commission. Members of the City Audit Commission shall serve without compensation.

Section 154.02 Declaration of Purpose

The City Audit Commission is to serve as the focal point for communication between the legislative and executive branches of the City of Cleveland, the independent auditor retained by the City, the Department

of Finance, and the Division of Internal Auditing as their duties relate to financial accounting, reporting, internal controls, and compliance with applicable laws and regulations. The City Audit Commission is to assist the staff and employees of the City in fulfilling its responsibilities as to accounting policies and reporting practices of the City of Cleveland and sufficiency of auditing relative thereto. The City Audit Commission shall be the principal agent in ensuring the independence of independent auditors, the integrity of management and the adequacy of disclosures to the public. The City Audit Commission shall make recommendations to the Director of Finance relative to his selection of an independent auditor for the City pursuant to Section 127.41 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 154.03 Duties of Commission

(a) The City Audit Commission shall:

(1) Review with the Director of the Department of Finance, the independent auditor, and the Commissioner of Internal Audit, the City's policies and procedures to reasonably assure the adequacy of internal controls over accounting, administration, compliance with laws and regulations and financial reporting.

(2) Have familiarity, through the individual efforts of its members, with the accounting and reporting principles and practices applied by the City in preparing its financial statements. Further, the City Audit Commission is to make, or cause to be made, all necessary inquiries of the City and the independent auditor concerning established standards of conduct and performance and deviations therefrom.

(3) Review, prior to the start of the annual audit, the scope and general extent of the independent auditor's planned examination, including its engagement letter. The auditor's fees shall be summarized by the Director of Finance for review by the City Audit Commission. The Commission's review should entail an understanding from the independent auditor of the factors considered by the auditor in determining the audit scope, including:

(a) risk characteristics of the City of Cleveland; and

(b) external reporting requirements; and

(c) quality of internal accounting, administrative and compliance controls; and

(d) extent of internal auditor's involvement with the audit examination; and

(e) other areas to be covered during the audit engagement.

(4) Review the extent of non-audit services planned to be provided by the independent auditor in relation to the objectivity and independence needed in the audit.

(5) Review with the City staff and the independent auditor, upon completion of its audit, financial results and findings prior to their finalization and dissemination to the public.

(b) The City Audit Commission is to review the City's comprehensive annual financial report, including the financial statements and footnote disclosures and supplemental

disclosures required by generally accepted accounting principles, with respect to the following:

(1) Significant transactions not a normal part of the City's operations; and

(2) Selection of and changes, if any, during the year in the City's accounting principles or their application; and

(3) Significant adjustments proposed by the independent auditor; and

(4) The process used in formulating accounting estimates and the independent auditor's conclusions regarding the reasonableness of those estimates; and

(5) Any disagreements between the independent auditor and management about matters that could be significant to the City's financial statements or the auditor's report; and

(6) Difficulties encountered in the performance of the audit.

(c) The City Audit Commission shall also:

(1) Evaluate the cooperation received by the independent auditor during its audit, including its access to all requested records, data, and information and inquire of the independent auditor whether there have been any disagreements with City management that, if not satisfactorily resolved, would have caused the independent auditor to issue a non-standard report on the City's financial statements.

(2) Discuss with the independent auditor the quality of the City's financial and accounting process and any recommendations that the independent auditor may have, including improvements to internal financial controls, controls over compliance with laws and regulations, the selection of accounting principles and management reporting systems.

(3) Review written responses to "letter of comments and recommendations" from the independent auditor and discuss with the City the status of implementation of prior period recommendations and corrective action plans.

(4) Recommend any extensions or changes in the duties of the City Audit Commission.

(5) Issue an annual report on the discharge of the duties of the City Audit Commission.

Section 154.04 Meetings and Attendance

The City Audit Commission shall meet at least quarterly in each calendar year and as many additional times as the majority of members deems necessary in the offices of the Department of Finance at such time as it shall decide. All meetings of the City Audit Commission shall be public. A simple majority of the members shall constitute a quorum for the transaction of business. Any member who is absent from three consecutive duly-called meetings shall be removed by the Chair from the City Audit Commission. In the event that a vacancy occurs during the term of any member, the appropriate appointing authority shall name a successor to serve the unexpired term. The members of the City Audit Commission may request that members of the other departments of the City be present at the meetings, as well as representatives of the independent auditor. The City Audit Commission shall keep min-

utes of its meetings, a copy of which shall be kept on file and available for public inspection in the Mayor's office and with the Clerk of Council.

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

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

Councilman Patmon entered the meeting.

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

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

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

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

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

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22613)

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

shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1959-2000.

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

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain pump stations, 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 repair and maintain pump stations 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. 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 22605)

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

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

Ord. No. 1960-2000.

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

An emergency ordinance to approve the Plan of Operation and Governance for the City of Cleveland's electric aggregation program.

Whereas, R.C. Section 4928.20 permits a municipality to create a retail electric aggregation program and thereby combine the electric

loads of its residents and businesses for the purpose of seeking cheaper sources of power for such customers; and

Whereas, on November 7, 2000, the electors of the City of Cleveland will be voting to determine whether such a program should be created in the City; and

Whereas, pursuant to R.C. Section 4928.20(C), the legislative authority or board of a municipality developing an automatic aggregation program is required to adopt a plan of operation and governance for its municipal aggregation program; and

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

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

Section 1. That, this Council hereby adopts the City of Cleveland Plan of Operation and Governance, contained in Council File No. 1960-2000-A, for the implementation and administration of Cleveland's municipal aggregation program in accordance with R.C. Section 4928.20(C).

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

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

Ord. No. 1961-2000.

By Mayor White.

An emergency ordinance authorizing the Director of Port Control to execute an easement granting to Ameritech certain easement rights in property located at Old Grayton Road and declaring said easement rights no longer needed for public use; proffering certain representations for purposes of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee and authorizing the Director of Port Control to apply to the bond trustee for land release.

Whereas, Ameritech has requested the Director of Port Control to convey easement rights in property located at Old Grayton Road; and

Whereas, the easement rights to be granted are no longer needed for public use; and

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

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

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

Utility Corridor Phase I
Easement for Ameritech

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio and known as being part of Original Rockport Township Section No. 4.

Starting at the intersection of the centerline of existing Brookpark Road (a.k.a. State Route 17), 100.00 feet wide, and existing Old Grayton Road, 60.00 feet wide;

Thence North 37° 43' 44" East along the said centerline of existing Old Grayton Road, 158.53 feet;

Thence South 52° 16' 16" East, 30.00 feet to a point in the Southeasterly line of existing Old Grayton Road, at the Principal Place of Beginning of the easement herein intended to be described;

Thence North 37° 43' 44" East along the said Southeasterly line of existing Old Grayton Road, 56.09 feet to its intersection with the Westerly line of proposed Relocated Grayton Road;

Thence South 19° 55' 30" East along the said Westerly line of proposed Relocated Old Grayton Road, 23.39 feet to the Northerly end of a 50.00 foot radius turnout to the Northerly line of proposed Relocated Brookpark Road;

Thence Southeasterly along said turnout by a curve to the right, an arc distance of 13.42 feet, said arc having a radius of 50.00 feet and a chord which bears South 12° 14' 13" East, 13.38 feet;

Thence South 37° 43' 44" West, 38.88 feet;

Thence North 52° 16' 16" West, 29.78 feet to a point in a 35.00 foot radius turnout between the Northerly line of existing Brookpark Road and the said Southeasterly line of existing Old Grayton Road;

Thence Northeasterly along said turnout by a curve to the right, an arc distance of 3.92 feet, said arc having a radius of 35.00 feet and a chord which bears North 34° 31' 20" East, 3.91 feet to the Principal Place of Beginning and containing 0.0346 acres of land as described on October 9, 2000 by R.M. Kole & Assoc., Inc., Professional Land Surveyors.

Section 2. That the easement shall be non-exclusive and the purpose of the easement shall be to construct and maintain a vault along Old Grayton Road.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described, non-exclusive, easement interests to Ameritech at a price not less than fair market value as determined by the Board of Control.

Section 4. That the duration of the easement shall be determined by the Board of Control; that the easement shall include reasonable right of entry rights to the City; that the easement shall be assignable only upon the prior approval of the Board of Control; that the easement shall require the grantee to indemnify the City, provide reasonable insurance, maintain any grantee improvements located within the easement, and pay any applicable taxes and assessments.

Section 5. That the conveyance shall be made by Official Deed of Easement prepared by the Director of Law and executed by the Director of Port Control on behalf of the City of Cleveland. The Deed of Easement shall contain such additional terms and conditions as are required to protect the interests of the parties. The Directors of Port Control

and Law are authorized to execute such other documents, including without limitation, contracts for right of entry, as may be necessary to effect the construction of the vault along Old Grayton Road.

Section 6. That the City acknowledges, states and affirms, pursuant to Article IX of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee, dated November 1, 1976, as amended (the "Indenture"), that the City desires and requests that certain portions of its land heretofore subject to the Indenture be released and removed from all obligations under said Indenture. Further, the City acknowledges, states and affirms that it is not in default under said Indenture; that release of such land is necessary in order to serve the public purpose of providing public utilities; and that certain public improvements will be constructed on the land to be released, including public utilities.

Section 7. That the Director of Port Control is authorized to apply to the Chase Manhattan Trust Company, National Association, as successor trustee, for release of the land described in Section 1, pursuant to the Indenture.

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

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

Ord. No. 1962-2000.

By Mayor White.

An emergency ordinance authorizing the Director of Port Control to execute an easement granting to East Ohio Gas certain easement rights in property located at Old Grayton Road and declaring said easement rights no longer needed for public use; proffering certain representations for purposes of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee and authorizing the Director of Port Control to apply to the bond trustee for land release.

Whereas, East Ohio Gas has requested the Director of Port Control to convey easement rights in property located at Old Grayton Road; and

Whereas, the easement rights to be granted are no longer needed for public use; and

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

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

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

Easement from City of Cleveland to East Ohio Gas

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 4.

Starting at the intersection of the centerlines of existing Brookpark Road (a.k.a. State Route 17), 100.00 feet wide, and existing Old Grayton Road, 60.00 feet wide:

Thence North 37° 43' 44" East along the said centerline of existing Old Grayton Road, 269.20 feet to a point at its intersection with the centerline of proposed Relocated Old Grayton Road;

Thence Southeasterly along the said centerline of proposed Relocated Old Grayton Road by a curve to the left, an arc distance of 6.91 feet, said arc having a radius of 380.00 feet and a chord which bears South 19° 24' 14" East, 6.91 feet;

Thence South 19° 55' 30" East along the said centerline of proposed Relocated Old Grayton Road, 15.90 feet;

Thence North 70° 04' 30" East, 30.00 feet to a point in the Easterly line of proposed Relocated Old Grayton Road, at the Principal Place of Beginning of the easement herein intended to be described;

Thence continuing North 70° 04' 30" East, 10.00 feet;

Thence South 19° 55' 30" East, 10.00 feet;

Thence South 70° 04' 30" West, 10.00 feet to a point in the said Easterly line of proposed Relocated Old Grayton Road;

Thence North 19° 55' 30" West along the said Easterly line of proposed Relocated Old Grayton Road, 10.00 feet to the Principal Place of Beginning and containing 0.0023 acres of land as described on September 21, 2000 by R.M. Kole & Assoc., Inc., Professional Land Surveyors.

Section 2. That the easement shall be non-exclusive and the purpose of the easement shall be to construct and maintain a regulator on property along the relocated Old Grayton Road.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described, non-exclusive, easement interests to East Ohio Gas at a price not less than fair market value as determined by the Board of Control.

Section 4. That the duration of the easement shall be determined by the Board of Control; that the easement shall include reasonable right of entry rights to the City; that the easement shall be assignable only upon the prior approval of the Board of Control; that the easement shall require the grantee to indemnify the City, provide reasonable insurance, maintain any grantee improvements located within the easement, and pay any applicable taxes and assessments.

Section 5. That the conveyance shall be made by Official Deed of Easement prepared by the Director of Law and executed by the Director of Port Control on behalf of the City of Cleveland. The Deed of Easement shall contain such additional terms and conditions as are required to protect the interests of the parties. The Directors of Port Control and Law are authorized to execute such other documents, including

without limitation, contracts for right of entry, as may be necessary to effect the construction of a regulator on property along the relocated Old Grayton Road.

Section 6. That the City acknowledges, states and affirms, pursuant to Article IX of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee, dated November 1, 1976, as amended (the "Indenture"), that the City desires and requests that certain portions of its land heretofore subject to the Indenture be released and removed from all obligations under said Indenture. Further, the City acknowledges, states and affirms that it is not in default under said Indenture; that release of such land is necessary in order to serve the public purpose of providing public utilities; and that certain public improvements will be constructed on the land to be released, including public utilities.

Section 7. That the Director of Port Control is authorized to apply to the Chase Manhattan Trust Company, National Association, as successor trustee, for release of the land described in Section 1, pursuant to the Indenture.

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

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

Ord. No. 1963-2000.

By Mayor White.

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to install and maintain a Kronos timekeeping system, including hardware, software, training and project services, for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized to make 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 install and maintain a Kronos timekeeping system, including hardware, software, training and project services in the estimated sum of \$80,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a peri-

od 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 30904)

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

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

Ord. No. 1964-2000.

By Councilman Dolan.

An emergency ordinance to amend Section 2 of Ordinance No. 307-98, passed May 11, 1998 relating to the sale of land within the acquisition boundaries of Cleveland Hopkins International Airport.

Whereas, the City of Cleveland, through its Department of Port Control, instituted a home acquisition program in 1995 for land located north of Cleveland Hopkins International Airport ("Airport") for the purpose of mitigating noise arising from proximity to the Airport; and

Whereas, pursuant to Ordinance Nos. 930-95 and 2150-95, passed June 19, 1995 and December 18, 1995, respectively, home acquisition boundaries were established and the Director of Port Control was authorized to purchase homes within such boundaries for noise mitigation purposes; and

Whereas, pursuant to Ordinance No. 1242-95, passed March 4, 1996, Council authorized the Director of Economic Development to enter into a development agreement, purchase agreement and escrow agreement with Chelm Properties, Inc. (now doing business as Cleveland Business Park, Ltd.) for land within the home acquisition boundary established north of the Airport; and

Whereas, pursuant to Ordinance No. 307-98, passed May 11, 1998, Council authorized an extension of the home acquisition boundary, but, through an amendment to that legislation, provided that the land could not be "resold to any third parties without the prior approval of Council through passage of legislation;" and

Whereas, there has been discussion as to the intent of the amendment to Ordinance No. 307-98 relative to the land that was to be included in the requirement that future sales to third parties requires legislation of Council; and

Whereas, it is the desire of this Council to state clearly and unequivocally that the intent of Section 2 of Ordinance No. 307-98, the amendment proposed by Council,

was to require that, after passage of Ordinance No. 307-98, all properties acquired by the Department of Port Control north of the Airport for noise mitigation purposes to be resold to any third party would require subsequent legislation by Cleveland City Council approving such sale, notwithstanding and including any sale of property to Chelm Properties, Inc. (dba Cleveland Business Park, Ltd.); and

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

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

Section 1. That Section 2 of Ordinance No. 307-98, passed May 11, 1998, is hereby amended to read as follows:

Section 2. That notwithstanding Ordinance No. 1242-95, passed March 4, 1996 and any Codified Ordinances of Cleveland, Ohio, 1976 to the contrary, any and all land currently owned or to be acquired by the City of Cleveland within the existing or future acquisition boundaries of Cleveland Hopkins International Airport as set forth in Ordinance Nos. 930-95, 2150-95 and 307-98, that is to be resold by the City of Cleveland to any third parties following the passage date of this legislation shall require subsequent legislative authorization by Cleveland City Council prior to the occurrence of such sale.

Section 2. That existing Section 2 of Ordinance No. 307-98, passed May 11, 1998 is hereby repealed.

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

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

Councilman Rybka entered the meeting.

Ord. No. 1965-2000.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Network Parking Company, LTD to encroach into a four (4) foot area of the public right-of-way of Columbus Road N.W. for landscaping and a parking lot.

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 Network Parking Company, LTD, 848 Terminal Tower, 50 Public Square, Cleveland, Ohio 44113, its successors and assigns, for the construction, use and maintenance of a

four (4) foot area which will encroach into the public right-of-way of Columbus, Road N.W. for landscaping and a parking lot at the location more fully described as follows:

LEGAL DESCRIPTION/4-FOOT ENCROACHMENT AREA/ COLUMBUS ROAD N.W.

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Cleveland Centre as shown by the recorded plat in Volume 2, Page 21 of Cuyahoga County Map Records and more fully described as follows:

Beginning at a point on the Easterly line of Columbus Road N.W., now 60.00 feet wide, and the Southwesterly corner of that portion of Columbus Road N.W., 80.00 feet wide, vacated by City of Cleveland Ordinance No. 29532, passed August 27, 1900;

Thence South 89°-39'-22" West along the Westerly prolongation of the Southerly line of said vacated portion of Columbus Road N.W., a distance of 4.00 feet to a point;

Thence North 0°-20'-38" West parallel with the Westerly line of said vacated portion of Columbus Road N.W. and the Northerly prolongation thereof a distance of 747.07 feet to a point;

Thence South 89°-02'-41" East parallel with the Southerly line of Columbus Road N.W., 60.00 feet wide, a distance of 24.00 feet to a point;

Thence South 0°-20'-38" East a distance of 4.00 feet to a point and the Northeasterly corner of said vacated portion of Columbus Road N.W.;

Thence North 89°-02'-41" West along the Northerly line of vacated portion of Columbus Road N.W., a distance of 20.00 feet to a point and the Northwesterly corner thereof;

Thence South 0°-20'-38" East along the Westerly line of said vacated portion of Columbus Road N.W., a distance of 742.98 feet to a point a place of beginning, be the same more or less.

Section 2. That said landscaping and parking lot 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 parking lot are constructed.

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

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

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

Ord. No. 1966-2000.**By Councilman Jackson (by request).**

An emergency ordinance authorizing the Director of Public Service to issue a permit to The City Mission to encroach into the right-of-way of Carnegie Avenue, East 55th Street and Cedar Avenue with an on-going banner program consisting of five (5) banners.

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 The City Mission, 5310 Carnegie Avenue, Cleveland, Ohio 44103-4360, its successors and assigns, for the construction, use and maintenance of an on-going banner program consisting of five (5) banners, which will encroach into the public right-of-way of Carnegie Avenue, East 55th Street and Cedar Avenue at the locations described as follows:

<u>BANNER LOCATION:</u>	<u>POLE NUMBER:</u>	<u>POLE OWNER:</u>
5310 Carnegie Avenue (on Carnegie)	69014	C.P.P.
5310 Carnegie Avenue (on Carnegie)	69016	C.P.P.
5310 Carnegie Avenue (on Carnegie)	NE2-11-35-1	C.P.P.
5310 Carnegie Avenue (on East 55th)	NE2-117-361-A	C.P.P.
5310 Carnegie Avenue (on Cedar)	E2-87	C.P.P.

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

Section 3. That nothing in the ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any object to poles described in Section 1 of this ordinance.

Section 4. That this permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

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

Ord. No. 1967-2000.**By Councilmen Cintron and Patmon (by departmental request).**

An emergency ordinance authorizing the Director of Public Service to lease a tub grinder to the Greater Cleveland Ecology Association to implement a Christmas tree recycling program for City of Cleveland residents, for a period not to exceed three months.

Whereas, the City of Cleveland owns a tub grinder which is suitable for lease and operation by another party for a public use; and

Whereas, the Greater Cleveland Ecology Association has proposed to lease said property from the City for use in a Christmas tree recycling program for City of Cleveland residents in exchange for grinding Christmas trees delivered by the Division of Waste Collection at no cost to the City; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is authorized to lease to the Greater Cleveland Ecology Association, a tub grinder for the purpose of grinding Christmas trees collected from the residents of the City of Cleveland by the Division of Waste Collection.

Section 2. That the term of the lease authorized by this ordinance shall commence December 27, 2000, and end March 5, 2001.

Section 3. That the property described in this ordinance shall be leased to the Greater Cleveland Ecology Association at no rental fee, and in exchange, they shall grind Christmas trees collected by the Division of Waste Collection from City of Cleveland residents, at no cost to the City of Cleveland.

Section 4. That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

Section 5. That the Director of Public Service and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

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

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

Ord. No. 1968-2000.**By Councilman Polensek.**

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

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

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

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

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

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

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

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

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

The description of easement is as follows:

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

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

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

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

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

Ord. No. 1969-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to lease space at the Mural Building, located at 1925 St. Clair Avenue, and associated parking lots, from Mural Properties Company, or its designee, for a term not to exceed two years, for the purpose of providing office and administrative space for the Department of Public Health.

Whereas, the City of Cleveland requires certain space located in the Mural Building, 1925 St. Clair Avenue, and associated parking lots, for the public purpose of providing office and administrative space for the Department of Public Health; and

Whereas, Mural Properties Company, or its designee, has proposed to lease said space to the City of Cleveland; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is authorized to lease from Mural Properties Company, or its

designee, approximately 26,000 square feet of space located on two stories and in the basement of the Mural Building, 1925 St. Clair, and two (2) surrounding parking lots.

Section 2. That the term of the lease authorized herein shall not exceed two years, commencing January 1, 2001 and ending December 31, 2002, with an option to renew for one additional one-year term, terminating December 31, 2003; or for one additional two-year term terminating December 31, 2004, all cancellable upon thirty days written notice by the Director of Public Health.

Section 3. That, subject to annual appropriation, in consideration for the leasing of the premises described above by Lessor, Lessee covenants and agrees to pay to Lessor as rent for said premises during the period of this lease extending from January 1, 2001 to December 31, 2002, the sum of two hundred fourteen thousand two hundred forty dollars (\$214,240.00) per year, payable in equal monthly installments of seventeen thousand, eight hundred and fifty-three dollars and 33/100 (\$17,853.33) per month; and for the period of this lease extending from January 1, 2003 to December 31, 2003, the sum of two hundred twenty thousand seven hundred forty dollars (\$220,740.00) per year, payable in equal monthly installments of eighteen thousand three hundred ninety-five dollars (\$18,395.00) per month; or for the period of this lease extending from January 1, 2003 to December 31, 2004 the sum of two hundred twenty seven thousand two hundred forty dollars (\$227,240.00) per year, payable in equal monthly installments of eighteen thousand nine hundred thirty-six and 67/100 (\$18,936.67) per month, subject to approval of the City's Board of Control. Said payments shall be due and payable on the first day of each month.

Section 4. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the public purpose of providing office and administrative space to the Department of Public Health.

Section 5. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 6. That the costs of the lease shall be paid from Fund Nos. 01-500500-636000, 01-500600-636000, 13 SF 570, 13 SF 580 and from the fund or funds appropriated for such purpose and subject to annual appropriation, Request No. 18483.

Section 7. That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

Section 8. That the Director of Public Health and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

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

shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1970-2000.

By Councilmen Polensek and Patmon.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 133.171, concerning an accounting treatment for Cleveland Browns Stadium.

Whereas, the Cleveland Browns Stadium opened in 1999 after incurring severe cost overruns for its construction; and

Whereas, in its audit findings for 1999, PricewaterhouseCoopers noted that during its construction, the Department of Finance accounted for the activity of the new stadium within a capital projects fund and recorded the asset within the fixed asset account group; and

Whereas, PricewaterhouseCoopers recommended in its audit findings that the City select an accounting system for the stadium and noted that the City could record all revenues and expenses associated with the stadium in a separate fund of the City; and

Whereas, this Council of the City of Cleveland, in concurring with the recommendation of PricewaterhouseCoopers, seeks to establish within the City of Cleveland a separate fund into which all revenues derived from or associated with the Cleveland Browns Stadium are to be deposited and from which expenses associated with the Cleveland Browns Stadium are to be paid, with such fund to be accounted for separately, by the Director of the Department of Finance; and

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 133.171 thereof, to read as follows:

Section 133.171 Accounting for Cleveland Browns Stadium

Notwithstanding any Codified Ordinances of Cleveland, Ohio, 1976 to the contrary, all revenues derived from Cleveland Browns Stadium received by the City of Cleveland shall be deposited into a separate fund created by the Department of Finance solely for the purpose of accounting for all expenses and revenues associated with Cleveland Browns Stadium and all expenses to be paid by the City of Cleveland for the operation or maintenance of Cleveland Browns Stadium shall be paid from that separate fund.

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

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

**Ord. No. 1971-2000.
By Councilmen Cimperman, Mele-
na and Patmon.**

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

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

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

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

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

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

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

P. P. No. 004-19-147

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

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

Also subject to all zoning ordinances, if any.

P. P. No. 004-19-150

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

to the Westerly line of the first described parcel, be the same more or less, but subject to all legal highways.

P. P. No. 004-19-158

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

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

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

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

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

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

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

**FIRST READING
ORDINANCE REFERRED**

Ord. No. 1972-2000.

By Councilman Cintron.

An ordinance to change the zoning of lands on the northeasterly corner of Columbus Road, N.W. and Gould Ct., N.W. (vacated) (Map Change No. 2022, Sheet No. 1)

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

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

Beginning at the intersection of the center line of Gould Court, N.W. (vacated) and the center line of Columbus Road, N.W.; thence northerly along said center line of Columbus Road, N.W. to its intersection with the westerly extension of a line located approximately one hundred seventeen and fifty hundredths (117.50) feet north of the northerly line of Gould Court, N.W. (vacated); thence easterly along said westerly extension and along said line which is parallel to and approximately one hundred seventeen and fifty hundredths (117.50) feet north of said northerly line of Gould Court, N.W. (vacated) to its intersection with the center line of West 21 Street; thence southerly along said center line of West 21 Street to its intersection with said center line of Gould Court, N.W. (vacated); thence westerly along said center line of Gould Court, N.W. (vacated) to the place of beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to a Local Retail Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 2022, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

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

Ord. No. 1973-2000.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Turkey Trot Race on November 23, 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 Turkey Trot Race sponsored by Hermes Race Systems on November 23, 2000, beginning with a 1 mile fun walk starting inside Burke Lakefront Airport Driveway, exits the entrance driveway

and proceeds eastbound on the North Marginal to just before the curve and turns around to go westbound on the North Marginal where it re-enters where it came out. The 5K run steps off from airport driveway and leaves through the entrance drive proceeding westbound on the North Marginal down Erieside around the stadium, southbound on W. 3rd Rd. to Lakeside, westbound on Lakeside down under the bridge to W. 9th where it turns onto Front Street and goes to W. 10th, turning southbound to St. Clair, runners turn up the St. Clair hill and proceed eastbound on St. Clair to W. 3rd where they turn northbound onto W. 3rd and go to Lakeside where they turn eastbound and go down Lakeside to E. 9th, runners turn northbound onto E. 9th, staying in the west curb lane and go to the exit ramp (curb lane-coned off) and wrap around the Amtrak Station and then proceed eastbound on to the South Marginal. At E. 26th, they cross over the freeway and then proceed westbound onto the North Marginal where they finish inside the Airport, 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.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1974-2000.

By Councilman Dolan.

An emergency ordinance authorizing the Director of Port Control to enter into a Second Amendment to the Agreement with Colliers Intl. for the management and maintenance of the Consolidated Rental Car Facility.

Whereas, pursuant to Ordinance No. 412-99, passed May 24, 1999, the Director of Port Control entered into an agreement with Colliers Intl. to manage and maintain the Consolidated Rental Car Facility near Cleveland Hopkins International Airport; and

Whereas, pursuant to Ordinance No. 1306-2000, passed August 7, 2000, the Director of Port Control entered into a First Amendment with Colliers Intl. to manage and maintain the Consolidated Rental Car Facility near Cleveland Hopkins International Airport; and

Whereas, such First Amendment expires October 30, 2000; and

Whereas, Council and Port Control desire to extend the agreement until November 30, 2000; and

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

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

Section 1. That the Director of Port Control is authorized to enter into a Second Amendment to the Agreement with Colliers Intl. for the management and maintenance of the Consolidated Rental Car Facility to extend the term thereof to November 30, 2000. All other terms and conditions of the agreement shall remain unchanged.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1975-2000.

By Councilman Dolan.

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1819-2000 passed October 16, 2000, relating to permits for utility poles for the period of November 30, 2000 to January 3, 2001, inclusive.

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

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

Section 1. That the title and Section 1 of Ordinance No. 1819-2000 passed October 16, 2000 are hereby amended to read, respectively, as follows:

Authorizing and directing the Director of Public Service to issue a permit to Kamm's Corners Development Corporation to hang 19 Holiday Wreath Decorations on **C.P.P. utility poles (by separate permission), and 24 Holiday Wreath Decorations on First Energy utility poles (by separate permission)** on Lorain Avenue between Rocky River Drive and West 165th Street, for the period of November 30, 2000 to January 3, 2001, inclusive, celebrating the holiday season.

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Kamm's Corners Development Corporation, 17407 Lorain Avenue, Suite 207, Cleveland, Ohio 44111-4022, to install, use and maintain nineteen (19) Holiday Wreath Decorations to be hung on Cleveland Public Power utility poles, (by separate permission), and **twenty-four (24) Holiday Wreath Decorations to be hung on First Energy utility poles (by separate permission)**, celebrating the holiday season for the period of November

30, 2000 to January 3, 2001, inclusive, and which Holiday Wreath Decorations are to be hung at the following pole locations and on the following pole numbers: **C.P.P. poles:** at LORAIN AVENUE - NORTH SIDE: 1st pole E. of Rocky River Drive, Pole #ET-14-2; 3rd Pole E. of Rocky River Drive, Pole #ET-14-4; @ Goodwill Store, Pole #ET 14-6; @ Kathleen's, Pole #ET-14-8; Opposite U-Haul entrance drive, Pole #ET 14-10; @ Nationwide, Pole #ET-14-12; LORAIN AVENUE - NORTH SIDE: 1st Pole W. of West Park Road, Pole #ET-14-33; 3rd Pole E. of Triskett Road, Pole #ET-14-37; NW Corner of Warren Road, Pole #ET-14-47; 2nd Pole W. of W. 140th Street, Pole #ET-13-27; LORAIN AVENUE - SOUTH SIDE: SW Corner of Rocky River Drive, Pole #ET-31-1; 2nd Pole E. of Rocky River Drive, Pole #ET-31-2; @ Hastings Home, Pole #ET-31-4; @ Walgreen's, Pole #ET-31-6; SW Corner of West 168th Street, Pole #ET-31-8; 1st Pole W. of U-Haul entrance drive, Pole #ET-31-10; @ U-Haul sign, Pole #ET-31-11; SW Corner of West 165th Street, Pole #ET-31-13; SW Corner of West 150th Street, Pole #ET-31-44; and **First Energy poles: at LORAIN AVENUE: Pole #530186; Pole #528911; Pole #NPN at W. 179th Street, west; Pole #NPN at W. 179th Street, east; Pole #625904; Pole #625905; Pole #625906; Pole # NPN at W. 176th Street, SW; Pole # 314860; Pole # 642897; Pole #542898; Pole #542899; Pole #301777; Pole # NPN at Shell northeast entry; Pole #NPN at west of YMCA drive; Pole #NPN at east of YMCA drive; Pole #NPN at Lorain and W. 150th Street, NE Corner; Pole #NPN at Lorain and W. 150th Street, traffic signal pole; Pole #397785; Pole #203462; Pole #NPN at Lorain and W. 140th, SW Corner; ROCKY RIVER DRIVE: Pole #518400; Pole #518401; Pole #NPN across from Pole #518401; Pole #537656,** and which Holiday Wreaths locations shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a wreath will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said Wreaths, and said Wreaths shall be removed promptly upon the expiration of said permit.

Section 2. That the existing title and Section 1 of Ordinance No. 1819-2000 passed October 16, 2000 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.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1976-2000.**By Councilman Lewis.**

An emergency ordinance to amend Section 2 of Ordinance No. 1771-2000, passed October 9, 2000, relating to a grant agreement with the Hough Area Partners In Progress (HAPP) in order to carry out the public purpose of supporting the operations of a neighborhood based community development organization through the use of Ward 7 Neighborhood Equity Funds.

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

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

Section 1. That the Section 2 of Ordinance No. 1771-2000, passed October 9, 2000, is hereby amended to read as follows:

Section 2. That the cost of said agreement shall be for services rendered by the grantee from January 1, 2000 to December 31, 2000, and shall be in an amount not to exceed Eight Thousand (\$8,000) and shall be paid from Fund No. 10 SF 166.

Section 2 of Ordinance No. 1771-2000, passed October 9, 2000 is hereby repealed.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1977-2000.**By Councilman Polensek.**

An emergency ordinance authorizing the President of Council to enter into an agreement with the Musical Arts Association to pay for certain costs associated with the 2001 Martin Luther King, Jr. Celebration.

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

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

Section 1. That the President of Council is authorized to enter into an agreement with the Musical Arts Association whereby Cleveland City Council authorizes the expenditure of twenty thousand dollars (\$20,000.00) to the Musical Arts Association to help underwrite expenses associated with the 2001 Martin Luther King, Jr. Celebration to be held at Severance Hall on January 14, 2001.

Section 2. That Cleveland City Council shall receive one-half (1/2) of all tickets allotted to the City of Cleveland for distribution to members of the community, including the combination of dress circle and box seats and further, including tickets and/or invitations to any and all receptions held prior to the concert.

Section 2. That the cost shall be paid from Fund 01 001 Org. 010101 Account 632000.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1978-2000.**By Councilman Sweeney.**

An emergency ordinance authorizing the Director of Community Development to amend the Competitive Grant Agreement with Bellaire Puritas Development Corporation, City Contract No. 56455 to provide for additional services and additional cost relative thereto, for the Department of Community Development.

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

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

Section 1. That the Director of Community Development is hereby authorized to amend the Competitive Grant Agreement with Bellaire Puritas Development Corporation, City Contract No. 56455, to provide for additional services including, but not limited to, personnel, benefits, travel and equipment, for the Department of Community Development.

Section 2. That the amount of the amendment authorized herein shall not exceed \$43,159.40 and shall be paid for from Fund No. 14 sub class 026.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1979-2000.**By Councilman Brady.**

An emergency resolution withdrawing objection to the renewal of a C1, C2 and D6 Liquor Permit to 11026 Lorain Avenue, and repealing Res. No. 1324-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a C1, C2 and D6

Liquor Permit to 11026 Lorain Avenue by Res. No. 1324-2000 adopted by Council on July 28, 2000; and

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

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

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

Section 1. That objection to the renewal of a C1, C2 and D6 Liquor Permit to 11026 Lorain Avenue, be and the same is hereby withdrawn and Res. No. 1324-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal therefore.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 1980-2000.**By Councilman Cimperman.**

An emergency resolution withdrawing objection to the stock transfer of a D5 and D6 Liquor Permit to 7114 St. Clair Avenue, 1st Fl., and repealing Res. No. 75-2000 objecting to said stock transfer.

Whereas, this Council objected to the stock transfer of a D5 and D6 Liquor Permit to 7114 St. Clair Avenue, 1st Fl., by Res. No. 75-2000 adopted by Council on January 10, 2000; and

Whereas, this Council wishes to withdraw its objection to the above stock transfer and consents to said stock transfer; 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 stock transfer of a D5 and D6 Liquor Permit to 7114 St. Clair Avenue, 1st Fl., be and the same is hereby withdrawn and Res. No. 75-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate stock transfer thereof.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 1981-2000.**By Councilman Dolan.**

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit to 14910 Lorain Avenue, and repealing Res. No. 1533-2000 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 14910 Lorain Avenue by Res. No. 1533-2000 adopted by Council on August 28, 2000; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 Liquor Permit to 14910 Lorain Avenue, be and the same is hereby withdrawn and Res. No. 1533-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 1982-2000.**By Councilman Johnson.**

An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 13130 Shaker Blvd., and repealing Res. No. 1537-2000 objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 13130 Shaker Blvd. by Res. No. 1537-2000 adopted by Council on August 28, 2000; 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 13130 Shaker Blvd., be and the same is hereby withdrawn and Res. No. 1537-2000, containing said objection, be and the same is hereby

repealed and that this Council consents to the immediate issuance therefore.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 1983-2000.**By Councilman Rybka.**

An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit to 3876 East 65th Street, 1st Fl. & Bsmt., and repealing Res. No. 1703-2000 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 3876 East 65th Street, 1st Fl. & Bsmt. by Res. No. 1703-2000 adopted by Council on September 25, 2000; and

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

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

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

Section 1. That objection to the transfer of ownership of a D5 Liquor Permit to 3876 East 65th Street, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1703-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 1984-2000.**By Councilman Sweeney.**

An emergency resolution objecting to the issuance a C1 Liquor Permit to 14930 Puritas Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to

Permit No. 3274905; Jerome J. Gorczyca, DBA Puritas Shell, 14930 Puritas Avenue, Cleveland, Ohio 44135; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 3274905 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**SECOND READING
EMERGENCY ORDINANCES**

Ord. No. 468-2000.

By Mayor White (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide services necessary for the design and installation of a data network, including materials, maintenance and software necessary for its operation.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance; when amended as follows:

1. In Section 2, line 2, after "shall" insert the following: **"not exceed \$150,000.00 and shall"**.

2. Insert new Section 3 to read as follows:

"That all professional services authorized herein shall be completed within ten (10) months from the passage date of this Ordinance."

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

Amendments agreed to.

Ord. No. 909-2000.

By Councilmen Dolan and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to manage and provide professional services for all maintenance services, including janitorial, snow removal and HVAC services for the consolidated car facility at Cleveland Hopkins International Airport, Department of Port Control, for a period of one year, with an option to renew for an additional one-year term.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance; when amended as follows:

1. In the title, strike lines 2-14 in their entirety and insert in lieu thereof the following:

"Authorizing the Director of Port Control to enter into contract with Colliers Intl. for professional services necessary to manage and maintain the building and grounds of the consolidated rental car facility at Cleveland Hopkins International Airport, Department of Port Control, for a period of one year."

2. Strike Section 1 in its entirety and insert in lieu thereof the following:

"That the Director of Port Control is hereby authorized to enter into contract with Colliers Intl., provided that Colliers Intl. submits the lowest or most competitive price proposal, for professional services, including, but not limited to, janitorial, snow removal and HVAC services, necessary to manage and maintain the building and grounds of the consolidated rental car facility at Cleveland Hopkins International Airport, for a period of one year.

The contract authorized herein shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance. The contract shall require Colliers Intl. to use its best efforts to meet or exceed the

MBE, FBE, and City resident employment requirements set forth in the original agreement between the City and Colliers Intl. The contract shall also contain a provision requiring Colliers Intl. to grant a preference to City of Cleveland businesses when selecting companies to perform the services necessary to maintain the consolidated car rental facility at Cleveland Hopkins International Airport."

3. Insert New Section 2 to read as follows:

"Section 2. In the event that Colliers Intl. does not submit the lowest or most competitive price proposal, the Department of Port Control is authorized to employ by contract one or more consultants or one or more firms for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services, including, but not limited to, janitorial, snow removal and HVAC services, necessary to manage and maintain the building and grounds of the consolidated rental car facility at Cleveland Hopkins International Airport, for a period of one year.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Port Control from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control and shall not exceed \$350,000.00. The contract authorized herein shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance."

3. In existing Section 2, line 2, after "shall" insert **"not exceed \$350,000.00 and shall"**.

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

Amendments agreed to.

Ord. No. 941-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3335 East 93rd Street to Mazhar A. Khan.

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

Ord. No. 1056-2000.

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

An emergency ordinance authorizing the Director of Port Control to execute two easements granting to SprintCom, Inc. certain easement rights in property located at Cleveland Hopkins International Airport and declaring said easement rights no longer needed for public use; proffering certain representations for

purposes of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee and authorizing the Director of Port Control to apply to the bond trustee for land release; and authorizing the Director to enter into a Lease By Way of Concession with SprintCom for the purpose of installing, removing, replacing, modifying, maintaining and operating a personal communications service system facility.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Recommended by Committees on Aviation and Transportation, City Planning, Finance, when amended as follows:

1. Insert New Section 10 to read as follows:

"Section 10. That the Official Deeds of Easement, Lease By Way of Concession, and other documents authorized herein shall contain the following provision:

The City reserves the right to recapture the premises, wholly or partially, any time during the Initial Term or Extended Terms, upon six (6) months written notice, in the event that City Council, by ordinance, determines that such recapture of the Premises or any portion thereof is required by the City in order to comply with the federal, state or local laws or regulations governing airports, or for general airport purposes. In the event of such recapture as described in this paragraph, SprintCom shall not be entitled to a credit, reimbursement, payment, or any other type of compensation for termination of this Agreement and recapture of the Premises. However, the City shall work cooperatively with SprintCom to find a suitable location at which SprintCom may operate, under such terms and conditions as may be mutually agreed to by the City and SprintCom."

2. Renumber existing "Section 10" to new **"Section 11"** and existing "Section 11" to new **"Section 12"**.

Amendments agreed to.

Ord. No. 1201-2000.

By Councilman Polensek (by request)

An emergency ordinance authorizing the Director of Public Service to issue a permit to Rick Case Enterprises on behalf of Rick Case Motors, Inc., to encroach into the right-of-way of their Honda dealership at I-90 and East 200th St. with fencing, lighting and a (new car) parking area.

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

Ord. No. 1202-2000.

By Councilman Rybka.

An emergency ordinance to vacate a portion of Winfield Avenue S.E. hereinafter described.

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

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

Amendment agreed to.

Ord. No. 1208-2000.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for redevelopment at 1936 West 25th Street, for the Department of Community Development.

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

1. In Section 4, strike line 2 in its entirety and insert in lieu thereof the following: **"be paid from the Housing Trust Fund, Fund No. 14 SF 026."**

Amendment agreed to.

Ord. No. 1213-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Maurice Bellford Corporation to provide economic development assistance to partially finance the renovation of real property located at 5900 Maurice Avenue, Cleveland, Ohio 44127.

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

Ord. No. 1387-2000.

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

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to remove and replace defective poles, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed four years.

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

1. In the title, line 8, delete "four years" and insert **"one year"**.

2. In Section 1, line 4, delete "four years" and insert **"one year"**; in lines 6 and 7, delete ", in the approximate amount as purchased during the preceding term,"; and in line 13, delete "four years" and insert **"one year"**.

3. In Section 2, line 1, after "contract" insert **"shall not exceed \$7,500,000"**.

4. Insert new Section 3 to read as follows:

"Section 3. That the contract authorized herein shall contain a provision requiring the successful bidder to provide the City with a warranty of twenty-five (25) years or greater on all poles purchased."

5. Insert new Section 4 to read as follows:

"Section 4. That pole replacement shall occur in accordance with the prioritization list submitted to the Finance Committee by the Director of Public Utilities and contained in File No. 1387-2000-A made a part hereof as if fully rewritten herein."

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

Amendments agreed to.

Ord. No. 1398-2000.

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

An emergency ordinance appropriating funds obtained from Norfolk

Southern and CSX; determining the method of making the public improvement of constructing noise barriers and installing landscaping on railroad property; and authorizing the Director of Public Service to enter into contract for the making of such improvement.

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

1. In Section 2, line 4 after "property" insert the following: **"as described in File No. 1398-2000-A"**.

2. Insert new Sections 4, 5, 6 and 7 to read, respectively, as follows:

"Section 4. That, the Department of Public Service shall prioritize the construction of noise barriers authorized herein, in a manner that services those areas with the highest impact of railroad traffic first."

"Section 5. That the noise barriers constructed adjacent to the Ideal Mobile Home Park on Brookpark Road shall consist of concrete materials."

"Section 6. That, as part of the public improvement authorized herein, landscaping shall be installed at the Rockport Yard on West 157th Street."

"Section 7. That, to the extent permitted by law, the City shall grant a five percent (5%) preference to bidders who agree to purchase discarded tires from the City of Cleveland and use such tires in the construction of the non-concrete noise barriers to be purchased by the City."

3. Renumber existing Section 4 to new **"Section 8"**.

Amendments agreed to.

Ord. No. 1399-2000.

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

An emergency ordinance appropriating funds obtained from Norfolk Southern and CSX; and authorizing the Director of Public Service to enter into contract for the labor and materials necessary to install fencing at various locations throughout the City which is adjacent to railroad property.

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

1. In Section 2, line 6 after "property" insert the following: **"as described in File No. 1399-2000-A"**.

Amendment agreed to.

Ord. No. 1402-2000.

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

An emergency ordinance to amend Section 12 of Ordinance No. 2368-92, passed December 14, 1992, as amended by Ordinance No. 1454-97, passed November 24, 1997, relating to the rehabilitation of Memphis Avenue from Ridge road to Pearl Road.

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

Ord. No. 1414-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with

Miles Park Carnegie Library, Ltd. to provide economic development assistance to partially finance the renovation of real property located at 9250 Miles Park Avenue, Cleveland, Ohio 44105.

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

1. In the title, lines 4 and 5, and in Section 1, lines 2 and 3, strike "Miles Park Carnegie Library, Ltd." and insert in lieu thereof **"MPCL, LLC"**.

2. Strike Section 2 in its entirety and insert in lieu thereof the following:

"Section 2. That the terms of said agreement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1414-2000-A."

Amendments agreed to.

Ord. No. 1415-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Miles Park Carnegie Library, Ltd. to provide for a ten year abatement for certain real estate taxes as an incentive to renovate the real property located at 9250 Miles Park Avenue, Cleveland, Ohio 44105.

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

1. In the title, lines 4 and 5; and in the third whereas clause, line 1, strike "Miles Park Carnegie Library, Ltd." and insert in lieu thereof **"MPCL, LLC"**.

Amendment agreed to.

Ord. No. 1599-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3959 and 3983 East 120th Street to Union Miles Development Corporation.

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

Ord. No. 1637-2000.

By Mayor White.

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to install not to exceed six work stations, for the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance; when amended as follows:

1. In the title, line 4 and in Section 1, line 5, strike "not to exceed" and insert in lieu thereof **"a maximum of"**.

2. In Section 2, line 2, after "shall" insert the following: **"not exceed \$12,000.00 and shall"**.

Amendments agreed to.

Councilman Robinson entered the meeting.

Ord. No. 1642-2000.

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

An emergency ordinance to amend the title, the third whereas clause, Section 1 and Section 2 of Ordinance No. 1571-99, passed November 29, 1999, relating to an Enterprise Zone Agreement with the Garland Company for property located at 3800 East 91st Street.

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

1. In Section 1, at amended Section 1, at the end, add the following new sentence after the period "**That the Enterprise and the Director of Economic Development have placed in File No. 1642-2000-A documents pertaining to the Enterprise's name change and the impact of this change on the assistance given to the Enterprise by the City of Cleveland under this ordinance.**"

Amendment agreed to.

Ord. No. 1679-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of reclaimed or virgin asphalt concrete, for the Division of Streets, Department of Public Service.

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

Ord. No. 1680-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of rock salt, for the Division of Streets, Department of Public Service.

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

Ord. No. 1682-2000.

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

An emergency ordinance to amend Section 1 of Ordinance No. 2159-99, passed March 27, 2000, relating to authorizing the Director of Public Service to cause payment of the City of Cleveland's share to the County of Cuyahoga for the cost of the rehabilitation of West 140th Street.

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

Ord. No. 1686-2000.

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

An emergency ordinance authorizing the Directors of Economic Development and Public Service to apply for and accept grants from the Economic Development Administration and the Ohio Department of Development for the West 67th Place Reconstruction Project; authorizing said Directors to employ one or more

consultants or one or more firms of consultants necessary to design the project; determining the method of making the public improvement of constructing the Project; authorizing said Directors to enter into contract for the making of such improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the improvement.

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

Ord. No. 1795-2000.

By Mayor White.

An emergency ordinance authorizing the Director of Finance to enter into contract with PeopleSoft USA, Inc. for software maintenance and support services for PeopleSoft modules, for the Division of Financial Reporting and Control, Department of Finance, for a period of one year with two one-year options to renew.

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

1. In Section 1, line 5 delete the following: "with two (2) options"; delete lines 6 and 7 in their entirety; and in line 8 delete "written notice by said Director".

Amendment agreed to.

**SECOND READING
EMERGENCY RESOLUTION**

Res. No. 1417-2000.

By Councilman Johnson (by request).

An emergency resolution declaring the intention to vacate a portion of Cormere Avenue S.E.

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

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 2040-99.

By Mayor White.

An emergency ordinance to amend Sections 173.15, 173.16, 173.17, 173.18, 173.19, 173.20, 173.21 and 173.65 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances; and to enact said codified ordinances by enacting new Section 173.13 and 173.14 thereof relating to compensation for members of various City boards and commissions.

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

1. In the title, lines 3 and 4, strike "173.20 and 173.21".

2. In Section 1, line 5, and in Section 2, line 5, strike "173.19, and 173.20" and insert in lieu thereof "**and 173.19**".

3. In Section 1 and in Section 2, strike lines 7 and 8 in their entirety.

4. In Section 1, at Section 173.19, line 4, strike "two hundred five dollars (\$205.00)" and insert in lieu thereof the following: "**two hundred dollars (\$200.00)**".

5. In Section 1, strike the text of Sections 173.20 and 173.21 in their entirety.

6. In Section 1, at division (a) of Section 173.17, strike the period after "alternate" and insert the following: "**, except that an alternate who is not a City resident at the time of attending a meeting shall not be entitled to any compensation.**".

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

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

Ord. No. 1685-2000.

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

An emergency ordinance authorizing the purchase by requirement contract of various on-road vehicles and off-road equipment, including labor and materials necessary for vehicle rehabilitation for the various divisions of City government, excluding various divisions of the Department of Public Safety.

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

1. In Section 2, at the end, strike "17766" and insert in lieu thereof "**1465**".

Amendment agreed to.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

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

Ord. No. 1808-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Cleveland New Homes L.P.

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

1. Strike Sections 51 and 52 in their entirety and insert in lieu thereof the following:

"**Section 51. Reserved.**

Section 52. Reserved."

Amendment agreed to.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

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

MOTION

Councilman Patmon moved that Ordinance No. 1636-2000 be referred to the Finance Committee. Councilman Sweeney seconded the motion. Without objection, the motion was approved.

Ord. No. 1636-2000.

By Mayor White and Councilman Polensek.

An emergency ordinance authorizing the Director of Public Health to

apply for and accept a grant from the Ohio Department of Health for the 2001 Federal AIDS Prevention Program and to enter into contract with various agencies to implement the program.

Referred to Committee on Finance.

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 744-2000.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 571.021 thereof relating to service providers at Cleveland Hopkins International Airport.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 1199-2000.

By Councilman Dolan.

An emergency ordinance to enact Section 551.082 of the Codified Ordinances of Cleveland, Ohio, 1976; and amend Section 551.99 thereof, relating to scavenging of solid waste and the penalty therefor.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 1578-2000.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary for window washing services, for the various divisions of City government, for a period not to exceed two years.

Read third time. Passed. Yeas 18. Nays 0.

THIRD READING EMERGENCY RESOLUTION ADOPTED

Res. No. 1730-2000.

By Councilman Lewis.
An emergency resolution urging the Cleveland Municipal School District, its Chief Executive Officer and Mayor White to reopen Aviation High School and to work with the Tuskegee Airmen to utilize the school solely for aviation training and support services.

Read third time. Adopted. Yeas 18. Nays 0.

MOTION

By Councilman O'Malley and seconded by Councilman Lewis, and unanimously carried that the absence of Councilman Patricia J. Britt, Councilman Michael A. Dolan, and Councilman Kenneth L. Johnson be and is hereby authorized.

MOTION

The Council adjourned at 8:30 p.m. to meet on Monday, November 13, 2000, at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

ORDINANCES

Ord. No. 468-2000.

By Mayor White.

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide services necessary for the design and installation of a data network, including materials, maintenance and software necessary for its operation.

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

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

Section 1. That the Director of Port Control is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide the professional services necessary for the design and installation of a data network, including materials, maintenance and software necessary for its operation.

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

Section 2. That the costs for such services herein contemplated shall not exceed \$150,000.00 and shall be paid from Fund No. 60 SF 001, Request No. 8269.

Section 3. That all professional services authorized herein shall be completed within ten (10) months from the passage date of this Ordinance.

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

Ord. No. 909-2000.

By Councilmen Dolan and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into contract with Colliers Intl. for professional services necessary to manage and maintain the building and grounds of the consolidated rental car facility at Cleveland Hopkins International Airport, Department of Port Control, for a period of 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 Port Control is hereby authorized to enter into contract with Colliers Intl., provided that Colliers Intl. submits the lowest or most competitive price proposal, for professional services, including, but not limited to, janitorial, snow removal and HVAC services, necessary to manage and maintain the building and grounds of the consolidated rental car facility at Cleveland Hopkins International Airport, for a period of one year.

The contract authorized herein shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance. The contract shall require Colliers Intl. to use its best efforts to meet or exceed the MBE, FBE, and City resident employment requirements set forth in the original agreement between the City and Colliers Intl. The contract shall also contain a provision requiring Colliers Intl. to grant a preference to City of Cleveland businesses when selecting companies to perform the services necessary to maintain the consolidated car rental facility at Cleveland Hopkins International Airport.

Section 2. In the event that Colliers Intl. does not submit the lowest or most competitive price proposal, the Department of Port Control is authorized to employ by contract one or more consultants or one or more firms for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services, including, but not limited to, janitorial, snow removal and HVAC services, necessary to manage and maintain the building and grounds of the consolidated rental car facility at Cleveland Hopkins International Airport, for a period of one year.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Port Control from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control and shall not exceed \$350,000.00. The contract authorized herein shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 3. That the costs for such services herein contemplated shall not exceed \$350,000.00 and shall be paid from Fund No. 60 SF 001, Request No. 8275.

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.

Ord. No. 941-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3335 East 93rd Street to Mazhar A. Khan.

Ord. No. 1056-2000.

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

An emergency ordinance authorizing the Director of Port Control to execute two easements granting to SprintCom, Inc. certain easement rights in property located at Cleveland Hopkins International Airport and declaring said easement rights no longer needed for public use; proffering certain representations for purposes of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee and authorizing the Director of Port Control to apply to the bond trustee for land release; and authorizing the Director to enter into a Lease By Way of Concession with SprintCom for the purpose of installing, removing, replacing, modifying, maintaining and operating a personal communications service system facility.

Whereas, SprintCom has requested the Director of Port Control to convey two (2) easement rights in property located at Cleveland Hopkins International Airport; and

Whereas, the easement rights to be granted are no longer needed for public use; and

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

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

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

Proposed Utility Easement

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Middleburg Township Lot No. 6 Section No. 12 more definitely described as follows:

Commencing at a monument found at the Northwesterly corner of said Lot No. 6 and on the centerline of vacated Five Points Road;

Thence South 88°-14'-27" East in the centerline of said vacated road, 438.72 feet to a monument found;

Thence leaving said centerline, South 01°-45'-33" West, 29.01 feet to a point;

Thence South 88°-16'-06" East, 29.69 feet to the point of beginning for the easement herein described;

Thence North 01°-43'-54" East, 8.00 feet to a point;

Thence South 88°-16'-06" East, 30.00 feet to a point;

Thence South 01°-43'-54" West, 8.00 feet to a point;

Thence North 88°-16'-06" West, 30.00 feet to the point of beginning.

Containing within said bounds 0.0055 acres of land.

Proposed Access Easement

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Middleburg Township Lot No. 6 Section No. 12 more definitely described as follows:

Commencing at a monument found at the Northwesterly corner of said Lot No. 6 and on the centerline of vacated Five Points Road;

Thence South 88°-14'-27" East in the centerline of said vacated road, 438.72 feet to a monument found at the point of beginning for the easement herein described;

Thence leaving said centerline, South 01°-45'-33" West, 29.01 feet to a point;

Thence South 88°-16'-06" East, 29.69 feet to a point;

Thence South 01°-43'-54" West, 12.00 feet to a point;

Thence North 88°-16'-06" West, 41.69 feet to a point;

Thence North 01°-45'-33" East, 41.01 feet to a point on the centerline of vacated Five Points Road;

Thence South 88°-14'-27" East in the centerline of said road, 12.00 feet to the point of beginning;

Containing within said bounds 0.0195 acres of land.

Section 2. That the easements shall be non-exclusive and the purpose of the easements shall be to establish and maintain right-of-ways over, across, in and upon certain City-owned property at Cleveland Hopkins International Airport for underground utilities.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described, non-exclusive, easement interests to SprintCom at a price not less than fair market value as determined by the Board of Control.

Section 4. That the duration of the easements shall run coterminous with the Lease by Way of Concession authorized by this ordinance, including any options exercised; that the easements shall include reasonable rights of entry to the City; that the easements shall not be assignable; that the easements shall require the grantee to indemnify the City, provide reasonable insurance, maintain any grantee improvements located within the easements, and pay any applicable taxes and assessments.

Section 5. That the conveyances referred to above shall be made by Official Deed of Easement prepared by the Director of Law and executed by the Director of Port Control on behalf of the City of Cleveland. The Deeds of Easement shall contain such additional terms and conditions as are required to protect the interests of the parties. The Directors of Port Control and Law are authorized to execute such other documents, including without limitation, contracts for right of entry, as may be necessary to effect the construction of the rights-of-way within the property described above.

Section 6. That the City acknowledges, states and affirms, pursuant to Article IX of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee, dated November 1, 1976, as amended (the "Indenture"), that the City desires and requests that certain portions of its land heretofore subject to the Indenture be released and removed from all obligations

under said Indenture. Further, the City acknowledges, states and affirms that it is not in default under said Indenture; that release of such land is necessary in order to serve the public purpose of providing public utilities; and that certain public improvements will be constructed on the land to be released, including public utilities.

Section 7. That the Director of Port Control is authorized to apply to the Chase Manhattan Trust Company, National Association, as successor trustee, for release of the land described in Section 1, pursuant to the Indenture.

Section 8. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is hereby authorized to enter into a Lease By Way of Concession with SprintCom for the use and occupancy of approximately 0.0207 acres of land located at Cleveland Hopkins International Airport for the purpose of installing, removing, replacing, modifying, maintaining and operating a personal communications service system facility. The premises are more fully described as follows:

Proposed Lease Area

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Middleburg Township Lot No. 6 Section No. 12 more definitely described as follows:

Commencing at a monument found at the Northwesterly corner of said Lot No. 6 and on the centerline of vacated Five Point Road;

Thence South 88°-14'-27" East in the centerline of said vacated road, 438.72 feet to a monument found;

Thence leaving said centerline, South 01°-45'-33" West, 29.01 feet to a point;

Thence South 88°-16'-06" East, 29.69 feet to the point of beginning for the parcel herein described;

Thence leaving said centerline, South 01°-45'-33" West, 29.01 feet to a point;

Thence South 88°-16'-06" East, 29.69 feet to the point of beginning for the parcel herein described;

Thence South 88°-16'-06" East, 30.00 feet to a point;

Thence South 01°-43'-54" West, 30.00 feet to a point;

Thence North 88°-16'-06" West, 30.00 feet to a point;

Thence North 01°-43'-54" East, 30.00 feet to the point of beginning;

Containing within said bounds 0.0207 acres of land.

Section 9. The term of the Lease By Way of Concession shall be for five (5) years ("Initial Term"), with four (4) options, exercisable by the Director of Port Control, to renew for additional five-year terms ("Extended Terms"). The annual rent shall be \$1,500 per month for the first year, with an annual increase of four percent (4%) each year thereafter during the Initial Term and any Extended Terms.

Section 10. That the Official Deeds of Easement, Lease By Way of Concession, and other documents authorized herein shall contain the following provision:

The City reserves the right to recapture the premises, wholly or partially, any time during the Initial Term or Extended Terms, upon six (6) months written notice, in the event that City Council, by ordinance, determines that such recap-

ture of the Premises or any portion thereof is required by the City in order to comply with the federal, state or local laws or regulations governing airports, or for general airport purposes. In the event of such recapture as described in this paragraph, SprintCom shall not be entitled to a credit, reimbursement, payment, or any other type of compensation for termination of this Agreement and recapture of the Premises. However, the City shall work cooperatively with SprintCom to find a suitable location at which SprintCom may operate, under such terms and conditions as may be mutually agreed to by the City and SprintCom.

Section 11. That the Lease By Way of Concession authorized herein shall be prepared by the Director of Law, and shall contain such additional provisions as said Director deems necessary to protect and benefit the public interest.

Section 12. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Ord. No. 1201-2000.

By Councilman Polensek (by request)

An emergency ordinance authorizing the Director of Public Service to issue a permit to Rick Case Enterprises on behalf of Rick Case Motors, Inc., to encroach into the right-of-way of their Honda dealership at I-90 and East 200th St. with fencing, lighting and a (new car) parking area.

Ord. No. 1202-2000.

By Councilman Rybka.

An emergency ordinance to vacate a portion of Winfield Avenue S.E. hereinafter described.

Whereas, on the 15th day of December 1999, the Council of the City of Cleveland adopted Resolution No. 1856-99 declaring its intention to vacate a portion of Winfield Avenue S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1856-99 has been served upon the owners of all the property abutting Winfield Avenue S.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 14th day of June, 2000, the Board of Revision of Assessments approved the vacation of Winfield Avenue S.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Winfield Avenue S.E., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of Winfield Avenue S.E. (25.00 feet wide), extending from the Westerly line of East 73rd Place (40.00 feet wide) Westerly to the Easterly line of Foreman Avenue (40.00 feet wide) as vacated by the Council of the City of Cleveland on June 15, 1998, by Ordinance Number 862-98, is hereby vacated.

Section 2. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Winfield Avenue S.E., herein provided by sending him a copy of this Ordinance.

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

Ord. No. 1208-2000.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for redevelopment at 1936 West 25th Street, for the Department of Community Development.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property at 1936 West 25th Street for the purpose of redevelopment in accordance with the West 25th Lorain Community Development Plan:

1936 West 25th Street
Permanent Parcel Nos. 003-38-019,
020, 027 and 056

Parcel No. 1:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 431 and 432 in Barber and Lord's Subdivision of part of Original Brooklyn Township Lot Nos. 51, 52, 69 and 70, as shown by the recorded plat in Volume 11 of Maps, Page 26 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning in the Southwesterly line of West 25th Street (formerly Pearl Street) at the most Easterly corner of said Sublot No. 431;

Thence North 30° 56' 00" West along said Southwesterly line of West 25th Street, 66.37 feet to the most Easterly corner of said Sublot No. 432;

Thence South 58° 51' 25" West along the Southeasterly line of said Sublot No. 432, 197 feet to the most Southerly corner of a parcel of land conveyed to James Kane by deed dated March 15, 1851 and recorded in Volume 50, Page 362 of Cuyahoga County Records;

Thence North 30° 56' 00" West along the Southwesterly line of said land conveyed to James Kane, 57 feet to the Southeasterly line of Carroll Avenue, N.W.;

Thence South 58° 51' 00" West along said Southeasterly line of Carroll Avenue, N.W., 42.66 feet to its intersection with the Northeasterly line of West 26th Street (formerly McLean Street);

Thence South 30° 54' 05" East along said Northeasterly line of West 26th Street, 122.62 feet to a point distant North 30° 54' 05" West 0.71 of a foot from the most Southerly corner of said Sublot No. 431;

Thence North 59° 02' 50" East along the Northwesterly face of a five story brick building, 40.61 feet;

Thence North 58° 43' 20" East along the Northwesterly face of said five story brick building, 48.72 feet;

Thence North 59° 00' 50" East along the Northwesterly face of said five story brick building, 76.14 feet;

Thence North 59° 35' 50" East along the Northwesterly face of said five story brick building, 21.07 feet;

Thence North 59° 13' 50" East along the Northwesterly face of said five story brick building, 36.19 feet to the Southeasterly line of said Sublot No. 431;

Thence North 58° 51' 50" along said Southeasterly line of Sublot No. 431, 17 feet to the place of beginning, according to a survey dated August 26, 1949, by the National Survey Service, Inc., Civil Engineers and Surveyors, be the same more or less, but subject to all legal highways.

Parcel No. 2:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 432 in Barber and Lord's Subdivision of part of Original Brooklyn Township Lots Nos. 51, 52, 69 and 70, as shown by the recorded plat in Volume 11 of Maps, Page 26 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Southwesterly line of West 25th Street, (formerly Pearl Street), at a point distant Northwesterly (measured along said Southwesterly line of West 25th Street), 1.25 feet from the most Easterly corner of said Sublot No. 432;

Thence Southeasterly along said Southwesterly line of West 25th Street 1.25 feet to said most Easterly corner of Sublot No. 432;

Thence Southwesterly along the Southeasterly line of said Sublot No. 432, 197 feet to the most Southerly corner of a parcel of land conveyed to James Kane by deed dated March 15, 1851, and recorded in Volume 50, Page 362 of Cuyahoga County Records;

Thence Northwesterly along the Southwesterly line of said land conveyed to James Kane, 1.57 feet to the Southeasterly face of a concrete block partition wall;

Thence Northeasterly in a direct line and along the Southeasterly face of said concrete block partition wall, 197 feet to the principal place of beginning, according to a survey dated August 26, 1949, by the National Survey Service, Inc., Civil Engineers and Surveyors, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Community Development is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such property

and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

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

Section 4. That all costs of acquisition of land shall be paid from the **Housing Trust Fund, Fund No. 14 SF 026.**

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

Ord. No. 1213-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Maurice Bellford Corporation to provide economic development assistance to partially finance the renovation of real property located at 5900 Maurice Avenue, Cleveland, Ohio 44127.

Ord. No. 1387-2000.

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

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to remove and replace defective poles, for the Division of Cleveland Public Power, Department of Public Utilities, 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 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** of the necessary items of labor and materials necessary to remove and replace defective poles to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than **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 not exceed **\$7,500,000** 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 16680)

Section 3. That the contract authorized herein shall contain a provision requiring the successful bidder to provide the City with a warranty of twenty-five (25) years or greater on all poles purchased.

Section 4. That pole replacement shall occur in accordance with the prioritization list submitted to the Finance Committee by the Director of Public Utilities and contained in File No. 1387-2000-A made a part hereof as if fully rewritten herein.

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

Ord. No. 1398-2000.

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

An emergency ordinance appropriating funds obtained from Norfolk Southern and CSX; determining the method of making the public improvement of constructing noise barriers and installing landscaping on railroad property; and authorizing the Director of Public Service to enter into contract for the making of such improvement.

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

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

Whereas, this Council wishes to appropriate funds received in accordance with the agreements with Norfolk Southern and CSX for various purposes consistent with the agreements with the railroads; and

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

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

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

Section 1. That this Council hereby appropriates funds received from Norfolk Southern and CSX pursuant to their agreements in the amount of Seven Million, Four Hundred Thirty-Seven Thousand, Five Hundred Eighty-Five Dollars (\$7,437,585.00) from Fund No. 10 SF 526, for the purpose of entering into a contract for the making of the public improvement for the construction of noise barriers and the installation of landscaping on railroad property, pursuant to the following schedule:

Personnel	-0-
Other Expenses	\$7,437,585.00

Section 2. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing noise barriers and installing landscaping on railroad property as described in File No. 1398-2000-A, for the Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 3. That the Director of Public Service is hereby authorized to enter into a contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 526.

Section 4. That, the Department of Public Service shall prioritize the construction of noise barriers authorized herein, in a manner that services those areas with the highest impact of railroad traffic first.

Section 5. That the noise barriers constructed adjacent to the Ideal Mobile Home Park on Brookpark Road shall consist of concrete materials.

Section 6. That, as part of the public improvement authorized herein, landscaping shall be installed at the Rockport Yard on West 157th Street.

Section 7. That, to the extent permitted by law, the City shall grant a five percent (5%) preference to bidders who agree to purchase discarded tires from the City of Cleveland and use such tires in the construction of the non-concrete noise barriers to be purchased by the City.

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

Ord. No. 1399-2000.

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

An emergency ordinance appropriating funds obtained from Norfolk Southern and CSX; and authorizing the Director of Public Service to enter into contract for the labor and materials necessary to install fencing at various locations throughout the City which is adjacent to railroad property.

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

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

Whereas, this Council wishes to appropriate funds received in accordance with the agreements with Norfolk Southern and CSX for various purposes consistent with the agreements with the railroads; and

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

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

Section 1. That this Council hereby appropriates funds received from Norfolk Southern and CSX pursuant to their agreements in the amount of One Hundred Eighty-Two Thousand Four Hundred Sixty-Five Dollars (\$182,465.00) from Fund No. 10 SF 526, for the purpose of entering into a contract for labor and materials necessary to install fencing at various locations throughout the City which is adjacent to railroad property, pursuant to the following schedule:

Personnel	-0-
Other Expenses	\$182,465.00

Section 2. That the Director of Public Service is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install fencing at various locations throughout the City which is adjacent to railroad property as described in File No. 1399-2000-A, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Public Service.

Section 3. That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 526.

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.

Ord. No. 1402-2000.

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

An emergency ordinance to amend Section 12 of Ordinance No. 2368-92, passed December 14, 1992, as amended by Ordinance No. 1454-97, passed November 24, 1997, relating to the rehabilitation of Memphis Avenue from Ridge road to Pearl Road.

Ord. No. 1414-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with MPCL, LLC to provide economic

development assistance to partially finance the renovation of real property located at 9250 Miles Park Avenue, Cleveland, Ohio 44105.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with MPCL, LLC to provide economic development assistance to partially finance the renovation of real property located at 9250 Miles Park Avenue, Cleveland, Ohio 44105.

Section 2. That the terms of said agreement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1414-2000-A.

Section 3. That the costs of said contract shall not exceed One Hundred and Seventy-Five Thousand Dollars (\$175,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 26626.

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

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

Section 6. That the Director of Economic Development is hereby authorized to accept charges and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

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

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

Ord. No. 1415-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with MPCL, LLC to provide for a ten year abatement for certain real estate taxes as an incentive to renovate the real property located at 9250 Miles Park Avenue, Cleveland, Ohio 44105.

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone

(the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

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

Whereas, MPCL, LLC (the "Enterprise") has proposed to renovate the real property located at 9250 Miles Park Avenue, Cleveland, Ohio 44105; and

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

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

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

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

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

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten (10) year, abatement for real estate taxes as an incentive to renovate the real property located at 9250 Miles Park Avenue, Cleveland, Ohio 44105; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1415-2000-A. That terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferred to any entity, without the prior legislative authorization by Cleveland City Council.

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

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

agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Ord. No. 1599-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3959 and 3983 East 120th Street to Union Miles Development Corporation.

Ord. No. 1637-2000.

By Mayor White.

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to install a maximum of six work stations, for the Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install a maximum of six (6) work stations, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Department of Port Control.

Section 2. That the cost of said contract hereby authorized shall not exceed \$12,000.00 and shall be paid from Fund No. 60 SF 001, Request No. 30902.

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. 1642-2000.

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

An emergency ordinance to amend the title, the third whereas clause, Section 1 and Section 2 of Ordinance No. 1571-99, passed November 29, 1999, relating to an Enterprise Zone Agreement with the Garland Company for property located at 3800 East 91st Street.

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

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

Section 1. That the title, the third whereas clause, Section 1 and Section 2 of Ordinance No. 1571-99,

passed November 29, 1999, is hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Garland Industries, Inc. and The Garland Company to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to assist with the construction and renovation of their existing facility and to allow the expansion of their roofing and material manufacturing line located at 3800 East 91st Street located in the Cleveland Area Enterprise Zone.

Whereas, Garland Industries, Inc. and The Garland Company (the "Enterprise") has proposed to expand its facilities at its operation in the City of Cleveland; and

Section 1. That this Council hereby approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland. **That the Enterprise and the Director of Economic Development have placed in File No. 1642-2000-A documents pertaining to the Enterprise's name change and the impact of this change on the assistance given to the Enterprise by the City of Cleveland under this ordinance.**

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to assist with the construction and renovation of their existing facility and to allow the expansion of their roofing and material manufacturing line located at 3800 East 91st Street in Cleveland Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 2. That the existing title, the third whereas clause, Section 1 and Section 2 of Ordinance No. 1571-99, passed November 29, 1999, is hereby repealed.

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

Ord. No. 1679-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of reclaimed or virgin asphalt concrete, for the Division of Streets, Department of Public Service.

Ord. No. 1680-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of rock salt, for the Division of Streets, Department of Public Service.

Ord. No. 1682-2000.

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

An emergency ordinance to amend Section 1 of Ordinance No. 2159-99, passed March 27, 2000, relating to authorizing the Director of Public Service to cause payment of the City of Cleveland's share to the County of Cuyahoga for the cost of the rehabilitation of West 140th Street.

Ord. No. 1686-2000.

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

An emergency ordinance authorizing the Directors of Economic Development and Public Service to apply for and accept grants from the Economic Development Administration and the Ohio Department of Development for the West 67th Place Reconstruction Project; authorizing said Directors to employ one or more consultants or one or more firms of consultants necessary to design the project; determining the method of making the public improvement of constructing the Project; authorizing said Directors to enter into contract for the making of such improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the improvement.

Ord. No. 1795-2000.

By Mayor White.

An emergency ordinance authorizing the Director of Finance to enter into contract with PeopleSoft USA, Inc. for software maintenance and support services for PeopleSoft modules, for the Division of Financial Reporting and Control, Department of Finance, for a period of one year with two one-year options to renew.

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

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

Section 1. That the Director of Finance is hereby authorized to enter into contract with PeopleSoft USA, Inc. for professional services necessary to provide software maintenance and support services for PeopleSoft modules, for a period of one (1) year commencing June 29, 2000, in the total sum of \$243,302.40, payable from Fund No. 01-151001-661600, Request No. 7782, for the Division of Financial Reporting and Control, Department of Finance.

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.

RESOLUTION

Res. No. 1417-2000.

By Councilman Johnson (by request).

An emergency resolution declaring the intention to vacate a portion of Cormere Avenue S.E.

BOARD OF CONTROL

October 25, 2000

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 25, 2000, at 11:00 a.m. with Mayor White presiding.

Present: Mayor White, Acting Director Carr, Directors Brooks, Konicek, Sheffield-McClain, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Directors Hudecek, Patterson, Warren, Alexander.

Absent: None.

Others: Simon Mastroianni, Acting Commissioner, Purchases and Supplies, Lucille Ambroz, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 731-00.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of Independence Business Supply Co., Inc. for an estimated quantity of Criminal and Civil File System (Items 1 through 3, 4 & Items 5 through 9) for the Department of Finance, on behalf of the Clerk of the Cleveland Municipal Court, for a period of one (1) year beginning with the date of execution of a contract received on October 12, 2000, pursuant to the authority of Ordinance Nos. 514-2000 and 1426-2000 passed on May 8, 2000 and August 7, 2000 respectively, which on the basis of the estimated quantity would amount to Ninety-Four Thousand, One Hundred and Seventy Three Dollars, (\$94,173.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 07940

which shall be certified against such contract in the sum of Ninety-Four Thousand, One Hundred and Seventy Three Dollars (\$94,173.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, which, including the initial purchase hereunder, shall not exceed \$95,000.00, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Acting Director Carr, Directors Brooks, Konicek, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Director Sheffield-McClain.

Resolution No. 732-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Cascade Lighting, Inc. for an estimated quantity of Outdoor Lighting Program (Material), item nos. 1 thru 8, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract

received on the 15th day of September, 2000, pursuant to the authority of Ordinance No. 822-2000, passed June 12, 2000 on the basis of the estimated quantity would amount to Ninety-Nine Thousand Seven Hundred Twenty-Four and 50/100 Dollars, (\$99,724.50), (1% — 10 Days) 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. 31528

which shall be certified against such contract in the sum of Twenty Thousand and no/100 Dollars (\$20,000.00).

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, Acting Director Carr, Directors Brooks, Konicek, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Director Sheffield-McClain.

Resolution No. 733-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Southern Electric Supply, d.b.a. Rexel Duellman Electric Supply for an estimated quantity of Streetlighting Lamps, Group A, item nos. 1 thru 5 and Group C, item nos. 13 thru 16, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract received on September 7, 2000, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to One Hundred Ninety Eight Thousand Two Hundred Fifty Eight and 44/100 Dollars, (\$198,258.44), (2% — 10 Days, Net 30) 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. 31536

which shall be certified against such contract in the sum of Ten Thousand Eight Hundred Sixteen and 80/100 Dollars (\$10,816.80).

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, Acting Director Carr, Directors Brooks, Konicek, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Director Sheffield-McClain.

Resolution No. 734-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Five Star Lighting for an estimated quantity of Streetlighting Lamps, Group B, item nos. 6 thru 12, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract received on September 7, 2000, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to Twenty Three Thousand Nineteen and no/100 Dollars, (\$23,019.00) (2% — 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 31537

which shall be certified against such contract in the sum of One Thousand Two Hundred Thirty no/100 Dollars (\$1,230.00).

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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Five Star Lighting, for streetlighting lamps, for the above-mentioned Requirement Contract is hereby approved:

SUBCONTRACTOR	MBE/FBE
Minority Electric	
	\$4,603.80 (MBE — 20%)

Yeas: Mayor White, Acting Director Carr, Directors Brooks, Konicek, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Director Sheffield-McClain.

Resolution No. 735-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Wesco Distribution for an estimated quantity of Streetlighting Lamps, Group D, item nos. 17, 18 and 19, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract received on September 7, 2000, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to Two Hundred Seventy Five Thousand Six Hundred Forty Four and 80/100 Dollars, (\$275,644.80), (2%, 10 Days — Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall

provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 31538 which shall be certified against such contract in the sum of Fourteen Thousand One Hundred Sixty and 72/100 Dollars (\$14,160.72).

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, Acting Director Carr, Directors Brooks, Konicek, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Director Sheffield-McClain.

Resolution No. 736-00.

By Director McClain.

Be it resolved by the Board of Control of the City of Cleveland that the bid of North Bay Construction Inc. for the public improvement of Centralized Deicing Facility Phase 1A, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on the 18th day of October 2000, pursuant to the authority of Ordinance No. 1577-2000 passed October 16, 2000, upon a unit basis for the improvement in the aggregate amount of Five Million Three Hundred Seven Thousand Two Hundred Dollars (\$5,307,200.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control that the following subcontractors to North Bay Construction Inc. are hereby approved:

<u>Subcontractor</u>	<u>Service</u>
Minority Electric (18% — MBE)	Electrical
Ruccella Construction Co. (18% — MBE)	Concrete/Building
Jan Squires (1% — FBE)	HVAC
Steward Supply (1% — FBE)	Pre-Cast Concrete
Able Fence	Fencing
Marks Excavating & Trucking	Excavation & Trucking

Yeas: Mayor White, Acting Director Carr, Directors Brooks, Konicek, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Director Sheffield-McClain.

Resolution No. 737-00.

By Director Sheffield-McClain.

Resolved by the Board of Control of the City of Cleveland that all bids received on August 23, 2000 for

office furniture, items 1 through 14, for the various divisions of the Department of Port Control, pursuant to the authority of Ordinance No. 412-2000, passed by the Council of the City of Cleveland on June 12, 2000, be and the same are hereby rejected.

Yeas: Mayor White, Acting Director Carr, Directors Brooks, Konicek, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Director Sheffield-McClain.

Resolution No. 738-00.

By Director Sheffield-McClain.

Resolved, by the Board of Control of the City of Cleveland that the bid of Inland Waters of Ohio, Inc. for deicing materials for various divisions of the Department of Port Control, for a period not to exceed one (1) year beginning with the date of execution of a contract received on the 9th day of October, 2000, pursuant to the authority of Ordinance No. 469-2000, passed on June 12, 2000, which on the basis of the estimated quantity would amount to One Million Two Hundred Twenty One Thousand Eight Hundred Twenty Eight and 00/100 Dollars, (\$1,221,828.00), is hereby affirmed and approved as the lowest and best bidder, and the Director of Port Control 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. 30859

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

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

Be it further resolved by the Board of Control that the following subcontractor to Inland Waters is hereby approved:

M & R Enterprises	MBE — \$19,008 — 2%
Eden Environmental	FBE — \$32,500 — 3%

Yeas: Mayor White, Acting Director Carr, Directors Brooks, Konicek, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Director Sheffield-McClain.

Resolution No. 739-00.

By Director Guzman.

Whereas, by its Resolution No. 702-00, adopted October 11, 2000, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Board of Control approved the bid of Shuttlers as the lowest and best for the purchase of certain items uniform clothing; and

Whereas, it was subsequently brought to the City's attention that Shuttlers was not the lowest and

best bidder for certain of the items awarded to it; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 702-00, adopted October 11, 2000, affirming and approving the bid of Shuttlers as the lowest and best for the purchase of certain items of uniform clothing, for the Division of Fire, Department of Public Safety, hereby is amended by deleting item nos. 1-7, 15-21, 38-42, and 51, and decreasing the estimated contract amount to \$51,888.25.

Be it further resolved that all other provisions of said Resolution No. 702-00 not expressly amended hereby shall remain in full force and effect.

Yeas: Mayor White, Acting Director Carr, Directors Brooks, Konicek, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Director Sheffield-McClain.

Resolution No. 740-00.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Stonewall Uniform for an estimated quantity of Uniform Clothing, item nos. 1-7, 15-21, 38-42 and 51, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on March 24, 2000, pursuant to the authority of Section 135.06 of the Codified Ordinance of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to One Hundred Thirty Three Thousand, Two Hundred Fifty and 00/100 Dollars (\$133,250.00) (Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 24295

as specified

which shall be certified against such contract in the sum of Six Thousand, Eight Hundred Thirty Six and 25/100 Dollars (\$6,836.25).

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

Yeas: Mayor White, Acting Director Carr, Directors Brooks, Konicek, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Directors Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Director Sheffield-McClain.

Resolution No. 741-00.

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland, that Resolution No. 540-00 adopted by the Board of Control of the City of Cleveland on August 2, 2000, approving a contract to Morrison Knudsen Corporation hereby is rescinded.

Yeas: Mayor White, Acting Director Carr, Directors Brooks, Konicek, Ricchiuto, Whitlow, Acting Directors Smith, Miller, Directors Hudecek, Patterson, Warren, Alexander.
Nays: None.

Absent: Director Sheffield-McClain.

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 slated in the examination announcement.

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

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

ANNE BLOOMBERG,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 13, 2000

9:30 A.M.

Calendar No. 00-283: 2128 West 5th Street (Ward 13)

Tremont Ridge, Phase 1, Limited Partnership, owner, c/o Keith Sutton, appeals to erect a 20' x 40' three-story one family dwelling house and a 20' x 20' detached private garage on a 104' x 134' irregular shaped lot located in a B-Multi-Family District on the southwesterly side of West 5th Street at the corner of West 5th Street and Railway Avenue at 2128 West 5th Street; said proposal being contrary to the Yards and Courts Requirements of Section 357.05 where a 5' minimum side yard is required and a 4.25' is proposed and Section 357.13(b)(4) where an open front porch may extend into the front yard a minimum of 6' and a closed front porch may extend into the front yard a maximum of 4' and the proposed porch extends 9' into the front yard and the proposed porch is abutting the street line and porches may not extend within 10' of such street line as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 00-284: 2142 West 5th Street (Ward 13)

Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appeals to erect a 20' x 40' three-story one family dwelling house and a 20' x 20' detached private garage on a 25' x 100' lot located in a B-Multi-Family District on the southwesterly side of West 5th Street between West 5th Street and West 6th Place at 2142 West 5th Street, said proposal being contrary to the Area Requirements of Section 355.04 where the gross floor area of a building shall not exceed one-half of the total lot area and the total lot area is 2,500 sq. ft. and a 1,250 sq. ft. building is permitted and a 2,400 sq. ft. building is proposed and Section 355.05(b) where Two-Family use requires lot of at least 4,800 sq. ft. and 40' in width and 2,500 and 25' in width is proposed and contrary to the Yards and Courts Requirements of Section 357.09(b)(2)(B) where the required interior side yard is 10' with 3' minimum on both sides and a 5' total with 1.5 minimum side yards are provided and said building to be less than 10' from a main building on adjoining premises as required by Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 00-285: 2158 West 5th Street (Ward 13)

Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appeals to erect a 20' x 40' three-story, one family dwelling house and a 20' x 20' detached private garage on a 25' x 100' lot located in a B-Multi-Family District on the southwesterly side of West 5th Street between West 5th Street and West 6th Place at 2158 West 5th Street; said proposal being contrary to the Area Requirements of Section 355.04 where the gross floor area of a building shall not exceed one-half of the total lot area and the total lot area is 2,500 sq. ft. and a 1,250 sq. ft. building is permitted and a 2,400 sq. ft. building is proposed and Section 355.05(b) where Two-Family use requires lot of at least 4,800 sq. ft. and 40' in width and 2,500 and 25' in width is proposed and contrary to the Yards and Courts Requirements of Section 357.09(b)(2)(B), where the required interior side yard is 10' with 3' minimum on both sides and a 5' total with 1.5 minimum side yards are provided and said building to be less than 10' from a main building on adjoining premises as required by Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 00-286: 2162 West 5th Street (Ward 13)

Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appeals to erect a 20' x 40' three-story, one family dwelling house and a 20' x 20' detached private garage on a 25' x 100' lot located in a B-Multi-Family District on the southwesterly side of West 5th Street between West 5th Street and West 6th Street at 2162 West 5th Street, said proposal being contrary to the Area Requirements of Section 355.04 where the gross floor area of a building shall not exceed one-half of the total lot area and the total lot area is 2,500 sq. ft. and a 1,250 sq. ft. building is permitted and a 2,400 sq. ft. building is proposed and Section 355.05(b) where Two-Family use

requires lot of at least 4,800 sq. ft. and 40' in width and 2,500 and 25' in width is proposed and contrary to the Yards and Courts Requirements of Section 357.09(b)(2)(B) where the required interior side yard is 10' with 3' minimum on both sides and a 5' total with 1.5 minimum side yards are provided and said building to be less than 10' from a main building on adjoining premises as required by Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 00-287: 2192 West 6th Street (Ward 13)

Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appeals to erect a 20' x 40' three-story, one family dwelling house and a 20' x 20' detached private garage on a 25' x 100' lot located in a B-Multi-Family District on the southwesterly side of West 6th Street between West 6th Street and West 7th Street at 2192 West 6th Street; said proposal being contrary to the Area Requirements of Section 355.04 where the gross floor area of a building shall not exceed one-half of the total lot area and the total lot area is 2,500 sq. ft. and a 1,250 sq. ft. building is permitted and a 2,400 sq. ft. building is proposed and Section 355.05(b) where Two-Family use requires lot of at least 4,800 sq. ft. and 40' in width and 2,500 and 25' in width is proposed and contrary to the Yards and Courts Requirements of Section 357.09(b)(2)(B) where the required interior side yard is 10' with 3' minimum on both sides and a 5' total with 1.5 minimum side yards are provided and said building to be less than 10' from a main building on adjoining premises as required by Section 357.09(b)(2) of the Codified Ordinances.

Calendar No. 00-288: 2203 West 6th Street (Ward 13)

Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appeals to erect a 20' x 40' three-story, two family dwelling house and a 20' x 20' detached private garage on a 25' x 100' irregular shaped corner lot located in a B-Multi-Family District on the northwesterly corner of West 6th Street and Novak Alley at 2203 West 6th Street; said proposal being contrary to the information requirements of Section 327.02(d) of the Codified Ordinances and Section 355.04 where 1,550 sq. ft. maximum gross floor area is permitted for a residential building and 3,200 sq. ft. is proposed, and Section 355.05 where a two family residence on an existing lot of record requires a minimum 4,800 sq. ft. lot and a minimum 40' wide lot and a 3,100 sq. ft. lot with a width of 25' is proposed, and Section 357.04 Front Yard Regulations where the required yard is determined by the lot depth times 15% or 18' and 10' is proposed, and said use being contrary to the required interior side yard of Section 357.09 where the interior side yard proposed is 3'-6" and 1'-5" instead of the 3' and 7' required and the aggregate width of side yards being 5' instead of the 10' required and said building to be less than 10' from a main building on adjoining premises as required by Section 357.09(B)(2)(A) of the Codified Ordinances.

Calendar No. 00-289: 519 Literary Road (Ward 13)

Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appeals to erect a 20' x 40' three-story, two family dwelling house and a 20' x 20' detached private garage on a 25' x 116' lot located in a B-Multi-Family District on the south side of Literary Road at 519 Literary Road; said proposal being contrary to the information requirements of Section 327.02(d) of the Codified Ordinances and Section 355.04 where 1,550 sq. ft. maximum gross floor area is permitted for a residential building and 3,200 sq. ft. is proposed, and Section 355.05 where a two family residence on an existing lot of record requires a minimum 4,800 sq. ft. lot and a minimum 40' wide lot and a 3,100 sq. ft. lot with a width of 25' is proposed, and Section 357.04 Front Yard Regulations where the required yard is determined by the lot depth times 15% or 18' and 10' is proposed, and said use being contrary to the required interior side yard of Section 357.09 where the interior side yard proposed is 3'-6" and 1'-5" instead of the 3' and 7' required and the aggregate width of side yards being 5' instead of the 10' required and said building to be less than 10' from a main building on adjoining premises as required by Section 357.09(B)(2)(A) of the Codified Ordinances.

Calendar No. 00-305: 3757-3771 West 143rd Street (Ward 21)

PPG Industries Inc., owners, and Borchert Fencing Company, agent, appeal to install approximately 292 linear feet of 6' high tubular ornamental fencing to the west of an approximate 170' x 188' parking lot and approximately 361 linear feet of 6' high chain link fencing to the north of the approximate 170' x 188' parking lot, said installation being contrary to the Yards and Courts Requirements of Section 357.07(a) where there is a required 10' setback and a 6' high fence is proposed within the setback area and the maximum height of fencing allowed within the setback area is 4'-6" as stated in Section 357.13(b)(3) of the Codified Ordinances.

Calendar No. 00-306: 3800 West 143rd Street (Ward 21)

PPG Industries Inc., owners, and Borchert Fencing Company, agent, appeal to install approximately 210 linear feet of 6' high tubular ornamental fencing to the west of an approximate 141' x 180' parking lot; said installation being contrary to the Yards and Courts Requirements of Section 357.07(a) where there is a required 10' setback and a 6' high fence is proposed within the setback area and the maximum height of fencing allowed within the setback area is 4'-6" as stated in Section 357.13(b)(3) of the Codified Ordinances.

Calendar No. 00-307: 3779-3791 West 143rd Street (Ward 21)

PPG Industries Inc., owners, and Borchert Fencing Company, agent, appeal to install approximately 239 linear feet of 6' high tubular ornamental fencing to the west of an approximate 151' x 188' parking lot and approximately 165 linear feet of 6' high chain link fencing to the south and east of the approximate

151' x 188' parking lot, said installation being contrary to the Yards and Courts Requirements of Section 357.07(a) where there is a required 10' setback and a 6' high fence is proposed within the setback area and the maximum height of fencing allowed within the setback area is 4'-6" as stated in Section 357.13(b)(3) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 30, 2000

At the meeting of the Board of Zoning Appeals on Monday, October 30, 2000, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 00-293: 1000-1002 East 66th Place

General Metal Heat Treating Company, owner, and Nancy Borchert, agent, appealed to install 46 linear feet of 8' high chain link fencing to the east and south of a 36' x 117' parcel in a Local Retail District.

Calendar No. 00-251: 1925-1933 Columbus Road

Irishtown Bend Development Joint Venture, c/o Progressive Urban Real Estate, c/o Keith Brown, and Douglas Moltz, appealed to construct a 50' x 80' four-story townhouse on an 87' x 147' parcel in a General Industry District.

The following appeals were **Postponed**:

Calendar No. 00-279: 1075 East 145th Street postponed to December 4, 2000.

Calendar No. 00-280: 1550 East 30th Street postponed to December 4, 2000.

Calendar No. 00-281: 3315 East 55th Street postponed to November 20, 2000.

Calendar No. 00-290: 6014 Franklin Boulevard postponed to November 27, 2000.

Calendar No. 00-294: 741 East 96th Street postponed to December 4, 2000.

On Monday, October 30, 2000, in Executive Session:

The following appeal was heard on Monday, October 23, 2000 and said decision was approved and adopted by the Board on October 30, 2000.

The following appeal was **Denied**:

Calendar No. 00-265: 9006 Columbia Avenue

Andrew and Teresa Hamilton, owners, appealed to install 55 linear feet of 6' high wooden fencing to the east of a 35' x 94' parcel in a One-Family District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, NOVEMBER 9, 2000

Outdoor Lighting Program (Installation), for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 822-2000, passed by the Council of the City of Cleveland, June 12, 2000.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, OCTOBER 31, 2000, 10:00 A.M., AT THE CLEVELAND PUBLIC POWER BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. ATTENDANCE IS MANDATORY.

October 25 and November 1, 2000

WEDNESDAY, NOVEMBER 15, 2000

Water Tank Rehabilitation — Cycle D, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1881-98, passed by the Council of the City of Cleveland, December 14, 1998.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON FRIDAY, NOVEMBER 3, 2000, 10:00 A.M. IN THE DIVISION OF WATER ENGINEERING CONFERENCE ROOM, CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 5TH FLOOR SOUTH, CLEVELAND, OHIO 44114. ATTENDANCE IS MANDATORY.

October 25 and November 1, 2000

THURSDAY, NOVEMBER 16, 2000

Flight Helmets, for the various divisions of the Department of Public Safety, as authorized by Ordinance No. 1005-2000, passed by the Council of the City of Cleveland, July 17, 2000.

Grounds Maintenance Equipment, for the various divisions of the Department of Public Safety, as authorized by Ordinance No. 1005-2000, passed by the Council of the City of Cleveland, July 17, 2000.

Digital Recording Equipment, for the various divisions of the Department of Public Safety, as authorized by Ordinance No. 1005-2000, passed by the Council of the City of Cleveland, July 17, 2000.

October 25 and November 1, 2000

FRIDAY, NOVEMBER 17, 2000

Shop Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 904-2000, passed by the Council of the City of Cleveland, August 7, 2000.

One (1) Cab and Chassis with Aerial Bucket Chip Dump Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 104-2000, passed by the Council of the City of Cleveland, April 17, 2000.

October 25 and November 1, 2000

WEDNESDAY, NOVEMBER 22, 2000

House of Corrections — Warehouse, Garage and Maintenance Building, for the Department of Public Safety, as authorized by Ordinance No. 478-98, passed by the Council of the City of Cleveland.

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

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, NOVEMBER 15, 2000, 10:00 A.M. AT THE CITY OF CLEVELAND HOUSE OF CORRECTIONS WAREHOUSE BUILDING, HARVARD AND NORTHFIELD ROADS.

October 25 and November 1, 2000

THURSDAY, NOVEMBER 16, 2000

Work Stations, for the Division of Environment, Department of Public Health, as authorized by Ordinance No. 476-2000, passed by the Council of the City of Cleveland, May 1, 2000.

November 1, 2000 and November 8, 2000

WEDNESDAY, NOVEMBER 22, 2000

Thermal Imaging Cameras, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1005-2000, passed by the Council of the City of Cleveland, July 17, 2000.

Office Furniture, for the Department of Port Control, as authorized by Ordinance No. 412-2000, passed by the Council of the City of Cleveland, June 12, 2000.

Repair of Water Mains and Appurtenances (Areas A and B), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1415-99, passed by the Council of the City of Cleveland, October 4, 1999.

A PRE-BID MEETING WILL BE HELD ON FRIDAY, NOVEMBER 13, 2000, 10:00 A.M. AT THE CARL B. STOKES BUILDING, 1201 LAKESIDE AVENUE, ENGINEERING CONFERENCE ROOM, 5TH FLOOR, CLEVELAND, OHIO 44114.

November 1, 2000 and November 8, 2000

Request for Qualifications (RFQ)

The City of Cleveland is requesting qualifications from noise monitoring firms interested in providing professional services for the implementation of the Residential Sound Insulation Program. The program involves modification of structures surrounding Cleveland Hopkins International Airport. The primary role of the selected consultant will be to measure interior sound levels in the project residences prior to construction and post construction.

Sealed responses to Request for Qualifications will be received by the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3193 until 4:00 p.m. local time **December 1, 2000**.

Request for Qualifications may be obtained on or after November 3, 2000 at the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3193.

The City of Cleveland reserves the right to accept or reject any or all submissions and waive any informality or irregularities in qualifications should the City consider this to be in its best interest.

Request for Qualifications may not be withdrawn for a period of 90 days after submittal.

November 1, 2000 and November 8, 2000

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 1890-2000.**

By Councilman Cimperman.

An emergency resolution withdrawing objection to the renewal of a D2, D3, D3A and D6 Liquor Permit to 1204 Old River Road Bar 3, and repealing Res. No. 1524-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D2, D3, D3A and D6 Liquor Permit to 1204 Old River Road Bar 3 by Res. No. 1524-2000 adopted by Council on August 28, 2000; and

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

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

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

Section 1. That objection to the renewal of a D2, D3, D3A and D6 Liquor Permit to 1204 Old River Road Bar 3, be and the same is hereby withdrawn and Res. No. 1524-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Res. No. 1891-2000.

By Councilman Cimperman

An emergency resolution withdrawing objection to the transfer of ownership of a D5 and D6 Liquor Permit to 1946 St. Clair Avenue & Patio, and repealing Res. No. 486-2000 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to 1946 St.

Clair Avenue & Patio by Res. No. 486-2000 adopted by Council on March 27, 2000; and

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

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

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

Section 1. That objection to the transfer of ownership of a D5 and D6 Liquor Permit to 1946 St. Clair Avenue & Patio, be and the same is hereby withdrawn and Res. No. 486-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Res. No. 1892-2000.

By Councilman Cintron.

An emergency resolution supporting a new legalization program to allow undocumented immigrants to attain legal residency in the United States and urging the Congressional delegation for Cleveland to support such changes in immigration policy.

Whereas, the City of Cleveland, along with many of the great cities in the United States, were founded and built through the hard work and efforts of immigrants who brought many traditions, skills and abilities to this country; and

Whereas, a new generation of immigrants continue to contribute to the enrichment of America; and

Whereas, there are an estimated six million immigrants in the United States that are not yet citizens, a majority of whom have been here for many years and are hard working and devoted to raising their families; and

Whereas, studies have indicated that immigrants contribute about \$10 billion each year to the United States economy; and

Whereas, the current immigration system has exposed a whole class of citizens to discrimination in employment because existing laws force them to remain undocumented workers; and

Whereas, the U.S. Conference and National Conference of Catholic Bishops, along with the National AFL-CIO, released a statement endorsing a coalition to encourage a new policy program for undocumented workers; and

Whereas, this Council of the Cleveland joins with organized

labor and members of the religious community in recognizing the value of these immigrant workers and the need to bring an end to their exploitation; and

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

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

Section 1. That this Council of the City of Cleveland supports a new legalization program to allow undocumented immigrants to attain legal residency in the United States and urges the Congressional delegation for Cleveland to support such changes in immigration policy.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to members of the Congressional delegation for Cleveland.

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

Adopted October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Res. No. 1893-2000.

By Councilman Johnson

An emergency resolution withdrawing objection to the transfer of ownership and location of a C1 and C2 Liquor Permit to 3249 East 143rd Street, and repealing Res. No. 439-2000 objecting to said transfer of ownership and location.

Whereas, this Council objected to the transfer of ownership and location of a C1 and C2 Liquor Permit to 3249 East 143rd Street by Res. No. 439-2000 objecting to said transfer of ownership and location adopted by Council on March 20, 2000; and

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

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

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

Section 1. That objection to the transfer of ownership and location of a C1 and C2 Liquor Permit to 3249 East 143rd Street, be and the same is hereby withdrawn and Res. No. 439-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership and location.

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 October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Res. No. 1894-2000.

By Councilman Patmon.

An emergency resolution withdrawing objection to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit to 7901 St. Clair Avenue, 1st Fl. & Bsmt., and repealing Res. No. 787-2000 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit to 7901 St. Clair Avenue, 1st Fl. & Bsmt. by Res. No. 787-2000 adopted by Council on May 8, 2000; and

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

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

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

Section 1. That objection to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit to 7901 St. Clair Avenue, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 787-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Res. No. 1895-2000.

By Councilman Polensek.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 17318 Lakeshore Blvd., and repealing Res. No. 1272-2000 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 17318 Lakeshore Blvd. by Res. No. 1272-2000 adopted by Council on July 17, 2000; and

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

Whereas, this resolution constitutes an emergency measure provid-

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 17318 Lakeshore Blvd., be and the same is hereby withdrawn and Res. No. 1272-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership.

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 October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Res. No. 1896-2000.

By Councilman Polensek.

An emergency resolution withdrawing objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 15428 Lakeshore Blvd., and repealing Res. No. 672-2000 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 15428 Lakeshore Blvd. by Res. No. 672-2000 adopted by Council on May 1, 2000; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership based upon and pursuant to a cooperation agreement signed October 1, 2000, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a C1, C2, D6 Liquor Permit to 15428 Lakeshore Blvd, be and the same is hereby withdrawn and Res. No. 672-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Res. No. 1897-2000.

By Councilman Westbrook

An emergency resolution objecting to the stock transfer of a D1, D2, D3, D3A and D6 Liquor Permit to 10510-12 Madison Avenue, 1st Fl. & Bsmt.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a D1, D2, D3, D3A and D6 Liquor Permit to Permit No. 82026070005, 16800 Lorain Avenue Inc., 10510-12 Madison Avenue, 1st Fl. & Bsmt.; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the stock transfer of a D1, D2, D3, D3A and D6 Liquor Permit to Permit No. 82026070005, 16800 Lorain Avenue Inc., 10510-12 Madison Avenue, 1st Fl. & Bsmt. 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 October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 595-2000.

By Councilmen Lewis, White, Coats and Patmon (by departmental request).

An emergency ordinance to amend Sections 125.01 and 173.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, respectively, by Ordinance No. 2372-93, passed March 14, 1994, and Ordinance No. 1660-64, passed September 28, 1964, relating to the Law Director's powers and duties and the prosecuting attorney and staff from Cuyahoga County.

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

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

Section 1. That Sections 125.01 and 173.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, respectively, by Ordinance No. 2372-93, passed March 14, 1994, and Ordinance No. 1660-64, passed September 28, 1964, are hereby amended to read as follows:

Section 125.01 Director's Powers and Duties

(a) The work of the Department of Law shall be distributed between a civil branch and a criminal branch. The Director of Law shall supervise and control the Department. He may appoint such number of assistant directors of law as he deems necessary for the proper conduct of the work of the civil branch, whose appointments shall be subject to the approval of Council, three of whom he may designate as Chief Counsel, Chief Trial Counsel and Chief Corporate Counsel, and not to exceed eight of whom he may designate as Chief Assistant Director of Law.

(b) The Director shall be the Prosecuting Attorney of the Municipal Court, pursuant to the provisions of Charter Section 84. He may also designate not more than twenty assistant prosecutors, whose appointments shall be subject to the approval of Council. Two of such assistant prosecutors shall be known, respectively, as Chief Assistant Prosecutor and First Assistant Prosecutor.

(c) The Director is hereby authorized to employ such number of clerks, stenographers and persons in other classifications as he may deem necessary.

Section 173.23 Prosecuting Attorney and Staff from Cuyahoga County

Pursuant to Section 1901.34 of the Revised Code, the Director of Law as the Prosecuting Attorney of the Municipal Court, and the Chief Assistant Prosecutor, the First Assistant and each Assistant Prosecutor of the Court may accept com-

pensation from the Treasury of Cuyahoga County in an amount fixed by the Board of County Commissioners.

Section 2. That existing Sections 125.01 and 173.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, respectively, by Ordinance No. 2372-93, passed March 14, 1994, and Ordinance No. 1660-64, passed September 28, 1964, are hereby repealed.

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

Passed October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 864-2000.
By Councilmen Sweeney, Cintron, Cimperman and Patmon (by departmental request).

An emergency ordinance to appropriate properties located on Midvale Avenue and Springdale Avenue for the public purpose of construction of a public right-of-way needed for the construction of a road.

Whereas, the Council of the City of Cleveland, by Resolution No. 879-2000, adopted May 15, 2000, declared the necessity and intention of appropriating the fee simple property interests herein described for construction of a public right-of-way; and

Whereas, notice of the adoption of such Resolution has been served upon the persons in possession or having an interest in such property; 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 for the public purpose of construction of a public right-of-way, the following described fee simple interest be and the same hereby is appropriated:

Permanent Parcel No. 029-17-011
 Vacant Lot on Springdale
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 94 in the Conger-Helper Realty Company's Home Gardens Allotment No. 2 of Part of Original Rockport Township Sections Nos. 3 and 4, as shown by the recorded Plat in Volume 67 of Maps, Page 35 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Springdale Avenue, S.W., and extending back of equal width 145 feet, as appears by said Plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 029-18-008
 18801 Midvale Avenue
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and described as follows to wit

and known as being Sublot No. 40 in the Conger-Helper Realty Co.'s Gardens Allotment of part of Original Rockport Township Section Nos. 3 and 4 as shown by the recorded plat in Volume 63 of Maps, Page 10 of Cuyahoga County Records and being 80 feet front on the Southerly side of Midvale Avenue and extending back 145 feet on the Westerly line 145 feet on the Easterly line which is also the Westerly line of Ellwood Avenue (nka West 188th Street) and having a rear line of 80 feet as appears by said plat be the same more or less, but subject to all legal highways.

Permanent Parcel No. 029-18-007
 18809 Midvale Avenue
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly one-half of Sublot No. 39 in Conger Helper Realty Company's Home Gardens Allotment of part of Original Rockport Township Sections Nos. 3 and 4, as shown by the recorded Plat in Volume 63 of Maps, Page 10 of Cuyahoga County Records and being 40 feet front on the Southerly side of Midvale Avenue, and extending back of equal width 145 feet, as appears by said Plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Law is hereby directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interest hereinbefore described.

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 October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1007-2000.
By Councilmen Rybka, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 6564-6566 Broadway Avenue to Jennifer Hajj.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located at 6564-6566 Broadway Avenue; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following

described property is no longer needed for public use:

Permanent Parcel No. 132-02-017
 6564-6566 Broadway Avenue
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original One Hundred Acre Lot No. 318, bounded and described as follows:

Commencing in the center line of Broadway, S.E., at a point 150 feet distant Easterly from where the Easterly line of the lot heretofore conveyed for school purposes intersects said center line of Broadway, S.E.;

Thence Southerly on a line parallel with the Easterly line of said school lot 230 feet to a stake;

Thence Easterly 50 feet on a line parallel with the center line of Broadway, S.E., to a stake;

Thence Northerly 230 feet on a line so drawn as to strike the center line of Broadway, S.E., at a point 50 feet Easterly on said center line of Broadway, S.E., at a point 50 feet Easterly on said center line from the place of beginning;

Thence Westerly on said center line of Broadway, S.E., 50 feet to the place of beginning, being 50 feet front on Broadway, S.E., be the same more or less, but subject to all legal highways.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above described property to Jennifer Hajj at a price not less than fair market value as determined by the Board of Control, taking into account such restrictive covenants and reversionary interests as are deemed necessary or appropriate.

Section 3. That the Director of Finance is hereby authorized and directed to deposit the proceeds from the sale of the land authorized herein in the City's Neighborhood Equity Fund. Such proceeds are to be used for recreational purposes and are to be appropriated for expenditure as Ward 12 Neighborhood Equity Funds at the recommendation of the Councilmember from Ward 12.

Section 4. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions, including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law, protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1060-2000.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on North Park Boulevard to Barry J. Minoff; and to amend Lease Agreement No. 42114 with the City of Shaker Heights.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located on North Park Boulevard in the City of Shaker Heights; and

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

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

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

Split Parcel

North Park Boulevard

Situated in the City of Shaker Heights, County of Cuyahoga and State of Ohio and known as being part of The City of Cleveland Parkway in the Van Sweringen Company's Subdivision No. 27 of part of Original Warrensville Township Lot Nos. 23, 24, 25, 34 and 35 as shown by the recorded plat in Volume 88, Page 28 of Cuyahoga County Map Records and being more fully described as follows:

Beginning at the Northwesterly corner of Sublot No. 117 in said Van Sweringen Company's Subdivision No. 27 and being the Principal Place of Beginning of the parcel of land herein described;

Course No. 1:

Thence North 03°-33'-19" East along the Northerly prolongation of the Westerly line of said Sublot No. 117, a distance of 89.00 feet to a point;

Course No. 2:

Thence North 89°-41'-59" East, a distance of 272.01 feet to a point on the Westerly line of Courtland Boulevard, 100 feet wide;

Course No. 3:

Thence South 03°-40'-15" West along the Westerly line of said Courtland Boulevard, a distance of 117.00 feet to a point at the Northeastly corner of said Sublot No. 117;

Course No. 4:

Thence Southwesterly along the Northerly line of said Sublot No. 117 and the arc of a curve deflecting to the right, a distance of 113.99 feet, said curve having a radius of 250.00 feet and a chord distance of 113.01 feet bearing South 79°-40'-44" West, to a point of curvature;

Course No. 5:

Thence Northwesterly continuing along the Northerly line of said Sublot No. 117 and the arc of a curve deflecting to the right, a distance of 167.17 feet, said curve having a radius of 350.00 feet and a chord of 165.59 feet bearing North 73°-35'-58" West, to the place of beginning and containing 0.7745 acres (33,736 sq. ft.) of land, according to a survey prepared by McSteen & Associates, Inc., dated May 5, 2000 and being the same more or less but subject to all legal highways and easements.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Barry J. Minoff at a price not less than fair market value as determined by the Board of Control. The proceeds from the sale of the land authorized herein shall be appropriated for the maintenance and/or expansion of the Cleveland Cultural Gardens.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs. The deed shall also contain a provision requiring Mr. Minoff, upon transfer of a portion of Permanent Parcel No. 733-10-14, to consolidate the transferred portion of Permanent Parcel No. 733-10-14 with Permanent Parcel No. 733-10-008, consisting of his residency, located at 19400 North Park Boulevard, Shaker Heights, Ohio, a provision requiring Mr. Minoff to file a consolidation plat with the County and a provision prohibiting the erection of any independent structure on the portion of Permanent Parcel No. 733-10-14 transferred to Mr. Minoff.

Section 4. That the Mayor is authorized to enter into an amendment to Lease Agreement No. 42114 with the City of Shaker Heights to delete the property described in Section 1 of this ordinance from said Lease.

Section 5. That the Mayor, the Directors of Law and Parks, Recreation and Properties are hereby authorized to execute such certifications and documents and to take such other actions as may be necessary or appropriate to carry out the terms of the transactions authorized in this ordinance.

Section 6. That the amendment to Contract No. 42114 shall be prepared and approved by the Director of Law and shall contain such provisions as he deems necessary to protect the public interest.

Section 7. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Passed October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1200-2000.

By Councilman Jackson.

An emergency ordinance to vacate a portion of East 82nd St. and Betts Ct. S.E. hereinafter described.

Whereas, on the 11th day of August 1999, the Council of the City of Cleveland adopted Resolution No. 1207-99 declaring its intention to vacate a portion of East 82nd St. and Betts Ct. S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1207-99 has been served upon the owners of all the property abutting East 82nd St. and Betts Ct. S.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 14th day of June, 2000, the Board of Revision of Assessments approved the vacation of East 82nd St. and Betts Ct. S.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 82nd St. and Betts Ct. S.E., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of the following real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of:

EAST 82nd STREET (50.00 feet wide), extending Southerly from the Southerly line of Holton Avenue S.E. (40.00 feet wide), to its Southerly terminus.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of:

BETTS COURT S.E. (11.00 feet wide), extending Easterly from the Easterly line of East 82nd Street (50.00 feet wide), to the Westerly line of East 83rd Street (50.00 feet wide), is hereby vacated.

Section 2. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 82nd St. and Betts Ct. S.E., herein provided by sending him a copy of this Ordinance.

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

Passed October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1307-2000.

By Councilman O'Malley.

An ordinance to change the Use and Height Districts on the north side of Melber Avenue, S.W. and the east side of Ridge Road, S.W. (Map Change No. 2016, Sheet No. 2)

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

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

Beginning at the intersection of a line located approximately one hundred seventy (170) feet north of the northerly line of Melber Avenue, S.W. and the southerly extension of the westerly line of Permanent Parcel No. 13-9-9; thence easterly along said line which is parallel to and approximately one hundred seventy (170) feet north of said northerly line of Melber Avenue, S.W. to its intersection with the northerly extension of the easterly line of Sublot No. 1 in the West 73 Street Bridge Allotment as recorded in Volume 87, Page 34 of the Cuyahoga County Map Records; thence southerly along said northerly extension to its intersection with the northerly line of said Sublot No. 1; thence westerly along said northerly line of said Sublot No. 1 to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 1 to its intersection with the center line of Melber Avenue, S.W.; thence westerly along said center line of Melber Avenue, S.W. to its intersection with the southerly extension of said westerly line of said Permanent Parcel 13-9-9; thence northerly along said southerly extension and along said westerly line of said Permanent Parcel No. 13-9-9 to the place of beginning, and as outlined in red on the map hereto attached be and the same are hereby changed to a Two-Family Use District and a '1' Height District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 2016, Sheet No. 2 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That the Use District of lands bounded and described as follows,

Beginning at the intersection of the center line of Ridge Road, S.W. and the westerly extension of the northerly line of Permanent Parcel No. 13-9-13; thence easterly along said westerly extension and along said northerly line of said Perma-

nent Parcel No. 13-9-13 to its intersection with the easterly line thereof; thence southerly along said easterly line of said Permanent Parcel No. 13-9-13 and along its southerly extension to the center line of Melber Avenue, S.W.; thence westerly along said line of Melber Avenue, S.W. to the center line of Ridge Road S.W.; thence northwesterly along said center line of Ridge Road, S.W. to the place of beginning,

and as outlined in green on the map hereto attached be and the same is hereby changed to a General Retail Use District.

Section 4. That said changed designation of lands described in Section 3 shall be identified as Map Change No. 2016, Sheet No. 2 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1580-2000.

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

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

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to maintain, repair, and replace substation equipment, including but not limited to batteries, switchgear, transformers and circuit breakers, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable

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

Section 2. That the cost of said contract shall not exceed \$800,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 16939)

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 October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1581-2000.

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

An emergency ordinance authorizing the Director of Public Utilities to apply for membership and participate in the Automated Power Exchange, Inc. computer/Internet power exchange.

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 apply for membership and participate in the Automated Power Exchange, Inc. ("APX") computer/Internet power exchange, and to pay associated dues and charges, for the purposes of identifying buyers and sellers of electric power and identifying current market prices. Such membership agreement shall be substantially in the form of the proposed APX Agreement dated March 20, 2000, and shall include such terms and conditions as the Director of Law deems appropriate to benefit and protect the public interest.

Section 2. That the cost of this contract shall be paid from Fund No. 58 SF 001, Request No. 16911.

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 October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1585-2000.
By Councilmen Cintron and Pat-
mon (by departmental request).

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to install tubes and valves in the Burnham #1 boiler and for hydrostatic testing, for the Division of Streets, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install tubes and valves in the Burnham #1 boiler at East 65th Yard and for hydrostatic testing, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Streets, Department of Public Service.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 11 SF 401, Request No. 16374.

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 October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1586-2000.
By Councilmen Cintron and Pat-
mon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Department of Natural Resources for the Community Pride and Partnership Program; and to enter into contract for the purchase of equipment and supplies needed to implement the program.

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

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

Section 1. That the Director of Public Service is hereby authorized to apply for and accept a grant in the amount of \$20,000, from the Ohio Department of Natural Resources, to conduct the Community Pride and Partnership Program, for the purposes set forth in the program description and according thereto; that the Director of Public Service is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the program description for said grant.

Section 2. That the program description for said grant, File No. 1586-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. 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 the grant term for the necessary items of equipment and supplies needed to implement the program, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the 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 the grant term 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 4. 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 21163)

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

Passed October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1596-2000.
By Councilmen Melena and Pat-
mon (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 861-2000, passed June 19, 2000, relating to the Director of Community Development to expend Community Development Block Grant funds and Federal Home funds for the operation of the Low Interest Loan and Grant Programs and to enter into contract with various agencies to implement these programs.

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

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

Section 1. That Section 1 of Ordinance No. 861-2000, passed June 19, 2000, is hereby amended to read as follows:

Section 1. That the Director of Community Development is hereby authorized to expend Community Development Block Grant funds

from Fund No. 14 SC 026, and Federal Home Program funds from Fund No. 13 SC 895, Request No. 20689, in the amount of \$7,881,000, for the operation of the Low Interest Loan and Grant Programs, including all related services, and to enter into contracts under those programs. The Low Interest Loan and Grant Programs include Repair-A-Home (RAH), Corrective Action Grant, Afford-A-Home (AAH), Senior Home Owners Assistance Program (SHAP), Paint Refund Program, Housewarming, Furnace Repair, and Home Maintenance Assistance Program (HMAP).

Section 2. That existing Section 1 of Ordinance No. 861-2000, passed June 19, 2000, is hereby repealed.

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

Passed October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1598-2000.
By Councilmen O'Malley, Melena,
Cimperman and Patmon (by depart-
mental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4817 Biddulph Road to George Jicha.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 012-15-017, as more fully described in Section 2 below, to George Jicha.

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. 012-15-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 10 feet of Sublot No. 9 and the Westerly 30 feet of Sublot No. 8 in

the Lowrie Brothers Forestdale Sub-division of part of Original Brooklyn Township Lots Nos. 42 and 59, as shown by the recorded plat in Volume 41, Page 8 of Cuyahoga County Records, and together forming a parcel of land 40 feet front on the Southerly side of Biddulph Avenue, and Avenue, and extending back of equal width 155.48 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1683-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain elevators located at various health centers, for the Division of Health, Department of Public Health, for a period not to exceed two years.

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

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

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

and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to repair and maintain elevators located at various health centers, 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 Health, Department of Public Health. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 31303)

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 October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1724-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2001 Immunization Action Plan Program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$132,451.00, and from other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2001 Immunization Action Plan Program, for the purposes set forth in the executive summary and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the executive summary for

said grant.

Section 2. That the executive summary for said grant, File No. 1724-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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 October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1725-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2001 STD Control Program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$91,516.00, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2001 STD Control Program, for the purposes set forth in the executive summary and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the executive summary for said grant.

Section 2. That the executive summary for said grant, File No. 1725-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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 October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1831-2000.

By Mayor White.

An emergency ordinance authorizing the Director of Public Utilities to enter into contract with WPS Energy Services, Inc., for retail electric aggregation services and power supply, for the Division of Cleveland Public Power, 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, pursuant to Section 129.331 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is hereby authorized to enter into contract with WPS Energy Services, Inc. ("WPS"), for retail electric aggregation services and power supply, on the basis of its proposal dated October 5, 2000, and the Memorandum of Understanding dated October 23, 2000, on file with the Clerk of Council in File No. 1831-2000-A. The Power Supply Agreement authorized by this ordinance shall, at a minimum, include the following terms and conditions, notwithstanding any provision of the Memorandum of Understanding to the contrary:

(a) Within sixty (60) days of the execution of the Power Supply Agreement and on the same date each year thereafter for four (4) additional years, WPS shall donate \$100,000 to the fund held by the Cleveland Foundation for the sole purpose of promoting the use of various type of modern telecommunications and computer equipment and services, by and for the residents of the City of Cleveland and such amounts shall not be included in rates charged to customers;

(b) The City and/or WPS shall provide the Plan of Operation established pursuant to R.C. Section 4928.01 et. seq. to Council for legislative approval prior to its submission to the Public Utilities Commission of Ohio;

(c) The terms of the Power Supply Agreement shall not be amended without the express legislative authorization of City Council;

(d) The term of the Power Supply Agreement shall be for a period not to exceed five (5) years, unless sooner terminated;

(e) No surcharge associated with bad debt risk, as referenced in Section 2.8 of the Memorandum of Understanding, shall be added to rates charged by WPS without prior legislative approval of City Council;

(f) The President of City Council shall be informed of any vendors used for soliciting customers or promotion of services by WPS;

(g) The Power Supply Agreement shall be submitted to the President of City Council for review and signature before it shall be effective;

(h) That the term "within reasonable time" in line 8, Article 2, Section 2.17(b) of the Memorandum of Understanding, shall mean "not to exceed three (3) months"; and

(i) That the Power Supply Agreement authorized herein shall contain a provision requiring WPS to operate a regional office in the City of Cleveland and a provision requiring WPS to grant a preference to City of Cleveland residents when staffing WPS positions available within the Greater Cleveland area; and

(j) The Agreement shall not be transferred or assigned by either party without prior legislative authorization.

Section 2. That the Director of Public Utilities shall provide a writ-

ten report on the payment by FirstEnergy of \$650,000 to the City of Cleveland pursuant to the Settlement Agreement between the City of Cleveland and FirstEnergy and a proposed plan of expenditure of such funds. In the event that expenditures of these funds have occurred, a detailed listing of such expenditures shall be provided immediately to Council. A copy of the joint customer education plan concerning electric deregulation that was to be prepared by FirstEnergy and the City of Cleveland and to be filed with the PUCO pursuant to the Settlement Agreement shall be provided to Council for legislative approval prior to its submission to the PUCO.

Section 3. That all ads, brochures, public relation and consumer education materials produced by or for the City in relation to the Memorandum of Understanding and the Power Supply Agreement authorized herein shall be submitted to the President of Council for review and approval prior to dissemination.

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 October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1884-2000.

By Councilmen Britt and Willis.
An emergency ordinance consenting and approving the issuance of a permit for a Footrace on November 5, 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 a Footrace sponsored by Hermes Race Systems on November 5, 2000, starting at Adelbert to Euclid, Euclid to Mayfield, Mayfield to Random, Random to Cornell, Cornell to Circle Drive, Circle Drive to Adelbert and repeat the course twice, 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 October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1885-2000.

By Councilman Cimperman.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 13. (Marika Fourtounis)

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 13; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 13: Marika Fourtounis at West 14th Street and Starkweather Avenue.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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 October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1886-2000.

By Councilman Jackson.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Second Metropolitan Church to stretch banners on the corner of East 79th and Quincy Avenue, corner of Sherman and East 79th Street and in front of 2424 East 79th Street for the period from October 30, 2000 to November 30, 2000, inclusive, publicizing the Church's 75th Anniversary.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Second Metropolitan Church to install, maintain and remove banners on the corner of East 79th and Quincy Avenue (pole no. CPP 75463), corner of Sherman and East 79th Street (pole no. CPP 75426) and in front of 2424 East 79th Street (pole no. CPP NT), for the period from October 30, 2000 to November 30, 2000, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1887-2000.

By Councilman Jackson.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Johnny Acoff)

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

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

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

Section 1. That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 5: Johnny Acoff.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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 October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1888-2000.

By Councilman Jackson.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Burten Bell Carr Development Inc. for a senior home-delivered meals program in order to carry out the public purpose of the provision of prepared food to elderly and shut-in residents through the use of Ward 5 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Burten Bell Carr Development Inc. for a senior home-delivered meals program in order to carry out the public purpose of the provision of prepared food to elderly and shut-in residents through the use of Ward 5 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$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 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 October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

Ord. No. 1889-2000.

By Councilman Lewis.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the 97th Street Bulldogs municipal league youth football team for partial sponsorship of team participation in the 5th Annual Football Festival Thanksgiving Classic through the use of Ward 7 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the 97th Street Bulldogs municipal league youth football team for partial sponsorship of team participation in the 5th Annual Football Festival Thanksgiving Classic.

Section 2. That the cost of said contract shall be in an amount not to exceed \$6,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed October 23, 2000.

Awaiting the approval and disapproval of the Mayor.

COUNCIL COMMITTEE MEETINGS

Monday, October 30, 2000

Finance Committee: 1:00 p.m.—Present: Patmon, Chairman; Rybka, Vice Chairman; Cintron, Dolan, Lewis, Melena, O'Malley, Polensek, Robinson, Sweeney.

Tuesday, October 31, 2000

Community & Economic Development Committee: 9:30 a.m.—Present: Melena, Chairman; Lewis, Vice Chairman, Brady, Cimperman, Cintron, Jackson, Jones, Robinson, Willis.

Wednesday, November 1, 2000

Public Safety Committee: 10:00 a.m.—Present: Patmon, Vice Chairman; Britt, Cimperman, Coats, Gordon, Jackson, Sweeney. Excused: Polensek, Chairman; Melena.

Public Utilities Committee: 1:30 p.m.—Present: O'Malley, Chairman; Patmon, Vice Chairman; Britt, Coats, Dolon, Westbrook, Willis. Excused: Melena, Polensek.

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 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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