

The City Record

Official Publication of the City of Cleveland

May the Seventeenth, 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 J. Schneider, 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 – Joyce Thomas, Acting 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—Bailliff; Kenneth Thomas—Chief Probation Officer, Michelle L. Paris—Chief Magistrate

The City Record



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WEDNESDAY, MAY 17, 2000

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CITY COUNCIL

MONDAY, MAY 15, 2000

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PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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, May 15, 2000.

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

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

Also present were Executive Assistant for Administration Withers and Directors Brooks, Konicek, Ricchiuto, Whitlow, Hudecek, Patterson, Alexander, Dove, Morrison and Acting Directors Langhenry, Balraj, Szabo, and Miller.

Absent: Mayor White and Directors Carter, Sheffield-McClain, Guzman, and Jackson.

Pursuant to Ordinance No. 2976-76 the Council Meeting was opened with a prayer offered by Rev. Leon Stallworth of Friendship Baptist Church, located at 5600 Central Avenue in Ward 5. Pledge of Allegiance.

MOTION

On the motion of Councilman Sweeney, the reading of the minutes of the last meeting was dispensed with and the journal approved.

COMMUNICATIONS

File No. 789-2000.
From the Ohio Department of Transportation re: Cuyahoga County Project No. 231(2000) - State Route 10/Various - Section 8.95/Various - Federal Project No. TE21-G000(215) - PID No. 14689 - Letting of May 24, 2000. Received.

File No. 790-2000.
Ahold Annual Report 1999 - The Future of Food Special Report. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 791-2000.
Re: Transfer of Ownership Application - 9095437 - Joyce A. Tulk d.b.a. Westside Beverage Deli, 4398 State Road. (Ward 16). Received.

File No. 792-2000.
Re: Transfer of Ownership Application - 1551740 - Cleveland Bar & Grill, Inc. d.b.a. Cleveland Bar & Grill, 834-36 Huron Road Southeast, first and second floors and basement. (Ward 13). Received.

File No. 793-2000.
Re: Transfer of Ownership Application - 2788528 - Flores Garden Foods, Inc. d.b.a. Neighbors Food Mart, 3477-79 West 117th Street, first floor. (Ward 19). Received.

File No. 794-2000.
Re: Transfer of Ownership Application - 3941572 - Edwin Holt d.b.a. Roberts Cut Rate, 961-63 East 123rd Street. (Ward 9). Received.

File No. 795-2000.
Re: Transfer of Ownership Application - 41190460010 - Naheel Ibrahim d.b.a. Charlie's Beverage, 4171 Ridge Road. (Ward 16). Received.

File No. 796-2000.
Re: Transfer of Location Application - 73153070336 - Revco Discount Drug Centers, Inc. d.b.a. CVS Pharmacy 3333, 3171 West Boulevard. (Ward 18). Received.

STATEMENT OF WORK ACCEPTED

File No. 797-2000.
From the Department of Public Utilities re: Contract No. PI52697A, Renovation of the Carl B. Stokes Public Utilities Building, completed and accepted February 11, 2000. Received.

OATH OF OFFICE

File No. 798-2000.
From Nassim M. Lynch, Office of Income Tax Administrator. Received.

File No. 799-2000.
From Robert Brown, Commissioner of Assessments and Licenses. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 800-2000—Rosie Lee Berry.

Res. No. 801-2000—Genevieve T. Nelson.

Res. No. 802-2000—Bradford McKenzie Cooper.
Res. No. 803-2000—Vivian Carter.
Res. No. 804-2000—Angel L. Muniz.
Res. No. 805-2000—Bernard Bouie.

CONGRATULATION RESOLUTIONS

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

Res. No. 806-2000—John W. Siggers, Jr.
Res. No. 807-2000—The Brooklyn Polish American Home, Inc.
Res. No. 808-2000—Cleveland State University.
Res. No. 809-2000—John G. "Jack" Breen.
Res. No. 810-2000—Hickok, Inc..

RECOGNITION RESOLUTIONS

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

Res. No. 882-2000—William G. Mather Steamship.
Res. No. 883-2000—Verghese J. Chirayath.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 811-2000.
By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of lamps, for the various divisions of City government.

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

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

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

Section 2. 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 3062)

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 Finance, Law; Committee on Finance.

Ord. No. 812-2000.
By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of office supplies, for the various divisions of City government, for a period of one year, with one option to renew for an additional 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 Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of office supplies in the approximate amount as purchased during the preceding year, with one (1) option exercisable by the Director of Finance, to renew for an additional one-year consecutive term, and cancellable upon thirty days written notice by said Director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the 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 3060)

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 Finance, Law; Committee on Finance.

Ord. No. 813-2000.
By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of pre-sort mail service, for the various divisions of City government.

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

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

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

Section 2. 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 3061)

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 Finance, Law; Committee on Finance.

Ord. No. 814-2000.
By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various sizes of steel plates, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of var-

ious sizes of steel plates in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the 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 3059)

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 Finance, Law; Committee on Finance.

Ord. No. 815-2000.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of the lease or lease with option to purchase an electronic key telephone system, for the Division of Information System Services, Department of Finance, for a period not to exceed three years.

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the lease or lease with option to purchase the necessary items, exercisable by the Director of Finance, for a period not to exceed three years, an electronic key telephone system, in the estimated sum of \$45,000.00 to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information System Services, Department of Finance. 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 three 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 7758)

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 Finance, Law; Committee on Finance.

Ord. No. 816-2000.

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

An emergency ordinance authorizing the Director of Public Utilities to lease property on the east side of East 140th Street between Interstate 90 and Aspinwall Avenue from City Rose L.L.C., or their designee, for a term not to exceed twenty years, for the public purpose of operating an eastside Cleveland Public Power service center.

Whereas, the City of Cleveland requires certain property located on the east side of East 140th Street between Interstate 90 and Aspinwall Avenue; and

Whereas, City Rose, L.L.C., or their designees, has proposed to lease said property 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 Utilities is authorized to lease from City Rose, L.L.C., or their designees, certain property located on the east side of East 140th Street between Interstate 90 and Aspinwall Avenue.

Section 2. That the term of the lease authorized by this ordinance shall not exceed twenty (20) years.

Section 3. That the rent for the lease authorized by this ordinance shall be \$250,000 per year, exclusive of utilities.

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 or purposes of operating a Cleveland Public Power service center to better serve its east side customers.

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 No. 58 SF 001, Request No. 16629.

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

Ord. No. 817-2000.

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

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

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

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

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

Section 2. That the Director of Public Utilities is hereby authorized to enter into contract for the mak-

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

Section 3. That the Director of Public Utilities is hereby authorized to make written standard purchase and requirement contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the necessary items of labor and/or materials needed in conjunction with the making of the public improvement authorized by this ordinance, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine.

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

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

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

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

Section 8. That the cost of said improvements hereby authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, and from the funds and subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds and bond anticipation notes issued for the purposes of making the

improvement described in this ordinance, Request No. 23398.

Section 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 Utilities, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

Ord. No. 818-2000.

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

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

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of filter rehabilitation, water treatment and monitoring improvements for the Nottingham Water Treatment Plant, including, but not limited to, turbidity and particle meters, piping, valves, media and underdrains, structural and architectural improvements, instrumentation and control systems, and operator training, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

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

items constituting units of said improvement.

Section 3. That the Director of Public Utilities is hereby authorized to make written standard purchase and requirement contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the necessary items of labor and/or materials needed in conjunction with the making of the public improvement authorized by this ordinance, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine.

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

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

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

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

Section 8. That the cost of said improvements hereby authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, and from the funds and subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds and bond anticipation notes issued for the purposes of making the improvement described in this ordinance, Request No. 23400.

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

Ord. No. 819-2000.

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

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

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of filter rehabilitation, water treatment and monitoring improvements for the Baldwin Water Treatment Plant, including, but not limited to, turbidity and particle meters, piping, valves, media and underdrains, structural and architectural improvements, instrumentation and control systems, and operator training, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

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

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

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

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

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

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

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

Section 8. That the cost of said improvements hereby authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, and from the funds and subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds and bond anticipation notes issued for the purposes of making the improvement described in this ordinance, Request No. 23399.

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

Ord. No. 820-2000.

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

An emergency ordinance authorizing the submission to the electors of the City of Cleveland of a proposal to authorize the City of Cleveland to act as an aggregator on behalf of the Cleveland Electric Illuminating Company customers within the City for electrical power in the Year 2001 and thereafter.

Whereas, pursuant to Article XVIII, Section 4 of the Ohio Constitution, the City of Cleveland has plenary power to, among other things,

own and operate municipal utilities or to contract with others for the provision of utility services to the residents and businesses located within the City; and

Whereas, pursuant to R.C. Section 4928.01, et seq., municipalities and others may aggregate customers within their jurisdiction in order to facilitate "customer choice" in electric power suppliers and to promote lower cost electric utility services within the City; and

Whereas, aggregation by the City may permit Cleveland Electric Illuminating Company customers within the City to realize lower electric rates from the collective purchasing of electric services; and

Whereas, the City of Cleveland desires to submit an ordinance to the Board of Elections to submit to the electors of the City of Cleveland the question of whether the City should create an aggregation program in accordance with R.C. Section 4928.20; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities in order for the question to appear at a special election to be held on November 7, 2000, to establish a retail aggregation program for the benefit of the City's electric consumers by January 1, 2001, the date that "customer choice" commences in Ohio pursuant to R.C. Section 4928.01, et seq.; now, therefore,

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

Section 1. That this Council hereby authorizes the submission to the electors of the City of Cleveland at a special election to be held at the usual places of voting of said City on Tuesday, November 7, 2000, of a proposal to authorize the City of Cleveland to act as an aggregator on behalf of the Cleveland Electric Illuminating Company customers within the City for electric power in the year 2001 and thereafter in accordance with R.C. Section 4928.20.

Section 2. That the proposed aggregation authorization, upon receiving at least a majority of the votes cast thereon at the November 7, 2000, special election, shall become effective immediately upon its adoption, and the City's aggregation program shall thereafter commence in accordance with the plan of operation to be established pursuant to R.C. Section 4928.01, et seq. If the proposed aggregation authorization is so adopted, all Cleveland Electric Illuminating Company customers within the City shall automatically be included in the City's aggregation program, provided, however, that each customer shall have an opportunity to opt out of the City's aggregation program.

Section 3. That the Clerk of this Council is hereby authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County by no later than August 24, 2000.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the election to be held on November 7, 2000, on the foregoing proposal and otherwise to provide for such election in the manner

provided by the general laws of the State of Ohio.

Section 5. That the Clerk of this Council is hereby authorized to cause the full text of this Ordinance to be published once a week for two consecutive weeks in a newspaper of general circulation published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the special election to be held on November 7, 2000, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio and Section 731.211 of the Ohio Revised Code.

Section 6. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 7. That the ballot submitting the question of the adoption of the aforesaid proposal shall read as follows:

A majority affirmative vote is necessary for passage.

Shall the City of Cleveland have authority to act as an aggregator on behalf of the Cleveland Electric Illuminating Company customers within the City in the year 2001 and thereafter?

FOR THE CITY OF CLEVELAND ACTING AS AN AGGREGATOR ON BEHALF OF CLEVELAND ELECTRIC ILLUMINATING COMPANY CUSTOMERS WITHIN THE CITY OF CLEVELAND

AGAINST THE CITY OF CLEVELAND ACTING AS AN AGGREGATOR ON BEHALF OF CLEVELAND ELECTRIC ILLUMINATING COMPANY CUSTOMERS WITHIN THE CITY OF CLEVELAND

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 Public Utilities, Law; Committees on Public Utilities, Legislation, Finance.

Ord. No. 821-2000.

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

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to install not to exceed two heating boilers at West 41st Street Station, 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 the Director of Public Utilities is hereby authorized

to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install not to exceed two heating boilers at West 41st Street Station, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Cleveland Public Power, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 58 SF 001, Request No. 16610.

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. 822-2000.

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

An emergency ordinance authorizing the purchase by requirement contract of labor, material and services necessary to maintain outdoor residential lighting and energy efficient programs, 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, material and services necessary to maintain outdoor residential lighting and energy efficient programs, 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 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 16620)

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. 823-2000.

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 idle wood, concrete and metal poles, 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 remove idle wood, concrete and metal poles, 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 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 16613)

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. 824-2000.
By Councilmen O'Malley and Pat-
mon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials needed to fabricate ring and pinion gears, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

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

Section 2. 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 18744)

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. 825-2000.
By Councilmen O'Malley and Pat-
mon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary for miscellaneous building maintenance services, for the various divisions of the Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to 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 for miscellaneous building maintenance services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 16618)

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. 826-2000.
By Councilmen O'Malley and Pat-
mon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of hauling and disposal of water plant residuals, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of hauling and disposal of water plant residuals, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such

manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. 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 23478)

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. 827-2000.
By Councilmen O'Malley and Pat-
mon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of paper products, for the Divisions of Water and Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of paper products, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Water and Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two 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 18742)

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. 828-2000.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide services necessary to design, layout, produce and distribute 2000 and 2001 annual reports and other customer public information materials, for the various divisions of the Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design, layout, produce and distribute 2000 and 2001 annual reports and other customer public information materials, including but not limited to writing, photography and artwork offset lithographic reproduction, for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities.

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

Section 2. That the costs for such services herein contemplated shall be paid from Fund Nos. 52 SF 001, 54 SF 001 and 58 SF 001, Request No. 23477.

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. 829-2000.

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

An emergency ordinance authorizing the procurement by requirement contract of the rental of various pieces of heavy equipment, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

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

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial procurement thereunder, which procurement, together with all subsequent procurements, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 18745)

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. 830-2000.

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

An emergency ordinance authorizing the purchase by requirement contract of labor and materials to maintain decorative and special lighting, 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 decorative and special lighting, in the estimated sum of \$300,000.00 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 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 16622)

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. 831-2000.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into contract without competitive bidding with Pitney Bowes for the maintenance of a mail inserter machine, for the Division of Water, Department of Public Utilities, for a period not to exceed three years.

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Pitney Bowes. Therefore, the Director of Public Utilities is hereby authorized to make a written contract with said Pitney Bowes upon the basis of their proposal dated January 12, 2000, for maintenance of a mail inserter machine for a period not to exceed three years, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 18741.

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. 832-2000.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into contract without competitive bidding with ORACLE Service Industries for the purchase of multi-server licenses, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than ORACLE Service Industries. Therefore, the Director of Public Utilities is hereby authorized to make a written contract with said ORACLE Service Industries upon the basis of its proposal dated April 26, 2000, for multi-server licenses, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Water, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 23492.

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. 833-2000.

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

An emergency ordinance authorizing the issuance and sale by the City of Cleveland, Ohio, of Airport System Revenue Bonds in an aggregate principal amount not to exceed Six Hundred Seventy Five Million Dollars (\$675,000,000) for the purpose of paying costs of improving and enlarging the Airport System and an additional aggregate principal amount not to exceed Seventy Five Million Dollars (\$75,000,000) to refund outstanding Revenue Bonds on terms advantageous to the City; and authorizing the execution and delivery of a Supplemental Indenture to secure such Revenue Bonds.

Whereas, pursuant to Article XVIII of the Constitution of the State of Ohio, the Charter of the

City of Cleveland, Ohio, and Ordinance No. 1773-A-76, passed by the Council of the City of Cleveland, Ohio (the "Governing Body") on August 16, 1976 (the "Original Bond Legislation") and Resolution No. 2389-76, adopted by the Governing Body on October 13, 1976, the City of Cleveland, Ohio (the "Issuer") issued and sold its Airport System Revenue Bonds, Series A, dated November 1, 1976, in the aggregate principal amount of \$91,000,000 (the "Original Revenue Bonds"), for the purpose of paying costs of improving and enlarging the Airport System (as defined in the Original Bond Legislation); and

Whereas, the Issuer entered into the Trust Indenture, dated as of November 1, 1976 (the "Original Indenture") with The Cleveland Trust Company (predecessor in interest to Chase Manhattan Trust Company, N. A. and referred to herein as the "Trustee"), to secure the Original Revenue Bonds and any Additional Revenue Bonds (as defined in the Original Bond Legislation and defined therein collectively with the Original Revenue Bonds as the "Revenue Bonds"); and

Whereas, the Original Bond Legislation and the Original Indenture (into which the Original Bond Legislation is incorporated and of which the Original Bond Legislation constitutes an integral part) permit the Issuer to issue Additional Revenue Bonds on a parity with the Original Revenue Bonds for the purpose of financing the cost of additional capital improvements to the Airport System in the manner and subject to the terms, conditions, and restrictions contained in the Original Indenture and in the Bond Proceedings (as defined in the Original Bond Legislation) authorizing the Additional Revenue Bonds; and

Whereas, pursuant to Ordinance No. 234-90, passed by this Governing Body on March 12, 1990 (the "Series 1990 Bond Legislation") and Resolution No. 844-90, adopted by the Governing Body on April 12, 1990, the Issuer issued and sold its Airport System Revenue Bonds, Series 1990, in the aggregate principal amount of \$66,006,243 (the "Series 1990 Bonds"), for the purpose of paying costs of improving and enlarging the Airport System and for the purpose of advance refunding a portion of the then outstanding Original Revenue Bonds; and

Whereas, pursuant to Ordinance No. 929-94 passed by this Governing Body on June 13, 1994 (the "Series 1994 Bond Legislation"), the Issuer issued and sold its Airport System Revenue Bonds, Series 1994, in the aggregate principal amount of \$94,495,000 (the "Series 1994 Bonds"), for the purpose of paying costs of improving and enlarging the Airport System; and

Whereas, pursuant to Ordinance No. 923-97 passed by this Governing Body on June 9, 1997 (the "Series 1997 Bond Legislation"), the Issuer issued and sold its Airport System Revenue Bonds, Series 1997, in the aggregate principal amount of \$277,165,000 (the "Series 1997 Bonds"), for the purpose of paying costs of improving the Airport System and refunding certain of the outstanding Revenue Bonds; and

Whereas, in connection with the issuance of the Series 1990 Bonds, the Series 1994 Bonds and the Series 1997 Bonds, the Issuer and the Trustee entered into the First Supplemental Trust Indenture, dated as

of April 1, 1990 (the "First Supplemental Indenture"), the Second Supplemental Trust Indenture dated as of August 1, 1994 (the "Second Supplemental Indenture"), and the Third Supplemental Trust Indenture dated as of November 1, 1997 (the "Third Supplemental Indenture"), each amending and supplementing the Original Indenture; and

Whereas, this Governing Body has determined that it is necessary for the Issuer to make additional capital improvements to the Airport System to cause that System to continue to provide adequate air travel facilities; and

Whereas, this Governing Body has further determined that it may be advantageous for the Issuer to refund, including to advance refund, certain of the outstanding Revenue Bonds; and

Whereas, this Governing Body has further determined that it is necessary for the Issuer to issue and sell Series 2000 Bonds (as hereinafter defined) on the terms and subject to the conditions set forth herein, to finance the costs of making such capital improvements and, if it is advantageous to do so, refunding certain outstanding Revenue Bonds, making deposits to certain Special Funds established under the Indenture, and paying the costs of issuing the Series 2000 Bonds; and

Whereas, such capital improvements to the Airport System will provide needed facilities for the provision of air services to the public, and the prompt commencement of the acquisition, construction, and equipping of the improvements requires the issuance of the Series 2000 Bonds and the undertaking of the transactions contemplated herein and, as a result, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

Section 1. Definitions.

All words and terms defined in the Original Indenture, as amended and supplemented by the First Supplemental Indenture, Second Supplemental Indenture, Third Supplemental Indenture and as to be further amended by the Fourth Supplemental Indenture shall have the same meanings herein as therein unless otherwise defined herein or unless the context or use indicates a contrary meaning or intention. The following words and terms, as used herein, shall have the following meanings, unless the context or use indicates a contrary meaning or intention:

"Bond Purchase Agreement" shall mean, with respect to the Series 2000 Bonds, the Bond Purchase Agreement between the Issuer and the Original Purchasers approved pursuant to Section 9 hereof.

"Book entry form" or "book entry system" shall mean a form or system in or under which (i) the beneficial right to the Revenue Bonds of any series and the Bond service charges on the Revenue Bonds of such series may be transferred only through a book entry, and (ii) physical bond certificates in fully registered form are issued by the Issuer only to a Depository or its nominee as registered owner, with the bonds "immobilized" in the custody of the Depository, and the book entry

maintained by a person or persons other than the Issuer or the Trustee being the record that identifies the owners of beneficial interests in the Revenue Bonds of such series and the Bond service charges on the Revenue Bonds of such series.

"Code" means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of the Code and all applicable Treasury regulations (including proposed regulations) thereunder, including any regulations issued and proposed under the statutory predecessor of the Code.

"Depository" shall mean any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record beneficial ownership of Revenue Bonds or Bond service charges, and to effect transfers of Revenue Bonds, in book entry form, and includes and means initially The Depository Company (a limited purpose trust company), New York, New York.

"Earliest Optional Redemption Date" shall mean, with respect to the Series 2000 Bonds, the date or dates, if any, specified as such in the Series 2000 Certificate of Award, provided that such date shall be a principal retirement date.

"Financial Advisor" shall mean, with respect to the Series 2000 Bonds, Carmona Motley Hoffmann, Inc.

"Fourth Supplemental Indenture" shall mean the Fourth Supplemental Trust Indenture dated as of the same date as the Series 2000 Bonds, between the Issuer and the Trustee, including the Series 2000 Bond Proceedings.

"Indenture" means the Original Indenture as amended and supplemented by the First Supplemental Indenture, the Second Supplemental Indenture and the Third Supplemental Indenture, as further amended and supplemented by the Fourth Supplemental Indenture, and as the same may be further amended and supplemented in accordance with its terms.

"Interest Payment Dates" shall mean, with respect to the Series 2000 Bonds, the dates specified as such in the Series 2000 Certificate of Award, provided that the first such date shall be no later than the one year after the date of the Series 2000 Bonds.

"Mandatory Redemption Dates" shall mean, with respect to the Series 2000 Bonds, the dates, if any, specified in the Series 2000 Certificate of Award, as dates on which Series 2000 Bonds are to be required to be redeemed with moneys deposited in the Bond Service Fund for the payment of mandatory sinking fund requirements, if any, for the Series 2000 Bonds specified in the Series 2000 Certificate of Award.

"Original Purchasers" shall mean, with respect to the Series 2000 Bonds, the person or persons identified as such in Section 9 hereof.

"Principal Payment Dates" shall mean, with respect to the Series 2000 Bonds, the Principal Retirement Dates, the Term Maturity Dates, and the Mandatory Redemption Dates.

"Principal Retirement Dates" shall mean, with respect to the Series 2000 Bonds, the dates specified in the Series 2000 Certificate of Award as dates on which Series 2000 Serial Bonds are to be retired in accordance with their stated terms, pro-

vided that no such Principal Retirement Date shall be later than the thirtieth anniversary of the date of the Series 2000 Bonds.

"Principal Retirement Schedule" shall mean, with respect to the Series 2000 Bonds, the schedule of the principal amount of the Series 2000 Bonds to be retired at their stated maturities or redeemed pursuant to mandatory redemption on each Principal Payment Date as specified in the Series 2000 Certificate of Award, provided that the Principal Retirement Schedule shall be consistent with the required projected ratios between Airport Revenues and Bond service charges set forth in paragraph (b) of Section 2.10 of the Original Indenture, as amended by Section 3.02(b) of the First Supplemental Indenture and as further amended by Section 6.01(b) of the Third Supplemental Indenture.

"Purchase Price" shall mean, with respect to the Series 2000 Bonds, the amount specified as such in the Series 2000 Certificate of Award, provided that the amount thereof (excluding any portion thereof representing accrued interest on the Series 2000 Bonds from their dated date to the date of the delivery thereof and payment thereof) shall be not less than ninety-five percent (95%) of the aggregate of the products from multiplying the principal amount of each Series 2000 Bond times the percentage of such principal amount at which such Series 2000 Bond is to be initially offered to the public, and provided further that the Purchase Price may be a lesser amount if and to the extent necessary for the Original Purchasers to be reimbursed for the any premiums or other expenses paid by the Original Purchasers in obtaining municipal bond insurance or other form of credit or liquidity facility enhancing the security for the Series 2000 Bonds.

"Redemption Prices" shall mean, with respect to any Series 2000 Bonds to be subject to redemption at the option of the Issuer, the redemption prices, expressed as percentages of the principal amount of Series 2000 Bonds so redeemed, at which the Issuer may elect to redeem Series 2000 Bonds in accordance with Section 5(e) hereof, as specified in the Series 2000 Certificate of Award, provided that no such redemption price shall exceed 103% of the principal amount of the Series 2000 Bonds to be redeemed.

"Series 2000 Bond Legislation" shall mean this Ordinance.

"Series 2000 Bond Proceedings" shall mean the Series 2000 Bond Legislation and the Series 2000 Certificate of Award.

"Series 2000 Bonds" shall mean the Airport System Revenue Bonds, Series 2000, authorized to be issued pursuant to Section 2 hereof, which constitute Additional Revenue Bonds and Revenue Bonds under the Original Indenture.

"Series 2000 Capitalized Interest Payment" shall mean, with respect to the Series 2000 Bonds, an amount, if any, specified as such in the Series 2000 Certificate of Award, representing an amount of proceeds derived from the sale of the Series 2000 Bonds equal to the interest accrued and to accrue on the Series 2000 Bonds from their dated date to a date specified in the Series 2000 Certificate of Award, which amount shall constitute a Capitalized Interest Payment as defined in the Original Indenture.

"Series 2000 Certificate of Award" shall mean the Certificate of Award authorized pursuant to Section 3 hereof.

"Series 2000 Project" shall mean the improvements to the Airport System described in the Fourth Supplemental Indenture, including without limitation (i) the acquisition, design, construction, installation and/or equipping of terminal, airfield, parking and roadway, hangar and other improvements at or related to Cleveland Hopkins International Airport, including a new 9000 foot runway, relocation of NASA-Glenn facilities, relocation of Brookpark Road, wetlands and stream mitigation, instrument landing systems, FAA professional and engineering services, upper level roadway construction, design and construction of electrical source, construction of FAA TRACON facilities, Abram Creek site construction, relocation of parking lot, rehabilitation of upper level roadway, design and construction of a consolidated maintenance facility, construction of Concourse C overlay, garage rehabilitation, fuel facilities, and a sound insulation program; and (ii) in each case as to each improvement, the acquisition of any interests in real property necessary therefor, related design, environmental studies, environmental remediation and regulatory compliance costs, site preparation, construction management services, and appurtenant improvements; and (iii) such additional or different improvements to the Airport System as the Director of Port Control deems necessary, provided that all conditions for inclusion of the cost of such other or different improvement in the calculation of Landing Fees or Rental under Section 8.07 of the Use Agreements shall have been met.

"Series 2000 Serial Bonds" shall mean those Series 2000 Bonds, if any, which are designated as Serial Bonds in the Series 2000 Certificate of Award.

"Series 2000 Term Bonds" shall mean those Series 2000 Bonds, if any, which are designated as Term Bonds in the Series 2000 Certificate of Award.

"Series 2000 Variable Rate Bonds" shall mean any Series 2000 Bonds to be issued as Variable Rate Bonds pursuant to Section 3.02(c) of the First Supplemental Indenture, Section 3 of the Series 2000 Bond Legislation, and the Series 2000 Certificate of Award.

"Specified Interest Rates" shall mean, with respect to any Series 2000 Bonds that are not Series 2000 Variable Rate Bonds, the rate or rates at which the Series 2000 Bonds bear interest, expressed as a percentage of the principal amount thereof per annum, as specified in the Series 2000 Certificate of Award, provided that the weighted average of such rates, taking into account the principal amount and maturity of each Series 2000 Bonds to which a rate pertains, shall not exceed eight percent (8%) per annum.

"Term Maturity Dates" shall mean, with respect to the Series 2000 Bonds, the dates specified in the Series 2000 Certificate of Award as dates on which Series 2000 Term Bonds are to be retired at their stated maturities, provided that no such Term Maturity Date shall be later than the thirtieth anniversary of the date of the Series 2000 Bonds.

Section 2. Authorization of the Series 2000 Bonds.

The Series 2000 Bonds shall be issued for the purposes of: (i) paying costs of or related to the Series 2000 Project (including, without limitation, the Series 2000 Capitalized Interest Payment, if any, and the costs of issuance of the Series 2000 Bonds and any other required deposits to Special Funds attributable to Series 2000 Bonds issued for that purpose), for the financing of which this Governing Body determines that there is a substantial need (Series 2000 Bonds issued for that purpose being hereinafter referred to as "Series 2000 Project Bonds"), and (ii) refunding (including, without limitation, paying the costs of issuance of the Series 2000 Bonds and any other required deposits to Special Funds attributable to Series 2000 Bonds issued for that purpose) any outstanding Revenue Bonds that the Fiscal Officer determines, based on the written advice of the Issuer's Financial Advisor, would, if refunded with proceeds of the Series 2000 Bonds or other moneys lawfully available for the purpose, be advantageous to the Issuer due to a savings in Bond service charges or restructuring of the currently scheduled Bond service charges or otherwise to serve the interests of the Issuer (Series 2000 Bonds issued for that purpose being hereinafter referred to as "Series 2000 Refunding Bonds"), this Governing Body hereby authorizes the issuance of the Series 2000 Bonds in an aggregate principal amount to be determined in the Series 2000 Certificate of Award, subject to the limitations set forth in Section 3 hereof, and constituting Revenue Bonds for all purposes of the Indenture.

This Governing Body finds and determines that the issuance of the Series 2000 Bonds serves proper, public, municipal purposes by providing air travel facilities needed by the people of the City of Cleveland. The Series 2000 Project also advances the economic welfare of the City by increasing and promoting commerce by providing necessary transportation for individuals and commercial enterprises purchasing and selling services and products in northeastern Ohio, and the Series 2000 Project thereby creates and preserves jobs and employment opportunities in the City and improves the economic welfare of the City.

Section 3. Award and Sale of the Series 2000 Bonds.

The Fiscal Officer is hereby authorized and directed promptly to negotiate the sale of the Series 2000 Bonds to the Original Purchasers designated in Section 9 hereof on terms consistent with this Series 2000 Bond Legislation. The Fiscal Officer is hereby further authorized and directed to execute and deliver the Series 2000 Certificate of Award, which shall: state whether the Series 2000 Bonds shall be issued for the purpose of refunding any outstanding Revenue Bonds; determine whether any Series 2000 Bonds shall be issued as Variable Rate Series 2000 Bonds and, if so, make the other determinations with respect to the Series 2000 Variable Rate Bonds required to be made by the penultimate paragraph of this Section 3 for Series 2000 Variable Rate Bonds; and determine whether a book entry system shall be used for the Series 2000 Bonds. The Series 2000 Certifi-

cate of Award shall also specify and designate the other details of the Series 2000 Bonds required or permitted to be specified and designated therein in accordance with and subject to the limitations set forth in the Series 2000 Bond Legislation, including, without limitation, the following:

(a)(i) the aggregate principal amount of the Series 2000 Project Bonds, provided that such amount shall not exceed Six Hundred Seventy Five Million Dollars (\$675,000,000) if the Series 2000 Project Bonds are to be initially offered to the public at a price at least equal to one hundred percent (100%) of their aggregate principal amount, but if any of the Series 2000 Project Bonds is to be initially offered to the public at an original issue discount (any such original issue discount being hereinafter referred to as an "Original Issue Discount"), then the maximum aggregate principal amount of the Series 2000 Project Bonds hereby authorized shall be increased over Six Hundred Seventy Five Million Dollars (\$675,000,000) by an amount equal to the sum of the products from multiplying the Original Issue Discount at which each Series 2000 Project Bond to be sold with an Original Issue Discount is to be initially offered to the public by the principal amount of the Series 2000 Bond to be so offered;

(ii) the aggregate principal amount of the Series 2000 Refunding Bonds, if any, provided that such amount shall not exceed Seventy-Five Million Dollars (\$75,000,000), which amount may be adjusted to reflect any Original Issue Discount for the Series 2000 Refunding Bonds as is provided in (a)(i) above for the Series 2000 Project Bonds;

(b) the date or dates of the Series 2000 Bonds;

(c) the Purchase Price;

(d) the Earliest Optional Redemption Date;

(e) the Redemption Prices;

(f) the Principal Retirement Dates;

(g) the Term Maturity Dates;

(h) the Mandatory Redemption Dates;

(i) the Principal Retirement Schedule, including the amount of any mandatory sinking fund requirement to be paid on any Mandatory Redemption Date;

(j) the Specified Interest Rates for any Series 2000 Bonds that are not Series 2000 Variable Rate Bonds;

(k) the Capitalized Interest Payment, if any, including any interest accrued on the Series 2000 Bonds from their dated date to the date of the delivery thereof and payment therefor;

(l) the Renewal and Replacement Payment attributable to the Series 2000 Bonds;

(m) the Paying Agent;

(n) the amount of proceeds of the sale of the Series 2000 Bonds to be deposited in the Bond Service Reserve Fund in order to cause the balance therein to equal the Required Bond Service Reserve, if and to the extent required by the Fourth Supplemental Indenture, and any determination of the Fiscal Officer under Section 4 of this Series 2000 Bond Legislation as to whether there shall be an alternative special reserve fund for the Series 2000 Bonds of any series, separate from the Bond Service Reserve Fund, or a municipal bond insurance policy, bank letter or line of credit, or other form of credit or liquidity facility

enhancing the security for the Series 2000 Bonds of that series in lieu of a funded reserve fund; and

(o) the determination of the Fiscal Officer pursuant to Section 9 of this Series 2000 Bond Legislation as to whether any Series 2000 Bonds of any series are to be secured by or payable from a municipal bond insurance policy, bank letter or line of credit, or other form of credit or liquidity facility.

The Series 2000 Certificate of Award may also specify that the Series 2000 Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Series 2000 Bonds of all such series satisfy the requirements of the Indenture and of this Series 2000 Bond Legislation as though all such Bonds were of the same, single series. Separate series of Series 2000 Bonds may be issued at the same or different times, and if separate series of Series 2000 Bonds are issued at different times, a separate Series 2000 Certificate of Award may be executed for each series. If the Series 2000 Bonds include both Series 2000 Project Bonds and Series 2000 Refunding Bonds but are not identified as such through different series designations, then the limitations set forth in (a)(i) and (a)(ii) above shall be applied to the Series 2000 Bonds allocated between those purposes on a fair and reasonable basis.

In the event that the Fiscal Officer determines, based on the written advice of the Issuer's Financial Advisor, that the Issuer's best interests will be served by causing all or a portion of the Series 2000 Bonds to be Series 2000 Variable Rate Bonds, then the Fiscal Officer is authorized to cause such Series 2000 Bonds to be Series 2000 Variable Rate Bonds by so specifying in the Series 2000 Certificate of Award. If the Fiscal Officer so determines, then, in accordance with Section 3.02(c) of the First Supplemental Indenture, the Fourth Supplemental Indenture shall specify the method and procedure by which the rate of interest to be borne by the Series 2000 Variable Rate Bonds shall be determined, provided that the Series 2000 Variable Rate Bonds shall not bear interest at a rate in excess of fourteen percent (14%). The preceding sentence shall not be deemed to prohibit the inclusion in the Reimbursement Agreement with the Credit Provider of any liquidity facility for the Series 2000 Variable Rate Bonds of any provision that would entitle the Credit Provider to additional interest during any period when Series 2000 Variable Rate Bonds are held by the Credit Provider as pledged bonds under that Reimbursement Agreement. The Fourth Supplemental Indenture may also provide for the right of the holders of Series 2000 Variable Rate Bonds to tender their Series 2000 Variable Rate Bonds for purchase by the Issuer at the times, on the terms, and subject to the conditions set forth therein, provided that such tender rights shall be exercisable only at such times as a credit or liquidity facility is in place that provides for the payment of the purchase price payable to the tendering holder of a Series 2000 Variable Rate Bond. If the Fiscal Officer designates any Series 2000 Bonds as Series 2000 Variable Rate Bonds, then the Fiscal Officer shall also designate in the Series 2000 Certificate of Award the Credit Provider

or Credit Providers for any credit or liquidity facility or facilities to apply to the Series 2000 Variable Rate Bonds, and the remarketing agent or agents for tendered Series 2000 Variable Rate Bonds (if the holders of the Series 2000 Variable Rate Bonds are to be entitled or required to tender the Series 2000 Variable Rate Bonds for purchase), which designations shall be based on the written advice of the Issuer's Financial Advisor that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable.

It is hereby determined that the Purchase Price, the Specified Interest Rates, and the other terms and details of the Series 2000 Bonds as so specified and determined in the Series 2000 Certificate of Award within the limitations set forth in the Series 2000 Bond Legislation will be in the best interest of the Issuer and consistent with all legal requirements.

Section 4. Application of Proceeds of Series 2000 Bonds.

The proceeds from the sale of the Series 2000 Bonds shall be deposited as follows:

(i) to the Bond Service Fund, that portion, if any, of such proceeds constituting the Capitalized Interest Payment;

(ii) to the Bond Service Reserve Fund, that portion of such proceeds required to be deposited in the Bond Service Reserve Fund in order to cause the balance therein to equal the Required Bond Service Reserve, subject to the provisions set forth below for a lesser or alternative deposit;

(iii) to the Renewal and Replacement Fund, the portion of such proceeds representing the Renewal and Replacement Payment attributable to the Series 2000 Bonds;

(iv) if Series 2000 Bonds are issued for the purpose of refunding outstanding Revenue Bonds, then to a separate account established in the Bond Service Fund for that purpose pursuant to Part First of Section 5.03 of the Original Indenture, the portion of such proceeds required to be deposited in that account to cause the refunded Revenue Bonds to be deemed paid and discharged for purposes of the Indenture; and

(v) to the Construction Fund, the balance of such proceeds.

Pursuant to Section 3.02(h) of the First Supplemental Indenture, the Fourth Supplemental Indenture may provide that no deposit to the Bond Service Reserve Fund shall be made for or with respect to the Series 2000 Bonds, in which case: (i) the holders of Series 2000 Bonds shall have no right or entitlement to have any portion of the Bond service charges on Series 2000 Bonds be paid from amounts in the Bond Service Reserve Fund, (ii) the lien of and pledge on the Bond Service Reserve Fund shall not extend to or be for the benefit of the holders of Series 2000 Bonds, and (iii) the Bond service charges on Series 2000 Bonds shall not be taken into account in determining the Required Bond Service Reserve. In the event that the Fourth Supplemental Indenture provides as described in the preceding sentence, then such Supplemental Indenture may also provide for the

creation of a special reserve fund solely for Series 2000 Bonds, separate from the Bond Service Reserve Fund, and may provide for the deposit therein, at the time of issuance or in one or more subsequent deposits thereto, of an amount specified in the Fourth Supplemental Indenture as the required reserve for Series 2000 Bonds (which amount shall in no event exceed the Required Bond Service Reserve computed for the Series 2000 Bonds alone, if it had applied), or may require the Issuer to provide a municipal bond insurance policy, a bank letter or line of credit, or any other form of credit or liquidity facility to enhance the security for Series 2000 Bonds in lieu of a funded reserve fund. If the Fourth Supplemental Indenture so provides for such a special reserve fund and further requires that deposits be made thereto from Airport Revenues at any time, then such deposits may be made only from moneys remaining in the Operating and Maintenance Fund on the last day of a month before any deposit is made to the General Obligation Debt Service Fund (or the Subordinated Debt Service Fund, if it shall have been established) or into any other Special Fund into which such moneys may be deposited after any required deposits to the General Obligation Debt Service Fund. If the Fourth Supplemental Indenture provides for no reserve fund, or for a special reserve fund as permitted by the preceding paragraph, then the Fourth Supplemental Indenture shall also provide that the amount of any defaulted principal of or interest on the Series 2000 Bonds that would have been timely paid had the Required Bond Service Reserve for such Revenue Bonds been fully funded in the Bond Service Reserve Fund shall be paid only from moneys remaining in the Operating and Maintenance Fund on the last day of a month before any deposit is made to the General Obligation Debt Service Fund (or the Subordinated Debt Service Reserve Fund, if it shall have been established) or to any other Special Funds into which such moneys may be deposited after any required deposits to the General Obligation Debt Service Fund. The Fiscal Officer is authorized to determine, based on the written advice of the Issuer's Financial Advisor, which of the options permitted under this Section 4 for funding the Bond Service Reserve Fund or for alternatives to doing so best serves the Issuer's interests, shall specify that option in the Series 2000 Certificate of Award, and shall cause the provisions for that option to be incorporated into the Fourth Supplemental Indenture.

Section 5. Terms and Provisions Applicable to the Series 2000 Bonds.

(a) Form; exchange and transfer.

Notwithstanding anything to the contrary in the Original Indenture, (i) all Series 2000 Bonds shall initially be issued in fully registered form, and (ii) no Series 2000 Bond shall be exchanged for or transferable into a coupon Revenue Bond or Bonds unless and until the Indenture shall have been amended in accordance with the terms thereof to permit such exchanges or transfers. To the extent that the Original Indenture (particularly, but without limitation, Section 2.05 thereof) permits fully registered Revenue Bonds to be exchanged for or transferred

into coupon Revenue Bonds or Revenue Bonds payable to bearer, then the Original Indenture is hereby amended to prohibit such exchanges or transfers for the Series 2000 Bonds unless and until the Indenture shall have been amended in accordance with the terms thereof to permit such exchanges or transfers.

The Series 2000 Bonds shall be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Series 2000 Bonds shall be issued in the form of a single registered Series 2000 Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Series 2000 Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Issuer.

If any Depository determines not to continue to act as a Depository for the Series 2000 Bonds for use in a book entry system, the Fiscal Officer and Trustee may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer and Trustee do not or are unable to do so, the Fiscal Officer and Trustee, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Series 2000 Bonds from the Depository, and authenticate and deliver registered Series 2000 Bond certificates to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of Issuer action or inaction, of those persons requesting such issuance.

The Executive Officer, the Fiscal Officer, the Director of Port Control or any one of them are authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Series 2000 Bonds, after determining (as evidenced by their signing) that the signing thereof will not endanger the funds or securities of the Issuer under the Indenture.

(b) Denominations and Dates.

The Series 2000 Bonds shall each be in the denomination of \$5,000 or any integral multiple thereof and shall be dated as of the date or dates specified in or pursuant to the Series 2000 Certificate of Award; provided, however, that if, pursuant to the Series 2000 Certificate of Award, a book entry system is to be used for the Series 2000 Bonds, then the Series 2000 Bonds shall be issued in the form of a single Series 2000 Bond for each maturity or mandatory redemption date of each series of Series 2000 Bonds. Each Series 2000 Bond shall have only one principal

maturity date, except for interim certificates or receipts issued pending preparation of definitive Series 2000 Bonds.

(c) Interest and Place of Payment.

The Series 2000 Bonds shall bear interest at their respective Specified Interest Rates from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their dated date. The principal and Redemption Price, if any, of and the interest payable on each Series 2000 Bond shall be payable at the times, to the persons and in the manner set forth in the Indenture, including, without limitation, provisions thereof permitting special arrangements for payment to the Depository.

(d) Maturities.

The Series 2000 Serial Bonds shall mature on the Principal Retirement Dates, and the Series 2000 Term Bonds shall mature on the Term Maturity Dates, as specified in the Series 2000 Certificate of Award.

(e) Optional and Mandatory Redemption.

The Series 2000 Bonds maturing by their stated terms after the Earliest Optional Redemption Date shall be subject to redemption at the option of the Issuer on or after the earliest Optional Redemption Date in whole on any date or in part on any Interest Payment Date at the Redemption Price specified in the Series 2000 Certificate of Award and in accordance with the Indenture; provided, however, that the Series 2000 Certificate of Award may specify that all or a portion of the Series 2000 Bonds will not be subject to redemption at the option of the Issuer. The Series 2000 Term Bonds shall also be subject to mandatory redemption prior to maturity at the Redemption Price on each Mandatory Redemption Date in the aggregate amount of the mandatory sinking fund requirement to be paid on such Mandatory Redemption date, all as specified in the Series 2000 Certificate of Award and in accordance with the Indenture.

(f) Execution.

The Series 2000 Bonds shall be executed by the Executive Officer and the Fiscal Officer, and approved as to form by the Legal Officer, provided that any or all of such signatures may be facsimiles, and shall bear the corporate seal of the Issuer or a facsimile thereof.

(g) Numbering.

The Series 2000 Bonds to be authenticated by the Trustee shall be numbered and otherwise identified as specified by the Fiscal Officer in accordance with the Indenture.

Section 6. Refunding of Outstanding Revenue Bonds.

If Series 2000 Bonds are issued for the purpose of refunding any outstanding Revenue Bonds, then the Executive Officer, the Fiscal Officer and the Director of Port Control or any two of them are authorized and directed to sign and deliver, in the name and on behalf of the Issuer, an escrow agreement between the Issuer and the Trustee, as escrow trustee, providing for the investment and holding in escrow of the proceeds of the Series 2000 Refunding

Bonds to be applied to the refunding of such Revenue Bonds and for the application of the moneys derived from those investments to the payment of the Bond service charges on such Revenue Bonds. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the escrow agreement from proceeds of the Series 2000 Refunding Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. Provision shall be made in the escrow agreement to give the Trustee any written notice of redemption required under Section 3.02 of the Original Indenture. The Executive Officer, the Fiscal Officer, the Director of Port Control and other appropriate Issuer officials shall execute all documents and take all other actions necessary or appropriate on the part of the Issuer to effect such refunding in accordance with the Original Indenture and to cause the refunded Revenue Bonds to be deemed paid and discharged.

Section 7. Arbitrage Provisions.

Some or all of the Series 2000 Bonds are to be issued and sold as obligations bearing interest to be excluded from gross income for federal income tax purposes (the "Tax-Exempt Bonds"). The Issuer covenants that it will use and will restrict the use and investment of, the proceeds of the Tax-Exempt Bonds in such manner and to such extent as may be necessary so that (a) the interest on the Tax-Exempt Bonds will be excluded from gross income for federal income tax purposes and (b) in the case of any Tax-Exempt Bonds intended to qualify as bonds, the interest on which is not treated as an item of tax preference under Section 57 of the Code ("Non-AMT Bonds"), such Tax-Exempt Bonds will be treated as Non-AMT Bonds.

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

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

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

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

Section 8. Fourth Supplemental Indenture; Amendments to Use Agreements; Transcript of Proceedings.

The Executive Officer, the Fiscal Officer and the Director of Port Control, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge, and deliver to the Trustee, a good and sufficient Fourth Supplemental Indenture, approved as to form and correctness by the Legal Officer, for the purposes hereinafter described and substantially in the form put on file with the Clerk in connection with the Series 2000 Bond Legislation in File No. 833-2000-A. The form of the Fourth Supplemental Indenture is approved with such changes therein as are not inconsistent with this Series 2000 Bond Legislation and not adverse to the Issuer and which are permitted by the Constitution and the laws of Ohio and as shall be approved by the officers signing the Fourth Supplemental Indenture. The approval of those changes, and the determination that such changes are not adverse to the Issuer, shall be conclusively evidenced by the signing of the Fourth Supplemental Indenture by those officials. The Fourth Supplemental

Indenture shall expressly extend the security of the Original Indenture as thereby amended to the Series 2000 Bonds and shall cause the Indenture to include, among other things: (i) appropriate provisions for the use of a book entry system for the Series 2000 Bonds, (ii) such covenants as are necessary and appropriate for the interest on the Series 2000 Bonds to be exempt from gross income for purposes of federal income taxation under the Code, and (iii) such covenants as are deemed necessary and appropriate to obtain favorable ratings on or credit enhancement for the Series 2000 Bonds or to enhance their marketability.

The Fourth Supplemental Indenture may also include such additional covenants of the Issuer as the Fiscal Officer and the Director of Port Control of the Issuer deem necessary and appropriate to obtain favorable ratings on the Series 2000 Bonds and to enhance their marketability, including, without limitation, covenants pertaining to the conditions under which the City may acquire or construct additional airport facilities that may have an adverse impact on the ability of the Airport to generate sufficient Airport Revenues for purposes of the Indenture, and covenants pertaining to the Issuer's obligations, if any, regarding the lease and use agreements that may replace the existing Use Agreements upon their termination.

To the extent permitted by the Indenture, the Issuer is authorized, from time to time, to enter into one or more agreements in connection with, prior to, or subsequent to the issuance of the Series 2000 Bonds, for an interest rate swap, an interest rate cap, or any other such arrangement to lower the effective interest rate on the Series 2000 Bonds or to hedge the exposure of the Issuer against fluctuations in prevailing interest rates, and to secure its obligations to the counterparties in such agreements on a parity with its obligations to holders of Revenue Bonds under the Indenture, subject to such conditions and restrictions as may be specified therein. The Fiscal Officer is authorized, on behalf of the Issuer, to execute and deliver any such agreement that meets the requirements of the Indenture and that he determines, based upon the written advice of the Issuer's Financial Advisor, will reduce the net Bond service charges payable on the Series 2000 Bonds or otherwise enhance the timing and amount of the payments thereof for the Issuer's purposes to an extent that justifies the cost of the Issuer's entering into such agreement. In the event that the Issuer's entering into any such agreement requires an amendment to the Original Indenture as amended and supplemented by the First Supplemental Indenture, Second Supplemental Indenture and the Third Supplemental Indenture, then, provided that the consent of holders of the requisite percentage of holders of outstanding Revenue Bonds is obtained in order for such an amendment to become effective in accordance with Section 13.02 of the Original Indenture, the Fourth Supplemental Indenture may include an amendment to the Original Indenture as theretofore amended for the purpose of causing the Indenture to permit the Issuer, from time to time, to enter into one or more agreements in connection with or subsequent to the issuance of any

series of Revenue Bonds, for an interest rate swap, an interest rate cap, or any other such arrangement to lower the effective interest rate on Revenue Bonds or to hedge the exposure of the Issuer against fluctuations in prevailing interest rates, and to permit the Issuer to secure its obligations to the counterparties in such agreements on a parity with its obligations to holders of Revenue Bonds under the Indenture, subject to such conditions and restrictions as may be specified in such amendment. If such an amendment is required, the Fiscal Officer is authorized to seek such consent from the holders of the Revenue Bonds to be outstanding upon the issuance of the Series 2000 Bonds, including the Original Purchasers.

This Series 2000 Bond Legislation shall constitute a part of the Fourth Supplemental Indenture as therein provided and for all purposes thereof, including, without limitation, the application to this Series 2000 Bond Legislation of the provisions of the Indenture relating to amendment, modification, supplementation and severability.

The Director of Port Control of the Issuer is hereby authorized and directed to execute and deliver to the Airlines such amendments to the Use Agreements as are necessary and appropriate to cause the Use Agreements to reflect the issuance of the Series 2000 Bonds and the execution and delivery of the Fourth Supplemental Indenture and to be consistent with the Fourth Supplemental Indenture.

The Clerk shall furnish to the Original Purchasers of the Series 2000 Bonds a true transcript, certified by the Clerk, of all proceedings had with reference to the issuance of the Series 2000 Bonds, along with such information from the records of the Issuer as is necessary to determine the regularity and validity of the issuance of the Series 2000 Bonds.

Section 9. Designation of Original Purchasers; Bond Purchase Agreement; Official Statement; Continuing Disclosure; Other Documents.

The Series 2000 Bonds are hereby awarded to the following underwriters: Goldman, Sachs & Co., A.G. Edwards & Sons, Inc., Merrill Lynch & Co., Salomon Smith Barney Inc., Paine Webber Incorporated, Lehman Brothers, SBK-Brooks Investment Corp., and NatCity Investments, Inc. (collectively, the "Original Purchasers"), provided that any purchaser may be deleted if such purchaser does not become a party to the Series 2000 Bond Purchase Agreement. The Fiscal Officer is hereby authorized and directed, in the name and on behalf of the Issuer, to execute and deliver the Bond Purchase Agreement, approved as to form and correctness by the Legal Officer, which Bond Purchase Agreement shall incorporate the terms of the Series 2000 Bonds as determined pursuant to this Series 2000 Bond Legislation and the Series 2000 Certificate of Award and shall set forth the date, location, procedure and conditions for the delivery of the Series 2000 Bonds, including without limitation any conditions relating to the obtaining of an insurance policy to enhance the security of the Series 2000 Bonds, the obtaining of which insurance the Fiscal Officer determines serves the best interest of the Issuer by achieving a net reduction in the

Bond service charges on the Series 2000 Bonds. The Bond Purchase Agreement shall be substantially in the form now on file with the Clerk in File No. 833-2000-A, with such changes therein or thereto not inconsistent with the Indenture, this Series 2000 Bond Legislation or the Series 2000 Certificate of Award and not substantially adverse to the Issuer as may be approved by the Fiscal Officer. The approval of any such changes by the Fiscal Officer and the determination by the Fiscal Officer that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Bond Purchase Agreement by the Fiscal Officer. The Executive Officer, the Fiscal Officer, the Director of Port Control, and the Legal Officer are hereby further authorized and directed to take all steps necessary to effect the due authentication, delivery and security of the Series 2000 Bonds in accordance with the terms of the Indenture, this Series 2000 Bond Legislation, the Series 2000 Certificate of Award and the Bond Purchase Agreement.

The preparation and distribution of a Preliminary Official Statement with respect to the Series 2000 Bonds are hereby authorized and approved. A final Official Statement with respect to the Series 2000 Bonds shall be prepared and executed by the Fiscal Officer and the Director of Port Control, or either of them, on behalf of the Issuer and in their respective capacities in form and substance suitable for the purposes thereof as the officer or officers executing the same on behalf of the Issuer shall approve. The Original Purchasers' use and distribution of such Official Statement and any supplements thereto as so executed in accordance with the terms of the Bond Purchase Agreement is hereby authorized and approved.

For the benefit of the bondholders of the Series 2000 Bonds, the Executive Officer, the Fiscal Officer and other officials as deemed appropriate are authorized and directed to execute a continuing disclosure agreement, setting forth the Issuer's undertaking to provide annual reports and notices of certain events, in accordance with S.E.C. Rule 15c2-12(b)(5). The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the Issuer with its continuing disclosure agreement, including the timely provision of information and notices.

Notwithstanding anything herein to the contrary, the Fiscal Officer may decline to execute and deliver the Bond Purchase Agreement on behalf of the Issuer in the event that the Original Purchasers fail to offer to purchase the Series 2000 Bonds on terms which are consistent with the requirements of this Bond Legislation or in the event that the Fiscal Officer determines that the terms offered by the Original Purchasers are otherwise unacceptable to the Issuer, but the execution of the Bond Purchase Agreement by the Fiscal Officer shall conclusively evidence the absence of any such determination.

Any one or more the Executive Officer, the Fiscal Officer and the Director of Port Control or other appropriate official of the Issuer, shall execute all documents and take all other actions necessary or appropriate on the part of the Issuer to effect the issuance of the Series

2000 Bonds in accordance with the Indenture.

Section 10. Lien of Pledge Hereunder.

The Airport Revenues are subject to the lien of the pledge under the Indenture without any physical delivery of the Airport Revenues or further act, and the lien of such pledge is valid and binding against all parties having claims of any kind against the Issuer (irrespective of whether such parties have notice of such pledge and create a perfected security interest for all purposes of Chapter 1309, Ohio Revised Code) without the necessity for separation or delivery of the Airport Revenues or for the filing or recording of the Indenture or any other resolution or instrument by which such pledge is created or any certificate, statement, or other document with respect to such pledge. The pledge of the Airport Revenues under the Indenture shall be effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any further act of appropriation.

Section 11. Open Meeting Determination.

It is found and determined that all formal actions of this Governing Body concerning and relating to the adoption of this Bond Legislation were adopted in an open meeting of this Governing Body, and that all deliberations of this Governing Body and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all applicable legal requirements.

Section 12. Separability.

Each section of this Bond Legislation and each subdivision of any section hereof is hereby declared to be independent, and the finding or holding of any section or subdivision of any section hereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Bond Legislation.

Section 13. Recitals.

It is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2000 Bonds in order to make the same legal, valid and binding special obligations issued by the City of Cleveland, Ohio will have happened, been done and performed or will happen, be done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Series 2000 Bonds.

Section 14. Emergency.

This ordinance is hereby declared to be an emergency measure and, provided it receives 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 Executive Officer; 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. 834-2000.
By Councilmen Polensek and Patmon (by departmental request).**

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to service and repair elevators at the Justice Center and the 3rd District Police Station, for the Division of Police, Department of Public Safety, for a period of one year, with one option to renew for an additional 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 Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of labor and materials necessary to service and repair elevators at the Justice Center and the 3rd District Police Station, in the approximate amount as purchased during the preceding term, with one (1) option exercisable by the Director of Finance, to renew for an additional one-year consecutive term, and cancellable upon thirty days written notice by said Director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Police, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 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 15234)

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

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

**Ord. No. 835-2000.
By Councilmen Cintron, Cimprman and Patmon (by departmental request).**

An emergency ordinance determining the method of making the public improvement of rehabilitating West 110th Street; authorizing the Director of Public Service to enter into contract for the making of such improvement; and authorizing said director to employ one or more professional consultants to design the improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating West 110th Street, for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Service is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding 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 Director of Public Service is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the public improvement authorized above.

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

Section 4. That the cost of said improvement and services hereby authorized shall be paid from Fund No. 52 SF 001, 54 SF 001, 58 SF 001, and from the fund or funds to which are credited the proceeds of any grant funds from the Ohio Works Commission and the proceeds of the sale of general obligation bonds issued in 2000 for the purpose which includes the above project, Request No. 22506.

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. 836-2000.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating East 110th Street; authorizing the Director of Public Service to enter into contract for the making of such improvement; and authorizing said director to employ one or more professional consultants to design the improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating East 110th Street, for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Service is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding 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 Director of Public Service is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the public improvement authorized above.

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

Section 4. That the cost of said improvement and services hereby authorized shall be paid from Fund No. 52 SF 001, 54 SF 001, 58 SF 001, and from the fund or funds to which are credited the proceeds of any grant funds from the Ohio Works Commission and the proceeds of the sale of general obligation bonds issued in 2000 for the purpose which includes the above project, Request No. 22505.

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. 837-2000.

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

An emergency ordinance to amend Sections 505.11 and 505.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1168-02, passed June 15, 1992, and Ordinance No. 2417-90, passed June 17, 1991, relating to duty to repair sidewalks, curbs and gutters, duty to maintain certain sidewalks and liability.

Whereas, this ordinance constitutes an emergency measure providing for 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 505.11 and 505.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1168-92, passed June 15, 1992, and Ordinance No. 2417-90, passed June 17, 1991, are hereby amended to read as follows:

Section 505.11 Duty to Repair Sidewalks, Curbs and Gutters; Duty to Maintain Certain Sidewalks; Liability

(a) No owner or occupant of abutting lots or lands shall fail to keep the sidewalks, curbs, and gutters in repair and free from snow, ice or any nuisance. (RC 723.011)

(b) In addition to the duty contained in division (a) of this section, no owner or occupant of abutting lots or lands which are used, in whole or in part, for the operation of a business, or which previously have been used for the operation of a business and are now vacant, shall maintain sidewalks with the characteristics contained in division (a) of Section 505.12. As used in this division, "business" means any enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or any other entity, but not including the rental of residential premises.

(c) An owner or occupant of abutting lots or lands who fails to comply with division (a) or, if applicable, division (b) of this section:

(1) shall be liable in money damages to any person who, as a result of such owner's or occupant's failure to comply, sustains bodily injury or property damage while in the lawful use of the sidewalk (an "injured party"); and

(2) shall be liable to and reimburse the City for all money paid by the City on any claim made or judgment obtained against the City by an injured party.

(d) When the Director of Public Service determines that an owner fails to keep the sidewalks, curbs, and gutters in repair because those sidewalks have one or more of the characteristics set forth in division (a) of Section 505.12, the Director shall serve or cause to be served

upon such owner a notice which states in detail the nature of the violation. The notice shall also contain an estimate of the cost to repair the sidewalk, curb, or gutter and shall notify the owner that he may submit payment of the estimated amount to the City by a certain date and enter into an agreement with the City to effectuate the repairs. Upon receipt of the estimated amount and the agreement, the City will construct or repair the sidewalk. If the actual cost of construction or repair is not equal to the estimated amount, the City will bill the owner for any additional cost or reimburse the owner for any amount paid to the City that exceeds the actual cost. The agreement required above shall contain such terms and provisions as determined by the Director of Law to protect and benefit the City. This notice is not a substitute for the notice described in division (b) of Section 505.12, but may be issued with that notice.

Section 505.12 Failure to Maintain Certain Sidewalks

(a) Sidewalks having the following characteristics are determined to be in need of maintenance:

(1) Any block having multiple cracks or any single crack larger than one-fourth inch (1/4") wide.

(2) Adjoining sections of block, or portion thereof, whose edges differ vertically by one-half inch (1/2") or more.

(3) Any block with a transverse slope in excess of three-eighths inch (3/8") plus or minus one-eighth inch (1/8") per horizontal foot toward the street.

(4) Any block with a reverse slope (a slope away from the street).

(5) Any block with a depression or depressions that impound water to a depth of one-quarter inch (1/4") or more.

(6) Any block with disintegrated or deteriorated areas or missing pieces or missing particles of aggregate.

(7) Any adjoining blocks the expansion or control joints of which are separated by one-half inch (1/2") or more.

(8) Any block which the Director of Public Service determines to be hazardous, regardless of whether it has any of the characteristics set forth in paragraphs (1) through (7) of this division.

(b) When the Director of Public Service determines that an owner is in violation of the provisions of division (b) of Section 505.11 because the sidewalk or sidewalks abutting said owner's property have one or more of the characteristics set forth in division (a) of this section, said director shall serve or cause to be served upon such owner a notice which states in detail the nature of the violation. The notice shall further provide that within thirty (30) days after service of the notice, the recipient thereof shall:

(1) remedy the violation;

(2) appeal the Director's determination to the Board of Sidewalk Appeals; or

(3) submit payment and enter into an agreement pursuant to division (d) of Section 505.11.

The notice shall clearly indicate to the recipient that if the recipient

fails to take one of the three steps listed in this division within thirty (30) days after service of the notice, the recipient may be found guilty of a fourth degree misdemeanor.

(c) If an appeal is filed after service of the notice provided for in division (b) of this section, the Board of Sidewalk Appeals shall have the authority to modify, alter or revoke any such notice as to the amount or type of work required or the time in which it must be completed, consistent with City ordinances and specifications regarding sidewalk maintenance. The Board shall also have the authority to waive strict compliance with such requirements where such compliance would cause undue hardship, provided such waiver will not cause or continue a public nuisance or an unsafe condition. The Board shall issue an order setting forth its findings and indicating the period of time within which the owner must comply therewith.

(d) If the Board of Sidewalk Appeals issues an order pursuant to division (c) of this section, the property owner to whom the order applies may appeal such order to the Board of Zoning Appeals established pursuant to Charter Section 76-6. Written notice of such appeal shall be filed with the Board within ten (10) days after the making of such order. Within ten (10) days after the filing of such notice, the Board shall proceed to hear such appeal, at which hearing all parties interested shall be afforded an opportunity to be heard. The Board shall approve, modify or annul the order from which the appeal has been perfected, and the decision of the Board shall be final with respect to all parties thereto.

(e) Notwithstanding any other provision contained in this section, any notice served pursuant to division (b) of this section between November 15 of one year and February 1 of the succeeding year to an owner of a parcel of land which is located within the Central Business District shall provide that the violation shall be remedied or the Director's determination appealed within thirty (30) days of the end of that period. Any order issued pursuant to division (c) of this section and any decision of the Board of Zoning Appeals pursuant to division (d) of this section shall take into consideration the provisions of Section 505.05.

(f) Any owner who violates the provisions of division (b) of this section or fails to comply with or appeal an order of the Board of Sidewalk Appeals issued pursuant to division (c) of this section within the period set forth in said order or fails to comply with the decision of the Board of Zoning Appeals pursuant to division (d) of this section **shall be guilty of a misdemeanor of the fourth degree. Each day during which noncompliance or a violation continues shall constitute a separate offense. Provided that the fine set forth herein shall not, with respect to any one service of notice, exceed three times the cost of the sidewalk maintenance required in such notice, as estimated by the Director of Public Service. The fine set forth herein is mandatory and shall not be suspended by the court, in whole or in part.**

Section 2. That Sections 505.11 and 505.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1168-92, passed June 15, 1992, and Ordinance No. 2417-90, passed June 17, 1991, are hereby repealed.

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

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

Ord. No. 838-2000.
By Councilmen Polensek and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of furniture and fixtures for various locations within the Division of Police, Department of Public Safety.

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

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

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

Section 2. 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 15236)

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

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

Ord. No. 839-2000.

By Councilmen Polensek and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into contract without competitive bidding with Medtronic PhysioControl for the purchase of maintenance service on defibrillators, including but not limited to monitors and battery support systems, for the Division of Emergency Medical Service, Department of Public Safety.

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Medtronic PhysioControl. Therefore, the Director of Public Safety is hereby authorized to make a written contract with said Medtronic PhysioControl, for a period of one year on the basis of their proposal for maintenance service on defibrillators, including but not limited to monitors and battery support systems, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Emergency Medical Service, Department of Public Safety.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 01-600402-661200, Request No. 10665.

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

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

Ord. No. 840-2000.

By Councilmen Polensek and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the 2000-2001 EMS-EMT Training Program; and authorizing the purchase by requirement contract of equipment and supplies necessary to implement the program.

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

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

Section 1. That the Director of Public Safety is hereby authorized to apply for and accept a grant in the amount not to exceed \$78,686.13, from the Ohio Department of Public Safety, to conduct the 2000-2001 EMS-EMT Training Program, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and

execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 840-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if said extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the grant term for the necessary items of equipment and supplies necessary to implement the program, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 year.

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.

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

Ord. No. 841-2000.
By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into contracts with various agencies to provide AIDS-related services.

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

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

Section 1. That the Director of Public Health is hereby authorized to enter into one or more contracts to provide AIDS-related services with the following agencies, in the following amounts:

Agency	Amount
AIDS Housing Council (support services)	\$370,000.00
AIDS Housing Council (rental assistance)	\$128,327.00
AIDS Taskforce of Greater Cleveland	\$165,576.00
Visiting Nurses Association	\$ 40,986.00

Section 2. That the costs of the contracts authorized above shall be paid from Fund No. 13 SF 515, Request No. 6791.

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

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

Ord. No. 842-2000.
By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to amend Contract No. 53170 with University Settlement to provide additional lead abatement services.

Whereas, pursuant to Ordinance No. 2186-97, passed April 6, 1998, the Director of Public Health entered into Contract No. 53170 with University Settlement to provide lead abatement services; and

Whereas, additional lead abatement services are desired; and

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

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

Section 1. That the Director of Public Health is authorized to amend Contract No. 53170 with University Settlement to provide additional lead abatement services, and to increase the amount of the contract by \$25,000, for a total of \$230,000.00. Said increase shall be paid from Fund No. 13 SF 456, Request No. 7148.

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

Ord. No. 843-2000.
By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into an agreement or memorandum of understanding with the State of Ohio, Department of Education, Division of Early Childhood Education and the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities; to accept funds to administer and perform inspections of day care centers; and to authorize the Director of Public Health to enter into contracts with certified inspectors to perform day care center inspections.

Whereas, this ordinance constitutes an emergency measure providing for 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 enter into an agreement or memorandum of understanding, as appropriate, with the State of Ohio, Department of Education, Division of Early Childhood Education ("ODE") and the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities ("Ohio Association"), under which the ODE, through the Ohio Association, shall provide the City with funds in the estimated amount of One Hundred Thousand Dollars (\$100,000.00), for the purpose of the City Department of Public Health's provision of administrative support, maintenance of data and records and payment of fees and expenses for inspection services of day care centers.

Section 2. That the Director of Public Health is hereby authorized to enter into contracts with certified inspectors identified on a list provided by the ODE or with any inspectors who are certified by the State of Ohio to perform inspections of day care centers, for the purpose of providing inspections, during the period from July 1, 2000, through June 30, 2001. The Director of Public Health is hereby authorized to receive the funds for this program; and upon acceptance of said funds appropriate them for the purposes as identified above and set forth in the agreement or memorandum of understanding.

Section 3. That the cost of the contracts authorized herein shall be paid from the fund or funds to which are credited the proceeds accepted pursuant to this ordinance.

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

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

Ord. No. 844-2000.
By Councilmen Rybka, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease to Joshua Simon, or his designee, property located at 7654 Broadway Avenue, for a term not to exceed ten years, with two additional five year options to renew.

Whereas, the City of Cleveland owns certain property located at 7654 Broadway Avenue, which is not needed for public use for the next twenty years; and

Whereas, Joshua Simon, or his designee, has proposed to lease said property from 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 Parks, Recreation and Properties is authorized to lease to Joshua Simon, or his designee, certain property which is determined to be not needed for public use during the term specified in Section 2 below, of developing and maintaining a parking lot for child care center and which is described as follows:

Permanent Parcel No. 133-20-036
7654 Broadway Avenue

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 13 in the E. T. Hamilton, et al. Subdivision of part of Original Newburgh Township Lots Nos. 315 and 455, as recorded in Volume 3, Page 29 of Cuyahoga County Map Records, said Sublot No. 13 having a frontage of 66 feet on the Southwesterly side of Broadway S.E. (66 feet wide) and extending back between parallel lines of equal depth, 231.00 feet to the Northeastly line of Spafford Place, S.E. (16.50 feet wide).

Section 2. That the term of the lease authorized above shall not exceed ten (10) years, with two (2) options exercisable by the Director of Parks, Recreation and Properties, to renew for additional five-year terms, and cancellable upon thirty days written notice by said Director.

Section 3. That the property described above shall be leased at a rental of \$1.00 per year.

Section 4. That the lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. 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 6. That the Director of Parks, Recreation and Properties 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 7. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 845-2000.
By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to install tubing and other related work at Glenville Recreation Center, including removal of existing tubing and appurtenances, for the Division of Property Management, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to make a written 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 tubing and other related work at Glenville Recreation Center, including removal of existing tubing and appurtenances, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Property Management, Department of Parks, Recreation and Properties.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 01-701110-645200, Request No. 21953.

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

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

Ord. No. 846-2000.
By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to transfer the ownership of the Ivan Franko bust from the City of Cleveland to the United Ukrainian Organizations of Greater Cleveland in exchange for two Ukrainian busts to be created and installed in the Cultural Gardens at Rockefeller Park.

Whereas, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, authorizes the sale of personal property owned by the City of Cleveland when no longer needed or not suitable for the use of the City; and

Whereas, the City owns the Ivan Franko bust; and

Whereas, the bust is not currently being displayed but rather is in a Division of Park Maintenance and Properties service station; and

Whereas, if the City transfers ownership of the Ivan Franko bust to the United Ukrainian Organizations of Greater Cleveland, that organization will have a replica of the Ivan Franko bust and of another best of a famous Ukrainian created and installed in the Cultural Gardens at Rockefeller Park; and

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

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

Section 1. That, notwithstanding and as an exception to Section 181.19 of the Codified Ordinances of Cleve-

land, Ohio, 1976, the Director of Parks, Recreation and Properties will transfer ownership of the Ivan Franko bust to the United Ukrainian Organizations of Greater Cleveland. In exchange for this transfer of ownership, the City of Cleveland will receive from the United Ukrainian Organizations of Greater Cleveland, a replica of the Ivan Franko bust and of another bust of a famous Ukrainian both to be created and installed in the Cultural Gardens at Rockefeller Park at no cost to the City.

Section 2. The Director of Parks, Recreation and Properties is authorized to execute all documents or agreements and do all things necessary to effectuate the exchange identified above.

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

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

Ord. No. 847-2000.
By Councilmen White, 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 the corner of Broadway Avenue and Booth Avenue to Patrick L. Montgomery.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located at the corner of Broadway Avenue and Booth 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 property described in File No. 847-2000-A is no longer needed for public use.

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 Patrick L. Montgomery 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 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 par-

ties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

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

Ord. No. 848-2000.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Western Reserve Area Agency on Aging for the 2000 Western Reserve Area Agency on Aging 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 Aging is hereby authorized to apply for and accept a grant in the amount of \$114,855.00, from the Western Reserve Area Agency on Aging, to conduct the 2000 Western Reserve Area Agency on Aging Program, for the purposes set forth in the application and according thereto; that the Director of Aging is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 848-2000-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.

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

Ord. No. 849-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2363 East 83rd Street to Diocese of Cleveland, Bishop Anthony Pilla (St. Adalbert Church).

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

lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-30-021, as more fully described in Section 2 below, to Diocese of Cleveland, Bishop Anthony Pilla (St. Adalbert Church).

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

P. P. No. 119-30-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 39 in Clewell and Worley's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records and being 50 feet front on the Easterly side of East 83rd Street (formerly Lincoln Street) 176 feet 9 inches deep on the Northerly line, 177 feet deep on the Southerly line and 50 feet wide in the rear, 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.

Ord. No. 850-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11210 Woodland Avenue to The Pentecostal Faith Holiness Church of God.

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). 128-03-014, as more fully described in Section 2 below, to The Pentecostal Faith Holiness Church of God.

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. 128-03-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 55 in Barbara and Albert Stastny's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat of said Subdivision in Volume 32 of Maps, Page 24 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Woodland Avenue, S.E., and extending back between parallel lines 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 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.

Ord. No. 851-2000.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with Magnate Properties, LLC to provide a Loan to partially finance the rehabilitation and redevelopment of the historic Marshall Drug Building located at the corner of W. 9th Street and Lakeside Avenue, Cleveland, Ohio.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into and execute a contract for and on behalf of the City of Cleveland with Magnate Properties, LLC to provide a loan to partially finance the rehabilitation and redevelopment of the Marshall Building located at the corner of W. 9th Street and Lakeside Avenue, Cleveland, Ohio into market rate rental housing units and commercial space.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 851-2000-A.

Section 3. That the cost of said contract shall not exceed Three Hundred Thousand Dollars (\$300,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 26618.

Section 4. That the Director of Community 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 Community 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 Community Development is hereby authorized to accept and charge 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 authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. That the Mayor, the Directors of Law, Finance, Community Development and Economic Development are hereby authorized to execute such certifications and documents and to take such other actions as may be necessary or appropriate to carry out the terms of the agreements authorized in this Ordinance.

Section 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 Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

Ord. No. 852-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8501 Kosciuszko Avenue to John D. Rowe.

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). 107-06-045, as more fully described in Section 2 below, to John D. Rowe.

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. 107-06-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 93 in the Posen Subdivision of part of Original One Hundred Township Lots Nos. 375 and 376 as shown by the recorded plat in Volume 20 of Maps, Page 29 of Cuyahoga County Records and part of Hedwig Court as shown by the Vacation plat in Volume 170 of Maps, Page 9 of Cuyahoga County Records and together forming a parcel of land, having a frontage of 30 feet on the Northerly side of Kosciuszko Avenue, (formerly Hoffman Street) (45 feet wide), extending back between parallel lines of 105 feet to the center line of said vacated alley, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 853-2000.
By Councilmen Lewis, 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 1410 East 88th Street to Annie Carter (ow Anna Carter).

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), 107-15-112, as more fully described in Section 2 below, to Annie Carter (ow Anna Carter).

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. 107-15-112

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11 in G.P. Geib's Subdivision of part of Original One Hundred Acre Lot No. 384, as shown by the recorded plat in Volume 25 of Maps, Page 2 of Cuyahoga County Records and being 35 feet front on the Westerly side of East 88th Street (formerly Leroy Place) and extending back 104 feet deep on the Northerly line, 104.02 feet deep on the Southerly line and being 32.64 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 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.

Ord. No. 854-2000.

By Councilmen Lewis, 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 8712 Harkness Road to John E. Watt and Evelyn H. Watt.

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), 107-18-054, as more fully described in Section 2 below, to John E. Watt and Evelyn H. Watt.

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. 107-18-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 6 and 7 in the Chas. A. Ferguson Re-Subdivision of part of Original One Hundred Acre Lot No. 392, as shown by the recorded plat in Volume 15 of Maps, Page 23 of

Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Southerly line of Harkness Avenue, N.E., at a point distant 35 feet Easterly, measured along said Southerly line, from the Northwesterly corner of said Sublot No. 7; thence Easterly along said Southerly line of Harkness Avenue, N.E., 31.50 feet to a point distant 33.50 feet Westerly, measured along said Southerly line, from the North-easterly corner of said Sublot No. 6; thence Southerly and parallel with Easterly the line of Sublot No. 6, 137.67 feet; thence Westerly at an included angle of 91° 04' with the last described line, 31.40 feet; thence Northerly and parallel with said Easterly line of said Sublot No. 6, 135.63 feet to the place of beginning, as appears by said plat.

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.

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

Ord. No. 855-2000.

By Councilmen Lewis, 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 on Whittier Avenue to Betty J. Shabazz.

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), 104-18-070, as more fully described in Section 2 below, to Betty J. Shabazz.

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. 104-18-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West-erly 38 feet of Sublot No. 4, the Easterly 50 feet of Sublot No. 1 and the Easterly 50 feet of the Northerly 52.27 feet of Sublot No. 2 in the Sweesy et.al. Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 88 feet on the Southerly side of Whittier Avenue, N.E., (formerly Sixth Avenue), and extending back of equal width 142.73 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 inter-

ests 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.

Ord. No. 856-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10503 Earle Avenue to Lee Memorial AME Church.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 108-26-174, as more fully described in Section 2 below, to Lee Memorial AME Church.

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

P. P. No. 108-26-174

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 8 in John W. Taylor and Company's Douglas Park Subdivision of part of Original 100 acre lot No. 370 as shown by the recorded plat in Volume 22 of Maps, Page 8 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Northerly line of Earle Avenue, N.E., at a point distant North 89 degrees 53' 00" East 48.44 feet, measured along said Northerly line of Earle Avenue, N.E., from the Easterly line of East 105th Street, 60 feet wide, said point being the intersection of said Northerly line of Earle Avenue,

N.E., and the Easterly face of a brick building on said Sublot; Thence along an Easterly face, a Northerly face and an Easterly face of said building on the following courses and distances, North 0 degrees 30' 00" East 18.38 feet, South 89 degrees 53' 00" West 0.79 feet, North 0 degrees 05' 00" West 35.28 feet to a point in the Northerly line of said Sublot; Thence North 89 degrees 53' 00" East 67.24 feet along the northerly line of said sublot to a point; Thence due South 53.66 feet parallel to the Easterly line of East 105th Street, to a point in the Northerly line of Earle Avenue, N.E.; Thence South 89 degrees 53' 00" West 66.56 feet along said Northerly line of Earle Avenue, N.E., to the place of beginning, be the same more or less but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

Ord. No. 857-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10817 Massie Avenue to Robert Grant, Sr.

Whereas, the City of Cleveland has elected to adopt and implement

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 109-15-131, as more fully described in Section 2 below, to Robert Grant, Sr.

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

P. P. No. 109-15-131

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 328 in the Deming Realty Company's Grantwood Allotment of part of Original One Hundred Acre Lot No. 378, as shown by the recorded plat in Volume 37 of Maps, Page 12 of Cuyahoga County Records and being 35.00 feet front on the Northerly side of Massie Avenue, N.E., and extending back of equal width 125.64 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.

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

Ord. No. 858-2000.

By Councilmen Sweeney, 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 4775 West 130th Street to Bellaire-Puritas Development Corporation.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 020-15-016, as more fully described in Section 2 below, to Bellaire-Puritas Development Corporation.

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

P. P. No. 020-15-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 119 in the Clark Manchester Company's Homesite Allotment No. 6 of a part of Original Rockport Township Section No. 1 as shown by the recorded plat in Volume 59 of Maps, Page 8 of Cuyahoga County Records and being 44 feet front on the Easterly side of West 130th Street and extending back between parallel lines 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the docu-

ments 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.

Ord. No. 859-2000.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with one or more non-profit agencies to operate a community gardening program.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contract with one or more non-profit agencies to operate a community gardening program.

Section 2. That the cost of said contract shall be in an amount not to exceed \$80,000.00, and shall be paid from Fund No. 14 SC 026 Request No. 20682.

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

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

Ord. No. 860-2000.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with Cleveland State University to provide various housing, urban land-use, property parcel, vacant lot, and residential real estate market data services, products, studies, and other technical assistance in order to facilitate neighborhood planning and programming efforts.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contract with Cleveland State University to utilize the Urban Center's Housing Policy Research Program to provide various housing, urban land-use, property parcel, vacant lot, and residential real estate market data services, products, studies, and other technical assistance in order to facilitate neighborhood planning and programming efforts.

Section 2. That the cost of said contracts shall not exceed, in the aggregate, \$29,500.00 and shall be paid from Fund Nos. 14 SF 025, Request No. 20684.

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

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

Ord. No. 861-2000.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing 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, the City of Cleveland has received a Community Development Block Grant, Year XXVI and Federal HOME grant funds, from the United States Government; and

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

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

Section 1. That the Director of Community Development is hereby authorized to 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 \$7,875,000, 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 the Director of Community Development is authorized to expend and to enter into one or more contracts with various non-profit agencies to implement the Low Interest Loan and Grant Programs in the City of Cleveland.

Section 3. That the Director of Community Development is authorized to accept monies in repayment under said programs and to utilize said repayments, and other program income in a revolving fund for additional expenditures under these programs and administrative expenses.

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

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

Ord. No. 862-2000.

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

An emergency ordinance authorizing the Director of Community Development and other Directors of City Departments to enter into contracts with various agencies to provide social service programs, authorizing the Director of Community Development to enter into Memoranda of Understanding with the various Directors of City Departments, and authorizing the Director of Parks, Recreation and Properties to enter into lease agreements with various non-profit agencies to provide facilities for recreation activities.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contracts with the following agencies to provide social services programs:

Section 2. That the Director of Public Safety is hereby authorized to enter into contracts with various non-profit agencies to provide school safety programs.

Section 3. That the Director of Community Relations is hereby authorized to enter into contracts with various non-profit agencies to provide youth at risk programs.

Section 4. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, and as amended, the Director of Parks, Recreation and Properties is hereby authorized to enter into lease agreements with St. Joseph's Church of Collinwood and Greater New Calvary Baptist Church for a one year term in an amount not to exceed \$9,900.00 each to provide facilities for recreation activities.

Section 5. That the Director of Community Development is hereby

authorized to enter into Memoranda of Understandings with the Directors of Public Safety, Community Relations and Parks, Recreation and Properties for the purposes described in Sections 2, 3 and 4 above.

Section 6. That the aggregate cost of the contracts authorized in Sections 1, 2, 3, 4 and 5 of this ordinance shall be in an amount not to exceed \$3,000,000.00, and shall be paid from Fund No. 14 SF 025 and 026, Request No. 20686

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

Referred to Directors of Public Safety, Parks, Recreation and Properties, Community Relations, Finance, Law; Committees on Community and Economic Development, Public Safety, Public Parks, Property and Recreation, Finance.

Ord. No. 863-2000.

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

An emergency ordinance authorizing the Directors of Economic Development and Community Development to enter into a Neighborhood Development Investment Fund contract with St. Vincent Quadrangle, Inc., or its designee, to provide economic development assistance to partially finance the acquisition, rehabilitation and conversion of the Tower Press Building into live/work affordable rental housing, located at 1900 Superior Avenue, Cleveland, Ohio.

Whereas, the City of Cleveland is committed to improving the quality of life in the City and its neighborhoods; and

Whereas, by recognizing the important role that Cleveland's artists play in our community and by embracing their diverse and unique qualities, the City of Cleveland seeks to encourage area artists to live and work in a recognized artist district by creating affordable live/work housing; and

Whereas, such an environment would spark interaction and creativity within the artist community and would thereby raise the human consciousness of our community as a whole by stimulating thought, emotion and spirit; and

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

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

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

Section 1. That, subject to the provisions of Section 8 of this ordinance, the Directors of Economic Development and Community Development are hereby authorized to enter into a Neighborhood Develop-

ment Investment Fund contract with St. Vincent Quadrangle, Inc., or its designee, to provide economic development assistance to partially finance the acquisition, rehabilitation and conversion of the Tower Press Building located at 1900 Superior Avenue, Cleveland, Ohio, into affordable live/work space low-income rental units.

Section 2. That the terms of said contract shall comply with the requirements of the Neighborhood Development Investment Program and NDIF, as set forth in Section 1 of Ordinance No. 56-94, passed June 13, 1994, and shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 863-2000-A.

Section 3. That the cost of said contract shall not exceed Two Million Dollars (\$2,000,000.00), and shall be paid from Fund No. 10 SF 501, Request No. 20693.

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

Section 5. That the Directors of Economic Development and Community Development are hereby authorized to accept monies in repayment of such loan and to deposit said monies in Fund No. 10 SF 502.

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

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

Section 8. That, prior to entering into any contract authorized herein, the Director of Finance is required and hereby directed to certify that said contract is in compliance with the provision of Section 1 of Ordinance No. 56-94 regarding the use of such funds for constructing and/or rehabilitation of housing units within the City, and to certify that unappropriated funds equal to the contract amount set forth in Section 3 of this ordinance have been collected by the City and are available to be allocated to such contract.

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

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

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
Situating 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
Situating 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
Situating 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.

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

Ord. No. 865-2000.
By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to expend Economic Development Initiative Grant and Title XX Grant funds for administration of the Empowerment Zone Program, as amended; and to enter into all contracts and related documents with Fairfax Renaissance Development Corporation, Glenville Development Corporation, Hough Area Partners in Progress, and MidTown Cleveland, for implementation of the Empowerment Zone Program, as amended.

Whereas, this ordinance constitutes an emergency measure providing for 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 and execute all contracts and all necessary documents with Fairfax Renaissance Development Corporation, Glenville Development Corporation, Hough Area Partners in Progress, and MidTown Cleveland, in the aggregate sum of \$2,240,000, for the purpose of implementing the Empowerment Zone Program, as amended.

Section 2. That the Director of Economic Development is hereby authorized to expend Economic Development Initiative Grant and Title XX Grant funds for administration of the Program.

Section 3. That the aggregate costs of contracts and expenditures authorized by this ordinance shall not exceed Three Million Five Hundred Seventy-Six Thousand Eight Hundred Dollars (\$3,576,800), and shall be paid from Fund Nos. 18 SF 005, 18 SF 006 and 18 SF 008, Request No. 13107.

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 Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 866-2000.
By Councilmen Melena, White and Patmon (by departmental request).
An emergency ordinance authorizing the directors of Economic Development and Personnel and Human Resources to enter into contracts with various agencies for the implementation of the Empowerment Zone Labor Force Development Program.

Whereas, the City of Cleveland has received an Economic Development Initiative Grant from the United States Department of HUD to fund Labor Force Development programs for Empowerment Zone residents; 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 Directors of Economic Development and Personnel and Human Resources are authorized to enter into one or more contracts with various non-profit, for profit and public agencies selected by said Directors in accordance with the HUD approved Citizen Participation Process for the Empowerment Zone for the implementation of a comprehensive Labor Force Development Program such contracts to provide job training, job placement child care support, legal services support, transportation support, career assessments, testing, education, and other related services.

Section 2. That the total cost of all contracts shall not exceed \$2,672,378.00 and shall be paid from Fund No. 18 SF 007, Request No. 13105.

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

Referred to Directors of Economic Development, Personnel and Human Resources, Finance, Law; Committees on Community and Economic Development, Employment, Affirmative Action and Training, Finance.

Ord. No. 867-2000.
By Councilmen Cimperman, Lewis, Patmon, Willis, Cintron and Melena (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into Tax Increment Financing Agreements with various property owners to provide for service payments for the purpose of repayment of the revenue bonds to be issued for the purpose of assisting with the financing of public improvements on Superior Avenue; to provide for payments to the Cleveland City School District, and to declare certain improvements to real property to be a public purpose; authorizing the Director of Public Service to accept bids to enter into a contract to construct said public improvements; and apply and accept grants to partially pay for such improvements.

Whereas, pursuant to Section 5709.40 of the Ohio Revised Code, improvements to real property may be

declared by municipal ordinance to be a public purpose where such real property is located in the City; and

Whereas, pursuant to Section 5709.40 of the Ohio Revised Code, such improvements so declared to be a public purpose may be exempt from real property taxation; and

Whereas, pursuant to Section 5709.42 of the Ohio Revised Code, the owners of such improvements may be required to make annual service payments in lieu of taxes that would have been paid had such improvements not been exempt; and

Whereas, pursuant to Section 5709.40 of the Ohio Revised Code, said exemption may exceed 75% of such improvements for up to thirty (30) years when a portion of the service payments so collected are distributed to the Cleveland City School District ("the District") in an amount equal to the amount the District would have received had the improvements not been exempt; and

Whereas, the City desires to make public streetscape improvements on Superior Avenue between East 17th and East 30th Streets; and

Whereas, the Cleveland City School District has been notified of the intent to enter into the Tax Increment financing agreements authorized herein, in compliance with Sections 5709.40 and 5709.83 of the Ohio Revised Code; and

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

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

Section 1. That the improvements to be constructed (the "Improvements"), on the following non-residential real property, are hereby declared to be a public purpose, for purposes of Section 5709.40 and 5709.42 of the Ohio Revised Code: 102-15-021 through 102-25-023, 102-15-026, 102-15-028 through 102-15-033, 102-15-035 through 102-15-037, 102-15-040 through 102-15-053, 102-15-055, 102-16-031 through 102-16-041, 102-17-012 through 102-17-014, 102-24-001 through 102-24-014, 102-24-016 through 102-24-017, 102-24-020 through 102-24-022, 102-25-001 through 102-25-007, 102-25-015 through 102-25-018, 102-25-022 through 102-25-032, 102-25-034 through 102-25-035, 102-25-037, 102-25-039 through 102-25-040, 102-25-043 through 102-25-044, 102-25-046, 102-26-001 through 102-26-009, 102-26-015 through 102-26-026, 102-26-031 through 102-26-035, 102-26-038 through 102-26-039, 102-27-004 through 102-26-005.

Section 2. That one hundred percent (100%) of the Improvements are hereby declared exempt from real property taxation for a period of thirty (30) years; and that in no event shall the exemption period extend beyond December 31, 2030.

Section 3. That, pursuant to Section 5709.42 of the Ohio Revised Code, the owner or owners of the Improvements shall make service payments for a period of thirty (30) years, or such other period necessary to redeem the bonds described in Section 6 of this Ordinance, in lieu of said exempt taxes to the Cuyahoga County Treasurer; said payments shall be charged and collected in the same manner, and in the same amount as the real property taxes that would have been paid, had the Improvements not been exempt from taxation.

Section 4. That pursuant to Section 5709.43 of the Ohio Revised Code there is hereby established a Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund").

Section 5. That a portion of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvements not been exempt from taxation.

Section 6. That the balance of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the City of Cleveland and deposited in the Fund created by Section 4 herein to pay the principal (whether at maturity or by prior redemption) of, and interest on revenue bonds issued by the City, pursuant to additional, appropriate legislation of this Council, or other appropriate governmental issuer to finance a portion of the costs of the public improvements, and the costs attributable to the sale of the Bonds, inclusive of attorneys' fees, appraisals and other similar fees and any facility to reduce the interests rates; funds deposited in the fund may also be used to maintain the public improvements defined in Section 8 below.

Section 7. That the Director of Economic Development is hereby authorized to enter into an agreement or agreements with the parcel owners to provide for the exemption and service payments described herein, including agreements securing the payments described in Section 3 of this Ordinance, and such other terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest; and to enter into such other agreement or agreements with such other appropriate governmental issuer, necessary and appropriate to issue and redeem the bonds described in Section 6 of this Ordinance, which agreement or agreements shall contain those terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest.

Section 8. That it is hereby determined to make certain public improvements to that portion of Superior Avenue between East 17th Street and East 30th Street, including but not limited to sidewalks, curbs, landscaping, brick splashstrips, traffic signals, and a traffic median ("Public Improvements") and finding that said Public Improvements directly benefit the parcels delineated in Section 1 herein pursuant to Ohio Revised Code Section 5709.40(D); said Public Improvements may be constructed in two phases, the first phase being between East 17th Street and East 24th Street and the second phase being between East 24th Street and East 30th Street.

Section 9. That the Director of Public Service is hereby authorized to accept bids for and enter into contracts in order to construct the Public Improvements, which contracts are to be paid from proceeds of the bond sale described in Section 6 above, grants described in Section 10 below, and the City's FY2000 Gen-

eral Obligation issuance to be approved by Council.

Section 10. That the Directors of Economic Development and Public Service are hereby authorized to apply for and accept grants from various sources, including but not limited to various foundations, the Ohio Department of Development ("ODOD"), the Ohio Department of Transportation ("ODOT") and the Northeast Ohio Area-wide coordinating Agency ("NOACA"); the proceeds of any such grants are hereby appropriated for the Public Improvements.

Section 11. That the Directors of Economic Development, Public Service and Law are hereby authorized to enter into such agreements as may be deemed necessary and appropriate to affect the various authorizations granted herein including, but not limited to, a LPA agreement with ODOT, and an agreement with the Cuyahoga County Treasurer regarding distribution of the service payments as described in Sections 5 and 6.

Section 12. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

Section 13. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 868-2000.

**By Councilmen Cimperman and Patmon (by departmental request).
An emergency ordinance authorizing the Director of the City Planning Commission to apply for and accept a grant from the Federal Highway Administration for the Scenic Byways 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 the City Planning Commission is hereby authorized to apply for and accept a grant in the amount of \$280,000, from the Federal Highway Administration, to conduct the Scenic Byways Program, for the purposes set forth in the project summary and according thereto; that the Director of the City Planning Commission is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the project summary for said grant.

Section 2. That the project summary for said grant, File No. 868-

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.

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

Ord. No. 869-2000.

By Councilmen Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the Director of the City Planning Commission to apply for and accept a grant from the Federal Highway Administration for the TCSP 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 the City Planning Commission is hereby authorized to apply for and accept a grant in the amount of \$259,000.00, from the Federal Highway Administration, to conduct the TCSP Program, for the purposes set forth in the program description and according thereto; that the Director of the City Planning Commission is hereby authorized to file all papers and execute all documents necessary to receive the funds under said 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. 869-2000-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.

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

Ord. No. 870-2000.

By Councilmen Cimperman and Patmon (by departmental request).

An emergency ordinance approving additional amendments to the Euclid-Prospect Area Community Development Plan.

Whereas, pursuant to Ordinance No. 2606-81, passed December 14, 1981, this Council approved the Euclid Prospect Area Community Development Plan for the Plan Area designated and described in such Community Development Plan, and by Ordinance Nos. 1766-87, passed November 16, 1987, and 2317-92, passed December 14, 1992, adopted certain amendments to said Community Development Plan, and which

Plan contemplated certain activities and treatment for the elimination of conditions of blight and deterioration, and for the prevention of recurrence thereof within said Community Development Plan Area; and

Whereas, the City Planning Commission has adopted amendments to the Euclid Prospect Area Community Development Plan; and

Whereas, pursuant to notice duly given, the City Planning Commission held a public hearing on the amendments to the Euclid Prospect Area Community Development Plan, and has approved such Plan as amended; and

Whereas, the document entitled "Euclid Prospect Area Community Development Plan, as amended," dated December 1992, and the City Planning Commission findings and related materials have been presented to this Council, and are set forth in File No. 870-2000-A, and oral reports and testimony thereon have been presented by City staff and Council has been apprised of the facts, conditions, structural deficiencies, and blighting influences pertaining to the amended Plan Area, including the existence of a majority of structures therein which because of structural deficiencies by reason of age, deterioration, dilapidation, or obsolescence, or non-conformance with modern code requirements relating to building, or fire protection, or of existing conditions therein endangering life and property by fire or other causes, and because of the existence in such amended Plan Area of other conditions which are detrimental to the public health, safety, morals, and general welfare; and

Whereas, for the foregoing reasons, Council has determined that the Plan for the Plan Area, and the implementation of the measures therein set forth will be in the best interests of the citizens of the City and will provide for the general health, safety, and welfare of the City; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of public property, health, and safety in that approval of the Plan Amendments is necessary in order that steps can be immediately undertaken to eliminate conditions of blight and deterioration in the amended Plan Area; now, therefore,

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

Section 1. That, based upon the facts and conditions concerning blight and deterioration, it is hereby found and determined that the Euclid Prospect Area Community Development is amended in the respects set forth in the above-mentioned file, which amendments include without limitation, an updating of the Plan and an amendment to the Land Use Restrictions thereof.

Section 2. That this Council hereby finds that the public actions and policies proposed and contemplated by the amendments to the Euclid Prospect Area Community Development Plan are necessary and appropriate in order to eliminate the conditions of blight and deterioration, and prevent the recurrence therein the Plan Area; and it is hereby found and determined that the Plan, as amended, conforms to and is in compliance with the applicable pro-

visions of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 3. That it is hereby found and determined that the Plan as amended will afford maximum opportunity consistent with the sound needs of the City as a whole for redevelopment of the Plan Area and that the Plan as amended gives due consideration to the provision of adequate open space, park and recreational areas appropriate to the area and that the Plan is in conformity with the general Plan of the City and the workable program for community improvements of the City.

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 871-2000.

By Councilman Britt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Ward 6 Multi-Cultural Community Festival to stretch one banner at Woodland Avenue using a utility pole (by separate permission) for the period of July 12, 2000 to August 13, 2000, inclusive publicizing their annual festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Ward 6 Multi-Cultural Community Festival, 2450 MLK Jr. Drive, (at the corner of Woodstock Avenue), Cleveland, Ohio 44104, to install, maintain and remove one (1) banner to be stretched on a Cleveland Public Power utility pole, (by separate permission) publicizing their annual festival, for the period of July 12, 2000 to August 13, 2000, inclusive, on the following pole location: Woodland Avenue on Pole E14-192, and which banner shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner, and said banner shall be removed promptly upon the expiration of said permit.

Section 2. That this ordinance is hereby declared to be an emergency

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 872-2000.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Slavic Village Development Corporation for a senior citizen tree and yard maintenance program through the use of Ward 13 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Slavic Village Development Corporation for a senior citizen tree and yard maintenance program.

Section 2. That the costs of said contract shall be in an amount not to exceed \$30,000 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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 873-2000.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for a Foot Race, on Saturday, May 27, 2000, sponsored by FM 92.3 and Hermes Race Systems in conjunction with the National Rib Cook-off.

Whereas, this ordinance constitutes an emergency measure providing for 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 Foot Race sponsored by FM 92.3 and Hermes Race Systems in conjunction with the

National Rib Cook-off, on Saturday, May 27, 2000, with the participants beginning the foot race at Burke Lakefront Airport loop to North Marginal east to East 55th Street turn around and return the same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 874-2000.

By Councilman Patmon.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with FAMICOS for the Glenville Safezone program and the renovation of the Rockefeller Park and Cultural Gardens through the use of Ward 8 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 FAMICOS for the Glenville Safezone program and the renovation of the Rockefeller Park and Cultural Gardens.

Section 2. That the costs of said contract shall be in an amount not to exceed \$6,800 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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 875-2000.**By Councilman Cimperman.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Immaculate Conception Church for lighting improvements to the church towers, a historic landmark through the use of Ward 13 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Immaculate Conception Church for lighting improvements to the church towers, a historic landmark.

Section 2. That the costs of said contract shall be in an amount not to exceed \$10,000 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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 876-2000.**By Councilman Patmon.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with FAMICOS for assistance with the neighborhood office accommodations for the Cuyahoga County Prosecutor's Office through the use of Ward 8 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 FAMICOS for assistance with the neighborhood office accommodations for the Cuyahoga County Prosecutor's Office.

Section 2. That the costs of said contract shall be in an amount not to exceed \$10,000 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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 877-2000.**By Councilman Sweeney.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Bellaire-Puritas Development Corporation for additional support of the Safety Patrol program through the use of Ward 20 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 Bellaire-Puritas Development Corporation for additional support of the Safety Patrol program.

Section 2. That the costs of said contract shall be in an amount not to exceed \$40,000 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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 878-2000.**By Councilman Jackson.**

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Total Learning Center, Infant Child Care, Inc. for assistance with start-up costs for the day care facility, located at 3868 Carnegie Avenue 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 Economic Development is authorized

to enter into an agreement with Total Learning Center, Infant & Child Care, Inc. for assistance with start-up costs for the day care facility, located at 3868 Carnegie Avenue.

Section 2. That the costs of said contract shall be in an amount not to exceed \$10,000 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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 879-2000.**By Councilman Sweeney (by departmental request).**

An emergency resolution declaring the necessity and intention to appropriate properties located on Midvale Avenue and Springdale Avenue for public use for the municipal purpose of construction of a public right-of-way.

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that construction of a public right-of-way will benefit all citizens; now, therefore,

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

Section 1. That for the municipal purpose of construction of a public right-of-way, it is necessary to appropriate in fee simple interest and this Council hereby declares its intent to appropriate the fee simple interest in and to the following described property:

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 Finance is hereby authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession or having an interest of record in the above-mentioned premises, and such notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 880-2000.

By Councilman Cintron.

An emergency resolution withdrawing objecting to the stock transfer of a D5 Liquor Permit to 3194 West 25th Street, 1st Fl. & Bsmt., and repealing Res. 2133-99 objecting to said stock transfer.

Whereas, this Council objected to the stock transfer of a D5 Liquor Permit to 3194 West 25 Street, 1st Fl. & Bsmt., by Res. No. 2133-99, adopted by Council December 6, 1999; 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 Liquor Permit to 3194 West 25th Street, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 2133-99, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 881-2000.

By Councilman Cimperman.

An emergency resolution urging the Department of Public Service to establish a tire recycling program.

Whereas, discarded tires are an unsightly nuisance throughout the City of Cleveland, presenting both a health hazard and a situation that deteriorates property values; and

Whereas, the Council of the City of Cleveland urges the Director of the Department of Public Service to establish a recycling program for tires, wherein residents of the City would receive \$1.00 in exchange for each used tire that is returned to the Department of Public Service; and

Whereas, the Department of Public Service could recycle such tires, thereby minimizing debris in the City and providing a program that is of benefit to the environment; and

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

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

Section 1. That the Director of the Department of Public Service is urged to establish a recycling program for used tires, wherein residents of the City of Cleveland would receive \$1.00 for each used tire that is returned to the Department of Public Service for recycling by that department, and that such program should be established in the amount of \$1 million annually.

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 20. Nays 0. Read second time. Read

third time in full. Adopted. Yeas 20. Nays 0.

SECOND READING EMERGENCY ORDINANCES

Ord. No. 172-2000.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Neighborhood Centers Association to implement educational, recreational and cultural programs in various school buildings during evening hours.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation, Finance.

Ord. No. 419-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Cleveland Building and Construction Trades Council.

Approved by Directors of Personnel and Human Resources, Finance, Law; Recommended by Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 420-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Ohio Patrolmen's Benevolent Association.

Approved by Directors of Personnel and Human Resources, Finance, Law; Recommended by Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 421-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance approving the collective bargaining agreement with S.E.M.E., Local 1.

Approved by Directors of Personnel and Human Resources, Finance, Law; Recommended by Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 423-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Treasurers and Ticket Sellers, Local 756.

Approved by Directors of Personnel and Human Resources, Finance, Law; Recommended by Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 515-2000.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, to enter into contract with Lockheed Information Management Services Company for professional services necessary to process, collect and enforce parking infraction tickets, for the Clerk of Courts, for a period of two years, with two two year options to renew.

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

1. In the title, lines 2 and 3, strike "Director of Finance, on behalf of the".

2. In Section 1, line 1, strike "Director of Finance, on behalf of the" and insert in lieu thereof "the Clerk of the".

3. In Section 1, line 9, after "Director," insert the following new sentence: "No option to renew the contract shall be exercised unless this Council first authorizes that action through additional legislative authority. This shall be stated in the contract authorized by this ordinance."

Amendments agreed to.

Ord. No. 516-2000.

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 treelawns and landscape maintenance, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

1. In the title, line 6, strike "Division of Water, Department of Public Utilities for a period not to exceed two years." and insert in lieu thereof, "Divisions of Water, Water Pollution Control and Cleveland Public Power, for a period not to exceed one year."

2. In Section 1, line 8, strike "Division of Water, Department of Public Utilities for a period not to exceed two years." and insert in lieu thereof, "Divisions of Water, Water Pollution Control and Cleveland Public Power, for a period not to exceed one year. This contract is for the exclusive use the divisions of the Public Utilities Department in connection with the work of those divisions, and shall not be used by any other City departments or divisions."

3. In Section 1, line 4, and in Section 1, lines 12 and 13, strike "two years" and insert in lieu thereof "one year".

4. In Section 2, line 7, after "Finance," insert "All expenditures under the contract authorized herein shall not exceed \$932,500.00."

5. Insert new Section 3 to read as follows:

"Section 3. That the contract authorized herein shall not be amended, extended or altered without City Council approval."

6. Renumber existing Section 3 as new "Section 4".

Amendments agreed to.

Ord. No. 657-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept allocations of grants from the State of Ohio Bureau of Employment Services under the Workforce Investment Act, Title I and to appropriate funds to provide for administration of the Workforce Investment Act Programs by the Department of Personnel and Human Resources.

Approved by Directors of Personnel and Human Resources, Finance, Law; Recommended by Committees on Employment, Affirmative Action

and Training, Finance; when amended as follows:

1. In the title, at the end, strike the period and insert the following: "; and authorizing said Director to enter into contract with the Cleveland Municipal School District and the Cleveland Initiative for Education to provide youth service under the PY 2000 Workforce Investment Act, Title I."

2. Insert a new Sections 3, 4 and 5, respectively, as follows:

"Section 3. That the Director of Personnel and Human Resources is authorized to enter into contract with the Cleveland Municipal School District for the delivery of youth services under the PY 2000 Workforce Investment Act, Title I, in an amount not to exceed \$1,850,000.00.

Section 4. That the Director of Personnel and Human Resources is authorized to enter into contract with the Cleveland Initiative for Education for the delivery of youth services under the PY 2000 Workforce Investment Act, Title I, in an amount not to exceed \$225,000.00.

Section 5. That the cost of the contracts authorized above shall be paid from Fund No. 16 SF 200, Request Nos. 15417 and 15418."

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

Amendments agreed to.

Ord. No. 658-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Ceridian Benefits Services (formerly Applied Benefits Research, Inc. dba COBRASERV) for professional services necessary to administer the City's COBRA program for the Department of Personnel and Human Resources, for a period of one year, with a one-year option to renew.

Approved by Directors of Personnel and Human Resources, Finance, Law; Recommended by Committees on Employment, Affirmative Action and Training, Finance.

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 321-2000.

By Councilmen Dolan and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into an amendment with American Airlines, Inc., City Contract No. 31083 to provide for the deletion of certain space from the Lease, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 331-2000.

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 provide labor and materials, including software, necessary for evaluation, implementation and maintenance of the CMMS work order system.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 411-2000.

By Mayor White.

An emergency ordinance authorizing the purchase by requirement contract of labor and materials needed to repair and service Oshkosh broom trucks for the various divisions of the Department of Port Control.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 413-2000.

By Mayor White.

An emergency ordinance authorizing the purchase by requirement contract of new or refurbished seating for the terminal areas of the various divisions of the Department of Port Control.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 414-2000.

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 combination sewer and catch basin cleaners, including appurtenances, for the Division of Water Pollution Control, Department of Public Utilities, for a period not to exceed two years.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 517-2000.

By Councilmen Dolan and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of equipment, materials and supplies necessary for safety and environmental monitoring, including labor and maintenance, if necessary, for the various divisions of Port Control.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 591-2000.

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

An emergency ordinance authorizing the purchase by contract of not to exceed four bronze impellers, one pattern, not to exceed eight impeller rings and not to exceed eight case rings, for the Division of Water, Department of Public Utilities.

Read third time. Passed. Yeas 20. Nays 0.

MOTION

By Councilman Sweeney and seconded by Councilman Britt and unanimously carried that the absence of Councilman Craig E. Willis be and is hereby authorized.

MOTION

The Council adjourned at 8:30 p.m. to meet on Monday, May 22, 2000, at 7:00 p.m. in the Council Chambers.



First Assistant Clerk of Council

THE CALENDAR

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

ORDINANCES

Ord. No. 172-2000.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Neighborhood Centers Association to implement educational, recreational and cultural programs in various school buildings during evening hours.

Ord. No. 419-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Cleveland Building and Construction Trades Council.

Ord. No. 420-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Ohio Patrolmen's Benevolent Association.

Ord. No. 421-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance approving the collective bargaining agreement with S.E.M.E., Local 1.

Ord. No. 423-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Treasurers and Ticket Sellers, Local 756.

Ord. No. 515-2000.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the Clerk of the Cleveland Municipal Court, to enter into contract with Lockheed Information Management Services Company for professional services necessary to process, collect and enforce parking infraction tickets, for the Clerk of Courts, for a period of two years, with two two year options to renew.

Whereas, division (d) of Section 459.03 of the Codified Ordinances of Cleveland, Ohio, 1976, provides that the Clerk of the Cleveland Municipal Court shall have authority, subject to the approval of the City

Council, to contract with any non-governmental entity to provide services in processing, collecting and enforcing parking infraction tickets and judgments; 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 the Clerk of the Cleveland Municipal Court, is hereby authorized to enter into contract with Lockheed Information Management Services Company for professional services necessary to process, collect and enforce parking infraction tickets on the basis of its proposal dated December 8, 1999. The contract shall commence June 1, 2000, and shall have a term of two years, with two (2) options exercisable by the Director of Finance, to renew for additional two-year terms, and cancellable upon thirty days' written notice by said Director. **No option to renew the contract shall be exercised unless this Council first authorizes that action through additional legislative authority. This shall be stated in the contract authorized by this ordinance.** The contract herein authorized shall be prepared by the Director of Law and shall be approved by him prior to its execution by the Clerk of the Cleveland Municipal Court. The contract shall state that it is subject to the validity of Chapter 4521 of the Ohio Revised Code and Chapter 459 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 2. That the compensation to be paid for such processing services shall be paid from Fund No. 01-011601-632000, Request No. 7998.

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. 516-2000.

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 treelawns and landscape maintenance, for the **Divisions of Water, Water Pollution Control and Cleveland Public Power, 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 repair treelawns and landscape maintenance, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the **Divisions of Water, Water Pollution Control and Cleveland Public Power, for a period not to exceed one year. This contract is for the exclusive use the divisions of the Public Utilities Department in connection with the work of those divisions, and shall not be used by any other City departments or divisions.** Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than **one year** may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. **All expenditures under the contract authorized herein shall not exceed \$932,500.00.** (RL 18748)

Section 3. That the contract authorized herein shall not be amended, extended or altered without City Council approval.

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. 657-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept allocations of grants from the State of Ohio Bureau of Employment Services under the Workforce Investment Act, Title I and to appropriate funds to provide for administration of the Workforce Investment Act Programs by the Department of Personnel and Human Resources; **and authorizing said Director to enter into contract with the Cleveland Municipal School District and the Cleveland Initiative for Education to provide youth service under the PY 2000 Workforce Investment Act, Title I.**

Whereas, the Workforce Investment Act of 1998, Public Law 105-220 ("WIA"), the purpose of which is to ". . . provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation"; and

Whereas, in accordance with the WIA, the Governor of the State of Ohio has designated Ohio Workforce Areas for the WIA throughout Ohio and the Governor has designated the geographic boundaries of the City of Cleveland ("City") as Ohio Workforce Area (OWA) No. 3; and

Whereas, in accordance with the agreement required by the WIA and approved by the Governor, for the WIA Program Year ("PY") 2000 for the period of July 1, 1998 through June 30, 2000, between the Chairman of the Private Industry Council of Cleveland (PICC) and the City, the City has been designated the WIA grant recipient; administrative entity; and OWA No. 3; and

Whereas, the Secretary of the United States Department of Labor has issued allotments of the WIA funds to the Ohio Bureau of Employment Services which has issued allocations under WIA Title I to the City for PY 2000 subject to the approval of the Local Workforce Investment Plan; 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 Personnel and Human Resources is hereby authorized to accept the following allocations of grants from the State of Ohio Bureau of Employment Services under the WIA, Title I — Workforce Investment Systems for the delivery of allowable program services to eligible individuals, and to credit said grants to the fund and subfunds designated herein:

GRANT NAME	FUND	AMOUNT
Youth Activities	16 SF 200	\$ 5,404,553.00
Adult Employment and Training	16 SF 200	\$ 5,242,218.00
Dislocated Worker Employment and Training	16 SF 200	\$ 1,767,958.00
	TOTAL	\$12,414,829.00

The Director of Personnel and Human Resources is hereby authorized to file all papers and execute all documents necessary to accept and receive the funds under said grants.

Section 2. That the following sums from each grant specified in Section 1 herein are hereby appropriated as follows to provide for administration of the WIA programs:

A. Youth Activities		
Personnel and Related Expenses		\$ 1,080,931.00
Other Expenses		\$ 4,323,722.00
	Total	\$ 5,404,653.00
B. Adult Employment and Training		
Personnel and Related Expenses		\$ 1,048,444.00
Other Expenses		\$ 4,193,774.00
	Total	\$ 5,242,218.00
C. Dislocated Worker Employment and Training		
Personnel and Related Expenses		\$ 353,592.00
Other Expenses		\$ 1,414,366.00
	Total	\$ 1,767,958.00
	TOTAL	\$12,414,829.00

Section 3. That the Director of Personnel and Human Resources is authorized to enter into contract with the Cleveland Municipal School District for the delivery of youth services under the PY 2000 Workforce Investment Act, Title I, in an amount not to exceed \$1,850,000.00.

Section 4. That the Director of Personnel and Human Resources is authorized to enter into contract with the Cleveland Initiative for Education for the delivery of youth services under the PY 2000 Workforce Investment Act, Title I, in an amount not to exceed \$225,000.00.

Section 5. That the cost of the contracts authorized above shall be paid from Fund No. 16 SF 200, Request Nos. 15417 and 15418.

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. 658-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Ceridian Benefits Services (formerly Applied Benefits Research, Inc. dba COBRASERV) for professional services necessary to administer the City's COBRA program for the Department of Personnel and Human Resources, for a period of one year, with a one-year option to renew.

BOARD OF CONTROL

May 10, 2000

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 10, 2000, at 11:00 a.m. with Mayor White presiding.

Present: Mayor White, Directors Carter, Brooks, Konicek, Acting Director Balraj, Directors Ricchiuto, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

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

On motion, the following resolutions were adopted.

Resolution No. 322-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1081-99, passed by the Council of the City of Cleveland on June 14, 1999, Camp Dresser-McKee, Inc., is hereby selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities, as the firm to be

employed by contract to perform the design of Kerruish Park Stormwater Management project, for the Division of Water Pollution Control, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a contract with Camp Dresser & McKee based upon its proposal dated January 31, 2000, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as contained in said proposal, for an aggregate fee not in excess of \$360,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Camp Dresser & McKee for the above mentioned professional service is hereby approved:

**SUBCONTRACTORS
WORK — MBE-FBE**

Water Resources and Coastal
Engineering
\$40,000 — FBE

Dodson Stilson, Inc.
\$50,000 — MBE

Ralph C. Tyler, P.E., P.S., Inc.
\$30,000 — MBE

Yeas: Mayor White, Directors
Carter, Brooks, Konicek, Acting
Director Balraj, Directors Ricchiuto,
Guzman, Jackson, Hudecek, Patter-
son, Warren, Acting Director
Alexander.

Nays: None.

Absent: Director Whitlow.

Resolution No. 323-00.

By Director Sheffield-McClain.

Whereas, pursuant to the authori-
ty of Ordinance No. 1268-97, passed
by the Council of the City of Cleve-
land on April 8, 1998, Board of Con-
trol Resolution No. 167-00, adopted
on March 22, 2000 and Board of Con-
trol Resolution No. 272-00, adopted
on April 26, 2000, the Director of
Port Control is authorized to enter
into an Agreement with Morrison
Knudsen Corporation ("Consultant")
to provide professional engineering
services for the design of a redun-
dant electrical utility source to
insure uninterrupted electrical
power; and

Whereas, Consultant's Fee Pro-
posal, referenced in Resolution No.
167-00 as dated October 17, 1999, is
actually dated October 7, 1999; and

Whereas, Resolution No. 272-00
added certain optional and addition-
al services in the amount of
\$160,000.00; and

Whereas, the actual cost of the
optional and additional services is
\$189,600.00; now, therefore,

Be it resolved by the Board of
Control of the City of Cleveland
that Resolution No. 167-00, adopted
March 22, 2000 as amended by Res-
olution No. 272-00, adopted April 26,
2000 authorizing the Director of
Port Control to enter into an Agree-
ment with Consultant is hereby fur-
ther amended to change Consul-
tant's Fee Proposal date to October
7, 1999, and to correct the amount
of optional and additional services
from One Hundred Sixty Thousand
Dollars (\$160,000.00) to One Hun-
dred Eighty Nine Thousand Six
Hundred Dollars (\$189,600.00) there-
by increasing the total contract
amount from not to exceed Five
Hundred Fifty Five Thousand Eight
Hundred Dollars (\$555,800.00) to an
amount not to exceed Five Hundred
Eighty Five Thousand Four Hun-
dred Dollars (\$585,400.00).

Be it further resolved that all
other terms of said Resolution Nos.
167-00 and 272-00 not expressly
amended hereby shall remain
unchanged and in full force and
effect.

Yeas: Mayor White, Directors
Carter, Brooks, Konicek, Acting
Director Balraj, Directors Ricchiuto,
Guzman, Jackson, Hudecek, Patter-
son, Warren, Acting Director
Alexander.

Nays: None.

Absent: Director Whitlow.

Resolution No. 324-00.

By Director Sheffield-McClain.

Whereas, Our Lady of The Way-
side wishes to promote and conduct
the Great American Rib Cook Off
(the "Event") at Burke Lakefront
Airport (the "Airport") between May
25, 2000 and May 29, 2000.

Whereas, the City is willing to
grant Our Lady of The Wayside the
privilege, permit and license to pro-
mote and conduct the Event at the
Airport; now, therefore,

Be it resolved by the Board of
Control of the City of Cleveland that
pursuant to Section 183.04 of the
Codified Ordinances of Cleveland,
Ohio 1976, the Director of the
Department of Port Control is here-
by authorized to enter into a con-
cession agreement (the "Agree-
ment") granting Our Lady of The
Wayside the privilege, permit and
license to promote and conduct the
Event in the parking facility of the
Burke Lakefront Airport between
May 25, 2000 and May 29, 2000 and
to use and occupy the area for such
period of time before the Event as
necessary for preparation. Our Lady
of The Wayside shall pay the City
a guaranteed minimum concession
fee in the amount of \$3,000 or twelve
and four-tenths percent (12.4%) of
total ticket sales, whichever is
greater, but in no case more than
\$12,000, for use of the parking fac-
ility.

Be it further resolved that the
Agreement authorized hereby shall
be prepared by the Director of Law
and shall contain such other provi-
sions as the Director deems neces-
sary to benefit and protect the pub-
lic interest.

Yeas: Mayor White, Directors
Carter, Brooks, Konicek, Acting
Director Balraj, Directors Ricchiuto,
Guzman, Jackson, Hudecek, Patter-
son, Warren, Acting Director
Alexander.

Nays: None.

Absent: Director Whitlow.

Resolution No. 325-00.

By Director Sheffield-McClain.

Resolved, by the Board of Control
of the City of Cleveland that the bid
of Burns International Security Ser-
vices for an estimated quantity of
security guard services for the Var-
ious Divisions of the Department of
Port Control, for the period not to
exceed two (2) years, beginning
with the date of execution of a con-
tract received on the 11th day of
February, 2000, pursuant to the
authority of Ordinance No. 1744-99,
passed on December 6, 1999, which
on the basis of the estimated quan-
tity would amount to Eight Hundred
Seventy-Three Thousand Six Hun-
dred and 00/100 Dollars,
(\$873,600.00), is hereby affirmed and
approved as the lowest and best bid,
and the Director of Finance is here-
by requested to enter into a require-
ment contract for such goods and/or
services, which shall provide for the
immediate purchase as the initial
amount of such contract of the fol-
lowing:

Requisition No. 16118
which shall be certified against
such contract in the sum of One
Hundred Thirty Thousand and
00/100 Dollars (\$130,000.00).

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 Burns Internation-
al Security Services is hereby
approved:

Ran Security Service
MBE — \$249,600.00 — 39%

Yeas: Mayor White, Directors
Carter, Brooks, Konicek, Acting
Director Balraj, Directors Ricchiuto,
Guzman, Jackson, Hudecek, Patter-
son, Warren, Acting Director
Alexander.

Nays: None.

Absent: Director Whitlow.

Resolution No. 326-00.

By Director Sheffield-McClain.

Resolved, by the Board of Control
of the City of Cleveland that the
bid of Yardmaster, Inc. for an esti-
mated quantity of the rental of
labor and materials to maintain
and replace exterior site landscap-
ing for the various divisions of the
Department of Port Control, for the
period of two (2) years beginning
with the date of execution of a con-
tract received on the 13th day of
April, 2000, pursuant to the author-
ity of Ordinance No. 576-99, passed
June 7, 1999, which on the basis of
the estimated quantity would
amount to One Hundred Thirty-One
Thousand Nine Hundred Fifteen
and 00/100 Dollars, (\$131,915.00), is
hereby affirmed and approved as
the lowest and best bid, and the
Director of Port Control is hereby
requested to enter into a require-
ment contract for such goods
and/or services, which shall pro-
vide for the immediate purchase as
the initial amount of such contract
of the following:

Requisition No. 16131
which shall be certified against
such contract in the sum of Eighty
Thousand and 00/100 Dollars
(\$80,000.00).

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 Yardmaster Inc. is
hereby approved:

Neat Clean & Green
MBE — \$26,383.00 — 20%

Yeas: Mayor White, Directors
Carter, Brooks, Konicek, Acting
Director Balraj, Directors Ricchiuto,
Guzman, Jackson, Hudecek, Patter-
son, Warren, Acting Director
Alexander.

Nays: None.

Absent: Director Whitlow.

Resolution No. 327-00.

By Director Ricchiuto.

Whereas, pursuant to the authority of Ordinance No. 1161-94, passed by the Council of the City of Cleveland on July 20, 1994, and Resolution No. 569-94, adopted by this Board of Control on August 3, 1994, the City through its Director of Public Service, entered into Contract No. 48132 with McCoy Associates, Inc. (Engineer), for the purpose of supplementing the regularly employed staff of the several departments of the City in order to obtain professional engineering services required for the design and preparation of plans and specifications for the rehabilitation of Quincy Avenue bridge over G.C.R.T.A. and Norfolk Southern Railway Co., City bridge No. 4:029M; and

Whereas, pursuant to Resolution No. 574-97, adopted by this Board of Control on July 23, 1997, the City entered into a first modification to said Contract No. 48132 modifying and increasing the scope of services to include additional engineering services; and

Whereas, the City desires to modify further the scope of services to include the design of reconstruction of pier columns 2 and 4 and the crash wall; and

Whereas, Engineer has proposed in his letter dated April 20, 2000 to provide the additional engineering services mentioned above for an amount not to exceed \$8,737.30; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Service is hereby authorized to enter into a second modification to Contract No. 48132 with McCoy Associates, Inc. for the rehabilitation of Quincy Avenue Bridge over G.C.R.T.A. and Norfolk Southern Railway Co., City bridge No. 4:029M, for the additional engineering services required to design the reconstruction of pier columns 2 and 4 and the crash wall, on the basis of Engineer's proposal dated April 20, 2000. The compensation for the additional services shall not exceed a total of \$8,737.30, thereby increasing the total compensation under the agreement as modified from \$193,547.48 to \$202,284.78. The modification authorized hereby shall be prepared by the Director of Law and shall include such additional provision as said Director deems necessary to benefit and protect the public interest.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Acting Director Balraj, Directors Ricchiuto, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.

Absent: Director Whitlow.

Resolution No. 328-00.

By Director Jackson.

Resolved by the Board of Control of the City of Cleveland that the bid of Abbott Foods, Inc. for an estimated quantity of various food items (Bid 1: 1-28) (Bid 2: 29-202), for the Division of Recreation, Department of Parks, Recreation and Properties, for a period of one (1) year beginning with the date of execution of a contract received on the 3rd day of May, 2000, pursuant

to the authority of Ordinance No. 211-2000, passed April 10, 2000, which on the basis of the estimated quantity would amount to Seventy Six Thousand Two Hundred Fifty-Four and 51/100 Dollars, (\$76,254.51), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19113 which shall be certified against such contract in the sum of Twenty Five Thousand and 00/100 Dollars (\$25,000.00).

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

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Acting Director Balraj, Directors Ricchiuto, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.

Absent: Director Whitlow.

Resolution No. 329-00.

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Whitmer Company for an estimated quantity of Swimming Pool Chemicals (all items), for the Division of Recreation, Department of Parks, Recreation and Properties, for a period of one (1) year beginning with the date of execution of a contract received on the 3rd day of May, 2000, pursuant to the authority of Ordinance No. 171-2000, passed April 10, 2000 on the basis of the estimated quantity would amount to Thirty Nine Thousand Four Hundred and Two Dollars and 00/100, (\$39,402.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19112 which shall be certified against such contract in the sum of Thirty Thousand One Hundred Forty Dollars and 00/100 Dollars (\$30,140.00).

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

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Acting Director Balraj, Directors Ricchiuto, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.

Absent: Director Whitlow.

Resolution No. 330-00.

By Director Jackson.

Whereas, pursuant to Ordinance No. 321-99, passed by the Council of the City of Cleveland on March 29, 1999, the Director of Parks, Recreation and Properties entered into Contract No. 54423 with Parkworks to conduct a vacant lot maintenance program with City residents for a period of one year with one (1) option exercisable by the Director of Parks, Recreation and Properties to renew for an additional one-year term and cancelable upon thirty days' written notice under the same terms and conditions, with compensation to be fixed by the Board of Control and

Whereas, said Director has exercised the option to renew for an additional one (1) year term; now Therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 321-99, passed by the Cleveland City Council March 29, 1999, the compensation for services to be performed during the one (1) year renewal term of Contract No. 54423 with Parkworks for vacant lot maintenance is hereby fixed at 1.79 cents per square foot for a total not to exceed two hundred and twenty-seven thousand dollars (\$227,000) for the one year term.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Acting Director Balraj, Directors Ricchiuto, Guzman, Jackson, Hudecek, Patterson, Warren, Acting Director Alexander.

Nays: None.

Absent: Director Whitlow.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES**General Information**

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

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

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

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

ANNE BLOOMBERG,
President

CIVIL SERVICE NOTICE

ANNOUNCEMENT - 2000

Announcement No.	Classification
39	Bricklayer Unit Leader (Promo)
40	Commissioner of Information Systems Services (Non Comp)
41	Data Processing Supervisor (Open)
42	Fiscal Manager (Open)
43	Private Secretary to the Director (Open)
44	Receptionist-Dept. of Law (Open)
45	Senior Personnel Assistant

PROOF OF CITY RESIDENCY

Any applicant wishing to receive residency credit will be asked to show that he/she is a bona fide resident of the City of Cleveland. The following list gives examples of items that an applicant may present **at the time of filing**. The Civil Service Commission requires a minimum of three items from at least three **different** categories, where applicable. All items must be **current**. Please note that presentation of these items does not constitute conclusive proof of bona fide residency. Acceptable categories include, but are not limited to, the following:

- Lease - from rental agency.
- Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.
- Utility bills bearing the property address **and** your name.
- Post Office change of address form properly date stamped.
- Official documents relating to home ownership including deed, purchase agreement, or insurance policy.
- Bank statements (Within last three months).
- School registration of children.
- Car insurance documents.
- Car registration **or** Driver's License **or** Ohio I.D. (**One only**).
- Loans and credit card statements (Within last three months).
- Rental contracts (e.g.: furniture, tools, car, etc.).
- Current bills not listed above (Within last three months).
- The following are examples of **unacceptable** categories of proof:
- Library cards.
- Voter registration cards.
- Birth certificates.
- Notarized letters or affidavits.
- Social Security card.
- Rental receipts from independent party without cancelled checks or money order receipt.

APPROVED C.S.C. MINUTES ANNOUNCEMENT NO. 39

BRICKLAYER UNIT LEADER (Promotional)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of a promotional examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$26.14 to \$32.36 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE RECEIVED FOR ENTRANCE TO THE EXAMINATION FROM 8:30 A.M. ON MONDAY, MAY 22 UNTIL 4:30 P.M. ON FRIDAY, JUNE 2, 2000.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 2, 2000.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

DUTIES OF THE POSITION

Under general supervision, coordinates and inspects the work performed by bricklayers and laborers. Responds to customer complaints and concerns. Lays out work, schedules jobs, and orders materials for Division of Water craft workers.

Prepares project budgets and monitors expenditures. Maintains records of work time, materials, and equipment required for the work site. Supervises the painting of fire hydrants and repair of brick streets. Performs special assignments as directed. Performs other job-related duties as required.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

Applicant must have a High School Diploma or G.E.D.; Six years of experience as a Journeyman Bricklayer is required; A valid State of Ohio Driver's License is required. Applicant must currently be a Bricklayer with the City of Cleveland.

SENIORITY: Additional points are given to a passing grade on a Promotional Examination in compliance with the Ohio Revised Code and the Rules of the Civil Service Commission.

NOTE: All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications will not be accepted if copies are not submitted with application at time of filing. Civil Service Commission will make copies for a standard fee.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES ANNOUNCEMENT NO. 40

COMMISSIONER OF INFORMATION (Non Comp) SYSTEMS SERVICES

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of a non competitive examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$50,400.00 to \$119,764.25 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE RECEIVED FOR ENTRANCE TO THE EXAMINATION FROM 8:30 A.M. ON MONDAY, MAY 22 UNTIL 4:30 P.M. ON FRIDAY, JUNE 2, 2000.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 2, 2000.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's grade will be determined based on Education and Experience found in Resume.

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under administrative direction, oversees the planning, coordination and implementation of Information Systems' Services throughout the City. Assist city management in the development of information systems strategies. Makes recommendations regarding technology changes to departmental management. Oversees and directs the expansion of desktop computer applications and local area network. Implements information systems changes while maintaining current production levels. Integrates components of information technology to meet the City's information requirements. Supervises the development, performance, and production output of information systems task teams. Serves as an advocate of technology utilization within the City. Performs other job-related duties as required.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

Bachelor's Degree in Computer Science, Information Systems, Business/Public Administration or related field required; master's degree preferred; Seven (7) years of progressively responsible computer operations, network information systems, database design, or programming experience required, or any equivalent combination of education, training and experience which provides the requisite knowledge skills. A minimum of seven (7) years supervisory/management experience is required. Must possess strong analytical, problem solving, communication, and budgeting skills. Must Currently be employed as a Commissioner of Information Systems Services (T.A. Status) with the City of Cleveland.

NOTE: All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications will not be accepted if copies are not submitted with application at time of filing. Civil Service Commission will make copies for a standard fee.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 41

DATA PROCESSING SUPERVISOR (Open)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$20,231.40 to \$49,151.61 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE RECEIVED FOR ENTRANCE TO THE EXAMINATION FROM 8:30 A.M. ON MONDAY, MAY 22 UNTIL 4:30 P.M. ON FRIDAY, JUNE 2, 2000.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 2, 2000.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

DUTIES OF THE POSITION

Under direction, supervises data processing activities within a work

unit. Trains, or assists in training, data entry operators. Plans, schedules, and coordinates daily work assignments. Develops or modifies programs and reports as required. Maintains equipment in good working condition and orders supplies. Identifies and corrects errors in source documents. Performs other job-related duties as required.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

Applicant must have an Associate's Degree in Computer Science or related field is required (one (1) year of experience may substitute for each year of education lacking); three (3) years information systems operation and support experience (one (1) year of education may substitute for each year of experience lacking). A minimum of one (1) year supervisory experience is required. One year of experience in a mainframe and Client Server environment is preferred.

NOTE: Applicants will be required to pay a \$10.00 filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination.

NOTE: All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications will not be accepted if copies are not submitted with application at time of filing. Civil Service Commission will make copies for a standard fee.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

CIVIL SERVICE ANNOUNCEMENT

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 42

FISCAL MANAGER (Open)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$23,647.11 to \$69,122.40 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE**

RECEIVED FOR ENTRANCE TO THE EXAMINATION FROM 8:30 A.M. ON MONDAY, MAY 22 UNTIL 4:30 P.M. ON FRIDAY, JUNE 2, 2000.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 2, 2000.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

DUTIES OF THE POSITION

Under general direction, supervises, coordinates, and monitors fiscal operations of a City Division or Department. Prepares budget and financial statements. Performs other job-related duties as required.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

Applicant must have a Bachelor's Degree in Accounting, Business, or a related field. Five years of experience in an accounting related field is required. Two years supervisory experience (which may or may not be included in the five years accounting experience) is required.

NOTE: Applicants will be required to pay a \$10.00 filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination.

NOTE: All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications will not be accepted if copies are not submitted with application at time of filing. Civil Service Commission will make copies for a standard fee.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 43

PRIVATE SECRETARY TO THE DIRECTOR (Open)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$15,344.54 to \$38,856.36 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE RECEIVED FOR ENTRANCE TO THE EXAMINATION FROM 8:30 A.M. ON MONDAY, MAY 22 UNTIL 4:30 P.M. ON FRIDAY, JUNE 2, 2000.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 2, 2000.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

DUTIES OF THE POSITION

Under supervision, performs administrative support services for a department Director. Performs the more complex, confidential or specialized clerical duties of the office. Schedules meetings, appointments, and other arrangements. Attends meetings and takes notes, as required. Prepares and types correspondence. Performs general office tasks. Performs other job-related duties as required.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

Applicant must have an Associate's Degree in Business/Public Administration, Secretarial Science, or related field. Two (2) years secretarial experience may substitute for each year of education lacking; Three (3) years of full-time general administrative or executive level experience is required. Applicant should have good customer service skills.

NOTE: Applicants will be required to pay a \$10.00 filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination.

NOTE: All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications will not be accepted if copies are not submitted with application at time of filing. Civil Service Commission will make copies for a standard fee.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

**APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 44**

RECEPTIONIST — DEPARTMENT OF LAW (Open)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$6.06 to \$12.50 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE RECEIVED FOR ENTRANCE TO THE EXAMINATION FROM 8:30 A.M. ON MONDAY, MAY 22 UNTIL 4:30 P.M. ON FRIDAY, JUNE 2, 2000.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 2, 2000.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

DUTIES OF THE POSITION

Under general direction, to assist the public by providing information or redirection either by telephone or in person; to sort and distribute mail, to assist other staff members in their understanding of and possible resolution of visitors problems, and other related duties as required.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

Applicant must have a High School Diploma or G.E.D.; Two years of experience as a receptionist is required. One year of customer service may substitute for one year of receptionist experience lacking.

NOTE: Applicants will be required to pay a \$10.00 filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination.

NOTE: All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications will not be accepted if copies are not submitted with application at time of filing. Civil Service Commission will make copies for a standard fee.

NOTE: Those persons who are residents of the City of Cleveland and

who received passing scores shall have ten (10) additional points added to their grades. See accompanying list of acceptable forms of proof of residency applicants need to present at the time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

**APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 45**

SENIOR PERSONNEL ASSISTANT (Open)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$17,705.24 to \$40,991.00 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE RECEIVED FOR ENTRANCE TO THE EXAMINATION FROM 8:30 A.M. ON MONDAY, MAY 22 UNTIL 4:30 P.M. ON FRIDAY, JUNE 2, 2000.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 2, 2000.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

DUTIES OF THE POSITION

Under supervision, processes wage, benefit, and other personnel transactions. Tracks employee status changes and processes personnel information documents. Prepares, or assists in preparation of employee payroll reports and benefit forms. Maintains various personnel records and prepares periodic reports. Prepares written correspondence. Performs other job-related duties as required.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

High School Diploma or GED required. A minimum of five (5) years Administrative experience and a minimum of one (1) year experience in personnel wages and benefits; or any equivalent combination of education, training and experience which provides the requisite knowledge, skills, and abilities for this job. Working knowledge of Microsoft Office and general office equipment is also required.

NOTE: Applicants will be required to pay a \$10.00 filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination.

NOTE: All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications will not be accepted if copies are not submitted with application at time of filing. Civil Service Commission will make copies for a standard fee.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

ANNE BLOOMBERG,
President

May17, 2000

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

TUESDAY, MAY 30, 2000

9:30 A.M.

Eller Media Company, owner, appeals under the authority of Section 329.02, where the appellant has the right to appeal to the Board of Zoning Appeals, and Section 327.99(a), where the appellant is subject to prosecution and penalties and the Charter of the City of Cleveland, from the issuance of Violation Notices by the Commissioner of Building and Housing, Department of Community Development, in 1999 regarding properties listed below that were cited for the signage at or on said properties as being in violation of Sign Regulations as stated in Section 350.18 and/or Section 350.04 of the Codified Ordinances.

Cases stated below are scheduled to be heard before the Board of Zoning Appeals in Room 514 of City Hall at 9:30 a.m. on Monday, May 30, 2000:

Calendar No. 99-306: 1601 West 117th Street (Ward 18).
Calendar No. 99-314: 4204 Detroit Avenue (Ward 14).
Calendar No. 99-317: 2016 West 20th Street (Ward 14).
Calendar No. 99-322: 2527 West 25th Street (Ward 14).
Calendar No. 99-323: 2041 West 17th Street (Ward 14).
Calendar No. 99-324: 9815 Madison Avenue (Ward 18).
Calendar No. 99-326: 4529 Pearl Road (Ward 15).
Calendar No. 99-328: 4730 Broadview Road (Ward 15).
Calendar No. 99-329: 5400 Brookpark Road (Ward 16).
Calendar No. 99-331: 5807 Denison Avenue (Ward 16).
Calendar No. 99-333: 3859 Ridge Road (Ward 16).
Calendar No. 99-334: 7213 Ridgemore Avenue (Ward 16).
Calendar No. 99-335: 4241 Ridge Road (Ward 16).

Calendar No. 99-337: 5101 Memphis Avenue (Ward 16).
Calendar No. 99-338: 4252 Pearl Road (Ward 15).
Calendar No. 99-339: 6636 Denison Avenue (Ward 17).
Calendar No. 99-351: South Marginal Road (33rd Street) (Ward 13).
Calendar No. 99-352: South Marginal Road (33rd Street) (Ward 13).
Calendar No. 99-353: South Inner-Belt Exit (174 A Lakeside) (Ward 13).
Calendar No. 99-354: 1476 Davenport Avenue (Ward 13).
Calendar No. 99-355: 2240 St. Clair Avenue (Ward 13).
Calendar No. 99-357: 3939 Superior Avenue (Ward 13).
Calendar No. 99-358: 1800-1802 Superior Avenue (Ward 13).
Calendar No. 99-367: 1900-1904 East 55th Street (Ward 7).
Calendar No. 99-368: 1918 East 55th Street (Ward 7).
Calendar No. 99-370: Southwest side of railroad bridge East 55th Street PPN 105 12 024 (Ward 13).
Calendar No. 99-371: 6631 St. Clair Avenue (Ward 13).
Calendar No. 99-372: 936 East 72nd Street (Ward 13).
Calendar No. 99-373: 9401 Carr Avenue (Ward 8).
Calendar No. 99-374: 550 East 99th Street (Ward 8).
Calendar No. 99-376: 10643 St. Clair Avenue (Ward 8).
Calendar No. 99-379: 1034 East 105th Street (Ward 8).
Calendar No. 99-380: 1198 East 105th Street (Ward 8).
Calendar No. 99-381: 1260 East 105th Street (Ward 8).
Calendar No. 99-383: 11006 St. Clair Avenue (Ward 8).
Calendar No. 99-385: 12202 St. Clair Avenue (Ward 9).
Calendar No. 99-386: 12501 Arlington Avenue (Ward 9).
Calendar No. 99-387: 11509 Superior Avenue (Ward 9).
Calendar No. 99-388: 12701 Shaw Avenue (Ward 10).
Calendar No. 99-389: 13311 Shaw Avenue (Ward 10).
Calendar No. 99-396: 18927 St. Clair Avenue (Ward 11).
Calendar No. 99-399: 750 East 152nd Street (Ward 10).
Calendar No. 99-401: 1206 Ivanhoe Road (Ward 10).
Calendar No. 99-403: 15506 St. Clair Avenue (Ward 11).
Calendar No. 99-416: 17222 St. Clair Avenue (Ward 11).
Calendar No. 99-419: 18604 St. Clair Avenue (Ward 11).
Calendar No. 99-421: 16415 Euclid Avenue (Ward 10).
Calendar No. 99-422: 16403 Euclid Avenue (Ward 10).
Calendar No. 99-428: 18310 Euclid Avenue (Ward 10).
Calendar No. 99-430: 1945 East 55th Street (Ward 7).
Calendar No. 99-431: 1955 East 55th Street (Ward 7).
Calendar No. 99-432: 7515 Euclid Avenue (Ward 7).
Calendar No. 99-434: 6928 Carnegie Avenue (Ward 5).
Calendar No. 99-436: 7322 Cedar Avenue (Ward 5).
Calendar No. 99-437: 7502 Carnegie Avenue (Ward 5).
Calendar No. 99-438: 7714 Carnegie Avenue (Ward 5).
Calendar No. 99-439: 7819 Cedar Avenue (Ward 5).
Calendar No. 99-441: 7900 Hough Avenue (Ward 7).

Calendar No. 99-443: East 81st and Carnegie (Ward 6).
Calendar No. 99-444: 8204 Carnegie Avenue (Ward 6).
Calendar No. 99-445: East 79th and Carnegie (Ward 6).
Calendar No. 99-446: 7120 Carnegie Avenue (Ward 5).
Calendar No. 99-447: 10514 Cedar Avenue (Ward 6).
Calendar No. 99-448: 10304 Cedar Avenue (Ward 6).
Calendar No. 99-454: 5608 Woodland Avenue (Ward 5).
Calendar No. 99-455: East 79th and Woodland (Ward 5).
Calendar No. 99-456: East 68th and Kinsman (Ward 5).
Calendar No. 99-457: East 65th and Morgan (Ward 12).
Calendar No. 99-458: 8339 Woodland Avenue (Ward 6).
Calendar No. 99-459: East 89th and Woodland (Ward 6).
Calendar No. 99-460: 10310 Woodland Avenue (Ward 4).
Calendar No. 99-463: 2667 Woodhill Road (Ward 4).
Calendar No. 99-466: 12105 Buckeye Road (Ward 6).
Calendar No. 99-478: 3826 Lee Road (Ward 1).
Calendar No. 99-482: 4237 Lee Road (Ward 1).
Calendar No. 99-485: 15700 Miles Avenue (Ward 1).
Calendar No. 99-486: East 156th and Miles (Ward 1).
Calendar No. 99-487: 4566 Lee Road (Ward 1).
Calendar No. 99-488: 16501-07 Miles Avenue (Ward 1).

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, MAY 15, 2000

At the meeting of the Board of Zoning Appeals on Monday, May 15, 2000, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 00-80: 12711 Bennington Avenue
Catholic Charities Facilities and Annunciation Limited Partnership, owner, appealed to construct a three-story, 44 unit elderly housing apartment building on a corner parcel in a Two-Family B-1 District.

Calendar No. 00-81: 3200 West 33rd Street
Catholic Charities Facilities and Mercedarian Limited Partnership, owner, appealed to construct a three-story, 44 unit elderly housing apartment building on a corner parcel in a Two-Family B-1 District.

Calendar No. 00-85: 8 Lake Front Walk
Drew Carson, owner, appealed to construct a 42' x 44' triangular two-story single family dwelling in a Single-Family District.

Calendar No. 00-89: 6419 Lawn Avenue
Catholic Charities Facilities, owner, appealed to construct a four-story, 40 unit elderly housing apartment building on a corner parcel in a General Retail Business District.

Calendar No. 00-10: 3201-3305 Franklin Boulevard
 County of Cuyahoga, owner c/o Jay Ross, and the N.R.P. Group and Chris Auvil, agent, appealed to construct a 175' x 220' three-story, frame 48 dwelling unit elderly housing apartment building and accessory parking areas on a corner parcel in a Two-Family District; approval subject to confirmation of the councilman's position on the proposal and appellants' concurrence with Planning Commission Design Review and Landmarks Commission policy.

The following appeal was **Denied:**

None.

The following appeals were **Withdrawn:**

Calendar No. 00-43: 2259 West 11th Street
 Sutton Builders LLC, owner c/o Keith Sutton, appealed to construct two townhouse buildings consisting of four single family units with attached garages on a 54' x 181' parcel in a Multi-Family District.

Calendar No. 00-38: 17325 Lorain Avenue
 Rini Realty Group, owner c/o Thomas Tomsik, agent, appealed to construct a 12' wide one-story addition to the north and west sides of a 60' x 80' restaurant for added seating in a Local Retail Business District.

On Monday, May 15, 2000, in Executive Session:

The following appeals were heard on Monday, May 8, 2000 and said decisions were approved and adopted by the Board on May 15, 2000.

The following appeals were **Approved:**

Calendar No. 00-82: 8225 Carnegie Avenue
 J.T. Bailey & Company dba Carter Howell LLC, owners, appealed to construct an 85'-4" x 42' one-story masonry shopping plaza building on a 193' x 127' parcel in a General Retail Business District.

Calendar No. 00-83: 2901 Bridge Avenue
 Patricia M. Williams, owner, appealed to use a 47' x 108' vacant parcel for 14 accessory off-street parking spaces in a Two-Family District.

Calendar No. 00-72: 10250 Shaker Boulevard
 Morning Star Baptist Church, owner, appealed to renovate the first and second floors of a two-story masonry, former auto sales building into a church in a General Retail Business District; approval subject to submission of timelines for the desired phasing of the proposed interior and exterior renovations and installation of landscaping to clarify the record on project deployment.

The following appeal was **Denied:**
 None.

EUGENE CRANFORD, JR.,
 Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
 May 10, 2000

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

* * *

Docket A-201-99.

RE: Appeal of Alliance of Poles of America, Owner of the Property located on the premises known as 6966 Broadway Avenue from a NOTICE OF VIOLATION/FIRE CODE of the Chief of the Division of Fire dated July 16, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Be it resolved, a motion is in order at this time to REMAND the property at 6966 Broadway Avenue to the Division of Fire for any required further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

* * *

Docket A-244-99.

RE: Appeal of William E. Hawkins II & Nancy K. Hawkins, Owners of the Property located on the premises known as 3804 St. Clair Avenue from a NOTICE OF VIOLATION/FIRE CODE of the Chief of the Division of Fire dated October 17, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date; to be rescheduled for June 7, 2000.

* * *

Docket L-11-00.

RE: Appeal of Michael L Giancaterino, appeals from a LETTER OF DENIAL FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated April 9, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Be it resolved, a motion is in order at this time to permit Mr. Giancaterino to renew his ELECTRICAL CONTRACTOR LICENSE without retaking the test and without payment of the late filing fees. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-13-00.

RE: Appeal of 2530 Superior Avenue Partners LLC, Owners of the Parking Lot located on the premises known as 2401 Superior Avenue (a.k.a. 1469 East 14th Street) from a NOTICE OF VIOLATION/NO PER-

MIT of the Commissioner of the Division of Building and Housing dated December 28, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket will remain open until plans have been reviewed by the Division of Building and Housing.

* * *

Docket A-39-00.

RE: Appeal of S.P.L. Properties, Ltd., Owner of the Four Story Masonry Property located on the premises known as 11115-19 Lake Avenue from a NOTICE OF VIOLATION/NO PERMIT of the Commissioner of the Division of Building and Housing dated February 8, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Be it resolved, a motion is in order at this time to grant the variance and permit the doors to remain with the glass lights, with the provision that any replacement of glass be replaced with wire glass; noting that the doors are the original doors and are to be considered a legal nonconforming issue. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

* * *

Docket A-41-00.

RE: Appeal of Robert M. Lustig, Guardian, Owner of the Property located on the premises known as 2222-98 Clarkwood Road from a NOTICE OF VIOLATION/FIRE CODE of the Commissioner of the Division of Fire dated February 14, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Be it resolved, a motion is in order at this time to require that the property be totally secured to avoid any casual entry and to REMAND the property at 2222-98 Clarkwood Road to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

* * *

Docket A-42-00.

RE: Appeal of White Elephant, Inc., Owner of the Industrial Warehouse Property located on the premises known as 3300 West 65th Street appeals from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated February 16, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date; the docket will remain open until the Board hears from the Commissioner of the Division of Building and Housing and from the Chief of the Division of Fire.

Docket A-45-00.

RE: Appeal of Robert M. Dunn, Owner of the Residential Property located on the premises known as 3648 Bailey Avenue appeals from a NOTICE OF VIOLATION/NUISANCE ABATEMENT of the Commissioner of the Division of Building and Housing dated March 16, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Be it resolved, a motion is in order at this time to modify the Commissioner's NOTICE OF VIOLATION/NUISANCE ABATEMENT by granting the Appellant three (3) months in which to abate the violations; the property must remain boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the NOTICE OF VIOLATION/NUISANCE ABATEMENT not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by August 24, 2000. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

* * *

Dockets A-57-00.

RE: Appeal of Morequity, Mortgagee of the One & One-half Wood Story Frame Residential Property located on the premises known as 1047 East 70th Street from a 30 DAY FIRE CONDEMNATION ORDER/MS of the Commissioner of the Division of Building and Housing dated March 3, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-57-00 has been WITHDRAWN at the request of the Appellant, noting that the property located at 1047 East 70th Street has been razed.

* * *

Dockets A-58-00.

RE: Appeal of Richard Lenard, Maren & William Croley, Owners of the Two & One-half Story Frame Residential Property located on the premises known as 1370-72 West 73rd Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated February 28, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Be it resolved, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three (3) months in which to obtain permits and abate the violations, and to require that the property be maintained boarded and secured and the grounds debris free during that period of time. Upon

passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by August 24, 2000. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Sullivan.

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

* * *

Dockets A-61-00.

RE: Appeal of James E. Simon & Louis G. Simon, Owners of the Two & One-half Story Frame Residential Property located on the premises known as 1974 West 47th Street from a NOTICE OF VIOLATION/EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated March 6, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-61-00 has been POSTPONED; to be rescheduled for June 7, 2000.

* * *

Dockets A-70-00.

RE: Appeal of Daniel Rudd, Owner of the Two Family Residential Property and Proposed Swimming Pool located on the premises known as 4514 Brooklyn Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated April 24, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Be it resolved, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to be installed two (2) feet from the property line as indicated on the submitted drawing, noting the letter of concurrence from the adjacent neighbor. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

* * *

Dockets A-75-00.

RE: Appeal of Joe Funari, Owner of the Single Family Residential Property and Proposed Swimming Pool located on the premises known as 1701 Cook Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated April 10, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Be it resolved, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to be installed as indicated on the submitted drawing, noting the letter of concurrence from the adjacent neighbor. Motion

so in order. Motioned by Mr. Saunders and seconded by Mr. Williams. Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

OTHER BOARD BUSINESS:**Dockets A-64-00.**

RE: Appeal of Andrew C. Elia, Owner of the Single Family Residential Property located on the premises known as 241 East 151st Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated April 12, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action taken on Docket A-64-00 this date, the docket will remain open until the Board hears from the Commissioner of the Division of Building and Housing.

Be it resolved, a motion is in order at this time to grant the variance and permit the Appellant to construct the third floor as indicated on the submitted drawings, not in the agreement of the Building Department. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

APPROVAL OF RESOLUTIONS:

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

A-9-99—Shirley A. Russell.
A-62-99—David N. Bortz c/o Lextech Industries.
L-9-00—Peter Finnell.
L-10-00—Michael W. Kidney.
A-16-00—Edward Renshaw Sr.
A-25-00—Mustafa Taye.
Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

APPROVAL OF AMENDED RESOLUTION:

Docket A-46-00 — Case Western Reserve University — 2074 Adelbert Road:

FROM . . . to grant the variance to OBBC 1014/Interior Stairway Enclosure and permit the stair to remain, noting that the safety feature of the building and structure . . .

TO: . . . to grant the variance to OBBC 1014/Interior Stairway Enclosure and permit the stair to remain, noting the improved safety measures incorporating the building and structure. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan . . .

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

APPROVAL OF MINUTES:

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

April 26, 2000

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

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, MAY 26, 2000

Modular Mobile Office, for the Division of Environment, Department of Public Health, as authorized by Ordinance No. 1060-99, passed by the Council of the City of Cleveland, June 14, 1999.

Construction Equipment Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1837-99, passed by the Council of the City of Cleveland, December 6, 1999.

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

May 10, 2000 and May 17, 2000

WEDNESDAY, MAY 31, 2000

Standard Wire, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 291-98, passed by the Council of the City of Cleveland, March 23, 1998.

Automatic Batch Sampling Particle Counter System, for the Division of Water, Department of Public Utilities, as authorized by Section 129.28 of the Codified Ordinances of the City of Cleveland, 1976.

Two (2) High Speed Printers, for the Department of Finance.

May 10, 2000 and May 17, 2000

THURSDAY, JUNE 1, 2000

13.8 KV Transformers, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of the City of Cleveland, 1976.

A **MANDATORY PRE-BID MEETING** WILL BE HELD ON MAY 25, 2000, 2:00 P.M., 1300 LAKESIDE AVENUE.

Unarmed, Uniformed Security Guard Services, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 363-2000, passed by the Council of the City of Cleveland, April 17, 2000.

May 10, 2000 and May 17, 2000

THURSDAY, JUNE 15, 2000

Installing and Replacing Curbing, Aprons, Ramps for the Handicapped and Other Concrete Work, for the Various Divisions of City Government, Department of Port Control, as authorized by Ordinance No. 2116-99.

A **PRE-BID MEETING** WILL BE HELD ON THURSDAY, JUNE 8, 2000, 1:00 P.M., IN THE DEPARTMENT OF PORT CONTROL'S

TOWER CONFERENCE ROOM, IN THE MAIN TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135. THE TOWER CONFERENCE ROOM IS ACCESSED THROUGH THE SECOND FLOOR ADMINISTRATIVE OFFICES. DIRECTIONS ARE AVAILABLE AT THE CENTRAL INFORMATION COUNTER IN THE CENTER OF THE TICKETING LEVEL.

May 10, 2000 and May 17, 2000

WEDNESDAY, MAY 31, 2000

Computer Room Air Conditioning Improvements, for the Division of Water, Department of Public Utilities, as authorized by Ordinance Nos. 1254-92 and 2096-92, passed by the Council of the City of Cleveland, June 15, 1992 and December 14, 1992, respectively.

A **PRE-BID MEETING** WILL BE HELD ON FRIDAY, MAY 26, 2000, 10:00 A.M. IN THE 5TH FLOOR ENGINEERING CONFERENCE ROOM, PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO.

May 17, 2000 and May 24, 2000

THURSDAY, JUNE 8, 2000

ADA Improvements of Existing Elevators at Various Health Centers, for the Department of Public Health, as authorized by Ordinance No. 1964-99, passed by the Council of the City of Cleveland.

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

A **PRE-BID MEETING** WILL BE HELD ON THURSDAY, JUNE 1, 2000, 2:00 P.M., AT THE McCAFERTY HEALTH CENTER, 4242 LORAIN AVENUE, CLEVELAND, OHIO.

May 17, 2000 and May 24, 2000

FRIDAY, JUNE 9, 2000

Microfiche Services, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 319-2000, passed by the Council of the City of Cleveland, April 17, 2000.

Refill, Repair and Replace Fire Extinguishers, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 316-2000, passed by the Council of the City of Cleveland, April 17, 2000.

May 17, 2000 and May 24, 2000

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 276-2000.

By Councilman Coats.

An emergency resolution urging the President and United States Secretary of Transportation Rodney Slater to take the necessary actions to permit United Parcel Service to conduct cargo business in China.

Whereas, United Parcel Service (UPS) is a fiscally sound, well-run company, being recently named Forbes Magazine's Company of the Year for 1999; and

Whereas, in 1999, UPS was also recognized by Fortune Magazine as one of America's 50 Best Companies for Asians, Hispanics and African Americans; and

Whereas, because of certain governmental restrictions, UPS has been prohibited from conducting air cargo business from the United States to China; and

Whereas, the U.S. Department of Transportation will designate only one new market entrant to serve China later this year; and

Whereas, it is beneficial for the citizens of the United States to encourage trade and unfettered business operations, thereby promoting economic strength and diplomatic relationships; 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 this Council of the City of Cleveland urges the President and U.S. Secretary of Transportation Rodney Slater to take the necessary actions to permit United Parcel Service to conduct air cargo business in China.

Section 2. That the Clerk of Council is hereby requested to forward a copy of this resolution to President Clinton and Secretary Slater.

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

Adopted May 1, 2000.

Effective May 11, 2000.

Res. No. 669-2000.

By Councilmen Cintron, Patmon and White.

An emergency resolution requesting certain MBE/FBE participation information from LTV Steel Company, the Department of Economic Development and the Office of Equal Opportunity.

Whereas, pursuant to Ordinance No. 1742-88, passed July 14, 1988 and Ordinance No. 34-92, as amended by Ordinance No. 1445-92, passed March 2, 1992 and June 15, 1992, respectively, the Council of the City of Cleveland authorized the Director of Economic Development to enter into an Enterprise Zone Agreements with LTV Steel Company, Inc., dated

July 14, 1988 and June 18, 1992, respectively, to provide for 10 year tax abatements for certain tangible personal property as an incentive to modernize and improve its Cleveland Works Steel Facility; and

Whereas, because of the magnitude of the projects, LTV proposed to complete the projects in successive calendar years, and as such, the parties agreed that the tax abatements would commence at the outset of a number of different 10 year exemption periods; and

Whereas, LTV Steel Company, Inc. is still receiving the benefit of the tax abatements granted in 1988; and

Whereas, as a condition of the granting of the 1988 and 1992 tax abatements, LTV agreed to, among other things, comply with certain MBE/FBE participation requirements; LTV's failure to comply with the MBE/FBE participation requirements was to result in the imposition of a penalty payment charged against the tax abatements, and if necessary, the repeal of the tax abatements; and

Whereas, this Council has information suggesting that LTV may not be in compliance with the terms of its agreements with the City; and

Whereas, this Council requests that the Directors of Economic Development and the Office of Equal Opportunity and LTV Steel Company provide detailed statistical and financial information concerning the MBE and FBE participation for each year from 1990 through the present; and

Whereas, once the information is provided, this Council intends to hold hearings before the various Committees of Council to determine whether LTV is and has been in compliance with its agreements; now, therefore,

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

Section 1. That this Council requests that LTV Steel Company, Inc., the City's Office of Equal Opportunity and the Department of Economic Development provide detailed statistical and financial information concerning the MBE and FBE participation from 1990-present, separately identifying the level of participation by certified MBE and FBE companies for each year, as required by LTV's Enterprise Zone Agreements with the City of Cleveland and Chapter 187 of the Codified Ordinance of the City of Cleveland, 1976.

Section 2. That this Council of the City of Cleveland intends to hold hearings before the various Committees of Council to determine whether LTV is and has been in compliance with its agreement.

Section 3. That the Clerk is hereby requested to transmit a copy of this resolution to the President of LTV Steel Company, Inc. and the Directors of the Department of Economic Development and the Office of Equal Opportunity.

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

Adopted May 1, 2000.

Effective May 11, 2000.

Res. No. 670-2000.

By Councilman Jones.

An emergency resolution withdrawing objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 4501-03-05 Lee Road, and repealing Res. No. 490-2000 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 4501-03-05 Lee Road, by Res. No. 490-2000, adopted by Council 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 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, C2 and D6 Liquor Permit to 4501-03-05 Lee Road, by and the same is hereby withdrawn and Res. No. 490-2000, 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 May 1, 2000.

Effective May 11, 2000.

Res. No. 671-2000.

By Councilman Melena.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 8002 Detroit Avenue, and repealing Res. No. 1323-99 objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 8002 Detroit Avenue, by Res. No. 1323-99, adopted by Council on July 14, 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 providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That objection to the renewal of a C2 and C2X Liquor Permit to 8002 Detroit Avenue, by and the same is hereby withdrawn and Res. No. 1323-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

Adopted May 1, 2000.

Effective May 11, 2000.

Res. No. 672-2000.

By Councilman Polensek.

An emergency resolution objecting to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 15428 Lakeshore Blvd.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1, C2 and D6 and Liquor Permit from Permit No. 3653334, HAS & KAL Inc., DBA Convenient Food Mart, 15428 Lakeshore Blvd., Cleveland, Ohio 44110 to Permit No. 6700191, Park CFM Inc., DBA Convenient Food Mart, 15428 Lakeshore Blvd., Cleveland, Ohio 44110; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit from Permit No. 3653334, HAS & KAL Inc., DBA Convenient Food Mart, 15428 Lakeshore Blvd., Cleveland, Ohio 44110 to Permit No. 6700191, Park CFM Inc., DBA Convenient Food Mart, 15428 Lakeshore Blvd., Cleveland, Ohio 44110 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she hereby is directed to

transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted May 1, 2000.

Effective May 11, 2000.

Res. No. 782-2000.

By Councilman Cimperman.

An emergency resolution directing the Director of the Department of Public Service to provide notification to Council members in the event of closures to the public right of ways for maintenance or repair.

Whereas, the Director of the Department of Public Service is charged with the responsibility of planning, constructing, improving, repairing and maintaining streets, sidewalk, bridges and other public right of ways throughout the City of Cleveland; and

Whereas, this Council of the City of Cleveland is aware that, from time to time, certain public right of ways must be closed for maintenance and repair; and

Whereas, in order to facilitate better communication of such closures with the residents of the City of Cleveland, it is imperative that the Director of Public Service ensure that the member of Council is whose ward the maintenance or repair must be done is notified prior to the closure, or if that is not possible due to an emergency situation, then as soon as possible of the right of way closure; and

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

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

Section 1. That, in the event of closure of a public right of way for maintenance or repair, the Director of the Department of Public Service is directed to provide notification, either verbally or in writing, prior to the closure to the member of Council in whose ward the work is being performed and to the Clerk of Council; if prior notification is not possible due to an emergency, then the Council member and Clerk of Council must be notified of such closure as soon as possible.

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

Adopted May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Res. No. 783-2000.

By Councilmen Dolan, Patmon, White, Sweeney, Rybka, O'Malley, Cimperman, Melena, Polensek, Lewis, Coats and Brady.

An emergency resolution denouncing the discriminatory practices and policies prevalent at Bob Jones University.

Whereas, this Council of the City of Cleveland adamantly rejects the practice of racism, bigotry and intolerance; and

Whereas, the leaders of Bob Jones University have historically enforced a racist and segregationist policy of prohibiting interracial dating; and

Whereas, the administration of Bob Jones University has denigrated African Americans, Asian Americans and people of different religious beliefs other than their own; and

Whereas, the leaders of Bob Jones University have described Pope John Paul II as an "antichrist and a man of sin" and "demon-possessed;" and

Whereas, Dr. Ian Paisley of Northern Ireland, a renowned anti-Catholic preacher, currently sits on the Board of Trustees and the Cooperating Board of Bob Jones University; and

Whereas, Dr. Ian Paisley, who has described Pope John Paul II as "the great fornicator" and "the Anti-Christ" was celebrated and honored at Bob Jones University with an honorary doctorate degree; and

Whereas, elementary school textbooks produced at Bob Jones University teach that Catholicism is a "false religion;" and

Whereas, this Council is disturbed that Governor George Bush of Texas visited and spoke at Bob Jones University in February, 2000; and

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

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

Section 1. That this Council of the City of Cleveland denounces the practices at Bob Jones University that attempt to foster and perpetrate racism, bigotry and intolerance, and urges the administration of the university to embrace the racial, cultural and religious diversities that make the United States a richer and more interesting nation.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to the President of Bob Jones University and to Governor George W. Bush.

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

Adopted May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Res. No. 784-2000.
By Councilman Jackson.
An emergency resolution objecting to the issuance of a C1 Liquor Permit to 7109 Central.

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. 5432683, Saeed H. Mahmoud, DBA Central Foods, 7109 Central, Cleveland, Ohio 44104; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 5432683, Saeed H. Mahmoud, DBA Central Foods, 7109 Central, Cleveland, Ohio 44104 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Res. No. 785-2000.
By Councilman Johnson.
An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 9621 Mt. Auburn Rd., 1st Fl. & Bsmt.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 9725521, Woddi II Inc., DBA Cousins Superette, 9621 Mt. Auburn Rd., 1st Fl. & Bsmt., Cleveland, Ohio 44104 to Permit No. 2403466, East 97th Food Market Inc., 9621 Mt. Auburn Rd., 1st Fl. & Bsmt., Cleveland, Ohio 44104; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 9725521, Woddi II Inc., DBA Cousins Superette, 9621 Mt. Auburn Rd., 1st Fl. & Bsmt., Cleveland, Ohio 44104 to Permit No. 2403466, East 97th Food Market Inc., 9621 Mt. Auburn Rd., 1st Fl. & Bsmt., Cleveland, Ohio 44104 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

hearing be held in Cleveland, Cuyahoga County.

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

Adopted May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Res. No. 786-2000.
By Councilman Patmon.
An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 970 Lakeview Rd. Front, 1st Fl. & Bsmt.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 4980630, Lakeview Supermarket II Inc., DBA Lakeview Superette, 970 Lakeview Rd., Front, 1st Fl., Cleveland, Ohio 44108, 4027 Rocky River Dr. to Permit No. 6234793, Karimeh A. Muntaser, DBA Lakeview Superette, 970 Lakeview Rd. Front, 1st Fl. & Bsmt., Cleveland, Ohio 44108; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 4980630, Lakeview Supermarket II Inc., DBA Lakeview Superette, 970 Lakeview Rd., Front, 1st Fl., Cleveland, Ohio 44108, 4027 Rocky River Dr. to Permit No. 6234793, Karimeh A Muntaser, DBA Lakeview Superette, 970 Lakeview Rd. Front, 1st Fl. & Bsm., Cleveland, Ohio 44108 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Res. No. 787-2000.

By Councilman Patmon.

An emergency resolution objecting to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit to 7901 St. Clair Avenue, 1st Fl. & Bsm.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D2, D2X, D3 and D3A and Liquor Permit from Permit No. 3243035, Willie J. Goins, DBA California Club, 7901 St. Clair Avenue, 1st Fl. & Bsm., Cleveland, Ohio 44103 to Permit No. 9053079, Triple Threat Inc., DBA Club Odyssey, 7901 St. Clair Avenue, 1st Fl. & Bsm., Cleveland, Ohio 44103; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D2, D2X, D3 and D3A and Liquor Permit from Permit No. 3243035, Willie J. Goins, DBA California Club, 7901 St. Clair Avenue, 1st Fl. & Bsm., Cleveland, Ohio 44103 to Permit No. 9053079, Triple Threat Inc., DBA Club Odyssey, 7901 St. Clair Avenue, 1st Fl. & Bsm., Cleveland, Ohio 44103 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Res. No. 788-2000.

By Councilmen Polensek and White.

An emergency resolution authorizing an inquire into and investigation of the conduct of the Civil Service Commission, including its current and past administrative staff, with respect to certain safety personnel appointments and creation of certain eligible lists.

Whereas, Charter Section 46 provides that the Council or any person or committee authorized by the Council shall have the power to inquire into the conduct of any department, office, officer or employee of the City and to make investigation as to City affairs; and

Whereas, pursuant to Charter Section 46 and Section 11.09 of the Codi-

fied Ordinances of Cleveland, Ohio, 1976, the Council has provided that the chairperson of a standing committee of the Council that is authorized to conduct such inquiry or investigation, with the approval of the President of Council, may subpoena witnesses, administer oaths and compel testimony and the production of books, papers and other evidence; and

Whereas, the citizens of the City of Cleveland must have confidence that the Civil Service Commission, including its administrative staff, properly fulfills its duties with respect to executing impartially the civil service provisions of the Charter and the civil service rules and regulations and enforcing the merit system of appointment to the classified service, including its responsibilities for offering open competitive tests to ascertain the relative fitness of applicants for appointment; creating eligible lists from the results of such examinations; and certifying names from such eligible lists at the request of appointing authorities to fill vacancies in the manner provided by law; and

Whereas, questions have arisen with respect to the manner in which the Civil Service Commission, including its administrative staff, has performed or is performing those duties with respect to appointments to the position of Patrol Officer subsequent to the 119th Police Academy Class and with respect to the 1998 Patrol Officer examination and resulting eligible lists;

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety in that there needs to be inquiry into matters involving the safety forces of the City; now, therefore,

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

Section 1. That the Committees on Public Safety and Employment, Affirmative Action and Training are hereby authorized to inquire into and investigate the conduct of the Civil Service Commission, including its current and past administrative staff, with respect to appointments to the position of Patrol Officer subsequent to the 119th Police Academy Class and with respect to the 1998 Patrol Officer examination and resulting eligible lists. The Chairperson of the Joint Committee shall determine the procedure for conducting such inquiry and investigation, consistent with Charter Section 46 and Section 111.09 of the Codified Ordinances of the City of Cleveland, 1976.

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

Adopted May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 324-99.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 133.34 thereof, relating to greenhouse fees.

Whereas, this ordinance constitutes an emergency measure providing for 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 133.34 thereof, to read respectively, as follows:

Section 133.34 Greenhouse Fees

(a) The Director of Parks, Recreation and Properties shall assess and collect fees for the use of the City Greenhouse in accordance with the following schedule for City Residents:

- (1) Photo shoots (a maximum of 4 hours) \$ 50.00
- (2) Wedding ceremonies and photo shoots (a maximum of 4 hours) \$100.00

(b) The Director of Parks, Recreation and Properties shall assess and collect fees for the use of the City Greenhouse in accordance with the following schedule for non-City Residents:

- (1) Photo shoots (a minimum of 2 hours) \$ 40.00 per hour
- (2) Wedding ceremonies and photo shoots \$ 40.00 per hour plus rental of chairs

Section 2. That the information on Greenhouse permit fees provided to the Committee on Public Parks, Property and Recreation by the Director of Parks, Recreation and Properties shall be contained in File No. 342-99-A and maintained by the Clerk of Council.

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

Passed May 1, 2000.

Effective May 11, 2000.

Ord. No. 1852-99.

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

An emergency ordinance appropriating funds obtained from Norfolk Southern and CSX; authorizing the Director of Economic Development to enter into agreements with Cudell Improvement, Lutheran Housing Corporation and Cleveland Housing Network to implement the Home Insulation Program to mitigate railroad noise; and authorizing the Director of Economic Development to enter into such other agreements necessary to complete this improvement authorizing the Commissioner of Purchases and Supplies to purchase real property in connection with the Home Insulation Program.

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 a financial contribution of up to \$10,000,000.00 to Cleveland from the railroad to establish a Community Impacts Fund ("CIF") to be used to mitigate adverse environmental impacts ensuing from implementation of the Agreement, including but not limited to the railroad noise mitigation (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 accor-

dance with the agreements with Norfolk Southern and CSX for various purposes consistent with the agreements with the railroads and consistent with the goals of economic development and the elimination of slum and blight; 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 the funds received from Norfolk Southern and CSX pursuant to their agreements, from Fund No. 10 SF 526, for the purpose of providing railroad noise mitigation treatments in residential homes, pursuant to the following schedule and further described in File No. 1852-99-B:

- Personnel \$ 726,595
- Other Expenses 6,938,750

Section 2. That the Director of Economic Development is hereby authorized to enter into agreements with Cudell Improvement, Lutheran Housing Corporation and Cleveland Housing Network to provide and implement the Home Insulation Program, which agreements shall contain such terms and conditions as the Director of Law determines shall best protect the public interest, including without limitation, a contract term requiring that all contractors that install noise mitigation treatments comply with the requirements of Chapter 187 of the Codified Ordinances. A budget for the Home Insulation Program is included in the above mentioned file.

Section 3. That the Director of Economic Development is hereby

authorized to enter into such other agreements, including agreements with affected homeowners, as are necessary to complete the planning, construction and implementation of the Home Insulation Program, which agreements shall contain such terms and conditions as the Director of Law determines shall best protect the public interest. Central air conditioning will be installed in a targeted home if it can be installed to code for an amount not to exceed \$1,800.00.

Section 4. 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 real property located at 1617 Catalpa Road, Permanent Parcel No. 117-10-002, and 1614 Catalpa Road, Permanent Parcel No. 117-10-045, further described in the above-mentioned file.

Section 5. That the Director of Economic Development is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such real 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 real property.

Section 6. That in March of 2001, 2002 and 2003, the Director of Economic Development shall appear before the Finance Committee of Council to give a report on the expenses from the prior year and the projected expenses for the current year. In addition, before the end of calendar year 2000, the director shall appear before the Finance Committee to report the following: the addresses of all homes that have

had noise mitigation treatments under this program, the names of the homeowners who benefited, the name of the contractor(s) that performed the work, and a description of the work that was done.

Section 7. That the costs of the contracts and real property acquisition for the Home Insulation Program herein contemplated shall be paid from Fund No. 10 SF 526.

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

Passed May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2160-99.
By Councilman Cintron (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to 2888 Detroit LLC to encroach into the right-of-way of West 29th Street and Vermont Avenue with a parking lot, security fencing, and safety gates.

Whereas, this ordinance constitutes an emergency measure providing for 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 2888 Detroit LLC, 22348 Professor Avenue, P.O. Box 91644, Cleveland, Ohio 44101-3644, its successors and assigns, for the construction, use and maintenance of a parking lot, and security fencing with special City of Cleveland Fire Department approved safety gates, which will encroach into the public right-of-way of West 29th Street and Vermont Avenue N.W. at the locations described as follows:

**PROPOSED ENCROACHMENT
 AREA/VERMONT AVENUE &
 WEST 29TH STREET**

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being all that portion of West 29th Street (66.00 feet wide) extending Northerly from the Northerly line of Detroit Avenue N.W. (width varies) as widened to the Northerly line of Vermont Avenue N.W. (width varies).

AND

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all that portion of Vermont Avenue N.W. (width varies) extending Easterly from the Easterly line of West 29th Street (66.00 feet wide) to the Northerly prolongation of the Easterly line of the property conveyed to 2888 Detroit LLC by deed recorded in Volume 98-09990, Page 1 of Cuyahoga County Deed Records, and being also known as Permanent Parcel Number 003-14-027.

Section 2. That said parking lot, security fencing, and gates, 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. And, that all other required permits, including a building permit shall be obtained before said parking lot, security fencing and gates are constructed.

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

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

Passed May 1, 2000.
 Effective May 11, 2000.

Ord. No. 2178-99.
By Councilman Britt.
An emergency ordinance designating Euclid Avenue Church of God as a Cleveland Landmark.

Whereas, the Cleveland Landmarks Commission (the "Commission") pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the designation of Euclid Avenue Church of God as a landmark; and

Whereas, the owner of Euclid Avenue Church of God has been properly notified of the proposed designation and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of Euclid Avenue Church of God as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now therefore

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

Section 1. That Euclid Avenue Church of God, whose street address in the City of Cleveland is 8601 Euclid Avenue, N.E., also known as Cuyahoga County Auditor's permanent parcel numbers 119-06-025, 119-06-026, and 119-06-027, and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, be and it hereby is designated a

landmark pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed May 1, 2000.
 Effective May 11, 2000.

Ord. No. 253-2000.
By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of paper and envelopes, for the Division of Printing and Reproduction, Department of Finance.

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of paper and envelopes 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 Printing and Reproduction, Department of Finance. 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 15337)

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

Passed May 1, 2000.
 Effective May 11, 2000.

Ord. No. 254-2000.
By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of one ECRM image setter package, for the Division of Printing and Reproduction, Department of Finance.

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

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

Section 1. That the Director of Finance is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one (1) ECRM image setter package, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Printing and Reproduction, Department of Finance.

Section 2. That the cost of said contract hereby authorized shall not exceed \$36,500 and shall be paid from Fund No. 70-301, Request No. 15336.

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

Passed May 1, 2000.
 Effective May 11, 2000.

Ord. No. 258-2000.
By Councilmen Dolan and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with U.S. Airways for the use of Bay 3 of the Primary Hangar at Cleveland Hopkins International Airport and for preferential use ramp area adjacent to the premises.

Whereas, this ordinance constitutes an emergency measure providing for 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 ("Director") is hereby authorized to enter into a Lease By Way of Concession ("Lease") with U.S. Airways ("Lessee") for approximately 27,300 square feet of space known as Bay 3 of the Primary Hangar (the "Premises") at Cleveland Hopkins International Airport for use as an aircraft maintenance facility and approximately 32,760 square feet of preferential use ramp area adjacent to the Premises. The term of said Lease shall be for three (3) years, with a City-option to renew for an additional three (3) years. The rent for the Premises shall be \$5.50 per square foot, the rent for the preferential use ramp area shall be \$0.40 per square foot. The City shall issue credits against rent, in an amount not to exceed \$360,000, for improvements made to

the Premises, provided such improvements are first approved by the Director, in writing.

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

Section 3. That the Lease authorized herein shall not be amended or extended without City Council authorization.

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

Passed May 1, 2000.
 Effective May 11, 2000.

Ord. No. 265-2000.
By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of rebuilt or remanufactured automatic Allison transmissions, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

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

duly certified by the Director of Finance. All expenditures under the contract authorized herein shall not exceed ten percent (10%) over the amount purchased during the immediately preceding year. (RL 17521)

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

Passed May 1, 2000.
 Effective May 11, 2000.

Ord. No. 266-2000.
By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair or replace the fuel dispensing pumps and systems necessary for fuel operations, fuel tankers, hydraulic lifts, oil and grease dispensing equipment, stationary air compressor for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. 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. All expenditures under the contract

authorized herein shall not exceed ten percent (10%) over the amount purchased during the preceding equivalent term. (RL 17522)

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

Passed May 1, 2000.
Effective May 11, 2000.

Ord. No. 267-2000.
By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of International truck parts, including labor to install if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. All expenditures under the contract authorized herein shall not exceed ten percent (10%) over the amount purchased during the immediately preceding year. (RL 17523)

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

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

Passed May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 268-2000.
By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Ford passenger and police car parts, including labor to install if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. All expenditures under this contract authorized herein shall not exceed the amount purchased during the immediately preceding year. (RL 17509)

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

Passed May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 269-2000.
By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of EZ Pack packer parts, including labor to install if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. All expenditures under the contract authorized herein shall not exceed ten percent (10%) over the amount purchased during the immediately preceding year. (RL 17518)

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

Passed May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 270-2000.
By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Chevrolet-GMC passenger car, police car, van, and truck parts, including labor to install if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. All expenditures under the contract authorized herein shall not exceed ten percent (10%) over the amount purchased during the immediately preceding year. (RL 17519)

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

Passed May 1, 2000.
Effective May 11, 2000.

Ord. No. 272-2000.

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

An emergency ordinance authorizing the Directors of Public Safety and Parks, Recreation and Properties to enter into a property adoption agreement with the Cleveland Fire Fighters' Memorial Fund for the construction and maintenance of the Cleveland Fire Fighters' Memorial.

Whereas, this ordinance constitutes an emergency measure providing for 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 and

Section 133.24 of the Codified Ordinances of Cleveland, Ohio, 1976, the Directors of Public Safety and Parks, Recreation and Properties are hereby authorized to enter into a property adoption agreement with the Cleveland Fire Fighters' Memorial Fund for the construction and maintenance of the Cleveland Fire Fighters' Memorial, on an area of the North Coast Harbor described as follows:

PARCEL PROPOSED TO BE LEASED BY CLEVELAND FIREFIGHTERS MEMORIAL FUND

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original Two Acre Lot Nos. 16, 17 and 18, together forming a parcel of land, bounded and described as follows:

Beginning at the Easterly end of a curved turn-out connecting the Northeasterly line of Relocated Erieside Avenue N.E., 70 feet in width, and the Northwesterly line thereof;

Course No. 1:

Thence Northwesterly along said curved turn-out, being along the arc of a circle deflecting to the right, 62.69 feet to a point of tangency in said Northwesterly line of Relocated Erieside Avenue N.E., said curved line having a radius of 40.00 feet and a chord which bears North 79°-02'-42" West a distance of 56.47 feet;

Course No. 2:

Thence North 34°-08'-55" West along said Northwesterly line of Relocated Erieside Avenue N.E., 161.28 feet to a point on a curved line of the Southeasterly line of an existing exit drive of the Science Center Museum;

Course No. 3:

Thence Northeasterly along the arc of a circle deflecting to the right, 7.67 feet to a point of in the original Northerly curved line of Erieside Avenue N.E., said curved line having a radius of 25.00 feet and a chord which bears North 27°-12'-55" East a distance of 7.64 feet;

Course No. 4:

Thence Southerly along the original Northerly curved line of Erieside Avenue N.E., along the arc of a circle deflecting to the left, 355.55 feet to a point of tangency in the Northwesterly line of said Original Erieside Avenue N.E., said curved line having a radius of 265.00 feet and a chord which bears South 85°-30'-17" East a distance of 329.48 feet;

Course No. 5:

Thence South 56°-03'-30" West along said Northwesterly line of Relocated Erieside Avenue N.E., 224.19 feet to the place of beginning, containing 14,461 square feet of land (0.3320 acres), as compiled from record data by Garrett and Associates, Inc., Registered Engineers and Surveyors, in March, 1999, be the same more or less, but subject to all legal highways.

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

Section 2. That this property adoption shall not be construed as a conveyance of any right, title, or interest in public property, but is the grant of a privilege revocable at the will of the Council.

Section 3. That the Director of Parks, Recreation and Properties is authorized to accept the gift of any improvements to the adopted property constructed by the Cleveland Fire Fighters' Memorial Fund.

Section 4. That the property adoption agreement hereby authorized shall be prepared by the Director of Law and shall contain such additional terms and conditions as said Director deems necessary to protect and benefit the public interest.

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

Passed May 1, 2000.
Effective May 11, 2000.

Ord. No. 322-2000.

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 provide network administration, including software assistance and required materials for Cisco computer products.

Whereas, this ordinance constitutes an emergency measure providing for 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 computer consultants or one or more firms of computer consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to network administration, including software assistance and required materials for Cisco computer products.

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 contract authorized herein shall be for a term of one (1) year or less and shall not be amended or extended without City Council authorization.

Section 3. That the costs of the contract authorized herein shall not exceed \$20,000.00 and shall be paid from Fund No. 60 SF 001, Request No. 8262.

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

Passed May 1, 2000.

Effective May 11, 2000.

Ord. No. 323-2000.
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 provide client and server administration, including software, maintenance and support of Microsoft computer products.

Whereas, this ordinance constitutes an emergency measure providing for 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 computer consultants or one or more firms of computer consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide client and server administration, including software; maintenance and support of Microsoft computer products.

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 contract authorized herein shall be for a term of one (1) year or less and shall not be amended or extended without City Council authorization.

Section 3. That the costs of the contract authorized herein shall not exceed \$40,000.00 and shall be paid from Fund No. 60 SF 001, Request No. 8260.

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

Passed May 1, 2000.

Effective May 11, 2000.

Ord. No. 324-2000.
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 provide programming, materials, software development and design for existing and new computer applications.

Whereas, this ordinance constitutes an emergency measure providing for 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 computer consultants or one or more firms of computer consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary for programming, materials, software development and design for existing and new computer applications.

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 contract authorized herein shall be for a term of one (1) year or less and shall not be amended or extended without City Council authorization.

Section 3. That the costs of the contract authorized herein shall not exceed \$40,000.00 and shall be paid from Fund No. 60 SF 001, Request No. 8258.

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

Passed May 1, 2000.

Effective May 11, 2000.

Ord. No. 325-2000.
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 provide web site development and implementation, including software and other required materials.

Whereas, this ordinance constitutes an emergency measure providing for 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 web site developers or one or more firms of web site developers for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to web site development and implementation, including software and other required materials.

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 contract authorized herein shall be for a term of one (1) year or less and shall not be amended or extended without City Council authorization.

Section 3. That the costs of the contract authorized herein shall not exceed \$15,000.00 and shall be paid from Fund No. 60 SF 001, Request No. 8263.

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

Passed May 1, 2000.

Effective May 11, 2000.

Ord. No. 326-2000.
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 provide support services, installations, upgrades, programming administration, including software and materials required for Oracle computer products.

Whereas, this ordinance constitutes an emergency measure providing for 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 computer consultants or one or more firms of computer consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to support services, installations, upgrades, programming administration, including software and materials required for Oracle computer products.

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 contract authorized herein shall be for a term of one (1) year or less and shall not be amended or extended without City Council authorization.

Section 3. That the costs of the contract authorized herein shall not exceed \$25,000.00 and shall be paid from Fund No. 60 SF 001, Request No. 8261.

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

Passed May 1, 2000.
Effective May 11, 2000.

Ord. No. 329-2000.
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 provide maintenance and administrative services for telephone equipment.

Whereas, this ordinance constitutes an emergency measure providing for 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 telecommunication consultants or one or more firms of telecommunication consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide maintenance and administrative services for telephone equipment.

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 contract authorized herein shall be for a term of one (1) year or less and shall not be amended or extended without City Council authorization.

Section 3. That the costs of the contract authorized herein shall not exceed \$15,000.00 and shall be paid from Fund No. 60 SF 001, Request No. 8264.

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

Passed May 1, 2000.
Effective May 11, 2000.

Ord. No. 330-2000.
By Councilmen Dolan and Patmon
(by departmental request).

An emergency ordinance authorizing the purchase by contract of one trash compactor, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one (1) trash compactor for Concourse D, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 60 SF 001, Request No. 8267.

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

Passed May 1, 2000.
Effective May 11, 2000.

Ord. No. 366-2000.
By Councilmen Cintron, Rybka
and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to clean the West Side Market, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, 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 Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to clean the West Side Market, 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 Convention Center and Stadium, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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. All expenditures under the contract authorized herein shall not exceed \$320,000.00. (RL 134)

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

Passed May 1, 2000.
Effective May 11, 2000.

Ord. No. 367-2000.
By Councilmen Rybka and Patmon
(by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain movable doors and walls, security shutters, electric gates and other means of access, for the Division of Property Management, Department of Parks, Recreation and Properties, 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 Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to repair and maintain movable doors and walls, security shutters, electric gates and other means of

access, 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 Property Management, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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. All expenditures under the contract authorized herein that not exceed \$50,000. (RL 5039)

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

Passed May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 475-2000.
By Councilmen Patmon and Rybka (by departmental request).
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the 2000 Urban Parks and Recreation Recovery Program for the rehabilitation of Flora Park.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to apply for and accept a grant in the amount of \$70,000, from the 2000 Urban Parks and Recreation Recovery Program for the rehabilitation of Flora Park, for the purposes set forth in the application and according thereto; that the Director of Parks, Recreation and Properties is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 475-2000-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$30,000, from Fund No. 20 SF 323, 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 May 1, 2000.

Effective May 11, 2000.

Ord. No. 476-2000.
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 Environmental Protection Agency for financial assistance for the operation of the Division of Environment; and authorizing said Director to enter into contracts for the purchase of service and equipment necessary to implement the program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$2,053,271 from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment in accordance with the purposes set forth in the respective application; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to apply for and receive the funds under said grants; and that said funds be appropriated for the purposes set forth in the application for said grants.

Section 2. That the application for said grant, File No. 476-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects, including the obligation of the City of Cleveland to provide in cash matching funds in the sum of \$392,993, from the Division of Environment's General Fund budget in order to receive the grant from the U.S. Environmental Protection Agency.

Section 3. That the Director of Public Health is hereby authorized to enter into contracts for the purchase of equipment and services necessary to implement the Program, and that said contracts are payable from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance.

Section 4. That the chairperson of the Public Health Committee shall be copied on all memorandum and correspondence between the Department of Public Health and the Ohio Environmental Protection Agency.

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

Passed May 1, 2000.

Effective May 11, 2000.

Ord. No. 478-2000.

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

An emergency ordinance to amend the title, the first whereas clause and Section 2 of Ordinance No. 1569-99, passed December 13, 1999, relating to the sale of City-owned property no longer needed for public use located in Block C-1 of the Cleveland Industrial Park.

Whereas, this ordinance constitutes an emergency measure providing for 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 first whereas clause and Section 2 of Ordinance No. 1569-99, passed December 13, 1999, be and the same are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in Block C-1 of the Cleveland Industrial Park to the Jaylin Development Corp.

Whereas, the Director of Economic Development has requested the sale of City-owned property no longer needed for public use and located in Block C-1 of the Cleveland Industrial Park to the Jaylin Development Corp.; and

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 Jaylin Development Corp. at a price not less than fair market value as determined by the Board of Control.

Section 2. That the existing title, the first whereas clause and Section 2 of Ordinance No. 1569-99, passed December 13, 1999, be and the same are hereby repealed.

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

Passed May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 514-2000.
By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of a criminal and civil filing system, including materials necessary to file and retrieve cases, for the Department of Finance, on behalf of the Cleveland Municipal Court.

Whereas, this ordinance constitutes an emergency measure providing for 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, on behalf of the Clerk of

the Cleveland Municipal Court 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 the 2001 criminal and civil filing system, including folders, labels, tabs, envelopes, shelving, and other materials necessary to file and retrieve cases 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 Department of Finance, on behalf of the Cleveland Municipal Court. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall not exceed \$60,000 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 7904)

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

Passed May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 523-2000.
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 2000-2001 Federal Child Lead Poison Prevention Program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the amount of \$312,000, from the Ohio Department of Health, to conduct the 2000-2001 Federal Child Lead Poison Prevention Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said grant funds shall not be expended until first

authorized by ordinance or resolution of this Council.

Section 2. That the application for said grant, File No. 523-2000-A, made a part hereof as if fully rewritten herein, including the obligation to devote program income from first and third party billings, estimated at \$95,645, 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 May 1, 2000.

Effective May 11, 2000.

Ord. No. 524-2000.
By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to remove and replace tube bundles for not to exceed two Bell & Gossett heat exchangers, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to make a written 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 remove and replace tube bundles for not to exceed two Bell & Gossett heat exchangers, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 67 SF 001, Request No. 14382.

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

Passed May 1, 2000.

Effective May 11, 2000.

Ord. No. 525-2000.
By Councilmen White and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to apply for and accept a grant from the Ohio Department of Human Services for the Temporary Assistance to Needy Families Program.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That the Director of Personnel and Human Resources is hereby authorized to apply for and accept a grant in the amount of \$8,391,886, from the Ohio Department of Human Services, to conduct the Temporary Assistance to Needy Families Program, for the purposes set forth in the application and according thereto; that the Director of Personnel and Human Resources is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 525-2000-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 May 1, 2000.

Effective May 11, 2000.

Ord. No. 526-2000.
By Councilmen White and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept additional allocations from the State of Ohio Bureau of Employment Services Power OHIO under Titles II and III of the Job Training Partnership Act and the Governor's Reserve Grant; and to enter into an amendment to Contract No. 55656 with the United Labor Agency for additional services.

Whereas, pursuant to Ordinance No. 522-99, passed March 29, 1999, this Council authorized the Director of Personnel and Human Resources to accept allocations of grants from the State of Ohio Bureau of Employment Services under Title II and III of the Job Training Partnership Act and to appropriate such funds to provide for administration of the JTPA program; and

Whereas, additional allocations have become available to the City of Cleveland from the State of Ohio Bureau of Employment Services which will provide additional services under the grant accepted by Ordinance No. 522-99; 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 Personnel and Human Resources is hereby authorized to accept additional allocations from the State of Ohio Bureau of Employment Services Power OHIO under Titles II and III of the Job Training Partnership Act and the Governor's

Reserve Grant in an aggregate amount of \$76,000, for the purposes set forth in the application contained in File No. 522-99-A and according thereto. That the Director of Personnel and Human Resources is hereby authorized to file all papers and execute all documents necessary to receive the funds authorized above; and that said additional allocations are hereby appropriated for the purposes set forth in File No 522-99-A.

Section 2. That the Director of Personnel and Human Resources is hereby authorized to enter into an amendment to Contract No. 55656 with United Labor Agency to provide for additional services under this agreement, and shall increase the amount of the contract by \$77,988.00. Said increase shall be paid from Fund Nos. 15 SF 093 and 15 SF 200.

Section 3. That this amendment to Contract to. 55656 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 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 1, 2000.
Effective May 11, 2000.

Ord. No. 589-2000.
By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of one uninterrupted power supply unit and associated appurtenances necessary to protect Sun computer equipment, for the Division of Taxation, Department of Finance.

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

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

Section 1. That the Director of Finance is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one (1) uninterrupted power supply unit and associated appurtenances necessary to protect Sun computer equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Taxation, Department of Finance.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 81 SF 001, Request No. 15384.

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

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

Passed May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 594-2000.
By Councilmen Sweeney, Cintron and Patmon (by departmental request).

An emergency ordinance to amend Section 7 of Ordinance No. 1786-97, passed September 22, 1997, as amended by Ordinance No. 506-99, passed June 14, 1999, relating to the rehabilitation of Grayton Road access and spine road leading to Cleveland Business Park Phase II.

Whereas, this ordinance constitutes an emergency measure providing for 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 7 of Ordinance No. 1786-97, passed September 22, 1997, as amended by Ordinance No. 506-99, passed June 14, 1999, is hereby amended to read as follows:

Section 7. That the costs of the Improvement, services and property acquisition herein contemplated shall be paid from Fund Nos. 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, 20 SF 342, 20 SF 364, 52 SF 223 and 52 SF 225, Request No. 21959.

Section 2. That existing Section 7 of Ordinance No. 1786-97, passed September 22, 1997, as amended by Ordinance No. 506-99, passed June 14, 1999, is hereby repealed.

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

Passed May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 660-2000.
By Councilman Britt.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Shaker Square of Ohio LLC to encroach into the public right-of-way of Cormere Avenue, Williams Avenue and East 128th Street for grading, paving, fencing, parking and other construction related activities in order that this project be allowed to continue pending the vacation and/or relocation of the aforesaid streets for the purpose of completing the Shaker Square Redevelopment Project.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by

the Permittee with the written consent of the Director of Public Service to Shaker Square of Ohio LLC, 23625 Commerce Park Road, Suite 202, Beachwood, Ohio 44122, its successors and assigns, for grading, paving, fencing, parking and other construction related activities in order that this project be allowed to continue pending the vacation and/or relocation of the aforementioned streets for the purpose of completing the Shaker Square Redevelopment Project at the locations more fully described as follows:

PROPOSED ENCROACHMENT INTO PUBLIC RIGHT-OF-WAY FOR GRADING, PAVING, FENCING, PARKING AND OTHER CONSTRUCTION RELATED ACTIVITIES PENDING THE VACATION AND/OR RELOCATION OF THE FOLLOWING STREETS IN THE SHAKER SQUARE REDEVELOPMENT PROJECT:

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

1.) CORMERE AVENUE (60.00 feet wide), beginning at a point 245.00 feet Easterly from its intersection with the centerline of North Moreland Boulevard (140.00 feet wide), Easterly approximately 65.00 feet to its Easterly terminus.

2.) WILLIAMS AVENUE (50.00 feet wide), beginning at a point 108.50 feet Easterly from its intersection with the centerline of East 127th Street (44.00 feet wide) to its intersection with East 128th Street (45.00 feet wide).

3.) EAST 128TH STREET (45.00 feet wide), beginning at its intersection with the Northerly line of Drexmore Road (60.00 feet wide) Northerly to its intersection with Williams Avenue (50.00 feet wide).

Section 2. That said grading, paving, fencing, parking and other construction related activities pending the vacation and/or relocation of Cormere Avenue, Williams Avenue and East 128th Street, 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 any of the aforesaid construction activities commence.

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

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

Passed May 1, 2000.
Effective May 11, 2000.

Ord. No. 661-2000.**By Councilman Cintron.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Clark Metro Development Corporation for capital improvements for their leasehold agreement for the FL Thompson Building, 3401 West 25th Street through the use of Ward 14 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Clark Metro Development Corporation for capital improvements for their leasehold agreement for the FL Thompson Building, 3401 West 25th Street.

Section 2. That the costs of said contract shall be in an amount not to exceed \$200,000 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 May 1, 2000.

Effective May 11, 2000.

Ord. No. 662-2000.**By Councilman Cintron.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Lutheran Metropolitan Ministries for their After School Prevention Resources Baseball Team Project, through the use of Ward 14 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Lutheran Metropolitan Ministries for their After School Prevention Resources Baseball Team Project.

Section 2. That the costs 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 May 1, 2000.

Effective May 11, 2000.

Ord. No. 663-2000.**By Councilmen Cintron and Mele-**

na. An emergency ordinance consenting and approving the issuance of a permit for a Kids 5K Walk, on Saturday, May 20, 2000, sponsored by the West Side Ecumenical Ministry.

Whereas, this ordinance constitutes an emergency measure providing for 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 Kids 5K Walk sponsored by the West Side Ecumenical Ministry, on Saturday, May 20, 2000, with the participants in the 5K Walk leaving the WSEM Administrative Building located at 5209 Detroit Avenue, turn right onto West 52nd Street and will head south on West 52nd Street until they reach Bridge Avenue, then turn left onto Bridge Avenue from West 52nd Street and will head east on Bridge Avenue, then turn left onto Fulton Avenue from Bridge Avenue and will head north on Fulton Avenue, then turn left onto Franklin Avenue from Fulton Avenue and will head west on Franklin Avenue, then follow Franklin Avenue all the way to West 65th Street, at West 65th Street, participants will turn right and head north on West 65th Street to West Clinton Avenue, then turn right onto West Clinton Avenue from West 65th Street and will head east on West Clinton Avenue, then turn left onto West 58th Street from West Clinton Avenue and will head north on West 58th Street then turn right onto Detroit Avenue from West 58 Street and will head east on Detroit Avenue, then turn right on West 52nd Street from Detroit Avenue and will head south on West 52nd Street to the finish line located at the WSEM Administration Building off of West 52nd Street, 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 May 1, 2000.

Effective May 11, 2000.

Ord. No. 664-2000.**By Councilman Dolan.**

An emergency ordinance to amend the Title and Section 1 of Ordinance No. 430-2000, passed March 20, 2000, relating to installation of playground equipment at Valley View Elementary School in Ward 21.

Whereas, this ordinance constitutes an emergency measure providing for 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. 430-2000, passed March 20, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Municipal School District on behalf of the Valley View Parent Teacher Co-op School to install playground equipment at Valley View Elementary School through the use of Ward 21 Workers' Compensation Neighborhood Development Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Cleveland Municipal School District on behalf of the Valley View Parent Teacher Co-op School to install playground equipment at Valley View Elementary School, located at 17200 Valleyview Avenue, through the use of Ward 21 Workers' Compensation Neighborhood Development Funds.

Section 2. That the existing Title and Section 1 of Ordinance No. 430-2000, passed March 20, 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.

Passed May 1, 2000.

Effective May 11, 2000.

Ord. No. 665-2000.**By Councilman Jackson.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Citizens of Cuyahoga County Ombudsman Office for the Juvenile Justice Diversion Mediation Pilot Project (JJDMPP) 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 the Citizens of Cuyahoga County Ombudsman Office for their Juvenile Justice Diversion Mediation Pilot Project (JJDMPP).

Section 2. That the costs of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed May 1, 2000.
Effective May 11, 2000.

Ord. No. 666-2000.
By Councilman Lewis.
An emergency ordinance consenting and approving the issuance of a permit for the New Day in Hough Race and Parade on May 13, 2000, sponsored by a New Day in Hough Committee.

Whereas, this ordinance constitutes an emergency measure providing for 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 Race and Parade, on May 13, 2000, sponsored by a New Day in Hough Committee with the Race assembling at Thurgood Marshall Recreation Center, go west on Hough Avenue to East 79 Street, north on East 79th to Lexington, west on Lexington to East 66th Street, south on East 66th Street to Hough, east on Hough to Thurgood Marshall and the Parade route also assembling at Thurgood Marshall Recreation Center, from Thurgood Marshall, west on Hough Avenue to East 71st Street, north on East 71st Street to Linwood, east on Linwood to East 79th Street, south on East 79th Street to Hough Avenue, east on Hough Avenue to Thurgood Marshall, 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 May 1, 2000.
Effective May 11, 2000.

Ord. No. 667-2000.
By Councilman Patmon.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with FAMICOS Foundation for their Senior Home Repair Program through the use of Ward 8 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 FAMICOS Foundation for their Senior Home Repair Program.

Section 2. That the costs of said contract shall be in an amount not to exceed \$150,000 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 May 1, 2000.
Effective May 11, 2000.

Ord. No. 668-2000.
By Councilman Westbrook.
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Cudell Improvement/Madison Merchants Organization to landscape and maintain a parcel located at the intersection of Madison Avenue and West Boulevard in Ward 18.

Whereas, the Cudell Improvement/Madison Merchants Organization would like to landscape and maintain a parcel located at the intersection of Madison Avenue and West Boulevard for purposes of beautifying the neighborhood; and

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into an agreement or to issue a permit to the Cudell Improvement/Madison Merchants Organization to allow for the landscaping and maintenance of a parcel located at the intersection of Madison Avenue and West Boulevard for purposes of beautifying the neighborhood.

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

Passed May 1, 2000.
Effective May 11, 2000.

Ord. No. 769-2000.

By Councilman Britt.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Alta House for the repair or replacement of the boiler for the Alta House Recreation Center through the use of Ward 6 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 Alta House for the repair or replacement of the boiler for the Alta House Recreation Center.

Section 2. That the costs of said contract shall be in an amount not to exceed \$18,322 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 May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 770-2000.

By Councilman Brady.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Ministerial Day Care/Headstart Association to stretch six banners at 3645 West 117th Street (west side of West 117th Street - pole nos. #4596, #4592, east side of West 117th Street - pole nos. #680155, #537724, #537725, #537726), for the period from June 1, 2000 to July 5, 2000, inclusive, publicizing the Children First Learning & Enrichment Center, Our Children are #1.

Whereas, this ordinance constitutes an emergency measure providing for 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 Ministerial Day Care/Headstart Association to install, maintain and remove a six banner at 3645 West 117th Street (west side of West 117th Street - pole nos. #4596, #4592, east side of West 117th Street - pole nos. #680155, #537724, #537725, #537726), for the period from June 1, 2000 to July 5, 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 May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 771-2000.

By Councilman Cimperman.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Grace Hospital to stretch banners at 2307 West 14th Street, for the period from August 1, 2000 to August 31, 2000, inclusive, publicizing the Grace Hospital Health Fair.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Grace Hospital to install, maintain and remove banners at 2307 West 14th Street, for the period from August 1, 2000 to August 31, 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 May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 772-2000.

By Councilman Cimperman.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Disability Coalition Movement of Cleveland to stretch banners across Lakeside Avenue at the intersection of Lakeside Avenue and East 9th Street, across Lakeside Avenue at the intersection of Lakeside Avenue and Ontario and across Euclid Avenue at the intersection of Euclid Avenue and East 9th Street, for the period from June 21, 2000 to July 28, 2000, inclusive, publicizing the 10th Anniversary of ADA Day - a Celebration.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Disability Coalition Movement of Cleveland to install, maintain and remove banners across Lakeside Avenue at the intersection of Lakeside Avenue and East 9th Street, across Lakeside Avenue at the intersection of Lakeside Avenue and Ontario and across Euclid Avenue at the intersection of Euclid Avenue and East 9th Street, for the period from June 21, 2000 to July 28, 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 May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 773-2000.

By Councilman Cimperman.
An emergency ordinance to amend Section 341.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 527-2000, passed April 17, 2000, relating to pedestrian retail area restrictions.

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

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

Section 1. That Section 341.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 527-2000, passed April 17, 2000, is hereby amended to read as follows:

Section 341.07 Pedestrian Retail Area Restrictions

(a) Purpose. The regulations of this section are established to achieve, among others, the following purposes.

(1) ensuring the continued economic viability of retail corridors that depend on the patronage of customers who seek a shopping environment that is convenient and comfortable for pedestrians;

(2) enhancing the vitality of downtown streets, thereby strengthening the district's attractiveness as a location for residences, offices and tourism;

(3) increasing the marketability of housing located on upper floors of historic buildings in the district;

(4) providing necessary retail services to downtown residents and office workers;

(5) reducing traffic congestion by allowing downtown residents and employees to patronize retail businesses by walking rather than by traveling in automobiles or other vehicles;

(6) furthering economic development in the City of Cleveland and providing additional employment for City residents.

(b) Applicability. The regulations of this section shall apply to the ground floor or "street-level floor area" of any property located both in the Public Land Protective District and in a Retail Business District on a "pedestrian-oriented shopping street," as defined herein. No use in such location shall be established or changed except in accordance with the provisions of this section.

(c) Pedestrian-Oriented Shopping Street. A "pedestrian oriented shopping street" is any side of any block of a street characterized by a predominance of retail businesses situated at or near the public sidewalk. The City Planning Commission shall prepare and adopt a map designating pedestrian-oriented streets within the area to which the regulations of this section apply. The Planning Commission shall review and update that map periodically. The Planning Commission shall also consider for designation as a pedestrian-oriented shopping street any block that is designated for retail use in the adopted general plan for the development and improvement of the City, regardless of the current uses located on that block.

(d) Referral by Division of Building and Housing. The Division of Building and Housing shall refer to the City Planning Commission any application for establishment or change of a ground floor use in a building located both in the Public Land Protective District and in a Retail Business District.

(e) Planning Commission Determination. Upon receipt of an application to establish a new street-level use in a location subject to the provisions of this section, the City Planning Commission shall determine

whether the space is located on a pedestrian-oriented street and whether the proposed use is permitted by the regulations of this section. The Commission shall make its determination within thirty (30) days of receipt of a complete application, unless the applicant approves an extension of time.

(f) Prohibited Uses. Street-level floor area in a building located on a pedestrian-oriented shopping street, as determined by the City Planning Commission in accordance with the provisions of this section, shall not be occupied principally for purposes of storage or warehousing or operation of telecommunications devices, telephone switching equipment or other automated or remotely controlled machinery or equipment.

(g) Facade and Window Treatment. If any uses prohibited in street-level areas are proposed for upper floors in buildings subject to the provisions of this section, the City Planning Commission or, if applicable, the Landmarks Commission during its review shall ensure that the entire facade and window areas are treated in a manner that does not convey the appearance of a space used for storage or warehousing purposes, but rather conveys the appearance of a space used actively by employees, customers or residents.

(h) Nonconforming Uses. Legally-established uses made nonconforming by the initial adoption of this section may continue but may not be expanded or otherwise changed so as to create a greater degree of nonconformity, unless approved by the Board of Zoning Appeals in accordance with Chapter 359.

(i) For any use subject to the regulations of this section, no exhaust vents (including, without limitation, any exhaust vents serving any diesel or other powered emergency generator) shall be placed along the designated pedestrian-oriented shopping street on the first floor, second floor or in the sidewalk area.

(j) Exceptions. Notwithstanding the variance powers outlined in Section 329.03, the Board of Zoning Appeals may vary or modify the application of these provisions in harmony with the general purpose and intent of the Zoning Code so that the public health, safety, morals and general welfare may be safeguarded and substantial justice done. The decision to vary or modify the application of these provisions shall consider the following factors: (1) the proximity of the proposed use to the pedestrian-oriented street frontage, in the case of a use that will occupy only a portion of the street-level floor space; (2) the physical size, shape or other characteristics of the premises; and (3) whether refusal of the variance appealed for will deprive the owner of substantial property rights.

Section 2. That Section 341.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 527-2000, passed April 17, 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 May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 774-2000.

By Councilman Cintron.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Blessed Sacrament School to stretch one banner at Fulton Rd, using a utility pole (by separate permission) for the period of May 18, 2000 to June 14, 2000, inclusive publicizing their special event.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Blessed Sacrament School, 3389 Fulton Road, Cleveland, Ohio 44109, to install, maintain and remove one (1) banner to be stretched on a Cleveland Public Power utility pole, (by separate permission) for their special event, for the period of May 18, 2000 to June 14, 2000 inclusive, on the following pole location: Fulton Road - the 2nd pole South of Storer Avenue (E), and which banner shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner or any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner, and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 775-2000.

By Councilman Cintron.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Project Afford, Inc. for the construction and rehabilitation of homes in Ward 14 through the use of Ward 14 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Project Afford, Inc. for the construction and rehabilitation of homes in Ward 14.

Section 2. That the costs of said contract shall be in an amount not to exceed \$50,000 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 May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 776-2000.

By Councilman Gordon.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Archwood/Denison Concerned Citizens to stretch banners across Pearl Road at the NW corner of Pearl Road and Archwood, for a period from May 10, 2000 to June 10, 2000, inclusive, publicizing the 13th Annual Archwood Street Sale.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Archwood/Denison Concerned Citizens to install, maintain and remove banners across Pearl Road at the NW corner of Pearl Road and Archwood (pole no. CPTB397), for a period from May 10, 2000 to June 10, 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 May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 777-2000.

By Councilman Gordon.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Senior Citizen Resources, Inc. to stretch banners at 4125 Fulton (pole no. #HC11) and 4102 Fulton (pole no. #GOM1825), for the period from August 31, 2000 to September 30, 2000, inclusive, publicizing the Senior Citizen Resources Annual Garage Sale.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Senior Citizen Resources, Inc. to install, maintain and remove banners at 4125 Fulton (pole no. #HC11) and 4102 Fulton (pole no. #GOM1825), for the period from August 31, 2000 to September 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 May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 778-2000.

By Councilman White.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Straight Eight Productions to stretch a banner across Miles Avenue at 11417 Miles, for the period from June 2, 2000 to June 30, 2000, inclusive, publicizing the Straight Eight Productions Second Annual Cabaret.

Whereas, this ordinance constitutes an emergency measure providing for 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 Straight Eight Productions to install, maintain and remove a banner across Miles Avenue at 11417 Miles, for the period from June 2, 2000 to June 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 May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 779-2000.

By Councilmen Willis and Britt. An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle Incorporated to stretch banners on Martin Luther King, Jr., Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar Hill, for the period from May 15, 2000 to June 15, 2000, inclusive, publicizing Parade the Circle Celebration.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to University Circle Incorporated to install, maintain and remove banners on Martin Luther King, Jr., Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar Hill, for the period from May 15, 2000 to June 15, 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 May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 780-2000.

By Councilman Patmon.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Glenville Development Corporation for partial support of a youth program and additional funds for Ward 8 home improvement programs through the use of Ward 8 Workers' Compensation Neighborhood Development 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 Glenville Development Corporation for partial support of a youth program and additional funds for Ward 8 home improvement programs.

Section 2. That the costs of said contract shall be in an amount not to exceed \$8,800 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 May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 781-2000.

By Councilman Patmon.

An emergency ordinance consenting and approving the issuance of a permit for the 11th Annual Miles Standish Miler Fun Run on June 1, 2000 (raindate: June 2, 2000), sponsored by the Miles Standish Elementary School.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 11th Annual Miles Standish Elementary School, on June 1, 2000 (raindate: June 2, 2000), beginning at the school, 1000 East 92nd Street, west on Parkgate Rd. to East Blvd. to Parkside Rd., north on Parkside Rd. to Parkgate Rd., east on Parkgate Rd. and finish back at the school, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police 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 May 8, 2000.

Awaiting the approval or disapproval of the Mayor.

COUNCIL COMMITTEE MEETINGS

Monday, May 15, 2000

Public Service Committee: 11:00 a.m.—Present: Cintron, Chairman; Sweeney, Vice Chairman; Britt, Coats, Johnson, Melena, O'Malley, Westbrook, Willis.

Employment, Affirmative Action and Training Committee (Joint with Finance Committee): 1:00 p.m.—Present: White, Chairman; Lewis, Vice Chairman; Coats, Gordon, Johnson, Jones. Excused: Cintron.

Finance Committee (Joint with Employment, Affirmative Action and Training Committee): 1:00 p.m.—Present: Patmon, Chairman; Rybka, Vice Chairman; Dolan, Johnson, Lewis, Melena, O'Malley, Polensek, Robinson, Sweeney. Excused: Cintron.

Finance Committee: 2:00 p.m.—Present: Patmon, Chairman; Rybka, Vice Chairman; Dolan, Johnson, Lewis, Melena, O'Malley, Polensek, Robinson, Sweeney. Excused: Cintron.

Tuesday, May 16, 2000

Community and Economic Development Committee: 9:30 a.m.—Present: Melena, Chairman; Lewis, Vice

Chairman; Brady, Cintron, Jackson, Jones, Robinson. Excused: Cimperman, Willis.

Public Health Committee: 1:00 p.m.—Present: Gordon, Chairman; Robinson, Vice Chairman; Brady, Jackson, Westbrook. Excused: Cimperman, Willis.

Wednesday, May 17, 2000

Aviation and Transportation Committee (Joint with City Planning Committee): 10:00 a.m.—Present: Dolan, Chairman; O'Malley, Vice Chairman; Jones, Patmon, Robinson, Rybka, Sweeney.

City Planning Committee (Joint with Aviation and Transportation Committee): 10:00 a.m.—Present: Cimperman, Chairman; Rybka, Vice Chairman; Dolan, Jackson, O'Malley, Robinson. Excused: White.

City Planning Committee (Zoning): 1:00 p.m.—Present: Cimperman, Chairman; Rybka, Vice Chairman; Dolan, Jackson, O'Malley, Robinson, White.

City Planning Committee: 1:30 p.m.—Present: Cimperman, Chairman; Rybka, Vice Chairman; Dolan, Jackson, O'Malley, Robinson, White.

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Kids 5K Walk — permit — West Side Ecumenical Ministry (O 663-2000)..... **1028**

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