

# The City Record

Official Publication of the City of Cleveland

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October the Twentieth, Nineteen Hundred and Ninety-Nine

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL—LEGISLATIVE President of Council—Jay Westbrook

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

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

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

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

**DEPT. OF FINANCE – Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit**  
**DIVISIONS – Accounts – Gayle Goodwin Smith, Commissioner, Room 19**  
City Treasury – 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 – James D. Smith, Commissioner, 1735 Lakeside Avenue  
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue  
Financial Reporting and Control – Robert Dolan, Controller, Room 18  
Information Systems Services – 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 – Solomon F. Balraj, Director,**  
Cleveland Hopkins International Airport, 5300 Riversides Drive;  
Cleveland Hopkins International Airport – Mark D. Vanloh, Commissioner  
Burke Lakefront Airport – Michael C. Barth, Commissioner

**DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113**  
**DIVISIONS – Waste Collection and Disposal – Randall T. Scott, Acting Commissioner, 5600 Carnegie Avenue.**  
Streets – Randall T. Scott, Commissioner, Room 25  
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518  
Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards  
Architecture – Paul Burik, Acting Commissioner, Room 517

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

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

Parking Facilities – Dennis Donahue, Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.  
Park Maintenance and Properties – Richard L. Silva, Acting Commissioner, Public Auditorium – E. 6th & Lakeside.  
Recreation – Michael Cox, 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, Acting Commissioner, 5th Floor, City Hall.

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

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

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

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

**CIVIL SERVICE COMMISSION – Room 119. Anne Bloomberg, President; Carolyn Watts Allen, 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.; \_\_\_\_\_, Director; President of Council Jay Westbrook.**

**BOARD OF ZONING APPEALS – Room 516, Carol Johnson, Chairman; Members; Chris Carmody, Margreat 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 Martin L. Carmody, Jr., Secretary; Council President Jay Westbrook.**

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

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

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

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

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 86

WEDNESDAY, OCTOBER 20, 1999

No. 4480

## CITY COUNCIL

MONDAY, OCTOBER 18, 1999

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Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

#### MONDAY

9:30 A.M.—**Public Parks, Property & Recreation Committee:** Jones, Chairman; White, Vice Chairman; Britt, Polensek, Sweeney, Willis, Zone.

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 18, 1999.

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

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

Also present were Mayor White and Directors Carmody, Konicek, Balraj, Ricchiuto, Jackson, Hudecek, Patterson, Warren, Dove, Axelrod, Morrison and Acting Director Whitlow.

Absent: Directors Carter and Guzman.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. A. Charles Bowies, Pastor of East Mt. Zion Missionary Baptist Church, located at 9990 Euclid Avenue in Ward 6. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 1793-99.

From the Board of Building Standards and Building Appeals re: Public Hearing, Wednesday, October 13, 1999. Received.

##### File No. 1794-99.

From the Department of Port Control re: Airport Improvement Program Grant for the West Cargo Ramp construction. Received.

##### File No. 1795-99.

From the Division of Purchases and Supplies re: Emergency Requisition (RE-3532). Received.

##### File No. 1796-99.

From the National City Bank re: Investment and Transaction Statement from July 1, 1999 through September 30, 1999. Received.

##### File No. 1797-99.

From the Division of Purchases and Supplies re: Sales Request No. 90179, For sale or lease of property southeast corner of Willard Avenue and West 93rd Street. Received.

##### File No. 1798-99.

From the Division of Purchases and Supplies re: Sales Request No. 90181, For sale or lease of property portions of the top and under the Old Superior Viaduct. Received.

##### File No. 1799-99.

From the Division of Purchases and Supplies re: Sales Request No. 90180, For sale or lease of property west side of West 14th St. between Fairfield Avenue and Abbey Avenue. Received.

##### File No. 1800-99.

From FirstEnergy Corp. re: Copy of public notice to be published in newspapers. Received.

##### File No. 1801-99.

From the Division of Purchases and Supplies re: Emergency Requisition (RE-08464). Received.

### FROM THE DEPARTMENT OF LIQUOR CONTROL

##### File No. 1802-99.

Re: Transfer of Ownership Application - 7562297 - Carlos Rowe Jr., 4464 Dennison Avenue, first floor and basement. (Ward 15). Received.

##### File No. 1803-99.

Re: Transfer of Ownership Application - 50663264854 - Lawson Milk Co. d.b.a. Dairy Mart #4854, 4757 Lorain Avenue. (Ward 14). Received.

##### File No. 1804-99.

Re: Transfer of Ownership Application - 8074242 - Shereen Enterprises, Inc. d.b.a. Dairy Mart #4827, 4920 Memphis Avenue. (Ward 15). Received.

##### File No. 1805-99.

Re: Transfer of Ownership Application - 6451200 - Nottingham Tavern, Inc., 18526 St. Clair Avenue. (Ward 11). Received.

##### File No. 1806-99.

Re: Transfer of Ownership Application - 3564840 - Hanada Corp. d.b.a. Cozy Spot, 15610 Waterloo Road, first floor and basement. (Ward 11). Received.

##### File No. 1807-99.

Re: Transfer of Ownership Application - 4618855 - Khalil, Inc. d.b.a. Woodworth Foot Mart, 14625 Woodworth Avenue. (Ward 10). Received.

##### File No. 1808-99.

Re: Transfer of Ownership Application - 6551331 - 10221, Inc., 10221

Union Avenue, first floor. (Ward 3). Received.

**File No. 1809-99.**

Re: Transfer of Location Application - 19018130001 - Dana Distributors, Inc. d.b.a. Hough Beverage & Deli, 8812 Hough Avenue. (Ward 7). Received.

**File No. 1810-99.**

Re: Transfer of Location Application - 29404330001 - Fritz Club, Inc., 4569 Warner Road. (Ward 2). Received.

**File No. 1811-99.**

Re: Transfer of Ownership and Location Application - 9841822 - Joseph Youhas, 3829 Denison Avenue. (Ward 15). Received.

**File No. 1812-99.**

Re: Transfer of Ownership and Location Application - 91255550005 - Two N Inc. d.b.a. Convenient Food Mart 3112, 5910 Detroit Avenue. (Ward 17). Received.

**File No. 1813-99.**

Re: Stock Transfer Application - 2115846 - Dewood, Inc., 834-36 Huron Road southeast, first floor, second floor and basement. (Ward 13). Received.

**STATEMENT OF WORK  
ACCEPTED**

**File No. 1814-99.**

From the Department of Port Control re: Contract No. 53758 (Group S), (RSIP) Improvement. Received.

**File No. 1815-99.**

From the Department of Public Utilities re: Contract No. 52209A, Mayfield Road 16-inch Water Supply Main, completed and accepted March 1, 1999. Received.

**CONDOLENCES RESOLUTIONS**

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

**Res. No. 1792-99**—Esther B. Bolden.

**Res. No. 1878-99**—Harry Calvin Stewart, Sr.

**Res. No. 1879-99**—Big John McClinton.

**Res. No. 1880-99**—Pat Perry.

**Res. No. 1881-99**—Charlie McFadden.

**CONGRATULATIONS RESOLUTIONS**

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

**Res. No. 1882-99**—Brooks & Stafford Company.

**Res. No. 1883-99**—Historic Warehouse District.

**Res. No. 1884-99**—Stanislav Bernat.

**Res. No. 1885-99**—Jozef Turcany.

**Res. No. 1886-99**—Jan Kralik.

**Res. No. 1887-99**—Patrolman Michael A. Priola.

**Res. No. 1888-99**—Mike Hargrove.

**Res. No. 1889-99**—Ronald J. Tober.

**Res. No. 1890-99**—C. Vincent Petek.

**Res. No. 1891-99**—Gary Jantonio.

**Res. No. 1892-99**—Herb Brosnan.

**Res. No. 1893-99**—Reverend Tyree Williams.

**Res. No. 1894-99**—Shiloh Baptist Church.

**Res. No. 1895-99**—James W. Cravens.

**FIRST READING EMERGENCY  
ORDINANCES REFERRED**

**Ord. No. 1816-99.**

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

**An emergency ordinance authorizing the purchase by contract of not to exceed forty five pieces of equipment necessary for distribution maintenance, for the Division of Water, Department of Public Utilities.**

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

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

**Section 1.** That 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: not to exceed twenty-two (22) air compressors, not to exceed six (6) semi-dump trailers, not to exceed three (3) tractors (fifth wheel), not to exceed six (6) backhoes with impactors, not to exceed three (3) backhoe trailers, one (1) wheelbase loader, not to exceed four (4) wood trailers, 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. 13986.

**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. 1817-99.**

**By Councilmen Westbrook and Zone (by departmental request).**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 139.15 thereof, relating to Navigational Aids and Weather 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 Codified Ordinances of Cleveland, Ohio, 1976, is hereby supplemented by enacting new Section 139.15 thereof to read as follows:

**Section 139.15 Navigational Aids and Weather Equipment**

Notwithstanding as an exception to the provisions of Chapter 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is hereby authorized to enter into agreements with the United States of America through the Federal Aviation Administration to provide necessary real estate rights for the operation, installation, use and maintenance of navigational aids (NAVAIDS) and weather equipment for the various divisions of the

Department of Port Control, subject to such terms and conditions as are acceptable 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.

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

**Ord. No. 1818-99.**

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

**An emergency ordinance authorizing the Mayor and the Director of Public Service to enter into and execute lease agreements for the Old Superior Avenue Viaduct with Stonebridge Phase One, Ltd. for a term not to exceed forty years and for the tow areas under Arches 7 and 9 under the Superior Viaduct with Stonebridge Waterfront Limited Partnership for a term not to exceed seventy-five years.**

Whereas, pursuant to Ordinance No. 1433-99, passed \_\_\_\_\_, this Council designated an area which is in the City of Cleveland and described in File No. 1433-99-A as a Planned Unit Development Overlay District and known as Stonebridge PUD pursuant to Chapter 334 of the Codified Ordinances of Cleveland, Ohio, 1976; and

Whereas, the City of Cleveland owns the Old Superior Avenue Viaduct, located on the west bank of the Cuyahoga River, north of Detroit Avenue, which was built in 1878, and has been designated as a Cleveland Landmark and is listed on the National Register of Historic Places; and

Whereas, since 1919 when the structure was closed for use as a bridge right-of-way spanning the Cuyahoga River, the physical condition of the Old Superior Avenue Viaduct has deteriorated to a state of serious disrepair; and

Whereas, the reconstruction and rehabilitation of the structure is necessary in order to preserve and maintain the structure as a part of the City's history and the City is willing to lease the property to accomplish this reconstruction, rehabilitation, preservation and maintenance purpose; and

Whereas, Stonebridge Phase One, Ltd. has proposed to lease the Old Superior Avenue Viaduct for the purpose of reconstructing, rehabilitating, preserving and maintaining the structure for use in connection with a planned residential and retail development to be constructed consistent with a Planned Unit Development Overlay District; and

Whereas, Stonebridge Waterfront Limited Partnership has proposed to lease the tow areas under Arches 7 and 9 under the Old Superior Viaduct for use in connection with a planned residential and retail development to be constructed consistent with a Planned Unit Development Overlay District; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following properties are no longer needed for public use; and that the Mayor and Director of Public Service are authorized to enter into lease agreements with Stonebridge Phase One, Ltd. for the Old Superior Viaduct and Stonebridge Waterfront Limited Partnership for the tow areas under Arches 7 and 9 under the Old Superior Viaduct, such properties are described below:

Legal Description for  
Old Superior Viaduct Lease  
(Top Portion)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 70 and further known as being part of the Old Superior Avenue N.W. Viaduct, being an old stone structure having a 75 feet wide base and an upper surface 66 feet wide, the centerline of which is described as follows:

Beginning at a point on the centerline of Old Superior Viaduct, 306.17 feet East of a stone at the centerline intersection of West 24th Street, 33 feet wide;

Thence East, along said centerline a distance of 250.00 feet to an angle point;

Thence North 79° 03' 20" East, 646.04 feet to an angle point;

Thence North 86° 59' 56" East, 105.56 feet to the Easterly terminus of the existing structure and containing about 66,100 square feet on the upper surface level and excepting therefrom the area under the arches.

The bearings shown hereon are to an assumed meridian and are used to indicate angles only, according to a field survey by Ronald V. Garnett, Registered Surveyor No. 5828.

**SUPERIOR VIADUCT -  
ARCH NUMBER 7**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Numbers 561, 562, 554, 555 and 568 through 573, both inclusive as shown by the recorded plat of the Buffalo Company's Allotment of a part of Original Brooklyn Township Lot Numbers 51 and 70, in Volume 3 of Maps, Page 51 of Cuyahoga County Records and being about 117.5 feet in length and 80.00 feet wide and containing 7,265 square feet of land;

Having excluded 2,135 square feet of land within Pier Number 15 and the Westerly one-half of Pier Number 14.

**SUPERIOR VIADUCT -  
ARCH NUMBER 9**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Numbers 730 through 736 both inclusive and a part of what was formerly Washington Street in the Buffalo Company's Allotment of part of Original Brooklyn Township Lot Numbers 51 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 51 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Southwesterly line of Center Street, N.W. (66.00 feet wide) at its intersection with the Northwesterly right-of-way

line of the Superior Viaduct, (80.00 feet wide) as shown by the recorded plat in Volume 11 of Maps, Page 46 and 47 of Cuyahoga County Records; thence Southwesterly, along said Northwesterly right-of-way line of the Superior Viaduct about 153.57 feet to the Southeastern corner of a parcel of land conveyed to William Strangward by deed dated October 14, 1892 and recorded in Volume 541, Page 55 of Cuyahoga County Records, said point being also in the Southwesterly line of what was formerly Washington Street; thence Southeasterly, along said Southwesterly line of Washington Street to its intersection with the Southwesterly prolongation of the Northwesterly face of Pier 17 of said Superior Viaduct; thence Northeasterly, along said prolongation of the Northwesterly face of Pier 17, and along its Northwesterly face to the Northeastern corner thereof; thence Southeasterly, along the Northeastern face of Pier 17 of the Superior Viaduct to the Southeastern corner thereof; thence Southwesterly, along the Southeastern face of said Pier 17 and its Southwesterly prolongation to its intersection with the Southwesterly line of said Washington Street; thence Southeasterly, along said Southwesterly line of Washington Street to the Southeastern right-of-way line of the Superior Viaduct; thence Northeasterly, along said Southeastern right-of-way line of the Superior Viaduct, about 176.31 feet to its intersection with the Southwesterly line of Center Street, N.W. (66.00 feet wide); thence Northwesterly, along said Southwesterly line of Center Street N.W. to its intersection with the Northeastern face of Pier 16 of the Superior Viaduct; thence Southeasterly, along said Northeastern face of Pier 16 of the Superior Viaduct, to the Southeastern corner thereof; thence Southwesterly, along the Southeastern face of Pier 16 to the Southwesterly corner thereof; thence Northwesterly, along the Southwesterly face of Pier 16 to the Northwesterly corner thereof; thence Northeasterly, along the Northwesterly face of said Pier 16 to its intersection with said Southwesterly line of Center Street, N.W.; thence Northwesterly along said Southwesterly line of Center Street, N.W. to the place of beginning and containing about 8,397 square feet of land, of which 2,507 square feet of land is not City owned, leaving 5,890 square feet to lease.

**Section 2.** That the lease of the Old Superior Viaduct authorized by Section 1 of this ordinance may provide for a term of forty (40) years, renewable every two (2) years. That the lease of the tow areas under Arches 7 and 9 under the Old Superior Viaduct authorized by Section 1 of this ordinance may provide for a term of seventy-five (75) years, renewable every two (2) years thereafter.

**Section 3.** That the rent for each of the leases authorized by Section 1 of this ordinance shall be one dollar (\$1.00) per year.

**Section 4.** That the leases authorized by Section 1 of this ordinance shall provide that all costs of reconstruction, rehabilitation, preserving and maintaining shall be paid by the Lessees, and that the Lessees shall provide public liability insurance on the property naming the City as an additional insured.

**Section 5.** That the lease of the Old Superior Viaduct authorized by Section 1 of this ordinance may provide that Stonebridge Phase One, Ltd. may assign the lease of the Old Superior Viaduct upon the same terms and conditions of the lease, subject to Board of Control approval.

That the lease of the tow areas under Arches 7 and 9 under the Old Superior Viaduct authorized by Section 1 of this ordinance may provide that Lessee may assign the lease of the tow areas under Arches 7 and 9 under the Old Superior Viaduct in the event that Lessee is in default under its guaranteed loan(s) from the Department of Housing and Urban Development ("HUD").

**Section 6.** That the lease shall provide that the use of the properties must be consistent with use as a Planned Unit Development Overlay District, as set forth in Ordinance No. 1433-99, passed \_\_\_\_\_.

**Section 7.** That the leases authorized pursuant to Section 1 of this ordinance, shall be prepared by the Director of Law and executed by the Mayor and the Director of Public Service, and shall contain such additional terms and conditions as are required to protect the interests of the City. Original executed lease agreements shall be maintained in the above-mentioned file.

**Section 8.** That the Mayor and the Director of Public Service, and the Director of Law and other appropriate City officials, are hereby authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the leases authorized pursuant to 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 Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance, Law.

**Ord. No. 1819-99.  
By Councilman Gordon (by request).**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to Paul T. and Cynthia Banyasz to encroach into the public right-of-way of Elston Avenue S.W. with a fence.**

Whereas, this ordinance constitutes an emergency measure providing for 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 Paul T. and Cynthia Banyasz, 4101 West 16th Street, Cleveland, Ohio, their successors and assigns, for the construction, use and maintenance of a fence for safety and security maintenance as well as to prevent illegal dumping in the unimproved area of Elston Avenue S.W. which is a stub parcel easterly of

and directly adjacent to their home, and which fence will encroach into the public right-of-way of Elston Avenue S.W. at the location more fully described as follows:

**PROPOSED ELSTON AVENUE S.W. FENCE ENCROACHMENT AREA:**

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

Being all that portion of Elston Avenue S.W. (40.00 feet wide) extending Easterly from the Northerly prolongation of the Easterly line of West 16th Street (30.00 feet wide) about 80.00 feet to its Easterly terminus.

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

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

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

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

**Ord. No. 1820-99.**

**By Councilman Jackson.**

**An emergency ordinance to vacate a portion of East 32nd Place hereinafter described.**

Whereas, on the 7th day of June, 1999 the Council of the City of Cleveland adopted Resolution No. 95-99 declaring its intention to vacate a portion of East 32nd Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 95-99 has been served upon the owners of all the property abutting East 32nd Place, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 13th day of October, 1999, the Board of Revision of Assessments approved the vacation of East 32nd Place, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 32d Place, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of East 32nd Place (25.00 feet wide),

extending Southerly from the Southerly line of Euclid Avenue (99.00 feet wide) to the Northerly line of Prospect Avenue (82.50 feet wide), be and the same is hereby vacated.

**Section 2.** That an easement be maintained for the Division of Fire for ingress and egress, The description of the easement is as follows:

Being all that portion of East 32nd Place (25.00 feet wide), extending Northerly from the Northerly line of Prospect Avenue S.E. (82.5 feet wide) 199 ft. 7 in. to the Easterly prolongation of the Northerly line of Sublot Number 7 in the John Blair Subdivision as shown by the plat Recorded in Volume 2 Page 43 of Cuyahoga County Records.

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

**Section 3.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 32nd Place, herein provided by sending him a copy of this Ordinance.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and 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. 1821-99.**

**By Councilmen Sweeney and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of gasoline, 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 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 gasoline, upon a unit basis, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which pur-

chase, 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 9661)

**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. 1822-99.**

**By Councilmen Sweeney and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of Meyer snowplow and spreader parts, including installation, if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written 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 Meyer snowplow and spreader parts, including installation, if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two 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 9665)

**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. 1823-99.  
By Councilmen Sweeney and Johnson  
(by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of remanufactured transmissions, including labor for 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 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 remanufactured transmissions, including labor for installation, if necessary, in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 9667)

**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. 1824-99.  
By Councilmen Sweeney and Johnson  
(by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of tire repair road service, 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 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 tire repair road 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 Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 9664)

**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. 1825-99.  
By Councilmen Sweeney and Johnson  
(by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of manhole risers, for the Division of Streets, Department of Public Service.**

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

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

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

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial

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 8737)

**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. 1826-99.  
By Councilmen Sweeney and Johnson  
(by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of equipment and vehicle batteries, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written 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 equipment and vehicle batteries, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two 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 9668)

**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. 1827-99.  
By Councilmen Sweeney and Johnson  
(by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of traffic cones, safety drums, flashers, lights and batteries, for the Division of Streets, Department of Public Service.**

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

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

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

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial 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 8728)

**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. 1828-99.  
By Councilmen Sweeney and Johnson  
(by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of emulsion, purging solution and emulsion service management, for the Division of Streets, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement 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 emulsion, purging solution and emulsion service management 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 Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial 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 8730)

**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. 1829-99.  
By Councilmen Sweeney and Johnson  
(by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of gutter brooms and gutter broom sets, for the Division of Streets, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement 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 gutter brooms and gutter broom sets 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 Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and

the Director of Finance shall certify thereon the amount of the initial 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 8729)

**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. 1830-99.  
By Councilmen Sweeney and Johnson  
(by departmental request).**

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

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement 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 reclaimed and virgin asphalt concrete 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 Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial 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 8732)

**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. 1831-99.**  
**By Councilmen Sweeney and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of SSI tack coat, for the Division of Streets, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement 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 SSI tack coat 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 Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial 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 8736)

**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. 1832-99.**  
**By Councilmen Sweeney and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of cold mix material, for the Division of Streets, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement 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 cold mix material 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 Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial 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 8735)

**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. 1833-99.**  
**By Councilmen Sweeney and Johnson (by departmental request).**

**An emergency ordinance authorizing the procurement by requirement contract of large capacity trucks with operators, for the Division of Streets, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement 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 large capacity trucks with operators in the approximate amount as procured during the preceding year, to be procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certi-

fy 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 8733)

**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. 1834-99.**  
**By Councilmen Sweeney and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of plow blades and curb bumpers, for the Division of Streets, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement 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 plow blades and curb bumpers 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 Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial procurement thereunder, which procurement, together with all subsequent procurements, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 8731)

**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. 1835-99.**  
**By Councilmen Sweeney and Johnson**  
**(by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of guard rail elements, posts, end wings, and necessary hardware, for the Division of Streets, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement 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 guard rail elements, posts, end wings, and necessary hardware 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 Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial 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 8727)

**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. 1836-99.**  
**By Councilmen Sweeney and Johnson**  
**(by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of automotive and truck oils, lubricants and solvents, 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 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 automotive and truck oils, lubricants and solvents, in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 9666)

**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. 1837-99.**  
**By Councilmen Sweeney and Johnson**  
**(by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain various types of heavy duty construction equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written 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 various types of heavy duty construction equipment, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two 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 9663)

**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. 1838-99.**  
**By Councilmen Sweeney, Robinson and Johnson**  
**(by departmental request).**

**An emergency ordinance determining the method of making the public improvement of grinding pavement and authorizing the Director of Public Service to enter into a public improvement requirement contract for the making of such improvement.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of grinding pavement, for the Division of Streets, Department of Public Service, by a public improvement requirement contract duly let to the lowest responsible bidder upon a unit basis for the improvement.

**Section 2.** That the Director of Public Service is hereby authorized to enter into a requirement contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the period of not to exceed one year. 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 Director of Public Service until provision is made for the requirements for the entire year. (RL 8734)

**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. 1839-99.**  
**By Councilmen Coats and Johnson**  
**(by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice for the 1999-2000 Caribbean/Gang Task Force Program; and to enter into contract for the purchase by requirement contract of equipment needed to implement the program.**

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

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

**Section 1.** That the Director of Public Safety is hereby authorized to apply for and accept a grant in the amount of \$86,373.00, from the U.S. Department of Justice, to conduct the 1999-2000 Caribbean/Gang Task Force 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. 1839-99-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$28,791.00, payable from Fund No. 01-600200-639905, is hereby approved in all respects.

**Section 3.** That the Director of Public Safety is hereby authorized to make written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant authorized in Section 1 hereof for the necessary items of equipment needed to implement the program, as described in the application. The cost of said contract is payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

The cost of each contract shall be charged against the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance 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 and from cash matching funds identified in Section 2 of this ordinance.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

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

**Ord. No. 1840-99.**  
**By Councilmen Cintron, Jones,**  
**Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to grant to FirstEnergy Corp. certain easement rights in property located in the vicinity of 2519 Market Avenue and declaring said easement rights no longer needed for public use.**

Whereas, FirstEnergy Corp. has requested the Director of Parks, Recreation and Properties to convey certain easement rights in property located in the vicinity of 2519 Market Avenue; and

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

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

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

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

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

Beginning at a point at the intersection of the Easterly boundary line of Sublot No. 51 in James Webster's Re-Subdivision of part of Original Brooklyn Lot Nos. 69 and 70, as shown in the recorded plat in Volume 10 of Maps, Page 14 of Cuyahoga County Records, and the Northerly line of Lorain Avenue, 66 feet wide, which is the point of beginning of the parcel herein described;

Thence North 31° 10' 0" West along said Easterly boundary line a distance of 40 feet to a point;

Thence North 59° 01' 00" East a distance of 15 feet to a point;

Thence South 31° 10' 00" East a distance of 40 feet to a point in the Northerly line of Lorain Avenue;

Thence South 59° 01' 00" West a distance of 15 feet along the Northerly line of Lorain Avenue, to the point of beginning.

**Section 2.** That the easement shall be non-exclusive and the purpose of the easement shall be for utility purposes.

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

**Section 4.** That the duration of the easement shall be perpetual; that the easement may include reasonable access rights; that the easement

shall require the grantee to maintain any grantee improvements located within the easement, and pay any applicable taxes and assessments.

**Section 5.** That the conveyance referred to above shall be made by Official Deed of Easement prepared by Director of Law and executed by the Director of Parks, Recreation and Properties on behalf of the City of Cleveland. The Deed of Easement shall contain such additional terms and conditions as are required to protect the interests of the parties. The Directors of Parks, Recreation and Properties and Law are authorized to execute such other documents as may be necessary to effect the construction of the improvement within the property described in Section 1.

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

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

**Ord. No. 1841-99.**  
**By Councilmen Jones and Johnson**  
**(by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Cleveland Foundation for the Excellence Through the Arts 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 Parks, Recreation and Properties is hereby authorized to apply for and accept a grant in the amount of \$15,000, from the Cleveland Foundation, to conduct the Excellence Through the Arts Program, 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. 1841-99-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 Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.

**Ord. No. 1842-99.**  
**By Councilmen Cimperman, Willis, Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on the east side of West 15th Street between Abbey Road and Fairfield Road to 1501 Companies, Ltd. for business development.**

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use located at 1501 Companies, Ltd.; and

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

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

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

Fairfield Avenue and  
 West 15th Street  
 0.2490 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots 15, 17, 19, 21, 23, 25 and 27 in John G. Jennings University Heights Allotment of part of Original Brooklyn Township Lot Nos. 71 and 87 as shown by the recorded plat in Volume 1, Page 15 of Cuyahoga County Map Records and other lands in said Original Township Lot No. 87 and is further described as follows:

Beginning at a point at the intersection of the Northern line of Fairfield Avenue (66 feet wide) and the East line of West 15th Street (40 feet wide) also being the Southwest corner of a parcel of land conveyed to Arthur Mellon by deed recorded in Volume 87-5567, Page 8 of Cuyahoga County Records;

Thence North 00° 34' 02" West, along said Easterly right-of-way line, 61.70 feet to a point;

Thence North 89° 25' 58" East, 112.00 feet to a point;

Thence South 00° 34' 02" East, 10.00 feet to a point;

Thence North 89° 25' 58" East, 81.50 feet to a point at the Principal Place of Beginning;

Course I Thence North 00° 34' 02" West, 106.00 feet to a point;

Course II Thence North 16° 47' 44" West, 291.62 feet to a point;

Course III Thence North 70° 14' 15" West, 119.44 feet to a point in the East line of said West 15th Street;

Course IV Thence North 00° 34' 02" West, along said Easterly right-of-way line, 85.49 feet to a point;

Course V Thence North 89° 25' 58" East, 1.84 feet to a point;

Course VI Thence South 11° 36' 10" East, 26.74 feet to a point of curvature;

Course VII Thence along an arc of a curve deflecting to the left an arc distance of 90.42 feet to a point of tangency, said curve having a radius of 101.00 feet and a chord which bears South 37° 15' 02" East, 87.43 feet;

Course VIII Thence South 62° 53' 53" East, 25.14 feet to a point of curvature;

Course IX Thence along an arc of a curve deflecting to the left an arc distance of 32.16 feet to a point of reverse curvature, said curve having a radius of 101.00 feet and a chord which bears South 72° 01' 12" East, 32.02 feet;

Course X Thence along an arc of a curve deflecting to the right an arc distance of 38.08 feet to a point, said curve having a radius of 249.00 feet and a chord which bears South 76° 45' 37" East, 38.05 feet;

Course XI Thence South 00° 27' 31" East, 72.15 feet to a point;

Course XII Thence South 07° 30' 41" East, 54.36 feet to a point;

Course XIII Thence South 12° 07' 01" East, 28.38 feet to a point;

Course XIV Thence South 25° 25' 44" East, 90.77 feet to a point;

Course XV Thence South 41° 16' 13" East, 66.14 feet to a point;

Course XVI Thence South 17° 41' 50" West, 104.62 feet to a point;

Course XVII Thence South 89° 25' 58" West, 15.90 feet to a point at the Principal Place of Beginning and containing 10,848 square feet (0.2490 acres) as surveyed and described in September, 1999, by Joseph Gutoskey, P.S. 7567, be the same more or less, but subject to all legal highways. Bearings are based on the Cleveland Regional Geodetic System.

**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 1501 Companies, Ltd. at a price not less than fair market value as determined by the Board of Control.

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

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

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. 1843-99.**  
**By Councilmen Coats, Jackson, Robinson and Johnson (by departmental request).**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 903 East 147th Street to Edna B. Franklin.**

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). 115-06-026, as more fully described in Section 2 below, to Edna B. Franklin.

**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. 115-06-026  
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 132 in Nelson Moses Subdivision of part of Original Euclid Township Tract 10, Lots Nos. 1 and 2 as shown by the recorded plat in Volume 8 of Maps, Page 9 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 147th Street (formerly Clark Avenue) and extending back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

**Ord. No. 1844-99.**  
**By Councilman Jackson.**  
**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 375 relating to landlords and tenants.**

Whereas, this ordinance constitutes an emergency measure providing for 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 Chapter 375, to read as follows:

**Chapter 375**  
**LANDLORDS AND TENANTS**

Section 375.01 Definitions  
 Section 375.02 Terms of Rental Agreements  
 Section 375.03 Terms Barred from Rental Agreements  
 Section 375.04 Rent Receipt Required  
 Section 375.05 Payment of Utilities  
 Section 375.06 Unlawful Entry By Landlord  
 Section 375.07 Landlord Denied Certain Remedies  
 Section 375.08 Retaliation of Landlord Prohibited; Relief  
 Section 375.09 Security Guards Required

**Section 375.01 Definitions**

(a) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

(b) "Landlord" means the owner, lessor, or sublessor of residential premises, his agent, or any person authorized by him to manage the premises or to receive rent from a tenant under a rental agreement.

(c) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by one of the parties.

(d) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant. "Residential premises" do not include any structures excluded from the definition found in Section 5321.01 of the Ohio Revised Code.

(e) "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.

**Section 375.02 Terms of Rental Agreements**

(a) A landlord and tenant may include in a rental agreement any terms and conditions, including the term relating to rent, the duration of an agreement, and any other provisions governing the rights and obligations of the parties that are not inconsistent with or prohibited by this Chapter, Chapter 5321 of the Ohio Revised Code, or any other rule of law.

(b) Notwithstanding division (a) of this Section, in the event that a landlord and tenant have a rental agreement for a duration of six (6) months or more, and the rental

agreement includes a provision for automatic renewal, the automatic renewal provision must be set forth in clear, unambiguous language and must be printed on the rental agreement in bold type that is at least twice the size of any other print on the page.

(c) Notwithstanding division (a) of this Section, in the event that a rental agreement includes a provision for the charging of additional fees if the monthly rent is paid late, a landlord may not charge a late fee in an amount greater than the actual costs incurred in the acceptance of late rent, and may not charge a late fee on monthly rent greater than Twenty-Five Dollars (\$25.00).

**Section 375.03 Terms Barred from Rental Agreements**

(a) No provision of this Chapter or Chapter 5321 of the Ohio Revised Code may be modified or waived by any oral or written agreement except as provided in division (f) of this Section.

(b) No warrant of attorney to confess judgment shall be recognized in any rental agreement or in any other agreement between a landlord and tenant for the recovery of rent or damages to the residential premises.

(c) No agreement to pay the landlord's or tenant's attorneys' fees shall be recognized in any rental agreement for residential premises or in any other agreement between the landlord and tenant.

(d) No agreement by a tenant to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or its related costs shall be recognized in any rental agreement or in any other agreement between a landlord and tenant.

(e) A rental agreement, or the assignment, conveyance, trust deed, or security instrument of the landlord's interest in the rental agreement may not permit the receipt of rent free of the obligation to comply with Section 5321.04 of the Ohio Revised Code.

(f) The landlord may agree to assume responsibility for fulfilling any duty or obligation imposed on a tenant by Section 5321.05 of the Ohio Revised Code, other than the obligation specified in division (A)(9) of that Section.

(g) A landlord who knowingly includes a provision in a lease that is prohibited by this Section, shall be liable for damages in favor of the tenant in an amount of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00) for each violation, together with reasonable attorneys' fees.

**Section 375.04 Rent Receipt Required**

Upon a tenant's written or verbal request, a landlord must prepare and deliver a written receipt upon payment by the tenant for any portion of current, past or future rent. Such receipt shall be prepared and delivered or mailed to the tenant within twenty-four (24) hours of the landlord's receipt of the rent payment and must identify the amount of rent paid by the tenant.

**Section 375.05 Payment of Utilities**

(a) A landlord who is a party to a rental agreement shall pay for the electric, gas, and water services for the tenant's dwelling unit unless:

(1) The applicable utility service is provided to the dwelling unit by a public or municipal utility company through an individual utility meter; and

(2) The rental agreement provides that the tenant shall contract with the applicable utility company for the utility service and provides, by clear and unambiguous language in the rental agreement, that the tenant shall pay for the utility service directly to the utility company; and

(3) The applicable utility company permits tenants to contract directly with the utility service provider for such service.

**Section 375.06 Unlawful Entry Prohibited**

(a) Except in the case of an emergency or if it is impracticable to do so, a landlord shall give a tenant reasonable notice of his intent to enter the leased premises and enter only at reasonable times. Twenty-four (24) hours is presumed to be reasonable notice in the absence of evidence to the contrary.

(b) If a landlord makes an entry in violation of Section (a) hereof, makes a lawful entry in an unreasonable manner, or makes repeated demands for entry otherwise lawful that have the effect of harassing the tenant, the tenant may:

(1) Recover actual damages, or damages of an amount not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), resulting from the entry or demands;

(2) Obtain injunctive relief to prevent the recurrence of the conduct;

(3) Obtain a judgment for reasonable attorneys fees;

(4) Terminate the rental agreement.

**Section 375.07 Landlord Denied Certain Remedies**

(a) No landlord of residential premises shall initiate any act, including the termination of utilities or services, exclusion from the premises, or threat of any unlawful act against a tenant or a tenant whose right to possession has been terminated, for the purpose of recovering possession of residential premises, other than as provided in Chapters 1923, 5303, and 5321 of the Ohio Revised Code.

(b) No landlord of residential premises shall seize the furnishings or possessions of a tenant, or of a tenant whose right to possession has terminated, for the purpose of recovering rent payments, other than in accordance with an order by a court of competent jurisdiction.

(c) A landlord who violates this Section shall be liable in a civil action for all actual damages, or damages of an amount of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), caused to the tenant or to the tenant whose right to possession has been terminated, together with reasonable attorneys' fees.

**Section 375.08 Retaliation of Landlord Prohibited; Relief**

(a) A landlord may not retaliate against a tenant by increasing the tenant's rent, decreasing services that are due to the tenant, bringing or threatening to bring an action for possession of the tenant's premises, terminating or threatening to terminate the tenant's rental agreement, or failing to renew a tenant's rental agreement because:

(1) The tenant has complained to an appropriate governmental agency of a violation of a building, housing, health, or safety code that is applicable to the premises, and the violation materially affects health and safety;

(2) The tenant has complained to the landlord of any violation of Section 5321.04 of the Ohio Revised Code;

(3) The tenant joined with other tenants for the purpose of negotiating or dealing collectively with the landlord on any of the terms and conditions of a rental agreement.

(b) If a landlord acts in violation of division (a) of this Section, the tenant may:

(1) Use the retaliatory action of the landlord as a defense to an action by the landlord to recover possession of the premises;

(2) Recover possession of the premises;

(3) Terminate the rental agreement;

(4) Recover from the landlord any actual damages, or damages of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), together with reasonable attorneys' fees.

**Section 375.09 Security Guard Required**

Any residential dwelling structure with between thirty (30) and eighty-five (85) dwelling units, shall provide at least one security guard on the premises for 24 hours a day, 7 days a week. Any residential dwelling structure with 86 dwelling units or more shall provide at least two (2) security guards on the premises for 24 hours a day, 7 days a week. All security guards must meet the requirements set forth in Chapter 670.

**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 Community Development, Law; Committees on Community and Economic Development, Legislation.

**Ord. No. 1846-99.**

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

**An emergency ordinance authorizing the Director of Community Development to establish the Your Home Program and to enter into contracts under that Program; determining the method of making the public improvement of constructing sidewalks, handicap ramps and curbing; and authorizing the Director of Public Service to enter into one or more requirement contracts for the making of said improvement.**

Whereas, the City anticipates the repayment of an Urban Development Action Grant Loan and desires to appropriate those funds for neighborhood improvement purposes; 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 establish the Your Home Program to enable single parents to purchase their first home in

the City with second mortgage assistance and to enter into contracts with potential homeowners under that Program.

**Section 2.** That the funds for the Your Home Program shall come from loan repayments deposited into Fund No. 17 SF 006.

**Section 3.** That the Director of Community Development is authorized to accept monies in repayment under said program and to utilize said repayments, and other program income in a revolving fund for additional contracts under this program.

**Section 4.** That pursuant to Section 167 of the Charter, it is hereby determined to make the public improvement of constructing sidewalks, handicap ramps and curbing for large scale development projects determined eligible by the Director of Community Development, by one or more public improvement requirement contracts duly let to the lowest responsible bidder after competitive bidding.

**Section 5.** That the Director of Public Service is hereby authorized to enter into a written requirement contract with the lowest responsible bidder after advertising for all such work estimated to be done until the funds are expended, upon a unit basis. 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 may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements until such time as all of the funds are expended.

**Section 6.** That the cost of said contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

**Section 7.** That the cost of the improvement hereby authorized shall be paid from Fund Nos. 17 SF 006, 20 SF 322, 20 SF 334, 20 SF 341, and 20 SF 364.

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

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

**Ord. No. 1847-99.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2138 West 96th Street to Cecily Annette Lewis aka Cecily A. Lewis.**

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). 005-26-032, as more fully described in Section 2 below, to Cecily Annette Lewis aka Cecily A. Lewis.

**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. 005-26-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 20 in H. J. Johnson, Trustee's ReAllotment of part of F. R. Elliott's Subdivision of Original Brooklyn Township Lot No. 13, as shown by the recorded plat in Volume 14 of Maps, Page 19 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 96th Street (formerly Golder Street) and extending back of equal width 129 feet deep to an alley in the rear, 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.

**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. 1848-99.**  
By Councilmen White, Jackson, Robinson and Johnson (by departmental request).

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3792 East 114th Street to Donnell Tate, Jr.**

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). 135-21-119, as more fully described in Section 2 below, to Donnell Tate, Jr.

**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. 135-21-119

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 68 in the Elworthy Company's House Gardens Allotment of part of Original One Hundred Acre Lot No. 459, as shown by the recorded plat in Volume 48 of Maps, Page 11 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 114th Street, and extending back of equal width 110 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to 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 Direc-

tor of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

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

**Ord. No. 1849-99.**

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

**An emergency ordinance to amend Section 2 of Ordinance No. 1090-99, passed June 14, 1999, relating to an Amendment to Lease Agreement No. 46890 between the City and the County of Cuyahoga and an Amendment to Lease Agreement No. 46861 between the City and Lakeside 425 Limited Partnership; and authorizing the Director of Economic Development to enter into a Lease with Felder Properties, Ltd. to lease a portion of the same.**

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

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

**Section 1.** That Section 2 of Ordinance No. 1090-99, passed June 14, 1999, is hereby amended to read as follows:

**Section 2.** 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 Economic Development is hereby authorized to enter into an Amendment to Lease Agreement No. 46861 between the City and Lakeside 425 Limited Partnership to modify the leased premises to a revised parcel as described by the legal description as follows:

48 Space Secured Parking Area  
("Parcel C")

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

Beginning at the intersection of the centerlines of Lakeside Avenue (99 feet wide) (formerly Lakeside Street) and West 6th Street (99 feet wide) (formerly Bank Street);

Thence North 34° 05' 25" West along the centerline of West 6th Street, 212.26 feet to a point;

Thence North 55° 54' 35" East, 37.55 feet to a point and the principal point of beginning of the premises herein described;

Thence North 35° 18' 04" East, 109.76 feet to a point;

Thence North 30° 05' 33" East, 128.52 feet to a point;

Thence North 80° 10' 48" East, 27.22 feet to a point;

Thence South 59° 54' 27" East, 27.10 feet to a point;

Thence South 06° 55' 52" East, 29.13 feet to a point;

Thence South 30° 05' 33" West, 111.67 feet to a point;

Thence South 33° 04' 20" West, 19.32 feet to a point;

Thence South 35° 18' 04" West, 96.82 feet to a point;

Thence South 55° 59' 00" West, 20.11 feet to a point;

Thence North 54° 41' 56" West, 36.12 feet to a point;

Thence North 34° 01' 00" West, 23.27 feet to the principal point of beginning and containing 0.3875

acres of land as calculated and described by The North Coast Engineering and Surveying Co., Inc. in April of 1999, be the same more or less, but subject to all legal highways.

**35 Space Parking Area - Private  
(Part of Parcel "A")**

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

**Beginning at the intersection of the centerlines of Lakeside Avenue (99 feet wide) (formerly Lakeside Street) and West 9th Street (99 feet wide):**

Thence North 34° 03' 55" West along the centerline of West 9th Street, 49.50 feet to a point on the Westerly prolongation of the Northwesterly line of Lakeside Avenue;

Thence North 55° 59' 00" East along the prolongation and the Northwesterly line of Lakeside Avenue, 110.75 feet to a point and the principal point of beginning of the premises herein described;

Thence North 34° 01' 00" West, 36.70 feet to a point;

Thence North 68° 35' 45" East, 168.07 feet to a point on the Northwesterly line of Lakeside Avenue;

Thence South 55° 59' 00" West along the Northwesterly line of Lakeside Avenue, 164.01 feet to the principal point of beginning and containing 0.0691 acres of land as calculated and described by The North Coast Engineering and Surveying Co., Inc., in June of 1999, be the same more or less, but subject to all legal highways.

**Section 2.** The existing Section 2 of Ordinance No. 1090-99, 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.

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

**Ord. No. 1850-99.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for economic development for the Department of Economic Development; and authorizing the Commissioner of Purchases and Supplies to convey said property to Felder Properties, Ltd.**

Whereas, the Director of Economic Development has requested the purchase of property, which is located in the vicinity of Lakeside Avenue and West 3rd Street, for economic development purposes; and

Whereas, the Director of Economic Development has requested the sale of said property to Felder Properties, Ltd., for the public purpose of economic development in the area; and

Whereas, Felder Properties, Ltd. has submitted a proposal which the Director of Economic Development has determined to be a satisfactory means of achieving economic development in the area; 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 Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of providing economic development in the area:

Northwest Building Corner

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

Beginning at the intersection of the centerlines of Lakeside Avenue (99 feet wide) (formerly Lakeside Street) and West 6th Street (99 feet wide) (formerly Bank Street);

Thence North 55° 59' 00" East along the centerline of Lakeside Avenue, 265.97 feet to a point;

Thence North 34° 05' 25" West, 49.50 feet to a point on the Northwesterly line of Lakeside Avenue and the Southeasterly corner of land so conveyed to Felder Properties, Ltd. by deed dated January 12, 1999 and recorded in Document No. 19901121219 of Cuyahoga County Records;

Thence continuing North 34° 05' 25" West along the Northeasterly line of land so conveyed to Felder Properties, Ltd., 132.00 feet to the Northeasterly corner thereof and the principal point of beginning of the premises herein described;

Thence South 55° 59' 00" West along the Northwesterly line of land so conveyed to Felder Properties, Ltd., and the Southwesterly prolongation thereof, 126.04 feet to a point;

Thence North 35° 18' 04" East, 22.48 feet to a point;

Thence North 33° 04' 20" East, 19.32 feet to a point;

Thence North 30° 05' 33" East, 96.86 feet to a point on the Northwesterly prolongation of the Southwesterly line of land conveyed to Felder Properties, Ltd., by deed dated January 6, 1999 and recorded in Document No. 19990106005 of Cuyahoga County Records;

Thence South 34° 05' 25" East along the Northwesterly prolongation and the Southwesterly line of land so conveyed to Felder Properties, Ltd., 57.76 feet to the principal point of beginning and containing 0.0800 acres of land as calculated and described by The North Coast Engineering and Surveying Co., Inc., in May of 1999, be the same more or less, but subject to all legal highways.

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

**Section 3.** That this Council finds that the conveyance to Felder Properties, Ltd. constitutes a public use of said property for the purposes of redevelopment.

**Section 4.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the described property in Section 1 to Felder Properties, Ltd., at a price not less than fair market value of the property taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed or deeds of conveyance.

**Section 5.** 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 such necessary provisions (including such restrictive reversionary interests as may be specified by the Board of Control or Director of Law) which shall protect the parties as their respective interests require.

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

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

**Ord. No. 1851-99.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 44104 with West Sixth Associates Limited Partnership, successor by merger with Grand Arcade Limited Partnership, to amend the terms of said contract regarding repayment.**

Whereas, pursuant to Ordinance No. 1904-91, passed August 21, 1991, the Director of Economic Development entered into Contract No. 44104 with Grand Arcade Limited Partnership, or its designee, for economic development assistance to partially finance the acquisition of real estate located at 406 St. Clair Avenue; and

Whereas, Grand Arcade Limited Partnership has merged with West Sixth Associates Limited Partnership; 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 Economic Development is authorized to enter into an amendment to Contract No. 44104 with West Sixth Associates Limited Partnership, successor by merger with Grand Arcade Limited Partnership, to amend the terms of said loan for the purpose of agreeing that the City's Small Business Revolving Loan in the amount of \$250,000, Contract No. 44104, has a present value of \$100,000, and that West Sixth Associates Limited Partnership shall repay the entire present value of \$100,000, plus interest at the rate of 4% per annum, through payments of \$4,500.00 out of the proceeds of each of the first 23 condominium sales of the Phase I and Phase II property

of the Grand Arcade condominium or within 12 months of the execution of said loan amendment, whichever is sooner, interest to be paid out of the 23rd payment or at the end of the 12-month period, whichever is applicable

**Section 2.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

**Section 3.** That the amendment to Contract No. 44104 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.

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

**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.**

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 accordance 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:

Personnel . . . . . \$726,595  
Other Expenses . . . . . 6,986,332

**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 to 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.

**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.

**Section 4.** That the costs of the contracts for the Home Insulation Program herein contemplated shall be paid from Fund No. 10 SF 526.

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

**Ord. No. 1853-99.**  
**By Councilmen Sweeney, Jackson, Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Actron Manufacturing Company to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to acquire machinery, equipment, furniture and fixtures and to expand its operation by relocating to and renovating a facility located at 15825 Industrial Parkway in the Cleveland Area Enterprise Zone.**

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

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

Whereas, Actron Manufacturing Company (the "Enterprise") has proposed to acquire machinery, equipment, furniture, fixtures and to

expand its operation by relocating to and renovating a facility located at 15825 Industrial Parkway in the City of Cleveland; and

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

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

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

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

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with Actron Manufacturing Company to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to acquire machinery, equipment, furniture and fixtures and to expand its operation by relocating to and renovating a facility located at 15825 Industrial Parkway in the City of Cleveland; said abatement shall be subject to annual review of the Tax Incentive Review Council.

**Section 3.** That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1853-99-A. The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

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

**Section 5.** That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

**Ord. No. 1872-99.**  
**By Councilmen Lewis, Jackson, Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5916 Utica Avenue to Barbara Thompson.**

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). 104-20-057, as more fully described in Section 2 below, to Barbara Thompson.

**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. 104-20-057  
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 340 and bounded and described as follows:

Beginning at a point on the Southerly line of Utica Avenue, N.E., (formerly Willson Place), the Southerly line of which is parallel with and 200 feet Northerly from the Northerly line of Quimby Avenue, N.E., and extending from East 55th Street to East 65th Street at a point 776 feet Easterly from the Easterly line of East 55th Street; thence Easterly along the Southerly line of Utica Avenue, N.E., 24 feet; thence Southerly and parallel with the Easterly line of East 55th Street, 60 feet; thence Westerly parallel with the Northerly line of Quimby Avenue, N.E., 24 feet; thence Northerly and parallel with the Easterly line of East 55th Street, 60 feet the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

**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. 1873-99.**  
**By Councilmen Lewis, Jackson, Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at the Easterly part of 1552 Addison Road to Michelle Denise Lewis.**

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). 106-11-051 and Westerly 20 feet of 106-11-017 and 106-11-018, as more fully described in Section 2 below, to Michelle Denise Lewis.

**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. 106-11-051 and Westerly 20 feet of 106-11-017 and 106-11-018. Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 7 and 8 in Thomas H. White's Allotment of part of Original One Hundred Acre Lot No. 342 (formerly in East Cleveland Township) and bounded and described as follows:

Beginning in the Westerly line of Addison Road, N.E. (50 feet wide),

at its intersection with the Northerly of Lawnview Avenue, N.E. (50 feet wide); thence due West along the said Northerly line, 212.43 feet, to a 5/8" iron pin found on the Easterly line of the Simpson and Goakes Subdivision as recorded in Volume 18, Page 23 of Cuyahoga County Map Records, and the principle place of beginning; thence North 0° 19' 00" along the said Easterly line of Simpson and Goakes Subdivision 70.82' to a capped 5/8" iron pin set on the Southerly line of a parcel of land conveyed to Revie Williams, and Julia A. Gamble in deed dated October 28, 1998 and recorded in Volume 14011, Page 46 of Cuyahoga County Records; thence South 89° 36' 49" East along said Southerly line 61.99 feet to capped 5/8" iron pin set; thence South 0° 18' 58" West 70.40 feet to capped 5/8" iron pin set on the Northerly line of Lawnview Avenue, N.W.; thence due West along said Northerly line 61.99 feet to the principle place of beginning. Containing within said bounds an area of 4376.93 square feet of land according, to a survey dated June 1999 by Gregory J. Esber, Registered Ohio Professional Surveyor Number 7741, be the same more or less, but subject to all legal highways, easements and restrictions of record.

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

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

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

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

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

**Ord. No. 1874-99.**  
**By Councilmen Lewis, Jackson, Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7518 Melrose Avenue to Harry Arrington.**

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). 106-11-075, as more fully described in Section 2 below, to Harry Arrington.

**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. 106-11-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 25 and 26 in Howard White's Subdivision of part of Original One Hundred Acre Lot No. 342, as shown by the recorded plat in Volume 14 of Maps, Page 5 of Cuyahoga County Records and together forming a parcel of land, bounded and described as follows:

Beginning on the Southerly line of Melrose Avenue, N.E., (formerly Melrose Avenue) at the Northwesterly corner of said Sublot No. 25; thence Easterly along said Southerly line of Melrose Avenue, N.E., 30 feet; thence Southerly at right angles to said Southerly line of Melrose Avenue, N.E. about 100 feet to the Southerly line of said Sublot No. 26; thence Westerly along said Southerly line of said Sublot No. 26 about 30 1/10 feet to the Southwesterly corner of said Sublot No. 26; thence Northerly along the Westerly line of said Sublots Nos. 26 and 25, 102 48/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

**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. 1875-99.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6802 Quimby Avenue to Bertha Williams.**

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). 106-15-051, as more fully described in Section 2 below, to Bertha Williams.

**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. 106-15-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 206 and 207 in Streater and Adams Resubdivision of part of Original One Hundred Acre Lots Nos. 338 and 341, as shown by the recorded plat in Volume 13 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southerly line of Quimby Avenue, N.E., (formerly Quimby Street) at its point of intersection with the Easterly line of East 68th Place (formerly Margaret Place); thence Easterly along the Southerly line of Quimby Avenue, N.E., 30 feet to the Northwesterly corner of land conveyed to Andrew Dandanell and Louise Dandanell by deed dated September 16, 1919, and recorded in Volume 2296, Page 536 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed to Andrew and Louise Dandanell, 90 feet to the

Northerly line of land conveyed to Philip Fishman by deed dated November 2, 1931, and recorded in Volume 4205, Page 508 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed to Philip Fishman, 30 feet to the Easterly line of East 68th Place; thence Northerly along said Easterly line of East 68th Place, 90 feet to place of beginning, 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.

**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. 1876-99.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1614 East 85th Street to Patrick Prince.**

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). 106-23-102, as more fully described in Section 2 below, to Patrick Prince.

**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. 106-23-102

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391, and bounded and described as follows:

Beginning at a point on the Westerly line of East 85th Street, at a point distant 1132.17 feet Southerly measured along said Westerly line, from the Southerly line of Wade Park Avenue, N.E.; thence Southerly along the Westerly line of East 85th Street, 40 feet; thence Westerly parallel with the Southerly line of Wade Park Avenue, N.E., 102 feet; thence Northerly parallel with the Westerly line of East 85th Street, 40 feet; thence Easterly parallel with the Southerly line of Wade Park Avenue, N.E., 102 feet to the place of beginning, and further known as Parcel No. 115 in L.M. Southern's proposed Wade Park Avenue Allotment of part of Original One Hundred Acre Lot Nos. 383 and 391, 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.

**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. 1877-99.**  
**By Councilmen Lewis, Jackson,**  
**Robinson and Johnson (by depart-**  
**mental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8316 Linwood Avenue to Archie Ross and Anna Ross.**

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). 106-23-163, as more fully described in Section 2 below, to Archie Ross and Anna Ross.

**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. 106-23-163

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391, and bounded and described as follows:

Beginning at the intersection of the Southerly line of Linwood Avenue, S.E., (formerly Stanley Avenue) with the Westerly line of East 84th Street (formerly Minerva Street) as now established; thence Westerly along the Southerly line of Linwood Avenue, N.E., 40 feet to the Northeasterly corner of land conveyed to Presley H. Schnur by deed dated April 21, 1903 and recorded in Volume 886 Page 148 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to Presley H. Schnur 110 feet to the Southerly line of land conveyed to L.M. Southern by deed dated November 27, 1888, and recorded in Volume 443, Page 45 of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed to L.M. Southern, 40 feet to the Westerly line of East 84th Street; thence Northerly along said Westerly line, 110 feet to the place of beginning and further known as Sublot No. 31 in L.M. Southern's Wade Park Subdivision proposed of part of Original One Hundred Acre Lots Nos. 383 and 391 as appears by said plat.

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 ordi-

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

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

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

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

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

**Ord. No. 1896-99.**  
**By Councilmen Britt, Jackson,**  
**Robinson and Johnson.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8011, 8115, 8117-019 and 8121-23 Quincy Avenue to Fairfax Renaissance 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). 119-26-006, 119-26-010, 119-26-011 and 119-26-012, as more fully described in Section 2 below, to Fairfax Renaissance 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. 119-26-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 8 feet of Sublot No. 35 and the Westerly 35 feet of Sublot No. 34 in Holden and Judson's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 59 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 43 feet on the Northerly side of Quincy Avenue, S.E., and extending back of equal width 140 feet to the Southerly line of Emanuel Court, S.E., as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 119-26-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 29 in Holden and Judson's Allotment of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 59 of Cuyahoga County Records. Said Sublot No. 29 has a frontage of 40 feet on the Northerly side of Quincy Avenue, S.E., (formerly Wade Street) and extends back between parallel lines 140 feet, as appears by said plat.

Also subject to all zoning ordinances, if any.

P. P. No. 119-26-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 28 in Holden and Judson's Subdivision, of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 59 of Cuyahoga County Records, and being 42 feet front on the Northerly side of Quincy Avenue, S.E., (formerly Wade Street), and extending back 140 feet on the Easterly line, 140 feet on the Westerly line, and having a rear line of 42 feet 9 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 119-26-012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 27 in Holden and Judson's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 59 of Cuyahoga County Records, and being 45 feet front on the Northerly side of Quincy Avenue, S.E., and extending back of equal width 140 feet along the Northerly side of East 82nd Street, 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.

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

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

#### FIRST READING EMERGENCY RESOLUTIONS REFERRED

**Res. No. 1854-99.**  
By Councilman Cimperman (by request).

**An emergency resolution declaring the intention to vacate a portion of Branch Avenue S.W.**

Whereas, this Council; is satisfied that there is good cause to vacate a portion of Branch Avenue S.W., as hereinafter described, and

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

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

**Section 1.** That it hereby declares its intention to vacate the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of:

BRANCH AVENUE S.W. (60.00 feet wide), extending Easterly from the Easterly line of West 14th Street (100.00 feet wide) to the Southerly prolongation of the Westerly line of Sublot Number 68 in the Branch Subdivision as shown in Volume 5, Page 9 of Cuyahoga County Map Records.

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

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

**Res. No. 1855-99.**  
By Councilman Cintron (by request).

**An emergency resolution declaring the intention to vacate a portion of Penn Court N.W.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of Penn Court N.W., as hereinafter described, and

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

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

**Section 1.** That it hereby declares its intention to vacate the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of:

PENN COURT N.W. (16.00 feet wide), extending Southeasterly from the Southeasterly line of Fulton Road N.W. (66.00 feet wide) to the Northwesterly prolongation of a line parallel with and distant 25.00 feet Westerly by rectangular measurement with the Northeasterly line of Sublot Number 310 in Barber and Lord Subdivision as shown by the recorded plat in Volume 11, Page 26 of Cuyahoga County Records.

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

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

**Res. No. 1856-99.**  
By Councilman Rybka (by request).

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

Whereas, this Council; is satisfied that there is good cause to vacate a portion of Winfield Avenue S.E., as hereinafter described, and

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

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

**Section 1.** That it hereby declares its intention to vacate the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of:

WINDFIELD AVENUE S.E. (25.00 feet wide), extending from the Westerly line of East 73rd Place (40.00 feet wide) Westerly to the Easterly line of Foreman Avenue (40.00 feet wide) as vacated by the Council of the City of Cleveland on June 15, 1998, by Ordinance Number 862-98.

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

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

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

**Ord. No. 1845-99.**

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

**An emergency ordinance authorizing the Directors of Community Development and Public Health to enter into contract with Cleveland State University to provide a program survey and for evaluation services relating to the Housing Opportunities for Persons with AIDS 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 Directors of Community Development and Public Health are hereby authorized to enter into contract with Cleveland State University to provide a program survey and for evaluation services relating to the Housing Opportunities for Persons with AIDS program. ("HOPWA").

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$58,851.00, and shall be paid from Fund No. 14 SF 024, Request No. 1171.

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

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

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

**Ord. No. 1857-99.**

By Councilmen Jackson and Johnson (by departmental request).

**An emergency ordinance to amend the fourth whereas clause and Section 2 of Ordinance No. 1088-99, passed June 14, 1999, relating to a purchase agreement with Cartech Company, Ltd., for City-owned property located in the Village of Highland Hills, with an option to Gliatech to purchase additional property within the first five 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 fourth whereas clause and Section 2 of Ordinance No. 1088-99, passed June 14, 1999, are hereby amended to read, respectively, as follows:

Whereas, Cartech Company, Ltd. ("Cartech"), an Ohio Limited Liability Company, has proposed to purchase from the City 10.593 acres of land in order to construct a multi-story office building to serve as the corporate headquarters for Gliatech Medical Inc. ("Gliatech"), an Ohio corporation, which Gliatech estimates will house 117 Gliatech employees; and

Section 2. That the Project Agreement shall provide that **Gliatech** shall have an option to purchase the following described property ("Option Parcel"), which option expires at the end of the "Option Period" which shall be the first 5 years from the date of the recording of conveyance of the Sale Parcel from the City to Cartech ("Conveyance Date"), which property is determined to be no longer needed for public use:

**Section 2.** That the fourth whereas clause and Section 2 of Ordinance No. 1088-99, passed June 14, 1999, are hereby repealed.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 1.

Those voting yea were Councilmen: Britt, Cimperman, Coats, Gordon, Jackson, Johnson, Melena, O'Malley, Patmon, Polensek, Robinson, Rybka, Sweeney, Westbrook, White, Willis, Zone.

Those voting nay were Councilman Lewis.

Absent: Councilmen Cintron, Dolan and Jones.

**Ord. No. 1858-99.**

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

**An emergency ordinance to amend the title and Section 7 of Ordinance No. 457-99, passed June 7, 1999, relating to the repair and resurfacing of Shaker Boulevard.**

Whereas, this ordinance constitutes an emergency measure providing for 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 7 of Ordinance No. 457-99, passed June 7, 1999, are hereby amended to read, respectively, as follows:

An emergency ordinance giving consent of the City of Cleveland for the repair and resurfacing of Shaker Boulevard to the State of Ohio; authorizing the Director of Public Service to enter into any agreements relative thereto; and authorizing said director to cause payment of the City's share to the State of Ohio for the cost of the improvement.

Section 7. That the Council hereby authorizes payment to the State for the City's share of the cost of the Improvement, from Fund No. 20 SF 334, Request No. 4330.

**Section 2.** That the existing title and Section 7 of Ordinance No. 457-99, passed June 7, 1999, are hereby repealed.

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

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

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

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

**Ord. No. 1859-99.**

**By Councilman Cimperman.**

**An emergency ordinance to vacate a portion of East 13th Street hereinafter described.**

Whereas, on the 14th day of June, 1999 the Council of the City of Cleveland adopted Resolution No. 978-99 declaring its intention to vacate a portion of East 13th Street, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 978-99 has been served upon the owners of all the property abutting East 13th Street, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 4th day of October, 1999, the Board of Revision of Assessments approved the vacation of East 13th Street, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 13th Street, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of East 13th Street (formerly East 14th Street, 31.68 feet wide), extending Northerly from the Easterly prolongation of the Northerly line of Lakeside Avenue N.E. (99.00 feet wide) to the Southerly line of that portion of East 13th Street vacated by the Council of the City of Cleveland by Ordinance Number 2736-53, passed February 8, 1954, be and the same is hereby vacated.

**Section 2.** That there be and hereby is reserved to the City of Cleveland an easement for existing Division of Water equipment, Cleveland Public Power equipment, Water Pollution Control equipment, and access for Division of Fire equipment.

**Section 3.** That there and hereby be paid to the City of Cleveland Divisions of Water, Water Pollution Control, and Cleveland Public Power all pending charges as specified for removal and/or relocation of equipment.

**Section 4.** That an easement be maintained for Fire Department equipment to service the rear of 1275 Lakeside Avenue from the West side of the Building.

The description of the easement is as follows:

That portion of East 13th Street (formerly East 14th Street, 31.68 feet wide), extending Northerly from the Easterly prolongation of the Northerly line of Lakeside Avenue N.E. (99.00 feet wide) to the Souther-

ly line of that portion of East 13th Street vacated by the Council of the City of Cleveland by Ordinance Number 2736-53, passed February 8, 1954.

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

**Section 5.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 13th Street, herein provided by sending him a copy of this Ordinance.

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

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

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

**Ord. No. 1860-99.**

**By Councilmen White and Johnson (by departmental request).**

**An emergency ordinance to amend Section 2 of Ordinance No. 1173-99, passed June 14, 1999, relating to contracts with various entities to provide services under Titles II and III of the Job Training Partnership Act.**

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

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

**Section 1.** That Section 2 of Ordinance No. 1173-99, passed June 14, 1999, is hereby amended to read as follows:

Section 2. That the Director of Personnel and Human Resources is authorized to enter into contract with United Labor Agency for the delivery of adult and youth employment and training services under Title III of the Job Training Partnership Act, in an amount not to exceed **\$953,958.00**.

**Section 2.** That existing Section 2 of Ordinance No. 1173-99, 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.

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

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

**Ord. No. 1861-99.**  
**By Councilman Johnson.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Buckeye Area Development Corporation to conduct a home repair assistance 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 authorized to enter into an agreement with Buckeye Area Development Corporation to conduct a home repair assistance program.

**Section 2.** That the cost of said contract authorized herein shall be in an amount not to exceed Thirty-Five Thousand Dollars (\$35,000.00) and shall be paid from Fund No. 10 SF 166. This contract shall be in addition to any agreement authorized by Ordinance No. 1449-99, passed by the Council of the City of Cleveland on August 11, 1999.

**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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1862-99.**  
**By Councilman Johnson.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Buckeye Area Development Corporation to improve and landscape an area located at East 116th Street and Buckeye Road.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Buckeye Area Development Corporation to perform various services and to improve and landscape an area located at East 116th Street and Buckeye Road.

**Section 2.** That the costs of said contract shall be in an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00) 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1863-99.**  
**By Councilman Patmon.**  
**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Glenville Harvest Festival Committee to stretch banners across St. Clair Avenue at the intersections of East 111th Street and at East 88th Street for the period from October 12, 1999 to October 29, 1999, inclusive, publicizing its 2nd Annual Harvest Festival.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Glenville Harvest Festival Committee to install, maintain and remove banners across St. Clair Avenue at the intersections of East 111th Street and at East 88th Street for the period from October 12, 1999 to October 29, 1999, inclusive. Said banners shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which banners will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

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

**Res. No. 1864-99.**  
**By Mayor White and Councilmen Westbrook, Jones, White, Robinson, Johnson, Jackson, Britt, Lewis, Patmon, Willis, Coats, Polensek, Rybka, Cimperman, Cintron, Gordon, O'Malley, Melena, Zone, Sweeney and Dolan.**

**An emergency resolution supporting the revised eligibility requirements of the Linked Deposit Loan Program to include all residential properties in the City of Cleveland.**

Whereas, pursuant to Ordinance No. 1062-99, passed by the Council of

the City of Cleveland on July 14, 1999, the City entered into a Linked Deposit Loan Program Agreement with the Cuyahoga County Treasurer; and

Whereas, through the Linked Deposit Loan Program, qualified financial institutions provide low interest rate loans to eligible borrowers for certain housing repairs and improvements; and

Whereas, the County has committed a total of \$40 million for loans to be made through the Linked Deposit Loan Program; and

Whereas, in its first three months of operation, a total of 1066 loans in the amount of \$13,221,283.00, or 33% of the total amount allocated for the program, have been processed for the City of Cleveland and its inner-ring suburbs, with the majority of the loans being made to the inner-ring suburban areas; and

Whereas, in the City of Cleveland, eligibility for the Linked Deposit Loan Program has been limited to 5 unit-or-more multi-family structures; and

Whereas, in order to provide greater benefits to the residents of the City of Cleveland, the County and the City have sought to expand the Linked Deposit Loan Program to also include all single family homes and 1-4 unit multi-family structures; and

Whereas, the Linked Deposit Loan Program will work in tandem with the Cleveland Action to Support Housing (CASH) program to offer low interest loans to residents for home improvements, but will be able to provide additional loans through the Linked Deposit Loan Program since that program has a broader definition of home improvements, including landscaping, decks, driveway and sidewalk repair and room additions; and

Whereas, the Council of the City of Cleveland supports the revised eligibility requirements of the Linked Deposit Loan Program to include all residential properties; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that the revised eligibility requirements will help spur the necessary investment to renovate many Cleveland homes and aid in the development of additional move-up housing in the City; now, therefore,

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

**Section 1.** That the Council of the City of Cleveland supports the expansion of the Linked Deposit Loan Program with the Cuyahoga County Treasurer to include all residential housing in the City of Cleveland and urges residents to avail themselves of the loans made available through the program.

**Section 2.** That the Council of the City of Cleveland supports the efforts of the Cuyahoga County Treasurer to cause the State Treasurer to adopt a statewide Linked Deposit Loan Program to further enhance the program described in Section 1.

**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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1865-99.**

**By Councilman Coats.**

**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 14625 Woodworth Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 4422150, K T Woodworth Corp., 14625 Woodworth Ave., Cleveland, Ohio 44112, to Permit No. 4618855, Khalil Inc., DBAWoodworth Food Mart, 14625 Woodworth Ave., Cleveland, Ohio 44112; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 4422150, K T Woodworth Corp., 14625 Woodworth Ave., Cleveland, Ohio 44112, to Permit No. 4618855, Khalil Inc., DBAWoodworth Food Mart, 14625 Woodworth Ave., Cleveland, Ohio 44112, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this

resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

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

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

**Res. No. 1866-99.**

**By Councilman Cimperman.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 4409 Payne Avenue, 1st Fl., and repealing Res. No. 1483-99, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 4409 Payne Ave., 1st Fl., by Res. No. 1483-99, adopted August 11, 1999; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 4409 Payne Ave., 1st Fl., be and the same is hereby withdrawn and Res. No. 1483-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

**Res. No. 1867-99.**

**By Councilman Gordon.**

**An emergency resolution objecting to the transfer of ownership and location of a D2, D2X, D3 and D3A Liquor Permit to 3829 Denison Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a D2, D2X, D3 and D3A Liquor Permit from Permit No. 1467219, Chuggers Unlimited Inc. John Kulig RCVR, DBACHuggers, 3824 E. 65th St., 1st Fl., Cleveland, Ohio 44105, to Permit

No. 9841822, Joseph Youhas, 3829 Denison Ave., Cleveland, Ohio 44109; 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 and location of a D2, D2X, D3, D3A Liquor Permit from Permit No. 1467219, Chuggers Unlimited Inc. John Kulig RCVR, DBA Chuggers, 3824 E. 65th St., 1st Fl., Cleveland, Ohio 44105, to Permit No. 9841822, Joseph Youhas, 3829 Denison Ave., Cleveland, Ohio 44109, 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.

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

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



**Res. No. 1868-99.**  
**By Councilman Melena.**  
**An emergency resolution objecting to the transfer of ownership and location of a C1 and C2 Liquor Permit to 5910 Detroit Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C1 and C2 Liquor Permit from Permit No. 8384851, Evelyn Joy Sorma, DBA Lorain Grocery, 4010 Lorain Avenue, 1st Fl., Cleveland, Ohio 44113, to Permit No. 91255550005, Two N Inc., DBAConvenient Food Mart 3112, 5910 Detroit Ave., Cleveland, Ohio 44102; 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 and location of a C1 and C2 Liquor Permit from Permit No. 8384851, Evelyn Joy Sorma, DBALorain Grocery, 4010 Lorain Avenue, 1st Fl., Cleveland, Ohio 44113, to Permit No. 91255550005, Two N Inc., DBAConvenient Food Mart 3112, 5910 Detroit Ave., Cleveland, Ohio 44102, 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.

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

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

**Res. No. 1869-99.**  
**By Councilman Polensek.**  
**An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 768 E. 200th St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 9937218, Zigman Enterprises Inc., DBASveteks Tavern, 768 E. 200th St., 1st Fl. & Bsmt., Cleveland, Ohio 44119, to Permit No. 2655482, Fat Boys Inc., 768 E. 200th St., 1st Fl. & Bsmt., Cleveland, Ohio 44119; 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 D5 Liquor Permit from Permit No. 9937218, Zigman Enterprises Inc., DBASveteks Tavern, 768 E. 200th St., 1st Fl. & Bsmt., Cleveland, Ohio 44119, to Permit No. 2655482, Fat Boys Inc., 768 E. 200th St., 1st Fl. & Bsmt., Cleveland, Ohio 44119, 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.

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

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

**Res. No. 1870-99.**  
**By Councilman Polensek.**  
**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 1201 E. 185th St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 4184515, J & E Oil Inc., DBAPetro Mart, 1201 E. 185th St., Cleveland, Ohio to Permit No. 3375224, Greystone Petroleum LLC, DBAPetro Mart, 1201 E. 185th St., Cleveland, Ohio 44119; 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 and C2 Liquor Permit from Permit No. 4184515, J & E Oil Inc., DBAPetro Mart, 1201 E. 185th St., Cleveland, Ohio, to Permit No. 3375224, Greystone Petroleum LLC, DBAPetro-

mart, 1201 E. 185th St., Cleveland, Ohio 44119, 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.

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

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

**Res. No. 1871-99.**

**By Councilmen Cimperman, Melena, Sweeney, Coats, White and Zone.**  
An emergency resolution urging the State of Ohio Lottery Commission to reconsider its decision to hold a second Pick 3 and Pick 4 drawing.

Whereas, the State of Ohio Lottery Commission has recently decided to expand its Pick 3 and Pick 4 number games in Ohio, and specifically in Cleveland; and

Whereas, pursuant to an article appearing in the Plain Dealer on October 10, 1999, the lottery is generating an incredible amount of money from the residents of the City of Cleveland; and

Whereas, while this Council of the City of Cleveland respects the rights of citizens to freely choose the manner in which to spend their money and to take part in these state sponsored games of chance, Council is deeply concerned about the Ohio Lottery Commission taking money from working families who could more wisely spend their money on other expenditures such as food, housing and clothing; and

Whereas, a second Pick 3 and Pick 4 drawing of the lottery may unfairly and unwisely target residents of neighborhoods in which other economic, community and human developments should be funding priorities, rather than games of chance; now, therefore

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

**Section 1.** That the Council of the City of Cleveland urges the State Lottery Commission to reconsider its decision to hold a second Pick 3 and Pick 4 drawing, and to weigh the potential for minimal winnings with the tremendous negative side effects in our neighborhoods.

**Section 2.** That the Council hereby requests that the Lottery Commission provide a full accounting of its expenditures that benefit the neighborhoods and residents of the City of Cleveland and that the Director of the Lottery Commission appear before the Council to present that accounting.

**Section 3.** That the Council requests that the Lottery Commission identify the amount of money generated by the Pick 3 and Pick 4

in each neighborhood and expend a proportionate amount for the betterment of that specific neighborhood.

**Section 4.** That, in the interest of our residents, the Lottery Commission meet with local elected officials to discuss the proposed expansion of any lottery games prior to their expansion.

**Section 5.** That this Council urges the State legislature to review the advantages and disadvantages of holding a state sponsored lottery.

**Section 6.** That the Clerk of Council is hereby requested to transmit a copy of this Resolution to the following: Governor Robert Taft; all Cleveland area State Representatives and State Senators; Ohio Secretary of State J. Kenneth Blackwell; and Mitchell Brown, Director of the Lottery Commission.

**Section 7.** 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**SECOND READING  
EMERGENCY ORDINANCES**

**Ord. No. 1410-99.**

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

An emergency ordinance determining the method of making the public improvement of remediating erosion affecting water facilities in portions of the Euclid Creek Reservation, including repairing and maintaining affected water mains, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

**Ord. No. 1421-99.**

By Councilman Cimperman (by request).

An emergency ordinance to change the name of Alpha Court S.E. to "Benjamin Rose Court S.E."

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

**Ord. No. 1422-99.**

By Councilman Cimperman (by request).

An emergency ordinance to change the name of Glass Avenue N.E. to "Lausche Avenue N.E."

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

**Ord. No. 1559-99.**

By Councilmen Britt, Coats, Johnson, Robinson, White and Willis (by departmental request).

An emergency ordinance determining the method of making the

public improvement of replacing East 123rd Street sewer, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

**Ord. No. 1560-99.**

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

An emergency ordinance determining the method of making the public improvement of replacing the Matherson Avenue sewer, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

**Ord. No. 1703-99.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one motor, for the Division of Water, Department of Public Utilities.

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

**Ord. No. 1741-99.**

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into contract with Kronos Incorporated for the purchase of maintenance services for Kronos software, for the Division of Accounts, Department of Finance, for a period of not to exceed five years.

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

1. In the title, line 4, strike "purchase of" and insert in lieu thereof the following: "professional".

Amendment agreed to.

**SECOND READING  
ORDINANCES**

**Ord. No. 270-99.**

By Councilman Westbrook.  
An ordinance to change the Use and Area Districts of lands on the north side of Madison Avenue, N.W. between West Park Boulevard and West 100th Street. (Map Change No. 1987, Sheet No. 1)

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

1. In Section 1, at the last line, strike "General" and insert in lieu thereof "Local".

2. In the title, line 4, after "West" strike "Park".

Amendments agreed to.

**Ord. No. 594-99.**

By Councilman Coats.  
An ordinance to change the Use and Area Districts of lands on the westerly corner of Cliffview Road, N.E. and Belvoir Boulevard, N.E. (Map Change No. 1990, Sheet No. 7)

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

**Ord. No. 898-99.**

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

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

1. In Section 1, the last line, strike "a 'C' Area" and insert in lieu thereof the following: "**an 'E' Area**".  
Amendment agreed to.

**Ord. No. 1093-99.**

By Councilman Dolan.  
An ordinance to change the Use District for the land area south of Old Lorain Road in the proposed expanded Fairview Hospital Riveredge parking facility to a Parking District and a 'C' Area District (Map Change No. 1993, Sheet No. 12).

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

**SECOND READING EMERGENCY ORDINANCES PASSED****Ord. No. 1437-99.**

By Councilman Jackson.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5708-10 Woodland Avenue, to First Beulah Baptist Church.

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

1. Insert new Section 6 to read as follows:

**"Section 6. That as a condition of sale, the City Planning Commission shall review and approve any plans for the initial design or development of the property."**

2. Renumber existing Section 6 to new "Section 7".

Amendments agreed to.

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

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

**Ord. No. 1662-99.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the southeast corner of Willard Avenue and West 93rd Street to Trinity Freewill Baptist Church.

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

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

**SECOND READING ORDINANCE PASSED****Ord. No. 1130-99.**

By Councilman Cintron.  
An ordinance to change the Use District of lands on the northerly side of Detroit Avenue, N.W., between W. 45 Street and west of W. 38 Street (Map Change No. 1996, Sheet No. 1)

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

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

**THIRD READING EMERGENCY ORDINANCES PASSED****Ord. No. 414-99.**

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

An emergency ordinance to appropriate property for public use for the improvement to a portion of Stokes Boulevard.

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

**Ord. No. 1427-99.**

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease Brookside Park Ball Diamond #1 to St. Ignatius High School, for a term not to exceed ten years with two five-year options to renew.

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

**Ord. No. 1428-99.**

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a concession agreement for the operation of soft drink, candy, snack and other vending machines throughout City parks and various City-owned and City-leased buildings.

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

**Ord. No. 1561-99.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Mayor to apply for and accept a Water Supply Revolving Loan Account loan to finance portions of Phase I of the Plant Enhancement Program at the Morgan Water Works Plant; and authorizing the Director of Public Utilities to employ one or more professional consultants necessary to design the improvement.

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

**Ord. No. 1567-99.**

By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Recovery Resources for employee assistance program services for City employees, for the Department of Personnel and Human Resources.

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

**MOTION**

By Councilman Jackson, seconded by Councilman Cimperman and unanimously carried that the absence of Councilman Nelson Cintron, Jr., Councilman Michael A. Dolan and Councilman Joseph T. Jones, be and is hereby authorized.

The Council adjourned at 8:00 p.m. to meet on Monday, October 25, 1999, at 7:00 p.m.



Clerk of Council

**THE CALENDAR**

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

**ORDINANCES****Ord. No. 270-99.**

By Councilman Westbrook.  
An ordinance to change the Use and Area Districts of lands on the north side of Madison Avenue, N.W. between West Boulevard and West 100th Street, (Map Change No. 1987, Sheet No. 1)

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

**Section 1.** That the Use and Area Districts of lands bounded and described as follows:

Beginning at the intersection of the center line of West 100 Street and the center line of Madison Avenue, N.W.; thence westerly along said center line of Madison Avenue, N.W. to its intersection with the center line of West Boulevard, N.W.; thence northerly along said center line of North Boulevard, N.W. to its intersection with the westerly prolongation of the center line of Mueller Court, N.W., thence easterly along said westerly prolongation and along said center line of Mueller Court, N.W. and along its easterly extension to the center line of West 100 Street; thence southerly along said center line of West 100 Street to the place of beginning, and as outlined in red on the map hereto attached be and the same are hereby changed to a **Local Retail Use District** and a 'C' Area District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1987, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

**Ord. No. 594-99.**

By Councilman Coats.  
An ordinance to change the Use and Area Districts of lands on the westerly corner of Cliffview Road, N.E. and Belvoir Boulevard, N.E. (Map Change No. 1990, Sheet No. 7)

**Ord. No. 898-99.**

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

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

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

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

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

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

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

**Ord. No. 1093-99.**

By Councilman Dolan.

An ordinance to change the Use District for the land area south of Old Lorain Road in the proposed expanded Fairview Hospital Riveredge parking facility to a Parking District and a 'C' Area District (Map Change No. 1993, Sheet No. 12).

**Ord. No. 1410-99.**

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

An emergency ordinance determining the method of making the public improvement of remediating erosion affecting water facilities in portions of the Euclid Creek Reservation, including repairing and maintaining affected water mains, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

**Ord. No. 1421-99.**

By Councilman Cimperman (by request).

An emergency ordinance to change the name of Alpha Court S.E. to "Benjamin Rose Court S.E."

**Ord. No. 1422-99.**

By Councilman Cimperman (by request).

An emergency ordinance to change the name of Glass Avenue N.E. to "Lausche Avenue N.E."

**Ord. No. 1559-99.**

By Councilmen Britt, Coats, Johnson, Robinson, White and Willis (by departmental request).

An emergency ordinance determining the method of making the public improvement of replacing East 123rd Street sewer, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

**Ord. No. 1560-99.**

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

An emergency ordinance determining the method of making the public improvement of replacing the Matherson Avenue sewer, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

**Ord. No. 1703-99.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one motor, for the Division of Water, Department of Public Utilities.

**Ord. No. 1741-99.**

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into contract with Kronos Incorporated for the professional maintenance services for Kronos software, for the Division of Accounts, Department of Finance, for a period of not to exceed five 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 enter into contract with Kronos Incorporated for professional services needed to maintain Timekeeper Central Software and Timekeeper C/S for Workgroups Software necessary to operate the Kronos Timekeeper Central System, for a period not to exceed five (5) years, and cancellable upon thirty days' written notice by said director, upon the basis of their proposal dated August 3, 1999, in the total sum of \$78,674.00, payable from Fund Nos. 01-999800-638000 and 52 SF 001, Request No. 1406.

**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.

**BOARD OF CONTROL**

October 13, 1999

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 13, 1999, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Absent: Directors Hudecek, Axelrod.

Others: Myrna Branche, Commissioner, Purchases and Supplies, Laura Williams, Acting Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

**Resolution No. 683-99.**

By Director Carmody.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 726-97, passed by the Council of the City of Cleveland June 16, 1997, the firm of Ceridian Employer Services, Inc. is hereby selected upon the nomination of the Director of Finance from a list of qualified consultants available for such employment as determined after a full and complete canvass by the Director of Finance, as the firm to be employed for the purpose of providing professional services necessary to provide payroll processing services.

Be it further resolved that the Director of Finance hereby is authorized to enter into contract with Ceridian Employer Services, Inc. based upon its proposal dated August 18, 1999, for a term of one year commencing January 1, 2000 with two options exercisable by the Director of Finance to renew for an additional consecutive term of one year each, which contract shall provide that the compensation to be paid shall be \$405,000.00 for the initial term and \$425,000.00 for each of the first and second optional renewal terms. The contract authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as said Director deems necessary to protect and benefit public interest.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Nays: None.

Absent: Directors Hudecek, Axelrod.

**Resolution No. 684-99.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Boyas Excavating, Inc. for an estimated quantity of disposal of debris at landfills (item 1), for the various divisions of the Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract received on the 29th day of September, 1999, pursuant to the authority of Ordinance No. 946-99, passed June 14, 1999 on the basis of the estimated quantity would amount to One Hundred Fifty Thousand Dollars, (\$150,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such com-

modities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 15035**

which shall be certified against such contract in the sum of Fifty One Thousand Dollars (\$51,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Nays: None.

Absent: Directors Hudecek, Axelrod.

**Resolution No. 685-99.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Sensus Technologies, Inc. for an estimated quantity of large water meters (item 5), for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract received on the 28th day of April, 1999, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Forty Thousand Nine Hundred Fifty Dollars, (\$40,950.00), (Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into 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. 15073**

which shall be certified against such contract in the sum of Three Thousand Dollars (\$3,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Nays: None.

Absent: Directors Hudecek, Axelrod.

**Resolution No. 686-99.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 408-99, adopted June 30, 1999, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, approving the bid of Badger Meter, Inc., as lowest and best for large water meters (items 5-8, 10 and 12), for the Division of Water, Department of Public Utilities, is hereby amended by deleting item 5 due to an inadvertent error in not considering a lower price for item 5 as indicated on an addendum provided by another bidder.

Be it further resolved that all other provisions of said Resolution No. 408-99 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Nays: None.

Absent: Directors Hudecek, Axelrod.

**Resolution No. 687-99.**

By Director Balraj.

Resolved by the Board of Control of the City of Cleveland that all bids received on August 11, 1999 for labor and material to maintain and/or replace landscaping of exterior sites for the various divisions of the Department of Port Control, pursuant to the authority of Ordinance No. 576-99, passed by the Council of the City of Cleveland on June 7, 1999, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Nays: None.

Absent: Directors Hudecek, Axelrod.

**Resolution No. 688-99.**

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Rockport Construction & Materials, 3304 Henninger Rd., Cleveland, Ohio 44109 for the public improvement of West 32nd St. (from Walbrook Ave. to Oak Park Ave.), for the Division of Engineering and Construction, Department of Public Service, received on August 19, 1999, pursuant to the authority of Ordinance No. 1037-99, passed June 7, 1999, upon a unit basis, for the improvement in the aggregate amount of Three Hundred Twenty-Seven Thousand, Three Hundred Thirteen and 40/100 Dollars (\$327,313.40), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Service is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors by Rockport Construction & Materials for the aforementioned public improvement hereby is approved:

Collinwood Shale Brick & Concrete Co.  
12400 Broadway  
Cleveland, Ohio 44125  
(FBE) 5%

Granger Trucking, Inc.  
8001 Old Granger Rd.  
Cleveland, Ohio 44125  
(MBE) 11%

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Nays: None.

Absent: Directors Hudecek, Axelrod.

**Resolution No. 689-99.**

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Rockport Construction & Materials, 3304 Henninger Rd., Cleveland, Ohio 44109 for the

public improvement of War Avenue (from E. 71st Street to Westerly End), for the Division of Engineering and Construction, Department of Public Service, received on August 19, 1999, pursuant to the authority of Ordinance No. 1036-99, passed June 7, 1999, upon a unit basis for the improvement in the aggregate amount of One Hundred and Thirty Six Thousand, Four Hundred Fifty Five and 00/100 Dollars (\$136,455.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Service is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors by Rockport Construction & Materials for the aforementioned public improvement hereby is approved:

Collinwood Shale Brick & Concrete Co.  
12400 Broadway  
Cleveland, Ohio 44125  
(FBE) 6%

Granger Trucking, Inc.  
8001 Old Granger Rd.  
Cleveland, Ohio 44125  
(MBE) 9%

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Nays: None.

Absent: Directors Hudecek, Axelrod.

**Resolution No. 690-99.**

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that all bids received on September 24, 1999 for three (3) cab chassis with ambulance module for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 1058-99, passed by the Council of the City of Cleveland on June 14, 1999, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Nays: None.

Absent: Directors Hudecek, Axelrod.

**Resolution No. 691-99.**

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Refuse Equipment and Truck Service, Inc., for an estimated quantity of Various size Front-End Loaders and Roll-Off Containers for the Division Waste Collection and Disposal, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on August 27, 1999, pursuant to the authority of Ordinance No. 646-99, passed June 7, 1999, which on the basis of the estimated quantity would amount to approximately Forty-Six Thousand, Three Hundred Fifty-Nine and no/100 Dollars, (\$46,359.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 3479 which shall be certified against such contract in the sum of Forty-Six Thousand, Three Hundred, Fifty-Nine and no/100 Dollars (\$46,359.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Nays: None.  
Absent: Directors Hudecek, Axelrod.

**Resolution No. 692-99.**

By Director Ricchiuto.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Wise International Trucks of Ohio for an estimated quantity of one (1) single axle cab/chassis with dump body, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on September 17, 1999, pursuant to the authority of Ordinance No. 1074-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately Seventy Thousand Twenty-Three and no/100 Dollars, (\$70,023.00), (Net-Delivery), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 09669 which shall be certified against such contract in the sum of Seventy Thousand Twenty-Three and no/100 Dollars (\$70,023.00).

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 of the City of Cleveland that the employment of the following subcontractor by Wise International Trucks of Ohio, for the purchase of one (1) single axle cab/chassis with dump body and additional equipment, complete as specified, is hereby approved:

Independent Brokers, LTD.  
MBE \$700.00

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Nays: None.  
Absent: Directors Hudecek, Axelrod.

**Resolution No. 693-99.**

By Director Guzman.  
Resolved by the Board of Control of the City of Cleveland that all bids received on August 20, 1999 for Hap-site portable gas chromatograph/mass spectrometer, all items, Department of Public Safety, pursuant to the authority of Ordinance No. 1726-98, passed November 16, 1998, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Nays: None.  
Absent: Directors Hudecek, Axelrod.

**Resolution No. 694-99.**

By Director Guzman.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 181.19 (b), of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby directed to offer to sell to the police officers listed below, at their fair market value, the service revolvers bearing the serial numbers listed to the right of the respective officer's name

Velarno, Donald, Model Smith & Wesson, 5943, Serial #TYR6185  
Beskid, William, Model Smith & Wesson, 5943, Serial #TFR 3691  
Lillash, David Model Smith & Wesson, 5943, Serial #TFP 6641  
Mayle, Carlan K., Model Smith & Wesson, 5943, Serial #TFR 3721  
Pollutro, Rocco M., Model Smith & Wesson, 36, Serial #J779313  
Duman, Robert W., Model Smith & Wesson, 5903, Serial #TCP 9428  
Pursley, Nate, Model Smith & Wesson, 10 HB, Serial #5D45136  
Sadie, Joseph, Model Smith & Wesson, 5903, Serial #TCP 9265  
Flask, Martin L., Model Smith & Wesson, 6909, Serial #TCD0011

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Nays: None.  
Absent: Directors Hudecek, Axelrod.

**Resolution No. 695-99.**

By Director Jackson.  
Resolved by the Board of Control of the City of Cleveland that all bids received on May 21, 1999 for Plumbing and Heating Supplies, (All Items) for the Division of Property Management, Department of Parks, Recreation & Properties, pursuant to the authority of Ordinance No. 1956-98, passed by the Council of the City of Cleveland on December 7, 1998, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Nays: None.  
Absent: Directors Hudecek, Axelrod.

**Resolution No. 696-99.**

By Directors Hudecek and Jackson.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of F. Buddie Contracting, Ltd. for the public improvement of Clark Recreation Center Site Improvements and Humphrey Park

Site Improvements, for Base Bid Items A1-A12, A14-A32 and Add Alternate Items #1AA, #2AA, #3AA and #4AA, including the adjusted 5% contingency item (Clark Recreation Center) and Base Bid Items B1-B19, including the 10% contingency item (Humphrey Park) for the Division of Research, Planning & Development, Departments of Community Development and Parks, Recreation & Properties, received on August 18, 1999, pursuant to the authority of Ordinance No. 619-98 and Ordinance No. 1605-98, passed June 15, 1998 and October 19, 1998, upon a unit basis, for the improvement in the aggregate amount of One Hundred Twenty Six Thousand, Three Hundred Ninety and 60/100 Dollars (\$126,390.60), is hereby affirmed and approved as the lowest responsible bid; and the Directors of Community Development and Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractors for F. Buddie Contracting on the public improvement of Clark Recreation Center Site Improvements and Humphrey Park Site Improvements are hereby approved:

| SUBCONTRACTOR RESPONSIBILITY |          |
|------------------------------|----------|
| United Ready Mix             | Concrete |
| MBE                          |          |
| Able Fence                   | Fence    |
| FBE                          |          |
| Barrow Sign                  | Signage  |
| FBE                          |          |

|               |          |
|---------------|----------|
| Lito Trucking | Trucking |
| MBE           |          |

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Nays: None.  
Absent: Directors Hudecek, Axelrod.

**Resolution No. 697-99.**

By Director Jackson.  
Whereas, pursuant to Section 133.24 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Parks, Recreation and Properties may, with the approval of the Board of Control, allow an entity to maintain, improve and adopt real property belonging to the City and not in charge of another department; and

Whereas, the City is the owner of certain real property located in an area of the North Coast Harbor which was formerly the northeast corner of relocated Erieside Avenue and which is City-owned property and not in charge of another City Department (hereinafter, "Property"); and

Whereas, the Cleveland Fire Fighters Memorial Fund has expressed an interest in constructing a Cleveland Fire Fighters Memorial on the Property and maintaining this memorial and Property for the enjoyment of the general public; and

Whereas, it is in the best interest of the City to enter into an agreement to arrange for the construction of the Cleveland Fire Fighters Memorial on the Property and to

arrange for the maintenance of the memorial and Property by the Cleveland Fire Fighters Memorial Fund.

Now, therefore, be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Section 133.24 of the Codified Ordinances of the City of Cleveland, Ohio 1976, the Director of Parks, Recreation and Properties is hereby authorized to enter into an agreement allowing the Cleveland Fire Fighters Memorial Fund to adopt property located in the North Coast Harbor in an area that was formerly the northeast corner of relocated Erieside Avenue, to construct a Cleveland Fire Fighters Memorial on the adopted property and to maintain the memorial and the adopted property, for a one (1) year period of time beginning January 1, 2000, to be automatically renewed from year to year for additional periods of one (1) year each, subject to revocation at the will of the Director.

Be it further resolved that, pursuant to said Section 133.24, the adoption of said property shall not be construed as the conveyance of any right, title or interest in public property, but merely as a grant of privilege, revocable at the will of the Director, to perform all routine maintenance and to make only such improvements as are approved by said Director.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Sheperd, Directors Jackson, Patterson, Warren.

Nays: None.

Absent: Directors Hudecek, Axelrod.

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

## SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 1, 1999

9:30 A.M.

**Calendar No. 99-269:** 1845 West 52nd Street (Ward 14)

William R. Peppers III, owner, appeals under the authority of Sections 239.02(C) and 367.09 where the appellant has the right to appeal to the Board of Zoning Appeals and Section 327.99(a) where the appellant is subject to prosecution and penalties and the Charter of the City of Cleveland from the issuance of a Violation Notice on August 3, 1999 by the Commissioner of Building and Housing, Department of Community Development, where the appellant at the property of 1845 West 52nd Street has been cited for exterior maintenance and illegal parking as related to Section 349.07 of the Codified Ordinances where parking spaces are to be surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material and contrary to the Residential Occupancy Standards of Section 369.13(A) where the steps of the front porch are weak, missing, broken, decayed or loose and the chimney(s) are in need of tuck-pointing and Section 369.15(A) where the porch flooring needs painting and Section 369.15(B) where the structure is not equipped with gutters and downspouts connected to the proper sewer and contrary to the Rental Dwelling Standards where no owner, operator or agent shall rent, lease or offer for rental or lease for residential occupancy any dwelling units, dwelling structures or any part thereof which does not comply with the Residential Occupancy Standards of Sections 365, 369 and 371 of the Codified Ordinances.

**Calendar No. 99-270:** 1851 West 52nd Street (Ward 14)

William R. Peppers III, owner, appeals under the authority of Sections 329.02(C) and 367.09 where the appellant has the right to appeal to the Board of Zoning Appeals and Section 327.99(a) where the appellant is subject to prosecution and penalties and the Charter of the City of Cleveland from the issuance of a Violation Notice on August 3, 1999 by the Commissioner of Building and Housing, Department of Community Development, where the appellant at the property of 1851 West 52nd Street has been cited for exterior maintenance and illegal parking as related to Section 349.07 of the Codified Ordinances where parking spaces are to be surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material and contrary to the Residential Occupancy Standards of Section 369.13(A) where the steps of the front porch are weak, missing, broken, decayed or loose and the chimney(s) are in need of tuck-pointing and Section 369.15(A) where the porch flooring needs painting and Section 369.15(B) where the structure is not equipped with gutters and downspouts connected to the proper sewer and contrary to the Rental Dwelling Standards where no owner, operator or agent shall rent, lease or offer for rental or lease for residential occupancy any dwelling units, dwelling structures or any part thereof which does not

comply with the Residential Occupancy Standards of Sections 365, 369 and 371 of the Codified Ordinances.

**Calendar No. 99-272:** 11601 Shaker Boulevard (Ward 6)

Prima Marketing LLC, owner c/o Brian Healey, agent, appeals to construct a 45' x 58' one-story Mini-Mart Store/Gas Station with 4 islands and dispensing equipment and a 102' x 24' canopy all situated on an approximate 200' x 146' corner parcel and located in a Local Retail Business District at the northeast corner of East 116th Street and Shaker Boulevard at 11601 Shaker Boulevard; said construction being contrary to the Business District Regulations of Section 343.01 where a gas station is not permitted in a Local Retail Business District but first permitted in a General Retail Business District, and Section 343.16(b) where the rebuilding of a service station requires City Planning Commission Approval and contrary to the Off-Street Parking and Loading Requirements of Section 349.07(B) where wheel and bumper stops are required and contrary to the Landscaping and Screening Requirements of Section 352.09 where a medium transition strip is required along the property that borders a Multi-Family District and a heavy transition strip is required along the portion that borders a Two-Family District and Section 352.11 where a 6' medium strip is required and 5' are proposed and an 8' heavy transition strip is required and 5' are proposed and a landscaped content table is required as stated in Section 352.12 of the Codified Ordinances.

**Calendar No. 99-273:** 2408 Denison Avenue (Front Building) (Ward 15)

John W. Hickey, owner, and John Rakauskas, agent, appeal to change the use of an existing approximate 20' x 41' one-story masonry commercial building into a hot dog restaurant situated on a 40' x 140' parcel and located in a Local Retail Business District on the north side of Denison Avenue at 2408 Denison Avenue; said change of use being contrary to the Off-Street Parking and Loading Requirements of Section 349.03 where 3 parking spaces are required and 1 is provided and Section 349.05 where the proposed parking spaces are located within the 15' setback area; and that paving and drainage, wheel and bumper guards, minimization of traffic congestion and 15' from point of tangency are all required as stated in Section 349.07(A)(B)(C)(2) of the Codified Ordinances.

**Calendar No. 99-274:** 3020 Carroll Avenue (Ward 14)

Jack Ricchiuto, owner, appeals to construct a 21' x 3' one-story front open porch to the front of an existing one dwelling unit situated on a 32' x 107' parcel on the north side of Carroll Avenue at 3020 Carroll Avenue; said addition being contrary to the Yards and Courts Requirements of Section 357.13(b)(4) where the proposed porch extends within 10' of the street line and a 2' front yard setback is proposed where the required front yard setback is 5' or line of existing buildings as stated in Section 357.04(a) of the Codified Ordinances.

**Calendar No. 99-275:** 14301 Sylvia Avenue (Ward 10)

Anthony Gray, owner, appeals to change the use of an existing 38' x 58' two-story masonry residential and commercial building and 3 dwelling units into a church and 2 dwelling units located in a Two-Family District situated on a 44' x 117' parcel on the northeast corner of East 143rd Street and Sylvia Avenue at 14301-14303 Sylvia Avenue; said change of use being contrary to the Residential District Regulations of Section 337.02(E)(1) where buildings if located not less than 15' from any adjoining premises in a Residence District not used for similar purposes and contrary to the Off-Street Parking and Loading Requirements of Section 349.03 where 11 parking spaces are required and 2 are provided and subject to the existing non-conforming use limitations of Section 359.01 of the Codified Ordinances.

**Calendar No. 99-283:** 14916 Aspinwall Avenue (Ward 10)

Greater New Calvary Missionary Baptist Church, owner, appeals to change the use of an existing 4,284 sq. ft. two-story masonry church facility into a school for grades kindergarten through eight and situated on a 282' x 140' parcel located in a Two-Family District on the south side of Aspinwall Avenue at 14916 Aspinwall Avenue; said change of use being contrary to the Residential District Regulations where the proposed use is located 0' from an adjoining residential premises and buildings and uses if located not less than 30' from any adjoining premises in a Residential District not used for similar purposes is subject to review by the Board of Zoning Appeals for approval as stated in Section 337.02 of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

### REPORT OF THE BOARD OF ZONING APPEALS

**MONDAY, OCTOBER 18, 1999**

At the meeting of the Board of Zoning Appeals on Monday, October 18, 1999, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 99-257:** 3001 Carroll Avenue

St. Ignatius High School, owner, appealed to construct an approximate 28' x 70' three-story addition to an existing 120' x 70' three-story masonry science building in a Two-Family District.

**Calendar No. 99-263:** 3510 East 149th Street

Evangelistic Temple of Faith, owner, and Nancy Borchert, agent, appealed to install 307 linear feet of 6' high ornamental fencing to the north, south and east sides of a 190' x 122' acreage parcel near the southeast corner of East 149th Street and Kinsman; approval to install a 5' height to the front and continuation of the existing 6' height around the balance of the property perimeter.

The following appeals were **Denied**:

**Calendar No. 99-254:** 3468 Martin Luther King Boulevard

Patricia G. Hall, owner, appealed to change the use of a 30' x 35' one and one-half dwelling house in a Two-Family District to a daycare facility.

**Calendar No. 99-255:** 1912 West 52nd Street

Karl Mueller, owner, appealed to construct a 10' x 9' two-story frame structure at the rear of a one and one-half dwelling house on a 60' x 132' parcel in a Two-Family District.

**Calendar No. 99-259:** 5721 Harvard Avenue

Susan Soeder, owner, appealed to use an existing 42' x 122' asphalt parking lot and driveway for outdoor storage of five food trailers, two boats, heating wood and miscellaneous catering business equipment in a General Retail Business District.

**Calendar No. 99-261:** 1873 West 48th Street

Luis Jimenez, owner, appealed to construct a 13'-6" x 12' enclosed front porch to a 20' x 48' one and one-half dwelling house on a 35' x 126' parcel in a Two-Family District.

**Calendar No. 99-241:** 19600 South Waterloo Road

James Kaspar, owner, appealed to expand an existing 120' x 50' two-story nonconforming adult cabaret building on an 82' x 468' parcel in a Local Retail Business District.

The following appeals were **Postponed**:

**Calendar No. 99-260:** 3645 West 117th Street postponed to November 1, 1999.

### BOARD OF APPEALS

**Calendar No. 99-247:** Appeal of Leonard Bey postponed to November 22, 1999.

**On Monday, October 11, 1999, the following appeals were heard and said decisions were approved and adopted by the Board on October 18, 1999.**

The following appeals were **Approved**:

**Calendar No. 99-249:** 2180 West 11th Street

Eikona, Inc., owner c/o Nicholas Loya, appealed to change the use of an existing 26'-2" x 52'-10" two-story frame building into an art studio on the first floor and a residence unit on the second floor on a 52' x 68' parcel in a Multi-Family District.

**Calendar No. 99-250:** 9101 Kinsman Road

McDonalds Corporation, owner c/o Dave Gnatowski, and W.A.R. Management c/o Wilson Rogers, tenant, appealed to install a 76.5 sq. ft. free standing sign, a 44.7 sq. ft. menu board sign and two 11.8 sq. ft. menu board signs to the north of the building and two 9 sq. ft. 3' high directional signs to the south of the building.

**Calendar No. 99-251:** 10510-10540 Wilbur Avenue

Ohio College of Podiatric Medicine, owner c/o Bernard Shupp, appealed to expand an existing 173 spaces parking lot for an additional 80 parking spaces on a 427' x 174' parcel in a Local Retail District.

**Calendar No. 99-252:** 2382 East 74th Street

Reverend Bruce Goode, owner, appealed to construct and enclose the 8' x 32'-6" first floor and second floor front porches of a two-story apartment building in a General Retail District.

**Calendar No. 99-253:** 5200-5208 Bridge Avenue

Bridge Housing Corporation appealed to construct 5 townhouse units each at 16' x 38' and all situated on an 88' x 80' corner parcel in a Two-Family District.

EUGENE CRANFORD, JR.,  
Secretary

### REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of  
October 13, 1999

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

\* \* \*

#### Docket L-36-99.

RE: Appeal of John P. Mohar, appeals from a LETTER OF DENIAL FOR RENEWAL OF JOURNEYMAN PLUMBER LICENSE of the Commissioner of the Division of Assessments & Licenses dated September 9, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

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

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

\* \* \*

#### Docket A-99-99.

RE: Appeal of Century Plating, Inc., Owner of the Property located on the premises known as 18006 South Waterloo from a NOTICE OF VIOLATION/FIRE CODE of the Chief of the Division of Fire dated April 21, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-99-99 has been POSTPONED; to be rescheduled for October 27, 1999.

\* \* \*

#### Docket A-143-99.

RE: Appeal of George Davis Jr., Owner of the Four (4) Dwelling Unit Two Story Masonry Property located on the premises known as



3556-58 East 142nd Street from a CONDEMNATION ORDER dated June 23, 1999, of the Commissioner of the Division of Building and Housing 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; the property is to remain boarded and secured and the grounds debris free during that period of time, noting that the docket will remain open for any further appeals. 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 January 13, 2000. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-144-99.**

RE: Appeal of Seaway Acceptance Corporation, Owner of the Bar/Two Story Masonry Property located on the premises known as 1946 St. Clair Avenue from a NOTICE OF VIOLATION/GENERAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated April 29, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to (OBBC 1014.12—Exterior Stairways) and permit the stair to remain, with the provision that an approved maintenance agreement be enforced and that the document giving that authority and responsibility be submitted to the Board of Building Standards and Building Appeals to be kept in the Board's records and be maintained for future tenants of the property; the Board is also requesting the Appellant to submit a commentary for the record. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-146-99.**

RE: Appeal of Charles C. Pearson/Robert M. Lustig, Guardian, Owner of the Commercial Five (5) Story Brick Property located on the premises known as 2260-66 East 69th Street from a 72 HOUR CONDEMNATION/MAINSTRUCTURE of the Commissioner of the Division of Building and Housing dated July 28, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 72 HOUR CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to clean the grounds of all debris on the property and to require that the property be maintained boarded and secured in accordance with the Codified Ordinances of the City of Cleveland; and to grant the Appellant three (3) months in which to obtain permits and abate the violations. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the 72 HOUR 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 January 13, 2000. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-154-99.**

RE: Appeal of Bahman Guyuron, Owner of the Commercial Strip Mall One Story Commercial Property located on the premises known as 562-74 East 185th Street from a NOTICE OF VIOLATION/ALTERATIONS WITHOUT PERMIT dated July 28, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-154-99 has been WITHDRAWN at the request of the Appellant.

\* \* \*

**Docket A-155-99.**

RE: Appeal of Timothy Spencer, Owner of the Adult Cabaret Two Story Masonry Property located on the premises known as 1039-45 Old River Road (aka 1071 Front Street) from a NOTICE OF VIOLATION/COMMERCIAL MAINTENANCE/ELECTRICAL/PLUMBING/HVAC of the Commissioner of the Division of Building and Housing dated July 8th, 12th, and 13th, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant an additional three (3) months in which to complete abatement of the violations. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

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**Docket A-160-99 to A-175-99.**

RE: Appeal of Zaremba Cleveland Community, Inc. Owner of the Two Story Residential Properties located on the premises known as 8203-8329 Beacon Place from a NOTICE OF VIOLATIONS/HANDRAILS of the

Commissioner of the Division of Building and Housing dated July 27, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to find that the violations were properly issued by the City, and to grant the Appellant thirty (30) days in which to attempt to abate the violations; the property is REMANDED at this time to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

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**Docket A-176-99 to A-187-99.**

RE: Appeal of Zaremba Cleveland Community, Inc. Owner of the Two Story Residential Properties located on the premises known as 8114-8332 Chester Pkwy. from a NOTICE OF VIOLATIONS/HANDRAILS of the Commissioner of the Division of Building and Housing dated July 28, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to find that the violations were properly issued by the City, and to grant the Appellant thirty (30) days in which to attempt to abate the violations; the property is REMANDED at this time to the Division of Building and Housing for supervision and any, required further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

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**Docket A-188-99.**

RE: Appeal of Theresa Eady, Owner of the Two Story Residential Property located on the premises known as 6002 Belvidere Avenue from a NOTICE OF VIOLATION/EXTERIOR MAINTENANCE/30 DAY GARAGE CONDEMNATION of the Commissioner of the Division of Building and Housing dated July 12, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-188-99 has been POSTPONED; to be rescheduled for October 27, 1999.

\* \* \*

**Docket A-189-99 to A-200-99.**

RE: Appeal of Zaremba Cleveland Community, Inc. Owner of the Two Story Residential Properties located on the premises known as 8114-8332 Chester Pkwy. from a NOTICE OF VIOLATIONS/HANDRAILS of the Commissioner of the Division of Building and Housing dated July 28, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to find that the violations were properly issued by the City, and to grant the Appellant

thirty (30) days in which to attempt to abate the violations; the property is REMANDED at this time to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

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**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).

Docket A-201-99 has been POSTPONED; to be rescheduled for October 27, 1999.

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**Docket A-203-99.**

RE: Appeal of Tammy Hupcej, Owner of the Two & One/half Story Frame Residential Property located on the premises known as 7302 Fullerton Avenue from a VACATE/CONDEMNATION ORDERS of the Commissioner of the Division of Building and Housing dated July 9, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's VACATE/CONDEMNATION ORDERS and LETTER OF INTENTION TO DEMOLISH by granting the Appellant an additional three (3) months in which to obtain permits and abate the violations, with the provision that the grounds be **immediately** cleaned and that the property be maintained boarded and secured 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 VACATE/CONDEMNATION ORDERS 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 January 13, 2000. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-206-99.**

RE: Appeal of Sal Alaimo, Owner of the Residential Property located on the premises known as 3633 East 78th Street from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated July 28, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant an additional thirty (30) days on the PERMIT in which to complete abatement of the violations; the property is REMANDED at this time to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-207-99.**

RE: Appeal of Clifford R. Walker Sr., Owner of the Two Family Residential Property and Existing Swimming Pool located on the premises known as 3655 East 54th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated August 18, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the swimming pool to remain four (4) feet from the six (6) foot high adjacent fence, noting the concurrence of the adjacent property owner. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-208-99.**

RE: Appeal of Thomas Faykus, Owner of the Two Family Residential Property and Proposed Swimming Pool located on the premises known as 3398 West 129th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated August 18, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to be installed as indicated on the sketches, noting the concurrence of the adjacent neighbor. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-223-99.**

RE: Appeal of Bessie Wentz, Owner of the Twenty-eight (28) Dwelling Units/Six (6) Stores Three Story Masonry Property located on the premises known as 16500-16 Euclid Avenue from a VACATE/CONDEMNATION ORDERS/CONDEMNATION ORDER I-6/HVAC/EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated September 1, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-223-99 has been POSTPONED; to be rescheduled for October 27, 1999.

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**Docket A-224-99.**

RE: Appeal of Julia Curry, owner of the Residential Property located on the premises known as 1955 West 105th Street from a ORDER TO VACATE of the Commissioner of the Division of Building and Housing dated September 14, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's VACATE ORDER and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to remove the debris in the yard within thirty (30) days, and to grant the Appellant eight (8) months in which to obtain permits and complete abatement of the violations; the Appellant is given permission to remain on the premises as long as progress is satisfactory and remain suitable subject to the inspector's opinion. 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 VACATE/CONDEMNATION ORDERS 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 July 13, 2000. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

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**Docket A-229-99.**

RE: Appeal of Bessie Wentz, Owner of the Twenty-eight (28) Dwelling Units/Six (6) Stores Three Story Masonry Property located on the premises known as 16500-16 Euclid Avenue from a VACATE/CONDEMNATION ORDERS/CONDEMNATION ORDER I-6/HVAC/EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated September 1, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-229-99 has been POSTPONED; to be rescheduled for October 27, 1999.

\* \* \*

**EXTENSION OF TIME:**

**Docket A-60-99 — IMC Mortgage Company — 528-30 East 117th:**

A motion is in order at this time to grant the Appellant an additional three (3) months in which to obtain permits and complete abatement of the violations, with the provision that the grounds be **immediately** cleaned and maintained and the dwelling be secured properly.

Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- L-34-99—Robert Balishin
- L-35-99—Elliot Logan
- A-59-99—GIFREHC
- A-115-99—Northern Chemical Bending Corp.
- A-135-99—Maingate, Inc.
- A-137-99—James Walker Jr.
- A-140-99—Paul S. Gibbons
- A-147-99—James & Veronica Ziemnik
- A-153-99—Consolidated Investment Corporation
- A-156-99—Container Port Group
- A-157-99—Louis H. Ferrell
- A-158-99—Clarence Jackson

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

\* \* \*

**APPROVAL OF AMENDED RESOLUTION**

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

\* \* \*

**Docket A-213-99 — Tarek S. Davem — 4792 Rocky River Drive:**

FROM: . . . to REMAND the property at 4792 Rocky River Drive to the Division of Building and Housing for supervision and any required further action . . .

TO: . . . grant the Appellant thirty (30) days in which to obtain permits and abate the hazardous violations on the property as a condition of continuous occupancy of the store; at that time, a completion schedule for abatement of the remaining violations **must** be submitted to the Board for approval. . .

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

\* \* \*

**APPROVAL OF MINUTES:**

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

September 29, 1999

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

JOSEPH F. DENK,  
CHAIRMAN

**PUBLIC NOTICE**

The following are in violation of C.O. 623.14:

Richard Alt, last known address, 1742 West 29th Street, Cleveland, Ohio 44113.

Richard Norris, last known address, 10127 South Blvd., Apartment 2, Cleveland, Ohio 44108.

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, City Hall, immediately thereafter.

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

**THURSDAY, OCTOBER 28, 1999**

**Rental of Large, 17-Ton Capacity Trucks with Operators**, for the Division of Street Maintenance, Department of Public Service, as authorized by Ordinance No. 504-99, passed by the Council of the City of Cleveland, May 17, 1999.

**Voice Mail System**, for the Department of Finance, on behalf of the Department of Law, as authorized by Ordinance No. 1174-97, passed by the Council of the City of Cleveland, July 16, 1997.

A **MANDATORY** PRE-BID CONFERENCE WILL BE HELD ON MONDAY, OCTOBER 25, 1999, 10:00 A.M., IN THE SOUTH CONFERENCE ROOM OF THE LAW DEPARTMENT, ROOM 106, CITY HALL, 601 LAKESIDE AVENUE.

October 13, 1999 and October 20, 1999

**FRIDAY, OCTOBER 29, 1999**

**Three (3) Cab/Chassis with Ambulance Modules**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1058-99, passed by the Council of the City of Cleveland, June 14, 1999.

**Gas Chromatograph Mass Spectrometer**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1726-98, passed by the Council of the City of Cleveland, November 16, 1998.

**One (1) 12' Tub Grinder**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1058-99, passed by the Council of the City of Cleveland, June 14, 1999.

October 13, 1999 and October 20, 1999

**WEDNESDAY, NOVEMBER 3, 1999**

**Residential Sound Insulation Program Phase II Continuation — Group I**, for the Department of Port Control, as authorized by Ordinance No. 469-98, passed by the Council of the City of Cleveland, May 18, 1998.

A **DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.**

A **MANDATORY** PRE-BID MEETING WILL BE HELD ON TUESDAY, OCTOBER 19, 1999, 12:30 P.M., LOCAL TIME, IN THE 2ND FLOOR MAIN CONFERENCE ROOM, ADMINISTRATION OFFICE, PASSENGER TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE.

**Labor and Materials to Maintain, Repair and Test the Life Safety System**, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 651-99, passed by the Council of the City of Cleveland, June 7, 1999.

A **MANDATORY** PRE-BID MEETING WILL BE HELD ON WEDNESDAY, OCTOBER 20, 1999, 10:00 A.M., AT 500 LAKESIDE AVENUE.

**Fence installation and/or Repairs**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 879-99, passed by the Council of the City of Cleveland, June 7, 1999.

A **MANDATORY** PRE-BID MEETING WILL BE HELD ON THURSDAY, OCTOBER 21, 1999, 10:00 A.M., AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Labor and Materials to Repair Various Air Tools**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2017-97, passed by the Council of the City of Cleveland, January 26, 1998.

October 13, 1999 and October 20, 1999

**THURSDAY, NOVEMBER 4, 1999**

**Rock Salt**, for the Division of Street Street Maintenance, Department of Public Service, as authorized by Ordinance No. 1111-99, passed by the Council of the City of Cleveland, August 11, 1999.

October 13, 1999 and October 20, 1999

**FRIDAY, NOVEMBER 5, 1999**

**Various Automotive and Truck Parts**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1264-99, passed by the Council of the City of Cleveland, August 11, 1999.

**Eleven (11) Refuse Packers with Trade-In and Options**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1058-99, passed by the Council of the City of Cleveland, June 14, 1999.

October 13, 1999 and October 20, 1999

**WEDNESDAY, NOVEMBER 10, 1999**

**Diving and Underwater Inspection Services**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 509-99, passed by the Council of the City of Cleveland, May 17, 1999.

October 20, 1999 and October 27, 1999

**THURSDAY, NOVEMBER 11, 1999**

**Landscaping and Snow Removal**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1260-99, passed by the Council of the City of Cleveland, August 11, 1999.

A PRE-BID CONFERENCE WILL BE HELD AT 10:00 A.M. ON THURSDAY, THE 4TH DAY OF NOVEMBER, 1999 AT THE CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. ATTENDANCE AT THE PRE-BID CONFERENCE IS MANDATORY FOR ALL BIDDERS. BIDS RECEIVED FROM THOSE NOT IN ATTENDANCE WILL BE DISQUALIFIED AS NON-COMPLIANT.

**Continental Airlines — Cleveland 2000 Bid Package 31 — 400Hz Central Systems at Concourse C**, for the Department of Port Control. Plans and specifications are available from Morse Diesel International, 5900 South Cargo Road, Cleveland, Ohio 44135 for a deposit of \$100.00.

A PRE-BID MEETING WILL BE HELD ON OCTOBER 28, 1999, 10:00 A.M. BIDS WILL BE RECEIVED AT CONTINENTAL AIRLINES, INC., CTC BUILDING, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135, ATTN: FRANK ROETZEL UNTIL NOVEMBER 11, 1999, 3:00 P.M. PLEASE CONTACT MORSE DIESEL INTERNATIONAL AT (216) 265-4880 (VOICE) OR (216) 265-4908 (FAX) FOR FURTHER INFORMATION.

**Fleet Washing**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 707-99, passed by the Council of the City of Cleveland, May 17, 1999.

**Plumbing Supplies**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 713-99, passed by the Council of the City of Cleveland, May 17, 1999.

October 20, 1999 and October 27, 1999

**FRIDAY, NOVEMBER 12, 1999**

**Diesel Fuel**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 950-99, passed by the Council of the City of Cleveland, June 7, 1999.

**Two (2) 6 X 6 Cab/Chassis With Dump Body and Plow**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1058-99, passed by the Council of the City of Cleveland, June 14, 1999.

**One (1) 6 X 4 Cab/Chassis Yard Mule Type**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1058-99, passed by the Council of the City of Cleveland, June 14, 1999.

October 20, 1999 and October 27, 1999

## ADOPTED RESOLUTIONS AND ORDINANCES

### REPRINT

**Ord. No. 957-99.**  
**By Councilman Westbrook.**  
**An emergency ordinance to amend Sections 603.02, 604.01, 604.02, 604.03 and 604.04, and 604.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to vicious dogs.**

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

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

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

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

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

Section 604.02, as amended by Ordinance No. 2884-89, passed December 4, 1989, and

Sections 604.03, 604.04, and 604.99 as amended by Ordinance No. 304-A-89, passed June 19, 1989, are hereby amended to read, respectively, as follows:

**Section 603.02 Unmuzzled Dogs at Large; Duty to Report**

(a) No person shall permit an unmuzzled dog at any time to be on a public street, highway, park, building or other public place except when held securely in leash by the owner thereof or another responsible person except when the dog is legally engaged in training for the purpose of hunting, herding, agility or dog competition events, accompanied by the owner, keeper, harborer, or a handler.

(b) Every City employee, while in the performance of his official duties, who has in his possession or under his control any radio transmitter and receiver, telephone or

other device ordinarily used for two-way communication, shall immediately report to police officers or dog wardens of the City the sighting of any unmuzzled dogs found to be in a public place in violation of this section. The employee shall report the time, place, date and description of the dog, together with the employee's name.

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

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

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

### Section 604.01 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Belongs to a breed that is commonly known as a "pit bull" dog, the ownership, keeping, or harboring of such a breed of dog shall be prima facie evidence of the ownership, keeping, or harboring of a vicious dog.

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

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

#### Section 604.02 Exemptions

(a) The provisions of this chapter shall not include a police dog.

(b) Notwithstanding the definition of a vicious dog in Section 604.01, no dog may be declared vicious if:

(1) An injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime;

(2) An injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog or was trespassing upon premises occupied by the owner or keeper of the dog; or

(3) The dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(4) The dog is:

A. within the confines or on the property of the Cleveland Convention Center as defined in Section 133.12 or other premises classified as assembly use structures under Group A-3 of the Ohio Basic Building Code; and

B. under the control and supervision of an owner who has entered the dog in a show or exhibition in the premises described in division (b)(4)A. of this section.

(c) The owner, keeper or harborer of a vicious or dangerous dog is not liable in damages for any injury, death or loss to person or property caused by such dog, if such injury, death or loss was caused to the person or property of an individual who, at the time, was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harborer or was committing or

attempting to commit a criminal offense against any person, or was teasing, tormenting, or abusing the dog or the owner, keeper or harborer's property.

(d) Dogs conforming to division (k)(3) of Section 604.01 that are not in violation of divisions (k)(1) or (k)(2) of Section 604.01, that have successfully completed any of the following title certificates, awarded from any of the authorized agencies, shall be exempt from this section.

(1) The owner of the dog shall provide a copy of the certificate to the Dog Warden, who shall keep the certificate on file. The certificate must contain the name of the individual dog, the name of the owner, and a date noting when the title certificate was successfully completed.

(2) The owner shall submit a photograph of the dog to the Dog Warden, who shall keep the photograph on file.

(3) The owner, keeper or harborer shall have the dog tattooed or microchipped to secure positive identification, and shall submit to the Dog Warden the microchip implantation number or tattoo number assigned to the dog. The Dog Warden shall keep the documentation on file.

(4) The owner shall submit proof of a valid County License tag to the Dog Warden at the time of application for exemption status.

(e) Acceptable Title certificates are:

- (1) Companion Dog;
- (2) Canine Good Citizen;
- (3) Temperament Test.

(f) Authorized agencies are any member or sanctioned Kennel, Obedience, or Specialty club that is authorized to hold conformation or obedience shows under the official guidelines as set forth by the American Kennel Club, United Kennel Club, or Canadian Kennel Club, or the American Temperament Test Society.

(g) The Dog Warden, upon receiving all documentation pertinent to the exemption status, shall issue such dog an exemption tag. The exemption tag fee is Ten Dollars (\$10.00).

(h) The owner of an exempted dog shall securely fasten the exemption tag to a substantial collar worn by such dog at all times. A valid County license tag shall also be affixed to such collar at all times. Such collar and tags may only be removed if said dog is:

(1) Actively engaged in lawful hunting, or

(2) The dog is competing in a dog show or other event where event rules prohibit the dog from wearing a collar and/or tags, or

(3) The dog is confined as defined in division (a) of Section 604.03.

(i) The fee charged for replacement of a lost exemption tag shall be Five Dollars (\$5.00).

#### Section 604.03 Control of Vicious and Dangerous Dogs

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

(a) While the dog is on the premises of the owner, keeper, harborer or handler, it must be securely confined indoors, or in a locked pen which has a top, the dimensions of which should be at least five feet by ten feet, and must have secure

sides and a secure top. If such structure should have no bottom secured to the sides, the sides must be imbedded into the ground no less than two feet. Such structure must be suitable to prevent the entry of young children and designed to prevent the dog from escaping, or in a locked fenced yard which fence is at least six feet high. Any enclosure must provide protection from the elements for the dog.

(b) While the dog is off the premises of the owner, keeper or harborer, keep it on a substantial collar and leash or tether not exceeding six feet in length and additionally shall do the following:

(1) Keep the dog in a locked pen which has a top, locked fenced yard of at least six (6) feet high, or other locked enclosure which has a top; or

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

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

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

(d) A dog declared to be dangerous or vicious by violating division (b) of Section 604.01 or divisions (k)(1) or (k)(2) of Section 604.01 shall, at the expense of such owner, keeper, or harborer, be tattooed or microchipped to secure positive identification.

#### Section 604.04 Insurance; Signs; Notification

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

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

(c) Upon request of the Dog Warden, the owner of a vicious dog shall produce proof of liability insurance forthwith. Failure to furnish proof of liability insurance may result in the impounding of the dog by the Dog Warden until such proof is furnished.

(d) All owners, keepers or harborers of vicious or dangerous dogs shall have posted and displayed at each possible entrance onto the premises where the vicious or dangerous dog is kept a conspicuous sign, clearly legible, and easily

readable by the public warning that there is a vicious or dangerous dog on the premises. Such sign shall be at least eight (8) inches by ten (10) inches in rectangular dimensions and shall contain only the words "VICIOUS DOG" or "DANGEROUS DOG" in lettering not less than two (2) inches in height. Such sign should also include a visual symbol for any children or people who cannot read words.

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

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

A. The name and address of the buyer or other transferee of the dog;

B. The age, sex, color, breed, and registration number of the dog.

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

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

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

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

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

#### **Section 604.99 Penalties**

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

County Humane Society. For repeat offenders of animal control laws under Sections 603.02 and 603.04, the Court may require the owner to attend a class on responsible pet ownership and dog behavior.

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

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

(d) Any owner that is found to be in violation of division (d) of Section 604.03 shall be found guilty of a misdemeanor of the first degree.

(e) Any owner that is found to be in violation of division (d) of Section 604.02 shall be found guilty of a misdemeanor of the first degree.

(f) Any owner that is found to be in violation of division (h) of Section 604.02 shall be found guilty of a misdemeanor of the first degree.

(g) Any owner found to own, keep, or harbor a dog wearing a fictitious, altered, or invalid exemption tag shall be found guilty of a misdemeanor of the first degree.

(h) Any exempted dog conforming to division (k)(3) of Section 604.01 that is found to be in violation of divisions (k)(1) or (k)(2) of Section 604.01 shall forfeit its exemption status permanently.

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

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

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

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

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

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

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

Section 604.02, as amended by Ordinance No. 2884-89, passed December 4, 1989, and

Sections 604.03, 604.04, and 604.99 as amended by Ordinance No. 304-A-89, passed June 19, 1989, are hereby repealed.

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

Passed August 11, 1999.

Effective August 18, 1999.

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### **COUNCIL COMMITTEE MEETINGS**

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#### **Monday, October 18, 1999**

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

#### **Tuesday, October 19, 1999**

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

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

#### **Wednesday, October 20, 1999**

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

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Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
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 Carroll Avenue, 3020, (Ward 14) - Jack Ricchiuto, owner - appeal to be heard on 11/1/99 (Cal. 99-274) ..... 2009  
 Denison Avenue, 2408 (Front Building), (Ward 15) - John W. Hickey, owner and John Rakauskas, agent - appeal to be heard on 11/1/99 (Cal. 99-273) ..... 2009  
 Shaker Boulevard, 11601, (Ward 6) - Prima Marketing LLC, owner, c/o Brian Healey, agent - appeal to be heard on 11/1/99 (Cal. 99-272) ..... 2009  
 Sylvia Avenue, 14301, (Ward 10) - Anthony Gray, owner - appeal to be heard on 11/1/99 (Cal. 99-275) ..... 2010  
 West 52nd Street, 1845, (Ward 14) - William R. Peppers, III, owner - appeal to be heard on 11/1/99 (Cal. 99-269) ..... 2009  
 West 52nd Street, 1851, (Ward 14) - William R. Peppers, III, owner - appeal to be heard on 11/1/99 (Cal. 99-270) ..... 2009

**City of Cleveland Bids**

Air tools, labor and materials to repair various - Department of Public Utilities - Division of Water - per Ord. 2017-97 - bid due November 3, 1999 (advertised 10/13/99 and 10/20/99) ..... 2013  
 Automotive and truck parts, various - Department of Public Service - Division of Motor Vehicle Maintenance - per Ord. 1264-99 - bid due November 5, 1999 (advertised 10/13/99 and 10/20/99) ..... 2014  
 Cab / chassis (6 X 4) Yard Mule type - Department of Public Service - Division of Motor Vehicle Maintenance - per Ord. 1058-99 - bid due November 12, 1999 (advertised 10/20/99 and 10/27/99) ..... 2014

Cab / chassis (6 X 6) with dump body and plow - Department of Public Service - Division of Motor Vehicle Maintenance - per Ord. 1058-99 - bid due November 12, 1999 (advertised 10/20/99 and 10/27/99) ..... 2014

Cab / chassis with ambulance modules - Department of Public Service - Division of Motor Vehicle Maintenance - per Ord. 1058-99 - bid due October 29, 1999 (advertised 10/13/99 and 10/20/99) ..... 2013

Continental Airlines - Cleveland 2000, Bid Package 31 - 400 Hz Central Systems at Concourse C - Department of Port Control - bid due November 11, 1999 (advertised 10/20/99 and 10/27/99) .. 2014

Diesel fuel - Department of Public Service - Division of Motor Vehicle Maintenance - per Ord. 950-99 - bid due November 12, 1999 (advertised 10/20/99 and 10/27/99)..... 2014

Diving and underwater inspection services - Department of Public Utilities - Division of Water - per Ord. 509-99 - bid due November 10, 1999 (advertised 10/20/99 and 10/27/99) ..... 2014

Fence installation and/or repairs - Department of Public Utilities - Division of Cleveland Public Power - per Ord. 879-99 - bid due November 3, 1999 (advertised 10/13/99 and 10/20/99) ..... 2013

Fleet washing - Department of Finance - per Ord. 707-99 - bid due November 11, 1999 (advertised 10/20/99 and 10/27/99) ..... 2014

Gas Chromatograph Mass Spectrometer - Department of Public Safety - Division of Fire - per Ord. 1726-98 - bid due October 29, 1999 (advertised 10/13/99 and 10/20/99) ..... 2013

Landscaping and snow removal - Department of Public Utilities - Division of Cleveland Public Power - per Ord. 1260-99 - bid due November 11, 1999 (advertised 10/20/99 and 10/27/99) ..... 2014

Life Safety System, labor and materials to maintain, repair and test - Department of Parks, Recreation and Properties - Division of Convention Center and Stadium - per Ord. 651-99 - bid due November 3, 1999 (advertised 10/13/99 and 10/20/99) ..... 2013

Plumbing supplies - Department of Finance - per Ord. 713-99 - bid due November 11, 1999 (advertised 10/20/99 and 10/27/99) ..... 2014

Refuse packers with trade-in options - Department of Public Service - Division of Motor Vehicle Maintenance - per Ord. 1058-99 - bid due November 5, 1999 (advertised 10/13/99 and 10/20/99) ..... 2014

Residential Sound Insulation Program, Phase II Continuation - Group I - Department of Port Control - per Ord. 469-98 - bid due November 3, 1999 (advertised 10/13/99 and 10/20/99) ..... 2013

Rock salt - Department of Public Utilities - Division of Street Maintenance - per Ord. 1119-99 - bid due November 4, 1999 (advertised 10/13/99 and 10/20/99) ..... 2014

Trucks, large 17-ton capacity with operators, rental of - Department of Public Service - Division of Street Maintenance - per Ord. 504-99 - bid due October 28, 1999 (advertised 10/13/99 and 10/20/99) ..... 2013

Tub grinder - Department of Public Service - Division of Motor Vehicle Maintenance - per Ord. 1058-99 - bid due October 29, 1999 (advertised 10/13/99 and 10/20/99) ..... 2013

Voice mail system - Department of Finance - behalf of Department of Law - per Ord. 1174-97 - bid due October 28, 1999 (advertised 10/13/99 and 10/20/99) ..... 2013

**Brookside Park**

Brookside Park Ball Diamond #1 — lease — St. Ignatius High School (O 1427-99)..... 2005

**Buckeye Area Development Corporation**

East 116th Street and Buckeye Road — Buckeye Area Development Corporation — agreement — Community Development (O 1862-99)..... 2001

Home repair assistance program — Buckeye Area Development Corporation — agreement — Community Development (O 1861-99) ..... 2001

**City Planning Commission**

Cliffview Road, N.E. and Belvoir Boulevard, N.E. — Change the Use and Area Districts (O 594-99) ..... 2004-2005

Detroit Avenue, N.W. between West 45th St. and West 38th St. — change the Use District (O 1130-99)..... 2005

Fairview Hospital Riveredge parking facility — change the Use District — Parking District and 'C' Area District (O 1093-99)..... 2005-2006

Glass Avenue, southeasterly side — change Use, Area and Height Districts (Ward 13) (O 898-99) ..... 2005-2005

To appropriate property for public use for the improvement to a portion of Stokes Boulevard (O 414-99) ..... 2005

To change the use and area districts of lands on the north side of Madison Avenue, N.W. between West Park Boulevard and West 100th Street (Map Change No. 1987, Sheet No. 1) (O 270-99) ..... 2004-2005

**Cleveland Area Enterprise Zone**

Industrial Parkway, 15825 — machinery, equipment, furniture and fixtures — Actron Manufacturing Company — Enterprise Zone Agreement — Economic Development (O 1853-99)..... 1995

**Cleveland Foundation**

Excellence Through the Arts Program — grant — Cleveland Foundation — Parks, Recreation and Properties (O 1841-99)..... 1989

**Cleveland Housing Network**

Home Insulation Program to mitigate railroad noise — funds — Cudell Improvement — Lutheran Housing Corporation — Cleveland Housing Network — Economic Development (O 1852-99)..... 1994

**Cleveland State University**

Housing Opportunities for Persons with AIDS Program — survey and evaluation — Cleveland State University — Community Development Department — Health Department (O 1845-99)..... 1999

**Codified Ordinances**

Landlords and tenants — new Chapter 375 — Codified Ordinances (O 1844-99)..... 1991  
 Navigational Aids and Weather Equipment — new Section 139.15 — Codified Ordinances (O 1817-99)..... 1982  
 Sections 603.02, 604.01, 604.03, 604.04 and 604.99 — amend vicious dogs (O 957-99)..... **2014-R**

**Communications**

Airport Improvement Program Grant — West Cargo Ramp — Port Control (F 1794-99) ..... 1981  
 Copy of public notice to be published in newspaper — FirstEnergy (F 1800-99) ..... 1981  
 Emergency Requisition (RE-08464) — Purchases and Supplies Division (F 1801-99) ..... 1981  
 Emergency Requisition (RE-3532) — Purchases and Supplies Division (F 1795-99) ..... 1981  
 Investment and Transaction Statement — National City Bank (F 1796-99) ..... 1981  
 Public Hearing — Wednesday, October 13, 1999 — Board of Building Standards and Building Appeals (F 1793-99) ..... 1981  
 Sales Request No. 90179 — southeast corner Willard Avenue — Purchases and Supplies Division (F 1797-99) ..... 1981  
 Sales Request No. 90180 — Old Superior Viaduct — Purchases and Supplies Division (F 1798-99) ..... 1981  
 Sales Request No. 90180 — west side West 14th Street between Fairfield Avenue and Abbey Avenue — Purchases and Supplies Division (F 1799-99) ..... 1981

**Community Development**

Addison Road, 1552 — Land Reutilization Program — Michelle Denise Lewis (O 1873-99)..... 1996  
 East 114th Street, 3792 — Land Reutilization Program — Donnell Tate, Jr. (O 1848-99)..... 1993  
 East 116th Street and Buckeye Road — Buckeye Area Development Corporation — agreement — Community Development (O 1862-99)..... 2001  
 East 147th Street, 903 — Land Reutilization Program — Edna B. Franklin (O 1843-99)..... 1990  
 East 85th Street, 1614 — Land Reutilization Program — Patrick Prince (O 1876-99)..... 1997  
 Home repair assistance program — Buckeye Area Development Corporation — agreement — Community Development (O 1861-99) ..... 2001  
 Housing Opportunities for Persons with AIDS Program — survey and evaluation — Cleveland State University — Community Development Department — Health Department (O 1845-99)..... 1999  
 Landlords and tenants — new Chapter 375 — Codified Ordinances (O 1844-99)..... 1991  
 Linwood Avenue, 8316 — Land Reutilization Program — Archie Ross and Anna Ross (O 1877-99)..... 1998  
 Melrose Avenue, 7518 — Land Reutilization Program — Harry Arrington (O 1874-99) ..... 1996  
 Quimby Avenue, 6802 — Land Reutilization Program — Bertha Williams (O 1875-99) ..... 1997  
 Quincy Avenue, 8011, 8115, 8117-019 and 8121-23 — Land Reutilization Program — Fairfax Renaissance Development Corporation (O 1896-99)..... 1998  
 Utica Avenue, 5916 — Land Reutilization Program — Barbara Thompson (O 1872-99) ..... 1995  
 West 96th Street, 2138 — Land Reutilization Program — Cecily Annette Lewis aka Cecily A. Lewis (O 1847-99) ..... 1992

Willard Avenue and West 93rd Street, southeast corner — sell City-owned property  
 — Trinity Freewill Baptist Church (O 1662-99) ..... 2005

Woodland Avenue, 5708-10 — Land Reutilization Program — First Beulah Baptist Church  
 (O 1437-99)..... 2005

Your Home Program — sidewalks, handicap ramps and curbing — public improvement —  
 Community Development — Service Department (O 1846-99) ..... 1992

**Concession Agreement**

Vending machines — concession agreement — City parks, City-owned and City-leased  
 buildings — Parks, Recreation and Properties Department (O 1428-99) ..... 2005

**Condolences**

Bolden, Esther B. (R 1792-99) ..... 1982

Calvin Stewart, Harry Sr. (R 1878-99)..... 1982

McClinton, Big John (R 1879-99) ..... 1982

McFadden, Charlie (R 1881-99) ..... 1982

Perry, Pat (R 1880-99)..... 1982

**Congratulations**

Bernat, Stanislav (R 1884-99)..... 1982

Brooks and Stafford Company (R 1882-99) ..... 1982

Brosnan, Herb (R 1892-99) ..... 1982

Cravens, James W. (R 1895-99)..... 1982

Hargrove, Mike (R 1888-99) ..... 1982

Historic Warehouse District (R 1883-99) ..... 1982

Jantonio, Gary (R 1891-99)..... 1982

Kralik, Jan (R 1886-99)..... 1982

Petek, C. Vincent (R 1890-99) ..... 1982

Priola, Michael A. Patrolman (R 1887-99) ..... 1982

Shiloh Baptist Church (R 1894-99)..... 1982

Tober, Ronald J. (R 1889-99)..... 1982

Turcany, Jozef (R 1885-99)..... 1982

Williams, Reverend Tyree (R 1893-99)..... 1982

**Contracts**

Amendment to Contract No. 44104 — repayment — West Sixth Associates Limited Partnership  
 — Grand Arcade Limited Partnership — Economic Development (O 1851-99)..... 1994

City employees assistance program — Recovery Resources — Personnel (O 1567-99) ..... 2005

East 123rd Street sewer — public improvement — Utilities Department (O 1559-99) ..... 2004-2006

Kronos software — contract — Account Division (O 1741-99) ..... 2004-2006

Matherson Avenue sewer — public improvement — Utilities Department (O 1560-99)..... 2004-2006

**Cudell Improvement, Inc.**

Home Insulation Program to mitigate railroad noise — funds — Cudell Improvement  
 — Lutheran Housing Corporation — Cleveland Housing Network — Economic Development  
 (O 1852-99)..... 1994

**Cuyahoga County**

Amendment to Lease Agreement No. 46890 — County of Cuyahoga— Amendment to Lease  
 Agreement No. 46891 — Lakeside 425 Limited Partnership — Felder Properties, Ltd.  
 — Economic Development (O 1849-99) ..... 1993

**Easements**

Market Avenue, 2519 — easement rights — FirstEnergy Corp. — Parks, Recreation and  
 Properties (O 1840-99) ..... 1989

**Economic Development Department**

Amendment to Contract No. 44104 — repayment — West Sixth Associates Limited Partnership  
 — Grand Arcade Limited Partnership — Economic Development (O 1851-99)..... 1994

Amendment to Lease Agreement No. 46890 — County of Cuyahoga— Amendment to Lease  
 Agreement No. 46891 — Lakeside 425 Limited Partnership — Felder Properties, Ltd.  
 — Economic Development (O 1849-99) ..... 1993

Home Insulation Program to mitigate railroad noise — funds — Cudell Improvement  
 — Lutheran Housing Corporation — Cleveland Housing Network — Economic Development  
 (O 1852-99)..... 1994

|                                                                                                                                                                                    |           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Industrial Parkway, 15825 — machinery, equipment, furniture and fixtures — Actron Manufacturing Company — Enterprise Zone Agreement — Economic Development (O 1853-99).....        | 1995      |
| Purchase a sit for economic development — Economic Development — Purchases and Supplies — Felder Properties, Ltd. (O 1850-99) .....                                                | 1993      |
| <b>Enterprise Zone Agreement</b>                                                                                                                                                   |           |
| Industrial Parkway, 15825 — machinery, equipment, furniture and fixtures — Actron Manufacturing Company — Enterprise Zone Agreement — Economic Development (O 1853-99).....        | 1995      |
| <b>Euclid Creek</b>                                                                                                                                                                |           |
| Euclid Creek Reservation — Public improvement — water facilities — Utilities Department (O 1410-99) .....                                                                          | 2004-2006 |
| <b>Fairfax Renaissance Development Corporation</b>                                                                                                                                 |           |
| Quincy Avenue, 8011, 8115, 8117-019 and 8121-23 — Land Reutilization Program — Fairfax Renaissance Development Corporation (O 1896-99).....                                        | 1998      |
| <b>Finance Department</b>                                                                                                                                                          |           |
| Kronos software — contract — Account Division (O 1741-99) .....                                                                                                                    | 2004-2006 |
| To appropriate property for public use for the improvement to a portion of Stokes Boulevard (O 414-99) .....                                                                       | 2005      |
| <b>Funds</b>                                                                                                                                                                       |           |
| Home Insulation Program to mitigate railroad noise — funds — Cudell Improvement — Lutheran Housing Corporation — Cleveland Housing Network — Economic Development (O 1852-99)..... | 1994      |
| <b>Glenville Festival Committee</b>                                                                                                                                                |           |
| 2nd Annual Harvest Festival — banners — Glenville Harvest Festival Committee (O 1863-99).....                                                                                      | 2001      |
| <b>Grants</b>                                                                                                                                                                      |           |
| 1999-2000 Caribbean/Gang Task Force Program — grant — U.S. Department of Justice — Safety Department (O 1839-99) .....                                                             | 1989      |
| Excellence Through the Arts Program — grant — Cleveland Foundation — Parks, Recreation and Properties (O 1841-99).....                                                             | 1989      |
| <b>Health Department</b>                                                                                                                                                           |           |
| Housing Opportunities for Persons with AIDS Program — survey and evaluation — Cleveland State University — Community Development Department — Health Department (O 1845-99).....   | 1999      |
| <b>Housing Opportunities for Persons with AIDS Program</b>                                                                                                                         |           |
| Housing Opportunities for Persons with AIDS Program — survey and evaluation — Cleveland State University — Community Development Department — Health Department (O 1845-99).....   | 1999      |
| <b>Job Training Partnership Act</b>                                                                                                                                                |           |
| Titles II and III of the Job Training Partnership Act — amend Section 2 of Ordinance No. 1173-99 (O 1860-99) .....                                                                 | 2000      |
| <b>Land Reutilization Program</b>                                                                                                                                                  |           |
| Addison Road, 1552 — Land Reutilization Program — Michelle Denise Lewis (O 1873-99).....                                                                                           | 1996      |
| East 114th Street, 3792 — Land Reutilization Program — Donnell Tate, Jr. (O 1848-99).....                                                                                          | 1993      |
| East 147th Street, 903 — Land Reutilization Program — Edna B. Franklin (O 1843-99).....                                                                                            | 1990      |
| East 85th Street, 1614 — Land Reutilization Program — Patrick Prince (O 1876-99).....                                                                                              | 1997      |

Linwood Avenue, 8316 — Land Reutilization Program — Archie Ross and Anna Ross  
(O 1877-99).....1998  
Melrose Avenue, 7518 — Land Reutilization Program — Harry Arrington (O 1874-99) .....1996  
Quimby Avenue, 6802 — Land Reutilization Program — Bertha Williams (O 1875-99) .....1997  
Quincy Avenue, 8011, 8115, 8117-019 and 8121-23 — Land Reutilization Program — Fairfax  
Renaissance Development Corporation (O 1896-99).....1998  
Utica Avenue, 5916 — Land Reutilization Program — Barbara Thompson (O 1872-99) .....1995  
West 96th Street, 2138 — Land Reutilization Program — Cecily Annette Lewis aka Cecily  
A. Lewis (O 1847-99) .....1992  
Woodland Avenue, 5708-10 — Land Reutilization Program — First Beulah Baptist Church  
(O 1437-99).....2005

**Lease Agreement**

Amendment to Lease Agreement No. 46890 — County of Cuyahoga— Amendment to Lease  
Agreement No. 46891 — Lakeside 425 Limited Partnership — Felder Properties, Ltd.  
— Economic Development (O 1849-99) .....1993  
Old Superior Avenue Viaduct — lease agreements — Tow areas under Arches 7 and 9  
— Stonebridge Waterfront Limited Partnership (O 1818-99).....1982

**Leases**

Brookside Park Ball Diamond #1 — lease — St. Ignatius High School (O 1427-99).....2005

**Liquor Permits**

Denison Avenue, 3829 (Ward 15) — Transfer of Ownership and Location Application  
(F 1811-99) .....1982  
Denison Avenue, 3829 (Ward 15) — objecting to transfer of ownership and location  
(R 1867-99) .....2002  
Denison Avenue, 4464 first floor and basement (Ward 15) — Transfer of Ownership  
(F 1802-99) .....1981  
Detroit Avenue, 3112, 5910 (Ward 17) — Transfer of Ownership and Location Application  
(F 1812-99) .....1982  
Detroit Avenue, 5910 (Ward 17) — objecting to transfer of ownership and location  
(R 1868-99) .....2003  
East 185th Street, 1201 (Ward 11) — objecting to transfer of ownership  
(R 1870-99) .....2003  
East 200th Street, 768 (Ward 11) — objecting to transfer of ownership (R 1869-99) .....2003  
Hough Avenue, 8812 (Ward 7) — Transfer of Location Application (F 1809-99).....1982  
Huron Road southeast, 834-36 first, second floor and basement (Ward 13) — Stock Transfer  
Application (F 1813-99).....1982  
Lorain Avenue, 4757 (Ward 14) — Transfer of Ownership (F 1803-99).....1981  
Memphis Avenue, 4827, 4920 (Ward 15) — Transfer of Ownership (F 1804-99).....1981  
Payne Avenue, 4409 (Ward 13) — withdrawing objection to transfer of ownership  
(R 1866-99) .....2002  
St. Clair Avenue, 18526 (Ward 11) — Transfer of Ownership Application (F 1805-99).....1981  
State of Ohio Lottery Commission — reconsider decision — second Pick 3 and Pick  
4 drawing (R 1871-99).....2004  
Union Avenue, 10221 first floor (Ward 3) — Transfer of Ownership Application  
(F 1808-99) .....1981  
Warner Road, 4569 (Ward 2) — Transfer of Location Application (F 1810-99) .....1982  
Waterloo Road, 15610 first floor and basement (Ward 11) — Transfer of Ownership  
(F 1806-99) .....1981  
Woodworth Avenue, 14625 (Ward 10) — Objecting to transfer of ownership  
(R 1865-99) .....2002  
Woodworth Avenue, 14625 (Ward 10) — Transfer of Ownership Application (F 1807-99).....1981

**Loans**

Linked Deposit Loan Program — revised eligibility requirements (R 1864-99).....2001  
Morgan Water Works Plant — Plant Enhancement Program — Water Supply Revolving Loan —  
Phase I — Mayor (O 1561-99).....2005

**Lutheran Housing Corporation**

Home Insulation Program to mitigate railroad noise — funds — Cudell Improvement  
— Lutheran Housing Corporation — Cleveland Housing Network — Economic Development  
(O 1852-99).....1994

**Morgan Water Works Facility**

Morgan Water Works Plant — Plant Enhancement Program — Water Supply Revolving Loan —  
Phase I — Mayor (O 1561-99).....2005

**Motor Vehicle Maintenance Division**

|                                                                                                                   |      |
|-------------------------------------------------------------------------------------------------------------------|------|
| Automotive and truck oils, lubricants and solvents — Motor Vehicle Maintenance<br>(O 1836-99).....                | 1988 |
| Equipment and vehicle batteries — Motor Vehicle Maintenance (O 1826-99).....                                      | 1985 |
| Gasoline — purchase — Motor Vehicle Maintenance (O 1821-99).....                                                  | 1984 |
| Heavy duty construction equipment — repair and maintain — Motor Vehicle Maintenance<br>Division (O 1837-99) ..... | 1988 |
| Meyer snowplow and spreader parts — purchase — Motor Vehicle Maintenance<br>(O 1822-99).....                      | 1984 |
| Remanufactured transmissions — purchase — Motor Vehicle Maintenance (O 1823-99).....                              | 1985 |
| Tire repair road service — purchase — Motor Vehicle Maintenance (O 1824-99).....                                  | 1985 |

**Old Superior Viaduct**

|                                                                                                                                                   |      |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Old Superior Avenue Viaduct — lease agreements — Tow areas under Arches 7 and 9<br>— Stonebridge Waterfront Limited Partnership (O 1818-99) ..... | 1982 |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------|

**Parks, Recreation and Properties Department**

|                                                                                                                                                               |      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Brookside Park Ball Diamond #1 — lease — St. Ignatius High School (O 1427-99).....                                                                            | 2005 |
| Excellence Through the Arts Program — grant — Cleveland Foundation — Parks, Recreation<br>and Properties (O 1841-99).....                                     | 1989 |
| Market Avenue, 2519 — easement rights — FirstEnergy Corp. — Parks, Recreation and<br>Properties (O 1840-99) .....                                             | 1989 |
| Vending machines — concession agreement — City parks, City-owned and City-leased<br>buildings — Parks, Recreation and Properties Department (O 1428-99) ..... | 2005 |
| West 15th Street — between Abbey Road and Fairfield Road — sell — 1501 Companies, Ltd.<br>— Purchases and Supplies (O 1842-99).....                           | 1990 |

**Permits**

|                                                                                                  |      |
|--------------------------------------------------------------------------------------------------|------|
| 2nd Annual Harvest Festival — banners — Glenville Harvest Festival Committee<br>(O 1863-99)..... | 2001 |
| Elston Avenue S.W. — right-of-way — Paul T. and Cynthia Banyasz (O 1819-99) .....                | 1983 |

**Personnel Department**

|                                                                                                                       |      |
|-----------------------------------------------------------------------------------------------------------------------|------|
| City employees assistance program — Recovery Resources — Personnel (O 1567-99) .....                                  | 2005 |
| Titles II and III of the Job Training Partnership Act — amend Section 2 of Ordinance No.<br>1173-99 (O 1860-99) ..... | 2000 |

**Port Control Department**

|                                                                                                        |      |
|--------------------------------------------------------------------------------------------------------|------|
| Airport Improvement Program Grant — West Cargo Ramp —Port Control (F 1794-99) .....                    | 1981 |
| Navigational Aids and Weather Equipment — new Section 139.15 — Codified Ordinances<br>(O 1817-99)..... | 1982 |

**Public Hearing Notice**

|                                                                                                                                     |           |
|-------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Fairview Hospital Riveredge parking facility — change the Use District — Parking<br>District and 'C' Area District (O 1093-99)..... | 2005-2006 |
|-------------------------------------------------------------------------------------------------------------------------------------|-----------|

**Purchases and Supplies Department**

|                                                                                                                                                       |      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Emergency Requisition (RE-08464) — Purchases and Supplies Division (F 1801-99) .....                                                                  | 1981 |
| Emergency Requisition (RE-3532) — Purchases and Supplies Division (F 1795-99) .....                                                                   | 1981 |
| Purchase a sit for economic development — Economic Development — Purchases and Supplies<br>— Felder Properties, Ltd. (O 1850-99) .....                | 1993 |
| Sales Request No. 90179 — southeast corner Willard Avenue — Purchases and Supplies<br>Division (F 1797-99).....                                       | 1981 |
| Sales Request No. 90180 — Old Superior Viaduct — Purchases and Supplies Division<br>(F 1798-99) .....                                                 | 1981 |
| Sales Request No. 90180 — west side West 14th Street between Fairfield Avenue and Abbey<br>Avenue — Purchases and Supplies Division (F 1799-99) ..... | 1981 |
| West 15th Street — between Abbey Road and Fairfield Road — sell — 1501 Companies, Ltd.<br>— Purchases and Supplies (O 1842-99).....                   | 1990 |
| Willard Avenue and West 93rd Street, southeast corner — sell City-owned property<br>— Trinity Freewill Baptist Church (O 1662-99) .....               | 2005 |



**Resolutions — Miscellaneous**

Linked Deposit Loan Program — revised eligibility requirements (R 1864-99).....2001

**Right-of-Way**

Elston Avenue S.W. — right-of-way — Paul T. and Cynthia Banyasz (O 1819-99) .....1983

**Safety Department**

1999-2000 Caribbean/Gang Task Force Program — grant — U.S. Department of Justice  
 — Safety Department (O 1839-99) .....1989  
 Sections 603.02, 604.01, 604.03, 604.04 and 604.99 — amend vicious dogs (O 957-99)..... **2014-R**

**Service Department**

2nd Annual Harvest Festival — banners — Glenville Harvest Festival Committee  
 (O 1863-99).....2001  
 Asphalt concrete — Street Division (O 1830-99) .....1986  
 Automotive and truck oils, lubricants and solvents — Motor Vehicle Maintenance  
 (O 1836-99).....1988  
 Branch Avenue S.W. (Ward 13) — intention to vacate (R 1854-99) .....1999  
 Cold mix material — Streets Division (O 1832-99) .....1987  
 East 13th Street — vacate a portion (O 1859-99) .....2000  
 East 32nd Place — vacate (O 1820-99).....1984  
 Elston Avenue S.W. — right-of-way — Paul T. and Cynthia Banyasz (O 1819-99) .....1983  
 Emulsion, purging solution and emulsion service management — Streets Division  
 (O 1828-99).....1986  
 Equipment and vehicle batteries — Motor Vehicle Maintenance (O 1826-99).....1985  
 Gasoline — purchase — Motor Vehicle Maintenance (O 1821-99).....1984  
 Glass Avenue N.E. — change name — “Lausche Avenue N.E.” (O 1422-99).....2004-2006  
 Grinding pavement — public improvement — Service Department (O 1838-99).....1988  
 Guard rail elements, posts, end wings and necessary hardware — Streets Division  
 (O 1835-99).....1988  
 Gutter brooms and gutter broom sets — Street Division (O 1829-99).....1986  
 Heavy duty construction equipment — repair and maintain — Motor Vehicle Maintenance  
 Division (O 1837-99) .....1988  
 Large capacity trucks with operators — Streets Division (O 1833-99).....1987  
 Manhole risers — Streets Division (O 1825-99) .....1985  
 Meyer snowplow and spreader parts — purchase — Motor Vehicle Maintenance  
 (O 1822-99).....1984  
 Old Superior Avenue Viaduct — lease agreements — Tow areas under Arches 7 and 9  
 — Stonebridge Waterfront Limited Partnership (O 1818-99) .....1982  
 Penn Court N.W. (Ward 14) — intention to vacate (R 1855-99) .....1999  
 Plow blades and curb bumpers — Streets Division (O 1834-99) .....1987  
 Remanufactured transmissions — purchase — Motor Vehicle Maintenance (O 1823-99).....1985  
 Alpha Court S.E. — change name — “Benjamin Rose Court S.E.” (O 1421-99).....2004-2006  
 SSI tack coat — Streets Division (O 1831-99).....1987  
 Shaker Boulevard repair and resurfacing — amend the title and Section 7 of Ordinance No.  
 457-99 (O 1858-99) .....2000  
 Tire repair road service — purchase — Motor Vehicle Maintenance (O 1824-99).....1985  
 To appropriate property for public use for the improvement to a portion of Stokes  
 Boulevard (O 414-99) .....2005  
 Traffic cones, safety drums, flashers, lights and batteries — Streets Division  
 (O 1827-99).....1986  
 Winfield Avenue S.E. (Ward 12) — intention to vacate (R 1856-99) .....1999  
 Your Home Program — sidewalks, handicap ramps and curbing — public improvement —  
 Community Development — Service Department (O 1846-99) .....1992

**Sewers**

East 123rd Street sewer — public improvement — Utilities Department (O 1559-99) .....2004-2006  
 Matherson Avenue sewer — public improvement — Utilities Department (O 1560-99).....2004-2006

**St. Ignatius High School**

Brookside Park Ball Diamond #1 — lease — St. Ignatius High School (O 1427-99).....2005

**Statement of Work Acceptance**

Contract No. 52209A — Utilities Department (F 1815-99) .....1982  
 Contract No. 53758 (Group S) — Port Control (F 1814-99) .....1982

**Streets - Name**

Alpha Court S.E. — change name — “Benjamin Rose Court S.E.” (O 1421-99).....2004-2006  
 Glass Avenue N.E. — change name — “Lausche Avenue N.E.” (O 1422-99).....2004-2006

**Streets - Vacation**

|                                                                        |      |
|------------------------------------------------------------------------|------|
| Branch Avenue S.W. (Ward 13) — intention to vacate (R 1854-99) .....   | 1999 |
| East 13th Street — vacate a portion (O 1859-99) .....                  | 2000 |
| East 32nd Place — vacate (O 1820-99) .....                             | 1984 |
| Penn Court N.W. (Ward 14) — intention to vacate (R 1855-99) .....      | 1999 |
| Winfield Avenue S.E. (Ward 12) — intention to vacate (R 1856-99) ..... | 1999 |

**Streets Division**

|                                                                                                      |      |
|------------------------------------------------------------------------------------------------------|------|
| Asphalt concrete — Street Division (O 1830-99) .....                                                 | 1986 |
| Cold mix material — Streets Division (O 1832-99) .....                                               | 1987 |
| Emulsion, purging solution and emulsion service management — Streets Division<br>(O 1828-99) .....   | 1986 |
| Guard rail elements, posts, end wings and necessary hardware — Streets Division<br>(O 1835-99) ..... | 1988 |
| Gutter brooms and gutter broom sets — Street Division (O 1829-99) .....                              | 1986 |
| Large capacity trucks with operators — Streets Division (O 1833-99) .....                            | 1987 |
| Manhole risers — Streets Division (O 1825-99) .....                                                  | 1985 |
| Plow blades and curb bumpers — Streets Division (O 1834-99) .....                                    | 1987 |
| SSI tack coat — Streets Division (O 1831-99) .....                                                   | 1987 |
| Traffic cones, safety drums, flashers, lights and batteries — Streets Division<br>(O 1827-99) .....  | 1986 |

**U.S. Department of Justice**

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|---------------------------------------------------------------------------------------------------------------------------|------|
| 1999-2000 Caribbean/Gang Task Force Program — grant — U.S. Department of Justice<br>— Safety Department (O 1839-99) ..... | 1989 |
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**Utilities Department**

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|---------------------------------------------------------------------------------------------------------------------------|-----------|
| East 123rd Street sewer — public improvement — Utilities Department (O 1559-99) .....                                     | 2004-2006 |
| Euclid Creek Reservation — Public improvement — water facilities — Utilities Department<br>(O 1410-99) .....              | 2004-2006 |
| Forty five pieces of equipment for distribution maintenance — Water Division<br>(O 1816-99) .....                         | 1982      |
| Matherson Avenue sewer — public improvement — Utilities Department (O 1560-99) .....                                      | 2004-2006 |
| Morgan Water Works Plant — Plant Enhancement Program — Water Supply Revolving Loan —<br>Phase I — Mayor (O 1561-99) ..... | 2005      |
| One Motor — Water Division — Utilities Department (O 1703-99) .....                                                       | 2004-2006 |

**Vicious Dogs**

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|------------------------------------------------------------------------------------------|--------|
| Sections 603.02, 604.01, 604.03, 604.04 and 604.99 — amend vicious dogs (O 957-99) ..... | 2014-R |
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**Village of Highland Hills**

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Village of Highland Hills — purchase agreement — Cartech Company, Ltd. — Gliatech —<br>amend fourth whereas clause and Section 2 of Ordinance No. 1088-99 (O 1857-99) ..... | 1999 |
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**Water Division**

|                                                                                                   |           |
|---------------------------------------------------------------------------------------------------|-----------|
| Forty five pieces of equipment for distribution maintenance — Water Division<br>(O 1816-99) ..... | 1982      |
| One Motor — Water Division — Utilities Department (O 1703-99) .....                               | 2004-2006 |

**Your Home Program**

|                                                                                                                                                  |      |
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| Your Home Program — sidewalks, handicap ramps and curbing — public improvement —<br>Community Development — Service Department (O 1846-99) ..... | 1992 |
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**Zoning**

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|--------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Cliffview Road, N.E. and Belvoir Boulevard, N.E. — Change the Use and Area Districts<br>(O 594-99) .....                             | 2004-2005 |
| Detroit Avenue, N.W. between West 45th St. and West 38th St. — change the Use District<br>(O 1130-99) .....                          | 2005      |
| Fairview Hospital Riveredge parking facility — change the Use District — Parking<br>District and 'C' Area District (O 1093-99) ..... | 2005-2006 |

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|-----------------------------------------------------------------------------------------|-----------|
| Glass Avenue, southeasterly side — change Use, Area and Height Districts (Ward 13)      |           |
| (O 898-99) .....                                                                        | 2005-2005 |
| To change the use and area districts of lands on the north side of Madison Avenue, N.W. |           |
| between West Park Boulevard and West 100th Street (Map Change No. 1987, Sheet No.       |           |
| 1) (O 270-99) .....                                                                     | 2004-2005 |

**Zoning—Public Hearings—City Planning Committee**

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|----------------------------------------------------------------------------------|-----------|
| Fairview Hospital Riveredge parking facility — change the Use District — Parking |           |
| District and 'C' Area District (O 1093-99).....                                  | 2005-2006 |