

The City Record

Official Publication of the City of Cleveland

December the Twenty-Second, Nineteen Hundred and Ninety-Nine

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE

Ward	Name	Residence	
	President of Council-Michael D. Polensek		
1	Joseph T. Jones.....	15601 Lotus Drive	44128
2	Robert J. White.....	3760 East 126th Street	44105
3	Odellia V. Robinson.....	3448 East 123rd Street	44120
4	Kenneth L. Johnson.....	2948 Hampton Road	44120
5	Frank G. Jackson.....	2327 East 38th Street	44115
6	Patricia J. Britt.....	12402 Britton Drive	44120
7	Fannie M. Lewis.....	7416 Star Avenue	44103
8	William W. Patmon.....	867 East Boulevard	44108
9	Craig E. Willis.....	11906 Beulah Avenue	44106
10	Roosevelt Coats.....	1775 Cliffview Road	44112
11	Michael D. Polensek.....	17855 Brian Avenue	44119
12	Edward W. Rybka.....	6832 Indiana Avenue	44105
13	Joe Cimperman.....	3053 West 12th Street	44113
14	Nelson Cintron, Jr.....	3032 Vega Avenue	44113
15	Merle R. Gordon.....	1700 Denison Avenue	44109
16	Michael C. O'Malley.....	6710 Brookside Drive	44144
17	Timothy J. Melena.....	6110 West Clinton Avenue	44102
18	Jay Westbrook.....	10513 Clifton Boulevard	44102
19	Dona Brady.....	1272 West Boulevard	44102
20	Martin J. Sweeney.....	3632 West 133rd Street	44111
21	Michael A. Dolan.....	16519 West Park Road	44111

Clerk of Council - Ruby F. Moss, 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

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 George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch - Justice Center, 8th Flr., Court Towers, 1200 Ontario Street
 Karen E. Martinez, Law Librarian, Room 100

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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
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DIVISIONS - 1201 Lakeside Avenue
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 Utilities Fiscal Control - Morry Blech, Commissioner
 Cleveland Public Power - James F. Majer, Commissioner
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 Cleveland Hopkins International Airport, 5300 Riverside Drive;
 Cleveland Hopkins International Airport - Mark D. Vanloh, Commissioner
 Burke Lakefront Airport - Michael C. Barth, Commissioner

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 Environment - Robin Puriani-Rogers, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
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 Emergency Medical Service - Bruce Shade, Commissioner, 1708 South Pointe Drive

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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

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

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

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BOARD OF SIDEWALK APPEALS - Service Director Mark Ricchiuto; Law Director Cornell P. Carter; Councilman _____

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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 _____

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

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

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

The City Record



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WEDNESDAY, DECEMBER 22, 1999

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CITY COUNCIL

WEDNESDAY, DECEMBER 15, 1999

The City Record

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RUBY F. MOSS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

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

MONDAY—Alternating

11:00 A.M.—**Public Service Committee:** Cintron, Chairman; Sweeney, Vice Chairman; Britt, Coats, Johnson, Melena, O'Malley, Westbrook, Willis.
11:00 A.M.—**Employment, Affirmative Action & Training Committee:** White, Chairman; Lewis, Vice Chairman; Cintron, Coats, Gordon, Johnson, Jones.

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Dolan, Chairman; O'Malley, Vice Chairman; Jones, Patmon, Robinson, Rybka, Sweeney.

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

WEDNESDAY—Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Wednesday, December 15, 1999.

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

Councilmen present: Brady, Britt, Cimperman, Cintron, Coats, Gordon, Jackson, Jones, Lewis, O'Malley, Patmon, Polensek, Robinson, Sweeney, Westbrook, White, Willis.

Pledge of Allegiance.

Without objection, the Council reverted back to First Reading Emergency Ordinances Referred. The Council President instructed the First Assistant Clerk, Sandra Franklin to begin the meeting.

FIRST READING EMERGENCY ORDINANCE REFERRED

Ord. No. 2210-99.

By Councilman Patmon.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 686 relating to pager sales.

Whereas, this ordinance constitutes an emergency measure providing for 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 686, to read as follows:

Chapter 686 PAGER SALES ESTABLISHMENTS

Section 686.01 Definitions
Section 686.02 License Required; Display

Section 686.03 License Application
Section 686.04 License Fee
Section 686.99 Penalty

Section 686.01 Definitions

As used in this chapter:

(a) "Pager Sales establishment" means any commercial enterprise that sells pager devices and such sales account for more than fifty percent (50%) of the sales from the establishment.

(b) "Commissioner" means the Commissioner of Assessments and Licenses.

Section 686.02 License Required; Display

No person, business or corporation shall operate a pager sales establishment unless and until licensed as provided in this chapter. Upon receipt of a license issued pursuant to this chapter, the licensee shall post the license or a copy of thereof in a conspicuous publicly-accessible place at the licensee's place of business.

Section 686.03 License Application

An application for the license required by Section 686.02 shall be made in person at the office of the Commissioner of Licenses and Assessments on forms provided and such pertinent information as the Commissioner may deem necessary shall be given. The Commissioner shall provide a copy of the license application to the member of Cleveland City Council in whose ward the licensee seeks to operate. The Commissioner may issue the license, upon concurrence of the Council member, provided the application is completed in full.

Section 686.04 License Fee

A license fee of One Hundred Dollars (\$100.00) shall be paid upon issuance or renewal of a license and such license shall be renewed every two (2) years.

Section 686.99 Penalty

Whoever violates any provisions of this chapter shall be guilty of a misdemeanor of the fourth degree.

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 268-A-99 (as substitute for Ordinance No. 268-99).

By Councilman Cimperman.

An emergency ordinance to amend Section 403.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 472-98, passed August 19, 1998, relating to traffic code misdemeanor classifications and penalties.

Whereas, this ordinance constitutes an emergency measure providing for 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 403.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 472-98, passed August 19, 1998, is hereby amended to read as follows:

Section 403.99 Traffic Code Misdemeanor Classifications and Penalties

(a) Misdemeanor Classifications.

(1) General classification. Whoever violates any provision of this Traffic Code or any regulation lawfully adopted pursuant thereto, for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense such person is guilty of a misdemeanor of the third degree. When any person is found guilty of a first offense for violation of Section 433.03, upon a finding that he operated a motor vehicle in excess of the posted speed limit by ten miles an hour or more, such person is guilty of a misdemeanor of the fourth degree. (RC 4511.99(D), 4513.99(C)). When any person is found guilty of a violation of Section 433.07(b)(8), in addition to all other penalties provided by law, such person shall be fined two times the usual amount imposed for the violation.

(2) Driving under the influence. Whoever violates division (a) of Section 433.01, in addition to the license suspension or revocation provided in RC 4507.16 and any disqualification imposed under RC 4506.16 shall be punished as provided in division A., B. or C. below:

A. If, within six years of the offense, the offender has not been convicted of or pleaded guilty to any violation of division (a) or (b) of Section 433.01, RC 4511.19, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, RC 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or RC 2903.06, 2903.07, or 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of three consecutive days and may sentence the offender pursuant to division (b) of Section 403.99 to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000).

The court may suspend the execution of the mandatory three consecutive days of imprisonment that it is required to impose by this division, if the court, in lieu of the suspended term of imprisonment, places the offender on probation and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to RC 3793.10. The court also may suspend the execution of any part of the mandatory three consecutive days of imprisonment that it is required to impose by this division, if the court places the offender on probation for part of the three consecutive days; requires

the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to RC 3793.10; and sentences the offender to a term of imprisonment equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to RC Chapter 3793, by the Director of Alcohol and Drug Addiction Services, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on his progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

B. If, within six years of the offense, the offender has been convicted of or pleaded guilty to one violation of division (a) or (b) of Section 433.01, RC 4511.19, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, RC 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or RC 2903.06, 2903.07, or 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of ten consecutive days and may sentence the offender pursuant to division (b) of Section 403.99 to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than three hundred dollars (\$300.00) and not more than one thousand five hundred dollars (\$1,500).

In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to RC 3793.10. If the officials of the drivers' intervention program determine that the offender is alcohol dependent, they shall notify the court, and the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by RC 3793.02. The cost of the treatment shall be paid by the offender.

C. If, within six years of the offense, the offender has been convicted of or pleaded guilty to two violations of division (a) or (b) of Section 433.01, RC 4511.19, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine, RC 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or RC

2903.06, 2903.07, 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the court shall sentence the offender to a term of imprisonment of thirty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. In addition, the court shall impose upon the offender a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).

In addition to any other sentence that it imposes upon the offender, the court shall require the offender to attend an alcohol and drug addiction program authorized by RC 3793.02. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of his attendance at the treatment program, the court may order that the payment of the cost of the offender's attendance at the treatment program be made from the court's indigent drivers alcohol treatment fund, created pursuant to division (N) of RC 4511.191.

D. Twenty-five dollars (\$25.00) of each fine imposed pursuant to divisions (a)(2)A., B. or C. of this Section shall be deposited into the indigent drivers alcohol treatment fund of the court, created pursuant to division (N) of RC 4511.191.

E. Upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to divisions (a)(2)A. to C. of this section to continue his employment, the court may authorize that the offender be granted work release from imprisonment after the offender has served the three, ten, thirty, or sixty consecutive days of imprisonment that the court is required by divisions (a)(2)A. to C. of this Section to impose. No court shall authorize work release from imprisonment during the three, ten, thirty, or sixty consecutive days of imprisonment that the court is required by divisions (a)(2)A. to C. of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place of imprisonment and the time actually spent under employment.

F. Notwithstanding any section of the Revised Code or this Traffic Code that authorizes suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court shall suspend the ten, thirty, or sixty consecutive days of imprisonment required to be imposed by divisions (a)(2)B. to C. of this section or place an offender who is sentenced pursuant to division (a)(2)B. to C. of this section in any treatment program in lieu of imprisonment until after the offender has served the ten, thirty, or sixty consecutive days of imprisonment required to be imposed pursuant to division (a)(2)B. to C. of this section.

Notwithstanding any section of the Revised Code or this Traffic Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court, except as specifically authorized by

division (a)(2)A. of this section, shall suspend the three consecutive days of imprisonment required to be imposed by division (a)(2)A. of this section or place an offender who is sentenced pursuant to division (a)(2)A. of this section in any treatment program in lieu of imprisonment until after the offender has served the three consecutive days of imprisonment required to be imposed pursuant to division (a)(2)A. of this section.

G. No court shall sentence an offender to an alcohol treatment program pursuant to division (a)(2)A. to C. of this section unless the treatment program complies with the minimum standards adopted pursuant to RC Chapter 3793. by the director of alcohol and drug addiction services (RC 4511.99(A)).

H. As used in this section, "three consecutive days" means seventy-two consecutive hours. (RC 4511.991)

(3) Physical control. Whoever violates division (b) of Section 433.01 is guilty of a misdemeanor of the first degree.

(4) Street racing. Whoever violates Section 433.07 is guilty of a misdemeanor of the first degree.

(5) Licensing drivers. Whoever violates any provision of Sections 435.01 to 435.07, inclusive, is guilty of a misdemeanor of the first degree.

(6) Accidents. Whoever violates any provision of Sections 435.15 to 435.17, inclusive, is guilty of a misdemeanor of the first degree.

(7) Willfully fleeing a police officer. Whoever violates division (b) of Section 403.02 is guilty of a misdemeanor of the first degree.

(8) Stopping for school buses. Whoever violates division (a) of Section 431.38 may be fined not more than five hundred dollars (\$500.00).

(9) Placing dangerous material on streets. Whoever violates division (e) of Section 411.01 is guilty of a misdemeanor of the first degree.

(10) Physically handicapped parking. Whoever violated division (h) of Section 451.051 shall be fined Five hundred dollars (\$500.00).

(b) Penalties. Whoever is convicted of or pleads guilty to a violation of this Traffic Code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

Misdemeanor Classification	Maximum Imprisonment Term	Maximum Fine
1st degree	6 months	\$1,000.00
2nd degree	90 days	750.00
3rd degree	60 days	500.00
4th degree	30 days	250.00
Minor	None	100.00
(RC 2929.21)		

(c) License Suspension.
 (1) The trial judge of the Cleveland Municipal Court, in addition to or independent of all other penalties provided by law or ordinance, shall suspend for not less than thirty days nor more than three years or revoke the driver's or commercial driver's license or permit or nonresident

operating privileges of any person who is convicted of or pleads guilty to any of the following:

A. Division (a) of Section 431.38;
 B. Sections 435.01 to 435.07, inclusive;

The trial judge, in addition to suspensions or revocations of licenses, permits, or privileges pursuant to this division and in addition to or independent of all other penalties provided by law or by ordinance, shall impose a suspended jail sentence of not to exceed six months, if that imprisonment was not imposed for the offense for which the person was convicted.

(2) The trial judge of the Cleveland Municipal Court, in addition to or independent of all other penalties provided by law or ordinance, shall suspend or revoke the driver's or commercial driver's license or permit or nonresident operating privileges of any person who is convicted of or pleads guilty to a violation of division (b) of Section 433.01. The length of the suspension or revocation imposed by the trial judge upon a person who is convicted or pleads guilty to a violation of division (b) of Section 433.01 shall be the same as that imposed pursuant to division (B) of RC 4507.16 upon a person who is convicted of or pleads guilty to a violation of RC 4511.19, or a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine.

(3) The trial judge of the Cleveland Municipal Court may, in addition to or independent of all other penalties provided by law, suspend the license of any person for not more than fifteen days who is convicted of or pleads guilty to a violation of operating a motor vehicle faster than five miles per hour in excess of the prima-facie speed limits specified in Section 433.03 relating to passing a school building or grounds or operating a motor vehicle in a residential district.

For any subsequent conviction of any such provision, the trial judge shall, in addition to or independent of all other penalties provided by law, suspend the license of any person for not more than thirty days who is convicted of or pleads guilty to any offense specified in this division. The first five days may not be suspended by the Court.

Section 2. That existing Section 403.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 472-98, passed August 19, 1998, is hereby repealed.

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

Without objection, substitute agreed to. Ordinance No. 268-99 Laid on the Table pursuant to the rules of Council.

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

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

Ord. No. 2208-99.

By Councilman Willis.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Northeastern Neighborhood Development Corporation to create and manage a second mortgage program as an incentive for homeownership in Ward 9.

Whereas, this ordinance constitutes an emergency measure providing for 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 an agreement with the Northeastern Neighborhood Development Corporation to create and manage a second mortgage program as an incentive for homeownership in Ward 9.

Section 2. That the costs of said contract shall be in an amount not to exceed One Hundred Twenty-Five Thousand Dollars (\$125,000) and shall be paid from Fund No. 10 SF 166.

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

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

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

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

FIRST READING EMERGENCY RESOLUTION READ IN FULL AND ADOPTED

Res. No. 2209-99.

By Councilman Lewis.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 6029 Superior Avenue, and repealing Res. No. 1322-99, objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 6029 Superior Avenue, by Res. No. 1322-99 adopted by Council July 14, 1999; and

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

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

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

Section 1. That objection to the renewal of a C2 and C2X Liquor Permit to 6029 Superior Avenue, be and the same is hereby withdrawn and Res. No. 1322-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

from and after the earliest period allowed by law.

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 835-99.

By Councilmen Gordon and Johnson (by departmental request).

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

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

1. In Section 1, lines 8 and 9, strike "eighty thousand dollars (\$80,000.00)" and insert in lieu thereof "forty-eight thousand six hundred and sixty-four dollars (\$48,664.00)".

2. In Section 2, line 6, after "2000," add the following new sentence: "No inspector may be paid more than nine thousand dollars (\$9,000.00), during the contract period for their services."; and in line 8, strike "apportion them" and insert in lieu thereof "they are appropriated".

3. After existing Section 3, insert new Section 4 to read as follows:

"Section 4. That the Director of Public Health shall make quarterly reports to this Council identifying the facilities that have been inspected under this program, and the results of those inspections. In addition, if any facility is found in non-compliance, the Councilperson in whose ward that facility is located shall be notified by the Director of Public Health within forty-eight (48) hours of discovery of the non-compliance."

4. Renumber existing Section 4 to read "Section 5".

Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. 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. 1563-99.

By Councilman Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to the Liquid Cafe to encroach into the right-of-way of West Lakeside Avenue at West 6th Street with an outdoor seasonal patio dining area.

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

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

Ord. No. 1706-99.

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

An emergency ordinance authorizing the acquisition of certain ease-

ment interests from MetroHealth Medical Center for the public improvement of allowing pedestrian crossing and passage through the two-story arcade along Scranton Avenue, for the Department of Public Service.

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

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

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.

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

1. Strike Section 5 in its entirety and insert in lieu thereof the following:

"Section 5. That the lease of the Old Superior Viaduct authorized by Section 1 of this ordinance shall provide that Stonebridge Phase One, Ltd. may assign, transfer or sell the lease of the Old Superior Viaduct in the event that the Lessee is in default on its mortgage to the Department of Housing and Urban Development ("HUD") and such assignment, transfer or sale is approved by HUD.

That the lease of the tow areas under Arches 7 and 9 under the Old Superior Viaduct authorized by Section 1 of this ordinance shall provide that Stonebridge Waterfront Limited Partnership may assign, transfer or sell the lease of the tow areas under Arches 7 and 9 under the Old Superior Viaduct in the event that the Lessee is in default on its mortgage to HUD and such assignment, transfer or sale is approved by HUD."

2. Insert new Section 6 to read as follows:

"Section 6. In the event of such default, Lessee and HUD shall immediately notify the City of the default, the City shall be provided with the names and addresses of potential new lessees, and such potential lessees shall appear before the City Council to discuss their qualifications prior to any approval of assignment by HUD."

3. Insert new Section 7 to read as follows:

"Section 7. That the lease of the Old Superior Viaduct authorized by Section 1 of this ordinance shall provide that such viaduct shall be open to the general public between the hours of 7:00 a.m. and 10:00 p.m. daily."

4. In existing Section 7, line 5, insert the following after "City.": "In the event that the terms of this Ordinance conflict with HUD requirements for financing of this project, HUD's requirements shall control."

5. Renumber existing Sections 6, 7, 8 and 9, respectively, to new "Section 8", "Section 9", "Section 10" and "Section 11".

6. In existing Section 8, line 4, strike "other" and in line 5, strike "or appropriate".

7. In existing Section 7, at the end, insert the following new sentences:

"The lease of a portion of the Old Superior Viaduct as authorized by Section 1 of this ordinance shall be substantially in accordance with the form contained in File No. 1818-99-A, except that the provisions of Section 8.2 thereof, "SPECIAL EVENTS", shall be modified to conform to the following requirements: First, the events identified in the handout to this Council on December 15, 1999, prepared by SFX Entertainment, and contained in File No. 1818-99-A, are authorized events, but no other event may be held on the leased space without prior legislative authority. Second, the lease shall provide that no charge may be assessed to the public for any event on the leased premises unless such a charge is first authorized by an ordinance of Council. Third, notices required for special events shall be directed to both the Ward Councilman and the Director of Public Service."

Amendments agreed to.

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

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

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

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.

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

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

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.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Relieved

of Committees on Community and Economic Development, City Planning; Recommended by Committees on Public Health, Finance; when amended as follows:

1. the title, line 2, in Section 1, line 1, and in Section 2, line 1, after "Section 2" insert **"and Section 4"**; and in Section 1, line 2 and Section 2, line 2, strike "is" and insert **"are"**; in Section 1, line 2, after "read" insert **"respectively"**.

2. In Section 1, at the end of amended Section 2, insert the following new amended Section:

"Section 4. That the rent for the real property described in Section 3 shall be for One Dollar (\$1.00) per year; that the lease shall be for a term not to exceed fifty (50) years as determined by the Director of Economic Development; that the lease shall be for a term equal to the term of the leases described in Sections 1 and 2; that the lease shall be for the purpose of the provision of a public open space and the provision of parking, that the lease shall provide that Felder Properties, Ltd. include the requirement to use best efforts to achieve the following construction contract and construction job goals:

**Construction Contracts 33-1/3% MBE;
10% FBE**

**Construction Jobs 30% Minority
10% Female;
50% Residents**

and that the lease shall contain any other provisions that the Director of Economic Development and Director of Law deem necessary to protect the public interest and effect the purpose of hotel development."

Amendments agreed to.
The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. 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. 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.

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

1. In Section 2, at the end, strike the period and insert the following: **"which documents shall require that the right of way curbing installed around the project, including off-street parking, public open space, and right of way improvements developed in conjunction with the project, utilize granite curbing meeting the standards established for the Warehouse District by the Cleveland Landmarks Commission."**

Amendments agreed to.
The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. 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. 1906-99.

By Councilman Dolan.
An emergency ordinance to vacate a portion of Groveland Avenue hereinafter described.

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

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

Ord. No. 1907-99.

By Councilman Cintron.
An emergency ordinance to vacate a portion of Calvin Court S.W. hereinafter described.

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

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

Ord. No. 1908-99.

By Councilman Jackson.
An emergency ordinance to vacate a portion of Shepard Court S.E. hereinafter described.

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

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

Ord. No. 1910-99.

By Councilman Westbrook.
An emergency ordinance to vacate a portion of Sommer Court N.W. hereinafter described.

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

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

Ord. No. 2044-99.

By Councilman Patmon (by departmental request).

An emergency ordinance to transfer the sum of five million two hundred and seventy nine thousand six hundred fifteen dollars (\$5,279,615) within various division of the General Fund one million three hundred fifty four thousand six hundred fifteen dollars (\$1,354,615), within the Special Revenue Fund three hundred thousand dollars (\$300,000), within the Enterprise Fund three million two hundred twenty five thousand dollars (\$3,225,000), within the Agency Fund three hundred fifty thousand dollars (\$350,000), and within the Sinking Commission Fund twenty thousand dollars (\$20,000).

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

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

Ord. No. 2045-99.

By Councilman Patmon (by departmental request).

An emergency ordinance to make additional appropriation of six million three hundred fifty thousand (\$6,350,000) of the General Fund, two hundred fifty nine thousand (\$259,000) of the Internal Service

Fund, and four million one hundred thousand (\$4,100,000) of the Enterprise Fund.

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

1. In the title, in lines 2 and 3, strike "six million three hundred fifty thousand (\$6,350,000)", and insert in lieu thereof **"three million three hundred twenty thousand (\$3,320,000)"**.

2. In the title, in lines 3 and 4, strike "two hundred fifty nine thousand (\$259,000)", and insert in lieu thereof **"one hundred thirty nine thousand (\$139,000)"**.

3. In the title, in line 5, strike "and"; and in line 7, between "Fund" and the period insert **"and three million five hundred thousand (\$3,500,000) for various special programs"**.

4. In Section 1, in line 5, strike "6,700,000", and insert in lieu thereof **"3,320,000"**, and in line 6, strike "259,000", and insert in lieu thereof **"139,000"**.

5. In Section 1, at "GENERAL FUND", at "DEPARTMENT OF PUBLIC SAFETY", at "Division of Police", strike "\$1,750,000" and insert in lieu thereof **"\$900,000"**; at "I Personnel and Related Expenses", strike "1,000,000" and insert in lieu thereof **"900,000"**; strike "II Other Expenses 750,000 in its entirety; and then strike "Division of Fire" and "Division of EMS" in their entirety.

6. In Section 1, at "GENERAL FUND", at "DEPARTMENT OF PUBLIC HEALTH", at "Division of House of Corrections", strike "\$500,000" and insert in lieu thereof **"\$170,000"**; then strike "I Personnel and Related Expenses 330,000 in its entirety."

7. In Section 1, at "GENERAL FUND", at "DEPARTMENT OF LAW", at "Department of Law" strike "1,100,000" and insert in lieu thereof **"950,000"**; and at "II Other Expenses", strike "1,100,000" and insert in lieu thereof **"950,000"**.

8. In Section 1, at "GENERAL FUND", at "NONDEPARTMENTAL", at "Other Administrative", strike "1,800,000" and insert in lieu thereof **"1,300,000"**; at "II Other Expenses" strike "1,800,000" and insert in lieu thereof **"1,300,000"**; and then strike "Transfers to Other Funds" in its entirety.

8. In Section 1, at "GENERAL FUND", at "TOTAL GENERAL FUND", strike "\$6,700,000" and insert in lieu thereof **"\$3,320,000"**.

9. In Section 1, at "INTERNAL SERVICE FUNDS", at "DIVISION OF PRINTING AND REPRODUCTION", strike "\$259,000" and insert in lieu thereof **"\$139,000"**; at "II Other Expenses" strike "259,000" and insert in lieu thereof **"139,000"**; and at "TOTAL INTERNAL SERVICE FUNDS" strike "\$259,000" and insert in lieu thereof **"\$139,000"**.

10. In Section 1, at "TOTAL GENERAL AND OTHER FUNDS" strike "\$11,059,000" and insert in lieu thereof **"\$7,559,000"**.

11. At the end of Section 1, insert new "Section 2", "Section 3" and "Section 4" to read as follows:

"Section 2. That this Council hereby appropriates a portion of the additional revenue as set forth in the Amended Official Certificate of Estimated Resources received from the Budget Commission of Cuyahoga County for the Year 1999, dated November 15, 1999, previously unappropriated for the purpose of establishing a Mortgage Loan Program for Single-Parent Households:

Personnel	\$ 0
Other Expenses	\$1,425,000

Section 3. That this Council hereby appropriates a portion of the

additional revenue as set forth in the Amended Official Certificate of Estimated Resources received from the Budget Commission of Cuyahoga County for the year 1999, dated November 15, 1999, previously unappropriated for the purpose of establishing a Homeless Street-Outreach and Detoxification Program:

Personnel	\$	0
Other Expenses	\$	500,000

Section 4. That this Council hereby appropriates a portion of the additional revenue as set forth in the Amended Official Certificate of Estimated Resources received from the Budget Commission of Cuyahoga County for the Year 1999, dated November 15, 1999, previously unappropriated for the purpose of establishing a Community Improvement Fund:

Personnel	\$	0
Other Expenses	\$	1,575,000

and then renumber existing "Section 2" to read "Section 5".

Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. 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. 2046-99.

By Councilman Patmon (by departmental request).

An emergency ordinance to provide the temporary appropriation of current payrolls and other expenses of the City of Cleveland for the period from January 1, 2000 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2000.

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

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

Ord. No. 2117-99.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into one or more contracts with various agencies to implement the 2000 Recycle Ohio! Program; and for the purchase of equipment and supplies for the program.

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

1. In Section 1, line 9, strike "01-4003-639904" and insert in lieu thereof "01-400307-639905".

2. In Section 1, line 6, after "Program.", insert the following new sentence: "Equipment and supplies in the nature of promotional items shall not contain the names of any public officials."

3. In Section 1, line 8, after "Ohio Department of Natural Resources," insert "which grant proceeds are anticipated to be in the sum of \$141,493."

4. In Section 1, line 9, after "source," insert "which cash match is anticipated to be in the sum of \$43,690."

5. In Section 1, at the end, insert the following new sentence: "The cost of the contract with ParkWorks, Inc. as authorized by this ordinance shall be not to exceed \$163,008."

Amendments agreed to.

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

SECOND READING EMERGENCY RESOLUTIONS ADOPTED

Res. No. 1854-99.

By Councilman Cimperman (by request).

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

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

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

Res. No. 1856-99.

By Councilman Rybka (by request).

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

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

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

Res. No. 1984-99.

By Councilman Britt (by request).

An emergency resolution declaring the intention to vacate a portion of The First Alley North of Quincy between East 79th and East 82nd Streets.

Approved by Directors of Public Service, Finance, Law; Relieved of Committee on Public Service, City Planning; Recommended by Committee on Finance.

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

MOTION

By Councilman Robinson, seconded by Councilman O'Malley and unanimously carried that the absence of Councilman Michael A. Dolan, Councilman Kenneth L. Johnson, Councilman Timothy J. Melena and Councilman Edward W. Rybka, be and is hereby authorized.

The Council adjourned to meet on Monday, January 10, 2000, at 7:00 p.m. in the Council Chambers.



First Assistant Clerk of Council

THE CALENDAR

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

NONE

2346

BOARD OF CONTROL

December 15, 1999

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 15, 1999, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Acting Directors Carr, Frank, Directors Konicek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Absent: Directors Whitlow, Patterson, Axelrod.

Others: Myrna Branche, Commissioner, Purchases and Supplies, Linda Walker, Acting Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 807-99.

By Director Balraj.

Resolved by the Board of Control of the City of Cleveland, that all bids received on November 17th, 1999 for glycol collection services Item #1-b, c, d; Item #2-a, c; Item #3-a, b, c; Item #5-c; Item #5-A.b, A.c; Item #6-b, c; Item #8-a; Item #10-a, b, c, d, e for the various divisions of the Department of Port Control, pursuant to the authority of Ordinance No. 991-98, passed by the Council of the City of Cleveland on June 15, 1998, be and the same are hereby rejected.

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Konicek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.

Absent: Directors Whitlow, Patterson, Axelrod.

Resolution No. 808-99.

By Director Balraj.

Resolved, by the Board of Control of the City of Cleveland that the bid of Dicar Corporation for an estimated quantity of Bunker gear suits, suspenders, hood helmets, visors, and bunker boots (all items) for the various divisions of the Department of Port Control, for the period beginning with the execution of contract and ending one year thereafter, received on the 6th day of August 1999, pursuant to the authority of Ordinance No. 1066-99, passed June 14, 1999, which on the basis of the estimated quantity would amount to Fifty-Six Thousand Three Hundred Ninety-Seven and no/100 Dollars (\$56,397.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 16041

which shall be certified against such contract in the sum of Twenty-Eight Thousand One Hundred Ninety-Eight and no/100 Dollars (\$28,198.50).

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

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Konicsek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.
Nays: None.

Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 809-99.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Allstate Truck Sales of Eastern Ohio, LLC for an estimated quantity of eleven (11) tandem axle rear-loading refuse packers with Heil body, including the trade-in of one (1) used refuse packer, 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 November 5, 1999, pursuant to the authority of Ordinance No. 1058-99, passed June 14, 1999, which on the basis of the estimated quantity, less an allowance of \$26,000.00 for the trade-in, would amount to approximately One Million Five Hundred Forty-Five Thousand Five Hundred Fifty-Nine and 00/100 Dollars (\$1,545,559.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisitions Nos. 09780 and 09781 which shall be certified against such contract in the sum of One Million Five Hundred Forty-Five Thousand Five Hundred Fifty-Nine and 00/100 Dollars (\$1,545,559.00).

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 Allstate Truck Sales of Eastern Ohio LLC, for the above mentioned purchase is hereby approved:

Independent Brokers Ltd.
MBE — \$500.00 per truck

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Konicsek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.

Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 810-99.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland, that all bids received on November 12, 1999, for one (1) 6 x 4 cab/chassis, yard mule type 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, Acting Directors Carr, Frank, Directors Konicsek, Balraj, Acting Director Owens,

Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.

Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 811-99.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Omnicon Truck Centers, Inc., d.b.a. Buckeye Volvo Trucks for an estimated quantity of two (2) 6 x 6 cab/chassis with dump body and plow, 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 November 12, 1999, pursuant to the authority of Ordinance No. 1058-99, passed June 14, 1999, which on the basis of the estimated quantity would amount to approximately Three Hundred Forty-Nine Thousand Nine Hundred Ninety-Two and 00/100 Dollars (\$349,992.00) (Net), 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. 09823

which shall be certified against such contract in the sum of Three Hundred Forty-Nine Thousand Nine Hundred Ninety-Two and 00/100 Dollars (\$349,992.00).

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, Acting Directors Carr, Frank, Directors Konicsek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.

Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 812-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of EDH, Inc., d.b.a. Tee's Plus Screenprinting Co. for an estimated quantity of D.A.R.E. supplies, item no. 1 to item no. 9, item no. 11 and item no. 13, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 19, 1999, pursuant to the authority of Ordinance No. 320-98, passed April 6, 1998, which on the basis of the estimated quantity would amount to Forty Four Thousand Six and 00/100 Dollars (\$44,006.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 12438

D.A.R.E. supplies, per specifications, which shall be certified against such contract in the sum of Two

Thousand Two Hundred Twenty-Three and no/100 Dollars (\$2,223.00).

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

Be it further resolved that in accordance with Section 181.25(a) of the Codified Ordinances of Cleveland, Ohio, 1976, the informality and irregularity of the insufficiency of the bid check submitted by D.A.R.E. Supplies in the amount of \$177.70, which is less than ten percent (10%) of the required amount under the provisions of Section 181.24 C.O., is hereby waived for the reason that such waiver is in the public interest.

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Konicsek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.

Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 813-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Shuttler's Uniform Inc., for an estimated quantity of EMS clothing, item no. 48, item no. 66 to item no. 67, item no. 70 to item no. 73, item no. 75 to item no. 81 for the Division of EMS, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 20, 1999, pursuant to the authority of Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Twelve Thousand Seven Hundred Fifty-Two and 50/100 Dollars (\$12,752.50) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 10613

EMS clothing

Items as specified

which shall be certified against such contract in the sum of Three Thousand Nine Hundred Twenty-Five and 50/100 Dollars (\$3,925.50).

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

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Konicsek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.

Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 814-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Werx Corporation for an estimated quantity of EMS clothing, item no. 12 to item no. 14, item no.

35 to item no. 43, item no. 62 to item no. 65 for the Division of EMS, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 20, 1999, pursuant to the authority of Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Six Thousand Four Hundred Eighteen and 10/100 Dollars (\$6,418.10) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 10614

EMS clothing

Items as specified

which shall be certified against such contract in the sum of One Thousand Eight Hundred Fifty-Three and 60/100 Dollars (\$1,853.60).

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

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Konicek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.

Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 815-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Schwarz Uniform Corporation for an estimated quantity of EMS clothing, item no. 2 to item no. 11, item no. 68 and item no. 69 for the Division of EMS, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 20, 1999, pursuant to the authority of Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Fifty-Six Thousand Three Hundred Forty and 00/100 Dollars (\$56,340.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 10611

EMS clothing

Items as specified

which shall be certified against such contract in the sum of Twenty-One Thousand Seven Hundred Twenty-Seven and 50/100 Dollars (\$21,727.50).

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

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Konicek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.

Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 816-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Stonewall Uniform Corporation for an estimated quantity of EMS clothing, item no. 1, item no. 15 to item no. 34, item no. 44 to item no. 47, item no. 49 to item no. 61, item no. 74a, item no. 74b, item 74c and item no. 83, for the Division of EMS, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 20, 1999, pursuant to the authority of Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to One Hundred Twenty-Five Thousand Four Hundred Thirty-Eight and 00/100 Dollars (\$125,438.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 10612

EMS clothing

Items as specified

which shall be certified against such contract in the sum of Twenty-Four Thousand Seven Hundred Thirty-Three and 50/100 Dollars (\$24,733.50).

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

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Konicek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.

Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 817-99.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 135-02-043 located at 9601 Gibson Avenue in Ward 3; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Lee Burton, Jr., abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 3 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Lee Burton, Jr. for the sale and development of Permanent Parcel No. 135-02-043 located at 9601 Gibson Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Konicek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.

Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 818-99.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 003-34-134 (Northerly portion) located at 4219 in Ward 14; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Benigno Rivera and Iris Rivera, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchasers of said parcel are neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the

City of Cleveland, with Benigno Rivera and Iris Rivera for the sale and development of Permanent Parcel No. 003-34-134 (Northerly portion) located at 4219, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Koniczek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.

Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 819-99.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 003-34-134 (Southeast portion) located at 4219 Bridge Avenue in Ward 14; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Maureen Pallas, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Maureen Pallas for the sale and development of Permanent Parcel No. 003-34-134 (Southeast portion) located at 4219 Bridge Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Koniczek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.

Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 820-99.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 003-34-134 (Southwest portion) located at 4219 Bridge in Ward 14; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Harry Pallas, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Harry Pallas for the sale and development of Permanent Parcel No. 003-34-134 (Southwest portion) located at 4219 Bridge, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Koniczek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.

Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 821-99.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 105-27-112 located at 996 East 72nd Place in Ward 13; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization

Program parcels to adjacent or abutting landowners; and

Whereas, St. Clair Superior Coalition, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 13 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with St. Clair Superior Coalition for the sale and development of Permanent Parcel No. 105-27-112 located at 996 East 72nd Place, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Koniczek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.

Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 822-99.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 121-16-026 under said Land Reutilization Program; and

Whereas, Ordinance No. 1657-99 passed November 29, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, John Cummings has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1657-99 passed November 29, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with John Cummings for the sale and development of Permanent Parcel No. 121-16-026, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1,050.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Konicek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.
Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 823-99.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 103-17-003 under said Land Reutilization Program; and

Whereas, Ordinance No. 967-99 passed July 14, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Charles C. Comella, Jr., Trust has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 967-99 passed July 14, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Charles C. Comella, Jr., Trust for the sale and development of Permanent Parcel No. 103-17-003, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1,200.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Konicek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.
Absent: Directors Whitlow, Paterson, Axelrod.

Resolution No. 824-99.

By Director Carmody.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 791-99 adopted December 1, 1999, pursuant to the authority of Ordinance Nos. 1744-97 and 521-99, passed by the Council of the City of Cleveland on June 5, 1995, and March 29, 1999, respectively, approving a contract with Carrera-MAXIMUS, Inc. for implementation assistance for the PeopleSoft Public Sector product suite for the Department of Port Control, including but not limited to project management and functional expertise for the Accounts Receivable and Billing modules, for the Department of Finance, is hereby amended by adding to the services authorized to be provided assessment and technical assistance in the implementation of updates and fixes and other support for the PeopleSoft financial system project cost application for the Department of Public Utilities, based on its proposal dated December, 1999.

Be it further resolved that the second paragraph of said Resolution No. 791-99 is hereby amended to read as follows:

Be it further resolved that the Director of Finance hereby is authorized to enter into a contract with Carrera-MAXIMUS, Inc. based upon its proposals dated November 24, 1999 and December, 1999, which contract authorized hereby shall provide that the compensation to be paid shall not exceed \$256,200.00. The contract shall be prepared by the Director of Law and shall contain such other provisions as said Director deems necessary to protect and benefit the public interest.

Be it further resolved that all other provisions of said Resolution No. 791-99 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Acting Directors Carr, Frank, Directors Konicek, Balraj, Acting Director Owens, Director Guzman, Acting Director Miller, Directors Hudecek, Warren.

Nays: None.
Absent: Directors Whitlow, Paterson, 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 stated in the examination announcement.

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

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

ANNE BLOOMBERG,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 3, 2000

9:30 A.M.

Calendar No. 99-517: 9300-9412 St. Clair Avenue (Ward 8)

NRP Group, owner, and Chris Auvil, agent, appeal to construct an approximate 245' x 78' three-story, 33 unit elderly housing residential building with 12 accessory parking spaces to be situated on an irregular shaped acreage corner parcel, located in a Two-Family, Multi-Family, Local Retail and General Retail Business Districts on the south side of St. Clair Avenue between East 93rd Street and East 95th Street at

9300-9412 St. Clair Avenue; said construction being contrary to the Residential District Requirements of Section 337.03 where a portion of the parcel in question is located in a Two-Family District on East 95th Street and a Multi-Family Elderly apartment building is not permitted in a Two-Family District, and contrary to the Off-Street Parking and Loading Requirements of Section 349.08 where parking lots must be screened from residential adjacent lots with opaque wall or year round dense shrubs, and contrary to the Area Requirement Regulations where the maximum gross floor area shall not exceed one-half the lot area and 40,785 sq. ft. is proposed where 24,250 sq. ft. are permitted as per Section 355.04 of the Codified Ordinances.

Calendar No. 99-522: 4247 Fulton Road (Ward 15)

Paran Management, owner, and Kevin Moran, agent, appeal to change use to a bingo hall the former mercantile use of an existing 72' x 130' one-story masonry building situated on an acreage corner parcel and located in a Shopping Center District on the northwest corner of Memphis Avenue and Fulton Road at 4247 Fulton Road; said change of use being contrary to the Business District Regulations of Section 343.04 where a bingo hall is not permitted in a Shopping Center District but first permitted in a General Retail District and contrary to the Specific Uses Regulated Requirements of Section 347.12 where amusement and recreation uses shall not be located within 500' of a public park, playground or recreation center and the proposed use is within 500' of Estabrook Recreation Center and playgrounds and a church is located on the same lot as the proposed use and adjacent to a Residential District, and contrary to the Off-Street Parking and Loading Requirements where Off-Street Parking is required and none is shown and a plan is required showing all uses and square footage of tenants and parking spaces on lot as per Chapter 349 of the Codified Ordinances.

Calendar No. 99-523: 916-918 East 152nd Street (Ward 10)

Max Friedler and Robert Pollack, owners, and William Ponyeck, tenant, appeal to change the use of an existing 28' x 25' one-story masonry building situated on a 60' x 160' parcel located in a Local Retail Business District on the west side of East 152nd Street at 916-918 East 152nd Street; said change of use being contrary to the Business District Regulations of Section 343.18(2)(c) where no driveway shall be less than 15' between the point of tangency from property line and Section 343.18(2)(d) where the maximum width of driveway shall be 30' and 0' are provided and contrary to the Off-Street Parking and Loading Requirements of Section 349.07(a) where drainage of lot is required and where a 9.7' front yard setback is proposed and a 30' front yard setback is required as stated in Section 357.04 of the Codified Ordinances.

Calendar No. 99-524: 6955-6959 Kinsman Road (Ward 5)

Raymond Gould, owner, appeals to change the use of an existing 21'-10" x 64' one-story masonry former laundry building into a child care

facility on an approximate 97' x 206' triangular corner parcel located in a Multi-Family District on the northwest corner of East 70th Street and Kinsman Road at 6955-6959 Kinsman Road; said change of use being contrary to the Residential District Requirements of Section 337.08(E)(3) where kindergartens, day nurseries and children's boarding homes shall be subject to the Board of Zoning Appeals approval and shall not be 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 349.05 where all parking spaces shall be located behind the required 13' setback line and 6' is provided and a 2' interior side yard is provided and a 3' interior side yard is required as stated in Section 357.09(c)(3) of the Codified Ordinances.

Calendar No. 99-525: 13510-13514 Harvard Avenue (Ward 2)

Art Perkins, owner, and Jackie DeBois, tenant c/o Little Darlings Day Care, appeal to expand the first floor office spaces located on the east side of an existing 30' x 63' two-story masonry building to accommodate 8 additional children and to be situated on a 35' x 125' parcel located in a General Retail Business District on the southwest corner of East 136th Street and Harvard Avenue at 13510-13514 Harvard Avenue; said expansion being contrary to the Business District Regulations where a child care center shall not be less than 15' from a Residence District not used for similar purposes as stated in Section 343.11(2)(G) of the Codified Ordinances.

Calendar No. 99-526: 3474 East 147th Street (Ward 3)

New Primitive Baptist Church, owner c/o Debbie Poole, agent, appeals to use an existing 945 sq. ft. interior space located in the east area of an existing church to provide child care service for infants and toddlers which is situated on an acreage parcel in a Local Retail Business District at the northwest corner of East 147th Street and Kinsman Road at 3474 Kinsman Road; said use being contrary to the Residential District Regulations where a day care center shall be subject to the Board of Zoning Appeals approval and shall not be less than 30' from a Residence District not used for similar purposes as stated in Section 337.02(f)(3)(c) of the Codified Ordinances.

Calendar No. 99-527: 4400 Warner Road (Ward 12)

Dennis Daquila, owner, appeals to convert a 59'-6" x 20'-6" single family, one-story masonry dwelling into a two family house situated on a 25' x 98' irregular shaped corner parcel on the northwest corner of Maryland Avenue and Warner Road at 4400 Warner Road; said conversion being contrary to the Area Requirement Regulations of Section 355.04 where the required minimum lot width is 50' and 24' are proposed and contrary to the Yards and Courts Requirements of Section 357.05(a) where the distance of the building line back from the side street line along the side street line of a corner lot in a Residential District

shall not be less than 10% of the average width of such lot or 5' whichever is less and Section 357.09(b)(2)(A)(B) where the aggregate width of interior side yards shall not be less than 10' and 3'-6" are provided and contrary to the substitution of non-conforming use limitations of Section 359.01 of the Codified Ordinances.

Calendar No. 99-529: 2387 Professor Avenue (Ward 13)

Martin Tighe, owner, appeals to install 7 linear feet of 6' high chain link fencing with cedar boards to the east of an existing two-story frame dwelling house situated on a 45' x 98' parcel located in a General Retail Business District on the north side of Professor Avenue at 2387 Professor Avenue; said installation being contrary to the Residential District Regulations where height of fencing proposed is 6' high and height of fencing permitted is 2'-6" high as stated in Section 337.23(a)(6) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 20, 1999

At the meeting of the Board of Zoning Appeals on Monday, December 20, 1999, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 99-520: 711 East 152nd Street

Fernando and Elisabeth Fontanez, owners, appealed to construct an 18' x 20' two-story wood frame deck to a 66' x 24' two-story frame dwelling in a General Retail Business District; approval subject to submission of modified plan showing the structure as being moved over an additional 2' to observe a 5' side yard.

Calendar No. 99-551: 4283 West 150th Street

Speedway SuperAmerica, owner c/o Dave Thomas, appealed to install an 80' high, 26'-6" x 8'-6" business identification freeway interchange sign at the northwesterly corner of a 209' x 229' corner parcel in a Residence Office District.

The following appeals were **Denied:**

BOARD OF APPEALS

Calendar No. 99-303: 5400 Whiskey Island

Edward J. Hauser, et al appealed under Section 76-6 and the Charter of the City of Cleveland and Section 161.05 of the Codified Ordinances from approval of a Certificate of Appropriateness for demolition and removal of Hulett Unloaders, related machines, tools and equipment from the C&P Ore Dock.

The following appeals were **Postponed:**

Calendar No. 99-516: 3636 Erin Avenue postponed to January 17, 2000.

Calendar No. 99-272: 11601 Shaker Boulevard postponed to January 24, 2000.

The following appeals were **Withdrawn:**

Calendar No. 99-518: 8323-29 Quincy Avenue

Burton Enterprises, owner, and Darlene Evans McCoy, agent, appealed to change the use of an existing two-story masonry structure to a bar, three dwelling units and mercantile use in a Local Retail Business District.

Calendar No. 99-519: 3052 West Boulevard

Brian Keating, owner, appealed to raze an existing 20' x 20' one-story garage and construct a 32' x 24' one-story garage for combined use of storing an automobile in half of the garage and use of the other half as habitable rooms in a Two-Family District.

The following appeal was **Dismissed:**

Calendar No. 99-521: 11620 Edgewater Drive

Jeff Eisenberg, owner, appealed to construct a 24' x 20' one-story wood frame gable private garage on a 129' x 150' corner parcel in a One-Family District.

On Monday, December 20, 1999, in Executive Session:

The following appeals were heard on Monday, December 13, 1999 and said decisions were approved and adopted by the Board on December 20, 1999.

The following appeals were **Approved:**

Calendar No. 99-507: 431 East 152nd Street

Agency Homes, owner, and Rick Thompson, agent, appealed to change the use of an existing one-story masonry storage building into an office building in a Multi-Family District; approval subject to appellants agreement to remove asphalt paving at front of building and replace it with appropriate lawn and landscaping.

Calendar No. 99-513: 4579 South Hills Drive

Nancy Sullivan, owner, appealed to construct an 8' x 26' open front porch to an existing 26' x 26' two-story frame dwelling in a One-Family District.

Calendar No. 99-515: 10906 Grantwood Avenue

Milton Hardley, owner, and Frank Dimora c/o Reliable Builders, agent, appealed to enclose an existing approximate 7'-5" x 24' one-story front porch of an existing two dwelling house in a Two-Family District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, JANUARY 6, 2000

Night Vision Binoculars, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 182-99, passed by the Council of the City of Cleveland, June 7, 1999.

G.R.E.A.T. Supplies, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 183-99, passed by the Council of the City of Cleveland, March 29, 1999.

Typewriters, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 182-99, passed by the Council of the City of Cleveland, June 7, 1999.

December 15, 1999 and December 22, 1999

THURSDAY, JANUARY 13, 2000

Recreation Centers Locker Renovation, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1605-98, passed by the Council of the City of Cleveland. A DEPOSIT OF FIFTY DOLLARS

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

December 15, 1999 and December 22, 1999

WEDNESDAY, JANUARY 26, 2000

Rehabilitation of the Parma Reservoir Exterior and Interior, and Replacement and Addition of Piping and Valves, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1612-96, passed by the Council of the City of Cleveland, December 16, 1996.

A DEPOSIT OF TWO HUNDRED FIFTY DOLLARS (\$250.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, JANUARY 5, 2000, 10:00 A.M. AT THE PARMA CONTROL CENTER GARAGE, PARMA RESERVOIR, 5953 DEERING AVENUE, PARMA HEIGHTS, OHIO.

December 15, 1999 and December 22, 1999

WEDNESDAY, JANUARY 12, 2000

Repair and Maintain Plumbing Systems, for the Various Divisions of Port Control, as authorized by Ordinance No. 455-99, passed by the Council of the City of Cleveland, May 24, 1999.

Total Organic Carbon Analyzer and Accessories, for the Division of Water, Department of Public Utilities, as authorized by Section 129.28 of the Codified Ordinances of the City of Cleveland, 1976.

Ready Mixed Concrete, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 705-99, passed by the Council of the City of Cleveland, May 17, 1999.

December 22, 1999 and December 29, 1999

THURSDAY, JANUARY 13, 2000

Automotive and Truck Batteries, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1826-99, passed by the Council of the City of Cleveland, December 6, 1999.

Remanufactured Transmissions, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1823-99, passed by the Council of the City of Cleveland, December 6, 1999.

Tire Repair Road Service, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1824-99, passed by the Council of the City of Cleveland, December 6, 1999.

Meyer Snow Plow and Spreader Parts, for the Division of Motor Vehicle

Maintenance, Department of Public Service, as authorized by Ordinance No. 1822-99, passed by the Council of the City of Cleveland, December 6, 1999.

Construction Equipment Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1837-99, passed by the Council of the City of Cleveland, December 6, 1999.

December 22, 1999 and December 29, 1999

FRIDAY, JANUARY 14, 2000

72" Front Mount Rotary Mower, 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.

Stripped Chassis with Step-Van Body, 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.

Tandem Cab/Chassis with Roll-Off Hoist, 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.

Two (2) Chassis with USV Body, Light, 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.

December 22, 1999 and December 29, 1999

WEDNESDAY, JANUARY 19, 2000

Tree Planting, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1087-99, passed by the Council of the City of Cleveland, June 15, 1999.

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

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

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, DECEMBER 29, 1999, 10:00 A.M. AT 500 LAKESIDE AVENUE. **ATTENDANCE IS MANDATORY.**

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

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

December 22, 1999 and December 29, 1999

**ADOPTED RESOLUTIONS
AND ORDINANCES**

**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.

Adopted December 15, 1999.
Effective December 21, 1999.

**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.

Adopted December 15, 1999.
Effective December 21, 1999.

**Res. No. 1984-99.
By Councilman Britt (by request).
An emergency resolution declaring the intention to vacate a portion of The First Alley North of Quincy between East 79th and East 82nd Streets.**

Whereas, this Council; is satisfied that there is good cause to vacate a portion of The First Alley North of Quincy between East 79th and East 82nd Streets, 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:

The First Alley (13.00 feet in width), North of Quincy Avenue (60.00 feet wide) extending Easterly from the Easterly line of East 79th Street (50.00 feet wide) to the Westerly line of East 82nd Street (50.00 feet wide).

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

Adopted December 15, 1999.
Effective December 21, 1999.

**Res. No. 2063-99.
By Councilman Patmon (by departmental request).**

An emergency resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies certifying them to the County Auditor.

Whereas, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget, for the fiscal year commencing January 1, 2000; and

Whereas, the Budget Commission of Cuyahoga County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part thereof is without and what part within the 10-Mill limitation; and

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

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

Section 1. That the amounts and rates as determined by the Budget Commission in its certification be and the same are hereby accepted.

Section 2. That there be and is hereby levied on the tax duplicate of the City of Cleveland the rate of each tax necessary to be levied within and without the 10-Mill limitation, as follows:

SCHEDULE A

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY
TAX APPROVED BY BUDGET COMMISSION AND COUNTY
AUDITOR'S ESTIMATED TAX RATES**

	Amount to be Derived From Levies Outside 10-Mill Limitation Column II	Amount Approved By Budget Commission Inside 10-Mill Limitation Column IV	County Auditor's Estimate of Tax Rate To Be Levied	
			Inside 10-Mill Limit Column V	Outside 10-Mill Limit Column VI
GENERAL FUND				7.75
BOND RETIREMENT FUND			4.35	
POLICE PENSION FUND				0.30
FIRE PENSION FUND			0.05	0.25
TOTAL			4.40	8.30

Section 3. That the Clerk of Council be and she hereby is directed to certify a copy of this resolution to the County Auditor of said County.

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

Adopted December 13, 1999.
Effective December 16, 1999.

**Res. No. 2064-99.
By Councilman Patmon (by
departmental request.**

An emergency resolution requesting the County Auditor to make tax advances during the year 2000 pursuant to Section 321.34, Ohio Revised Code.

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

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

Section 1. That the County Auditor be and he hereby is requested to draw, and the County Treasurer to pay on such draft to the Treasury of the City of Cleveland such money as may be in the County Treasury from time to time during the year 2000 to the account of the City of Cleveland and lawfully applicable to the purpose of the current fiscal year in which such request is made, such payments to be made from time to time as the Director of Finance or the Mayor of the City of Cleveland may request.

Section 2. That the Clerk of Council be and she hereby is directed to transmit a certified copy of this resolution to the Auditor of Cuyahoga County.

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

Adopted December 13, 1999.

Effective December 16, 1999.

Res. No. 2187-99.

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

An emergency resolution urging Home Depot to utilize and employ Cleveland construction firms and workers in the construction and remodeling of its stores in the Cleveland area.

Whereas, Cleveland City Council has continually recognized and championed the rights of laborers in the City of Cleveland and, by passage of numerous resolutions, Council has acknowledged the right of employees to seek safe, fair and productive working conditions and to be paid equitably for their hard work; and

Whereas, Council has, by passage of numerous ordinances and resolutions, emphasized the importance of hiring residents of the City to construct and ultimately staff the many new stores, developments and industries throughout Cleveland, particularly those projects that receive financial assistance from the City of Cleveland; and

Whereas, the hiring of local laborers to construct projects in the City benefits not only those local workers, but also serves to benefit the entire community by generating additional payroll dollars and taxes; and

Whereas, Home Depot is a major retailer that is seeking to rapidly expand its business throughout Northern Ohio and Cleveland; and

Whereas, Home Depot fails to hire local area construction workers to build and remodel their stores and instead brings in laborers in from out of state; and

Whereas, Home Depot's current construction program is violating our community standards and threatens the standard of living of the citizens of Cleveland; and

Whereas, it is the goal of Cleveland City Council to protect and maintain the highest possible standard of living for residents of Cleveland through ensuring jobs for Clevelanders; now, therefore,

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

Section 1. That the Council of the City of Cleveland urges Home Depot to utilize and employ Cleveland construction firms and workers in the construction and remodeling of its stores in the Cleveland area, and that such workers be paid at or above the prevailing wage rates and benefit levels.

Section 2. That the Council urges Home Depot to negotiate a resolution of this issue with the Cleveland Building Trades Council.

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

Adopted December 13, 1999.

Effective December 21, 1999 without the signature of the Mayor.

Res. No. 2190-99.

By Councilman Cimperman (by request).

An emergency resolution declaring the intention to vacate a portion of Columbus Road N.W., and to vacate, abandon, extinguish and release any rights the City of Cleveland may have in two (2) easements in the elevated roadway, bridge, and slopes, known as Columbus Road N.W. and also known as the Columbus Road Viaduct.

Whereas, this Council; is satisfied that there is good cause to vacate a portion of Columbus Road N.W., and to vacate, abandon, extinguish and release any rights the City of Cleveland may have in two (2) easements in the elevated roadway, bridge, and slopes, known as Columbus Road N.W. and also known as the Columbus Road Viaduct, as hereinafter described, and because they are not used by the City of Cleveland and are no longer need for public use, and

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

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

Section 1. That 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:

COLUMBUS ROAD N.W. (54.39 feet wide) extending Southerly from the Westerly prolongation of the Southerly line of West Superior Avenue N.W. (132.00 feet wide) to the Northerly line of Canal Road N.W. (width varies).

And, to vacate, abandon, extinguish and release any rights the City of Cleveland may have in an easement granted to construct, maintain and operate an elevated roadway and bridge with necessary slopes known as COLUMBUS ROAD N.W. and also known as the COLUMBUS ROAD VIADUCT as shown in Volume 117, Page 6 of Cuyahoga County Map Records;

And, to vacate, abandon, extinguish and release any rights the City of Cleveland may have in a pedestrian easement as provided in Ordinance Number 47814, adopted by the Council of the City of Cleveland on January 6, 1919, and amended by Ordinance Number 67538-A, passed by the Council of the City of Cleveland on April 27, 1925.

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

Adopted December 13, 1999.

Effective December 21, 1999.

Res. No. 2191-99.

**By Councilman Westbrook.
An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 10510-12 Madison, 1st Fl. & Bsmt., and repealing Res. No. 1511-98, objecting to said renewal.**

Whereas, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 10510-12 Madison, 1st Fl. & Bsmt., by Res. No. 1511-98, adopted August 19, 1998; and

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

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

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

Section 1. That objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 10510-12 Madison, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1511-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted December 13, 1999.

Effective December 21, 1999.

Res. No. 2192-99.**By Councilman Cintron.**

An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 4423 Detroit Avenue, and repealing Res. No. 1998-99, objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 4423 Detroit Avenue, by Res. No. 1998-99, adopted by Council November 15, 1999; and

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

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

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

Section 1. That objection to the issuance of a C1 Liquor Permit to 4423 Detroit Avenue, be and the same is hereby withdrawn and Res. No. 1998-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

Adopted December 13, 1999.

Effective December 21, 1999.

Res. No. 2193-99.**By Councilman Westbrook.**

An emergency resolution objecting to the stock transfer of a D5 and D6 Liquor Permit to 10630 Berea Rd. Rear.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a D5 and D6 Liquor Permit to Permit No. 8840362, 10630 Berea Road Inc., 10630 Berea Rd. Rear, 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 stock transfer of a D5 and D6 Liquor Permit to Permit No. 8840362, 10630 Berea Road Inc., 10630 Berea Rd. Rear, 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.

Adopted December 13, 1999.

Effective December 21, 1999.

Res. No. 2194-99.**By Councilman Cimperman.**

An emergency resolution objecting to the stock transfer of a D1, D2, D3 and D3A Liquor Permit to 5353 Dolloff Road.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a D1, D2, D3 and D3A Liquor Permit to Permit No. 2482000, Elkos Inc., 5353 Dolloff Road, Cleveland, Ohio 44127; 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 stock transfer of a D1, D2, D3 and D3A Liquor Permit to Permit No. 2482000, Elkos Inc., 5353 Dolloff Road, Cleveland, Ohio 44127 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted December 13, 1999.

Effective December 21, 1999.

Res. No. 2209-99.**By Councilman Lewis.**

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 6029 Superior Avenue, and repealing Res. No. 1322-99, objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 6029 Superior Avenue, by Res. No. 1322-99 adopted by Council July 14, 1999; and

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

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

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

Section 1. That objection to the renewal of a C2 and C2X Liquor Permit to 6029 Superior Avenue, be and the same is hereby withdrawn and Res. No. 1322-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted December 15, 1999.

Effective December 21, 1999.

Ord. No. 316-96.

By Councilmen Paulenske, Johnson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to convey to the Board of Trustees of the Cleveland Public Library certain easement rights in property known as Eastman Park and declaring said easement rights no longer needed for public use.

Whereas, the Board of Trustees of the Cleveland Public Library has requested the Director of Parks, Recreation and Property to convey certain easement rights in property known as Eastman Park; and

Whereas, the City entered into a Lease by Way of Concession, Agreement No. 47153, whereby the City agreed, subject to approval of Council, to grant to the Board of Trustees of the Cleveland Public Library an easement for a period of fifty (50) years in approximately fifty (50) square feet of the surface area of Eastman Park in consideration for the use of an equivalent sized portion of library property for Eastman Park; 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:

**LIBRARY ANNEX
BUILDING ENCROACHMENT
ON EASTMAN GARDEN TRACT**
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot No. 67, and bounded and described as follows:

Parcel No. 1

Beginning at the intersection of the Northerly line of Superior Avenue N.E. (132 feet wide) with the Westerly line of East 6th Street (99 feet wide);

Thence South 55° 48' 18" West 124.54 feet along the Northerly line of Superior Avenue and the Southerly line of Sublots Nos. 46 and 44 of John A. Rockwell and Others Subdivision as shown by the recorded plat in Volume 2 of Maps, Page 58 of Cuyahoga County Records, to the Southwesterly corner of said Sublot No. 44 and of the property conveyed to Louise G. Bickford by Deed dated April 29, 1992 in Volume 92-3538, Page 56 of Cuyahoga County Records;

Thence North 33° 47' 46" West 5.49 feet along the Westerly line of said Sublot No. 44 to the principal place of beginning;

Thence North 34° 11' 42" West 30.85 feet along the Westerly face of the Annex Building to a corner;

Thence North 55° 48' 18" East 0.21 feet along said building to the Westerly line of said Sublot No. 44;

Thence South 33° 47' 46" East 30.85 feet along said Sublot line to

the principal place of beginning, containing 3.31 square feet, more or less, but subject to all legal highways and easements of record.

Parcel No. 2

Beginning at the Southwesterly corner of Sublot No. 44 as aforesaid in Parcel No. 1 above;

Thence North 33° 47' 46" West 162.59 feet along the Westerly line of Sublot No. 44 to the principal place of beginning on the Southerly face of the Northerly 36.33 feet of said Annex Building;

Thence South 55° 48' 18" West 1.09 feet along said Southerly face to a corner;

Thence North 34° 11' 42" West 36.33 feet along the Westerly face of said Annex Building to the Northwesterly corner thereof;

Thence North 55° 48' 18" East 1.35 feet along the Northerly line of said building to the Westerly line of said Sublot No. 44;

Thence South 33° 47' 46" East 36.34 feet along said Sublot line to the principal place of beginning, containing 44.32 square feet, more or less, but subject to all highways and easements of record.

The above descriptions are based on a survey of this parcel by Ralph C. Tyler, P.E., P.S., Register Surveyor No. 4236.

Section 2. That the easement shall be exclusive and the purpose of the easement shall be to accommodate two corner pavilions of the East Wing Building.

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 exclusive easement interest to the Board of Trustees of the Cleveland Public Library at a price of one dollar (\$1.00).

Section 4. That the duration of the easement shall be fifty (50) years; that the easement may include reasonable access rights; that the easement shall not be assignable; that the easement shall terminate and all rights in the easement shall revert to the City, in the event the Board of Trustees of the Cleveland Public Library ceases to own the East Wing Building and operate same as a public library; that the easement shall require the grantee to provide reasonable insurance, 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 the Director of Law and executed by the Mayor and the Director of Parks, Recreation and Properties and/or the Commissioner of Purchases and Supplies 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.

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 1164-96.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for a east side maintenance facility at 6410-12 Central Avenue, for the Department of Community Development.

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

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

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

**JOHN BURROUGHS SITE
6410-12 CENTRAL AVENUE
PERMANENT PARCEL
NO.: 118-30-005**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Nos. 148, 149, 150, 151, 152, 153, 154, 155, 156, and 157 in the W.S. & M.W. Chamberlain Subdivision of part of Original One Hundred Acre Lot Nos. 334 and 335 as shown by the recorded Plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 160 feet front on the Southerly side of Central Avenue, and extending back between parallel lines 400 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

Section 4. That all costs of acquisition of land shall be paid from Fund No. 20 SF 323, Request No. 23052.

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 1816-98.

By Councilmen Cimperman, Willis, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on the north side of Branch Avenue between West 11th and West 14th Street to Triple Crown Investment.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for pub-

lic use and located on the north side of Branch Avenue between West 11th and West 14th Street; and

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

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

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

Permanent Parcel No. 004-21-031
Parcel No. 1:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 67 in the Francis Branch Re-Subdivision of part of Original Brooklyn Township Lot No. 71 as shown by the recorded plat in Volume 8 of Maps, Page 4 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Northerly line of Branch Avenue, S.W. (60 feet wide) at the Southwesterly corner of Sublot No. 67;

Thence Northerly along the Westerly line of said Sublot No. 67, 12.20 feet to its intersection with the Northwesterly limited access line of Interstate Route 290 and the principal place of beginning;

Thence continuing Northerly along said Westerly line of Sublot No. 67, about 119.40 feet to the Northwesterly corner thereof;

Thence Easterly along the Northerly line of said Sublot No. 67, 40 feet to the Northeasterly corner thereof;

Thence Southerly along the Easterly line of said Sublot No. 67, about 106.80 feet to its intersection with said Northwesterly limited access line of Interstate Route 290, said point being distant Northerly 25.20 feet as measured along said Easterly line of Sublot No. 67 from the Northerly line of Branch Avenue, S.W.;

Thence Southwesterly in a direct line along said Northwesterly limited access line of Interstate Route 290 to the principal place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 004-21-032
Parcel No. 2:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 66 in the Francis Branch Re-Subdivision of part of Original Brooklyn Township Lot No. 71 as shown by the recorded plat in Volume 8 of Maps, Page 4 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Northerly line of Branch Avenue, S.W. (60 feet wide) at the Southwesterly corner of Sublot No. 66;

Thence Northerly along the Westerly line of said Sublot No. 66, 25.20 feet to its intersection with the Northwesterly limited access line of Interstate Route 290 and the principal place of beginning;

Thence continuing Northerly along said Westerly line of Sublot No. 66, about 106.80 feet to the Northwesterly corner thereof;

Thence Easterly along the Northerly line of said Sublot No. 66, 40 feet to the Northeasterly corner thereof;

Thence Southerly along the Easterly line of said Sublot No. 66, about 94.20 feet to its intersection with said Northwesterly limited access line of Interstate Route 290, said point being distant Northerly 37.80 feet as measured along said Easterly line of Sublot No. 66 from the Northerly line of Branch Avenue, S.W.;

Thence Southwesterly in a direct line along said Northwesterly limited access line of Interstate Route 290 to the principal place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 004-21-033
Parcel No. 3:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 65 in the Francis Branch Re-Subdivision of part of Original Brooklyn Township Lot No. 71 as shown by the recorded plat in Volume 8 of Maps, Page 4 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Northerly line of Branch Avenue, S.W. (60 feet wide) at the Southwesterly corner of Sublot No. 65;

Thence Northerly along the Westerly line of said Sublot No. 65, 37.80 feet to its intersection with the Northwesterly limited access line of Interstate Route 290 and the principal place of beginning;

Thence continuing Northerly along said Westerly line of Sublot No. 65, about 94.20 feet to the Northwesterly corner thereof;

Thence Easterly along the Northerly line of said Sublot No. 65, 40 feet to the Northeasterly corner thereof;

Thence Southerly along the Easterly line of said Sublot No. 65, about 81.60 feet to its intersection with said Northwesterly limited access line of Interstate Route 290, said point being distant Northerly 50.10 feet as measured along said Easterly line of Sublot No. 65 from the Northerly line of Branch Avenue, S.W.;

Thence Southerly in a direct line along said Northwesterly limited access line of Interstate Route 290 to the principal place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 004-21-034
Parcel No. 4:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 64 in the Francis Branch Re-Subdivision of part of Original Brooklyn Township Lot No. 71 as shown by the recorded plat in Volume 8 of Maps, Page 4 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Northerly line of Branch Avenue, S.W. (60 feet wide) at the Southwesterly corner of Sublot No. 64

Thence Northerly along the Westerly line of said Sublot No. 64, 50.40 feet to its intersection with the Northwesterly limited access line of Interstate Route 290 and the principal place of beginning;

Thence continuing Northerly along said Westerly line of Sublot No. 64, about 81.60 feet to the Northwesterly corner thereof;

Thence Easterly along the Northerly line of said Sublot No. 64, 40 feet to the Northeasterly corner thereof;

Thence Southerly along the Easterly line of said Sublot No. 64, about 69.00 feet to its intersection with said Northwesterly limited access line of Interstate Route 290, said point being distant Northerly 63.00 feet as measured along said Easterly line of Sublot No. 64 from the Northerly line of Branch Avenue, S.W.;

Thence Southwesterly in a direct line along said Northwesterly limited access line of Interstate Route 290 to the principal place of beginning, be the same more or less, but subject to all legal highways.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Triple Crown Investment 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 the Director of Parks, Recreation and Properties is authorized to accept a purchase money mortgage to finance all or part of purchaser's acquisition cost.

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

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 268-A-99 (as substitute for Ordinance No. 268-99).

By Councilman Cimperman.

An emergency ordinance to amend Section 403.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 472-98, passed August 19, 1998, relating to traffic code misdemeanor classifications and penalties.

Whereas, this ordinance constitutes an emergency measure providing for 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 403.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 472-98, passed August 19, 1998, is hereby amended to read as follows:

Section 403.99 Traffic Code Misdemeanor Classifications and Penalties.

(a) Misdemeanor Classifications.

(1) General classification. Whoever violates any provision of this Traffic Code or any regulation lawfully adopted pursuant thereto, for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on

a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense such person is guilty of a misdemeanor of the third degree. When any person is found guilty of a first offense for violation of Section 433.03, upon a finding that he operated a motor vehicle in excess of the posted speed limit by ten miles an hour or more, such person is guilty of a misdemeanor of the fourth degree. (RC 4511.99(D), 4513.99(C)). When any person is found guilty of a violation of Section 433.07(b)(8), in addition to all other penalties provided by law, such person shall be fined two times the usual amount imposed for the violation.

(2) Driving under the influence. Whoever violates division (a) of Section 433.01, in addition to the license suspension or revocation provided in RC 4507.16 and any disqualification imposed under RC 4506.16 shall be punished as provided in division A., B. or C. below:

A. If, within six years of the offense, the offender has not been convicted of or pleaded guilty to any violation of division (a) or (b) of Section 433.01, RC 4511.19, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, RC 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or RC 2903.06, 2903.07, or 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of three consecutive days and may sentence the offender pursuant to division (b) of Section 403.99 to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000).

The court may suspend the execution of the mandatory three consecutive days of imprisonment that it is required to impose by this division, if the court, in lieu of the suspended term of imprisonment, places the offender on probation and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to RC 3793.10. The court also may suspend the execution of any part of the mandatory three consecutive days of imprisonment that it is required to impose by this division, if the court places the offender on probation for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to RC 3793.10; and sentences the offender to a term of imprisonment equal to the remainder of the three consecutive days

that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to RC Chapter 3793, by the Director of Alcohol and Drug Addiction Services, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on his progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

B. If, within six years of the offense, the offender has been convicted of or pleaded guilty to one violation of division (a) or (b) of Section 433.01, RC 4511.19, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, RC 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or RC 2903.06, 2903.07, or 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of ten consecutive days and may sentence the offender pursuant to division (b) of Section 403.99 to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than three hundred dollars (\$300.00) and not more than one thousand five hundred dollars (\$1,500).

In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to RC 3793.10. If the officials of the drivers' intervention program determine that the offender is alcohol dependent, they shall notify the court, and the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by RC 3793.02. The cost of the treatment shall be paid by the offender.

C. If, within six years of the offense, the offender has been convicted of or pleaded guilty to two violations of division (a) or (b) of Section 433.01, RC 4511.19, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine, RC 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or RC 2903.06, 2903.07, 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that

the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the court shall sentence the offender to a term of imprisonment of thirty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. In addition, the court shall impose upon the offender a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).

In addition to any other sentence that it imposes upon the offender, the court shall require the offender to attend an alcohol and drug addiction program authorized by RC 3793.02. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of his attendance at the treatment program, the court may order that the payment of the cost of the offender's attendance at the treatment program be made from the court's indigent drivers alcohol treatment fund, created pursuant to division (N) of RC 4511.191.

D. Twenty-five dollars (\$25.00) of each fine imposed pursuant to divisions (a)(2)A., B. or C. of this Section shall be deposited into the indigent drivers alcohol treatment fund of the court, created pursuant to division (N) of RC 4511.191.

E. Upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to divisions (a)(2)A. to C. of this section to continue his employment, the court may authorize that the offender be granted work release from imprisonment after the offender has served the three, ten, thirty, or sixty consecutive days of imprisonment that the court is required by divisions (a)(2)A. to C. of this Section to impose. No court shall authorize work release from imprisonment during the three, ten, thirty, or sixty consecutive days of imprisonment that the court is required by divisions (a)(2)A. to C. of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place of imprisonment and the time actually spent under employment.

F. Notwithstanding any section of the Revised Code or this Traffic Code that authorizes suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court shall suspend the ten, thirty, or sixty consecutive days of imprisonment required to be imposed by divisions (a)(2)B. to C. of this section or place an offender who is sentenced pursuant to division (a)(2)B. to C. of this section in any treatment program in lieu of imprisonment until after the offender has served the ten, thirty, or sixty consecutive days of imprisonment required to be imposed pursuant to division (a)(2)B. to C. of this section.

Notwithstanding any section of the Revised Code or this Traffic Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court, except as specifically authorized by division (a)(2)A. of this section,

shall suspend the three consecutive days of imprisonment required to be imposed by division (a)(2)A. of this section or place an offender who is sentenced pursuant to division (a)(2)A. of this section in any treatment program in lieu of imprisonment until after the offender has served the three consecutive days of imprisonment required to be imposed pursuant to division (a)(2)A. of this section.

G. No court shall sentence an offender to an alcohol treatment program pursuant to division (a)(2)A. to C. of this section unless the treatment program complies with the minimum standards adopted pursuant to RC Chapter 3793. by the director of alcohol and drug addiction services (RC 4511.99(A)).

H. As used in this section, "three consecutive days" means seventy-two consecutive hours. (RC 4511.991)

(3) Physical control. Whoever violates division (b) of Section 433.01 is guilty of a misdemeanor of the first degree.

(4) Street racing. Whoever violates Section 433.07 is guilty of a misdemeanor of the first degree.

(5) Licensing drivers. Whoever violates any provision of Sections 435.01 to 435.07, inclusive, is guilty of a misdemeanor of the first degree.

(6) Accidents. Whoever violates any provision of Sections 435.15 to 435.17, inclusive, is guilty of a misdemeanor of the first degree.

(7) Willfully fleeing a police officer. Whoever violates division (b) of Section 403.02 is guilty of a misdemeanor of the first degree.

(8) Stopping for school buses. Whoever violates division (a) of Section 431.38 may be fined not more than five hundred dollars (\$500.00).

(9) Placing dangerous material on streets. Whoever violates division (e) of Section 411.01 is guilty of a misdemeanor of the first degree.

(10) Physically handicapped parking. Whoever violated division (h) of Section 451.051 shall be fined Five hundred dollars (\$500.00).

(b) Penalties. Whoever is convicted of or pleads guilty to a violation of this Traffic Code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

Misdemeanor Classification	Maximum Imprisonment Term	Maximum Fine
1st degree	6 months	\$1,000.00
2nd degree	90 days	750.00
3rd degree	60 days	500.00
4th degree	30 days	250.00
Minor	None	100.00

(RC 2929.21)

(c) License Suspension.
 (1) The trial judge of the Cleveland Municipal Court, in addition to or independent of all other penalties

provided by law or ordinance, shall suspend for not less than thirty days nor more than three years or revoke the driver's or commercial driver's license or permit or nonresident operating privileges of any person who is convicted of or pleads guilty to any of the following:

A. Division (a) of Section 431.38;
 B. Sections 435.01 to 435.07, inclusive;

The trial judge, in addition to suspensions or revocations of licenses, permits, or privileges pursuant to this division and in addition to or independent of all other penalties provided by law or by ordinance, shall impose a suspended jail sentence of not to exceed six months, if that imprisonment was not imposed for the offense for which the person was convicted.

(2) The trial judge of the Cleveland Municipal Court, in addition to or independent of all other penalties provided by law or ordinance, shall suspend or revoke the driver's or commercial driver's license or permit or nonresident operating privileges of any person who is convicted of or pleads guilty to a violation of division (b) of Section 433.01. The length of the suspension or revocation imposed by the trial judge upon a person who is convicted or pleads guilty to a violation of division (b) of Section 433.01 shall be the same as that imposed pursuant to division (B) of RC 4507.16 upon a person who is convicted of or pleads guilty to a violation of RC 4511.19, or a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine.

(3) The trial judge of the Cleveland Municipal Court may, in addition to or independent of all other penalties provided by law, suspend the license of any person for not more than fifteen days who is convicted of or pleads guilty to a violation of operating a motor vehicle faster than five miles per hour in excess of the prima-facie speed limits specified in Section 433.03 relating to passing a school building or grounds or operating a motor vehicle in a residential district.

For any subsequent conviction of any such provision, the trial judge shall, in addition to or independent of all other penalties provided by law, suspend the license of any person for not more than thirty days who is convicted of or pleads guilty to any offense specified in this division. The first five days may not be suspended by the Court.

Section 2. That existing Section 403.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 472-98, passed August 19, 1998, is hereby repealed.

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

Passed December 15, 1999.
 Effective December 21, 1999.

Ord. No. 835-99.
By Councilmen Gordon and Johnson (by departmental request).

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

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

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

Section 1. That the Director of Public Health is hereby authorized to enter into an agreement or memorandum of understanding, as appropriate, with the State of Ohio, Department of Education, Division of Early Childhood Education ("ODE") and the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities ("Ohio Association"), under which the ODE, through the Ohio Association, shall provide the City with funds in the estimated amount of forty-eight thousand six hundred and sixty-four dollars (\$48,664.00), for the purpose of the City Department of Public Health's provision of administrative support, maintenance of data and records and payment of fees and expenses for inspection services of day care centers.

Section 2. The Director of Public Health is hereby authorized to enter into contracts with certified inspectors identified on a list provided by the ODE or with any inspectors who are certified by the State of Ohio to perform inspections of day care centers, for the purpose of providing inspections, during the period from July 1, 1999, through June 30, 2000. No inspector may be paid more than nine thousand dollars (\$9,000.00), during the contract period for their services. The Director of Public Health is hereby authorized to receive the funds for this program; and upon acceptance of said funds, they are appropriated for the purposes as identified above and set forth in the agreement or memorandum of understanding.

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

Section 4. That the Director of Public Health shall make quarterly reports to this Council identifying the facilities that have been inspected under this program, and the results of those inspections. In addition, if any facility is found in non-compliance, the Councilperson in whose ward that facility is located shall be notified by the Director of Public Health within forty-eight (48) hours of discovery of the non-compliance.

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

Passed December 15, 1999.
Effective December 21, 1999.

Ord. No. 1131-99.

By Councilman Rybka.

An ordinance to change the Use District of lands on the north side of Grant Avenue, S.E., to the north side of War Avenue, S.E. to the east side of E. 66 Street to west of E. 68 Street (Map Change No. 1995, Sheet No. 6)

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

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

Beginning at the intersection of the center line of East 66 Street and the westerly extension of the northerly line of Sublot No. 22 in the J.H. Breck Subdivision as recorded in Volume 17, Page 19 of the Cuyahoga County Map Records; thence easterly along said westerly extension and along said northerly line of said Sublot No. 22 and continuing easterly along the northerly lines of Sublots Nos. 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, and 3 in said J. H. Breck Subdivision to its intersection with the easterly line thereof; thence southerly along said easterly line of said Sublot No. 3 and along its southerly extension to the center line of War Avenue, S.E.; thence continuing southerly along the northerly extension of the easterly line of Sublot No. 37 in said J.H. Breck Subdivision and along said easterly line of said Sublot No. 37 to its intersection with the southerly line thereof; thence westerly along said southerly line of said Sublot No. 37 to the center line of East 68 Street; thence southerly along said center line of East 68 Street to the center line of Grant Avenue, S.E.; thence westerly along said center line of Grant Avenue, S.E. to the center line of East 66 Street; thence northerly along said center line of East 66 Street; to the place of beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to a Residence Industry District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1995, Sheet No. 6 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.

Passed December 13, 1999.
Effective January 22, 2000.

Ord. No. 1266-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend funds and to enter into contract with various non-profit agencies for the implementation of the Emergency Shelter Grant Program and with Cuyahoga County for the operation of the Cleveland/Cuyahoga County Office of Homeless Services.

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

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

Section 1. That the Director of Community Development is hereby authorized to expend funds and enter into contract with various non-profit agencies for the implementation of the Emergency Shelter Grant Program.

Section 2. That the contract with Cleveland Health Care for the Homeless shall specify that services shall be provided to Mental Health Services, Inc. located at 1701 Payne, Cleveland, Ohio and the Salvation Army facility located at 2100 Lakeside Avenue, Cleveland, Ohio.

Section 3. That the aggregate cost authorized in Section 1 of this ordinance shall be in an amount not to exceed \$1,079,000.00, and shall be paid from Fund No. 13 SC 884 and Request No. 1295.

Section 4. That the Director of Community Development is hereby authorized to enter into contract with Cuyahoga County to operate the Cleveland/Cuyahoga County Office of Homeless Services.

Section 5. That the cost of said contract authorized in Section 3 of this ordinance shall be in an amount not to exceed \$45,000.00 and shall be paid from Fund No. 14 SC 024 and Request No. 1295.

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 1270-99.

By Councilman O'Malley.

An ordinance to change the Use District of lands on the southerly side of Carlos Ave., S.W., and the easterly side of W. 47 Street (Map Change No. 1997, Sheet No. 2).

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

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

Beginning at the intersection of the center line of West 47 Street and the center line of Carlos Avenue, S.W.; thence southeasterly along said center line of Carlos Avenue, S.W., to its intersection with the northerly extension of the easterly line of Sublot No. 15 in the J. Kerns Subdivision as recorded in Volume 34, Page 26 of the Cuyahoga County

Map Records; thence southerly along said northerly extension and along said easterly line of said Sublot No. 15 to its intersection with the southwesterly line thereof; thence northwesterly along said southwesterly line of said Sublot No. 15 to its intersection with the northwesterly line thereof; thence northeasterly along said northwesterly line of said Sublot No. 15 to its intersection with the southwesterly line of Sublot No. 16 in said J. Kerns Subdivision; thence northwesterly along said southwesterly line of said Sublot No. 16 and along its northwesterly extension to the center line of West 47 Street; thence northeasterly along said center line of West 47 Street to the place of beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to a Two-Family Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1997, Sheet No. 2 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Passed December 13, 1999.
Effective January 22, 2000.

Ord. No. 1271-99.

By Councilman Jones.

An ordinance to change the Use District of lands on the southerly side of the Erie Railroad tracks between E. 146 Street and west of E. 154 Street (Map Change No. 1994, Sheet No. 10).

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

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

Beginning at the intersection of the center line of East 146 Street and the center line of the Erie Railroad tracks; thence southeasterly along said center line of said Erie Railroad tracks to its intersection with the northerly extension of the westerly line of Sublot No. 14 in the Miles Heights Allotment as recorded in Volume 44, Page 15 of the Cuyahoga County Map Records; thence southerly along said northerly extension and along said westerly line of said Sublot No. 14 and continuing southerly along the westerly lines of Sublots Nos. 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38 in said Miles Heights Allotment to its intersection with a line located one hundred fourteen and forty three hundredths (114.43) feet north of the northerly line of Oakdale Avenue, S.E.; thence westerly along said line which is parallel to and one hundred fourteen and forty three hundredths (114.43) feet north of said northerly line of Oakdale Avenue S.E. and along its westerly prolongation to the center line of East 146 Street; thence northerly along said center line of East 146 Street to the place of beginning,

and as outlined in red on the map hereto attached, be and the same is hereby changed to a Residence Industry Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1994, Sheet No. 10 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.

Passed December 13, 1999.
Effective January 22, 2000.

Ord. No. 1414-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to design, provide and install a comprehensive security system, including maintenance and training; authorizing the purchase by contract of labor and materials necessary to provide and install fencing, gates, barriers, and related items for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to employ by contract one or more security consultants or one or more firms of security consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design, provide and install a comprehensive security system, including training, and/or to provide system maintenance for up to four (4) years, for the Divisions of Water, Cleveland Public Power and Water Pollution Control.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Utilities from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance. Prior to presenting a resolution to the Board of Control for the selection of consultant(s), the Director of Public Utilities shall resort to the Committee on Public Utilities concerning the results of the canvass, including the Director's anticipated recommendation to

the Board of Control and the compensation proposed to be paid for the services.

Section 2. That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to provide and install fencing, gates, barriers and related items necessary for the security system authorized herein, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities.

Section 3. That the agreements authorized herein may be in the form of a purchase, lease for a term not to exceed five (5) years, or lease for a term not to exceed five (5) years with an option to purchase exercisable by the Director of Public Utilities.

Section 4. That the cost of said contract or contracts hereby authorized shall initially be paid from Fund No. 52 SF 001, Request No. 14037. Each division of the Department of Public Utilities shall reimburse said fund for the division's proportionate share of the entire project.

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 1419-99.

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

An emergency ordinance authorizing the Director of Port Control to employ architects or engineers to provide professional services necessary to design roadway modifications to the West Hangar Road at Cleveland Hopkins International Airport.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and because the rehabilitation of the West Hangar Road is vital for the continued expansion and development of the Airport operations pursuant to the Master Plan, and because this upgrade is necessary for providing access to the West Side Cargo ramp facility and the proposed Consolidated Maintenance Facility; now, therefore,

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

Section 1. That the Director of Port Control is hereby authorized to employ by contract one or more architects or engineers one or more firms of architects or engineers necessary for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary

for design services, preparation of plans and specifications necessary for the roadway modifications to the West Hangar Road at Cleveland Hopkins International Airport, including all site improvements and appurtenances necessary and incidental thereto, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

Section 2. That the costs of all the contracts authorized herein shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above improvement and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above improvement, Request No. 8219.

Section 3. That if the total cost of the contracts authorized herein exceeds four hundred thirty one thousand dollars (\$431,000.00), then Council must authorize the additional expenditures.

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 1433-99.

By Councilman Cintron.
An ordinance to establish a Planned Unit Development Overlay District and approve the corresponding Planned Unit Development project on properties located on the northwest and southwest corners of Center Street and Riverbed and the southeast corner of Center Street and Washington, and shown as Map Change No. 1991, Sheet No. 1; and to change the use and area districts on said parcels of land. (Map Change No. 1991, Sheet No. 1)

Whereas, Stonebridge Management and Development, Inc., c/o Douglas E. Price III, President, has submitted an application to the Director of the City Planning Commission proposing the creation of a Planned Unit Development (PUD) Overlay District on properties located on the northwest and southwest corners of Center Street and Riverbed and the southeast corner of Center Street and Washington, and construction of a PUD project to be known as "Stonebridge" on said properties; and

Whereas, the Director of the City Planning Commission has accepted said application and has provided written notification of his acceptance of the application to the member of the Council in whose ward the proposed PUD Overlay District and PUD project are located, and said member of Council has not objected; and

Whereas, the Council of the City of Cleveland has determined that the proposed PUD Overlay District and PUD project meet the purposes and the approval standards set forth in Chapter 334 of the Codified Ordinances of Cleveland, Ohio, 1976; now, therefore,

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

Section 1. That the area outlined on the site plan and described in the legal description contained in File No. 1991, and known as Stonebridge PUD be and the same is hereby designated as a Planned Unit Development (PUD) Overlay District, in accordance with the provisions of Chapter 334 of the Codified Ordinances of Cleveland, Ohio, 1976.

Beginning at the intersection of the southeasterly extension of the northeasterly line of Sublot No. 570 in the Buffalo Company Allotment as recorded in Volume 3, Page 51 and D.B. N13-39 of the Cuyahoga County Map Records and the center line of Riverbed Street, N.W.; thence southwesterly along said center line of Riverbed Street, N.W. to its intersection with the southeasterly extension of the southwesterly line of Sublot No. 755 in said Buffalo Company Allotment; thence northwesterly along said southeasterly extension and along said southwesterly line of said Sublot No. 755 to its intersection with the southwesterly line of Sublot No. 754 in said Buffalo Company Allotment; thence northwesterly along said southwesterly line of said Sublot No. 754 to its intersection with the northwesterly line thereof; thence northeasterly along said northwesterly line of said Nos. 753, 752, 751, 750, and 749 in said Buffalo Company Allotment to its intersection with the northeasterly line of Sublot No. 1 in the Buffalo Company D.B. Subdivision as recorded in Volume 22, Page 609 of the Cuyahoga County Map Records; thence southeasterly along said northeasterly line of said Sublot No. 1 and continuing southeasterly along the northeasterly lines of Sublots Nos. 1, 2, 3, and 4 in said Buffalo Company D.B. Subdivision to its intersection with the northwesterly line thereof; thence northeasterly along said northwesterly line of said Sublot No. 4 and continuing northeasterly along the northwesterly line of Sublot No. 5 in said Buffalo Company D.B. Subdivision to its intersection with the northeasterly line thereof; thence southeasterly along said northeasterly line of said Sublot No. 5 to its intersection with the southeasterly line of Permanent Parcel No. 3-18-19; thence northeasterly along said southeasterly line of said Permanent Parcel No. 3-18-19 to its intersection with the northwesterly line thereof; thence northwesterly along said northeasterly line of said Permanent Parcel No. 3-18-19 to its intersection with the southeasterly line thereof; thence northeasterly along said southeasterly line of said Permanent Parcel No. 3-18-19 and

along its northeasterly extension to the center line of Center Street, N.W.; thence southeasterly along said center line of Center Street, N.W. to its intersection with the southwesterly extension of the southeasterly line of Sublot No. 562 in said Buffalo Company Allotment; thence northeasterly along said southeasterly line of said Sublot No. 562 to its intersection with said northeasterly line of said Sublot No. 520; thence southeasterly along said northeasterly line of said Sublot No. 520 and along its southeasterly extension to the place of beginning.

Section 2. That the designation of land described in Section 1 and as outlined in red on the map attached hereto shall be identified as Map Change No. 1991, 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 in the office of the City Planning Commission.

Section 3. That the PUD project depicted in the site plan contained in the above mentioned file which has been proposed for the PUD Overlay District created by Section 1, and which is to be known as "Stonebridge," is hereby approved.

Section 4. That the Use and Area Districts of lands outlined in the site plans and described in the legal description contained in the above mentioned file and as outlined in green on the map attached hereto be and the same are hereby changed to a General Retail Use District and a 'C' Area District.

Section 5. That said changed designation of lands described in Section 4 shall be identified as Map Change No. 1991, 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 6. That no building permit shall be issued by the City of Cleveland for property located within the General Retail Use District established by this ordinance unless the building permit application conforms with the PUD project plan approved by this ordinance. Unless a building permit for such development is issued within eighteen (18) months from the effective date of approval of this ordinance, or within such extension as may be approved by the Planning Commission, the Use and Area Districts approved herein shall be void and the zoning shall revert to the classification that existed prior to the approval of this ordinance.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed December 13, 1999.
Effective January 22, 2000.

Ord. No. 1434-99.
By Councilman O'Malley.
An ordinance to change the Use District of lands on the northwest, southwest, and northeast corners of Carlos Ave., S.W., and W. 47 Street (Map Change No. 1998, Sheet No. 2).
Be it ordained by the Council of the City of Cleveland:

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

Beginning at the intersection of the center line of Carlos Avenue, S.W. and the center line of West 47 Street; thence southwesterly along said center line of West 47 Street to its intersection with the southeasterly extension of the southwesterly line of Sublot No. 22 in the Heil Yon Recorded Subdivision; thence northwesterly along said southeasterly extension and along said southwesterly line of said Sublot No. 22 to its intersection with the northwesterly line thereof; thence northeasterly along said northwesterly line of said Sublot No. 22 and along its northeasterly extension to the center line of Carlos Avenue, S.W.; thence northwesterly along said center line of Carlos Avenue, S.W. to its intersection with the southerly extension of the westerly line of Sublot No. 23 in said Heil Yon Recorded Subdivision; thence northerly along said southerly extension and along said westerly line of said Sublot No. 23 to its intersection with the northerly line thereof; thence easterly along said northerly line of said Sublot No. 23 and along its easterly extension to the center line of West 47 Street; thence southerly along said center line of West 47 Street to its intersection with the westerly extension of the northerly line of Sublot No. 13 in the J. Kerns Subdivision as recorded in Volume 34, Page 26 of the Cuyahoga County Map Records; thence easterly along said westerly extension and along said northerly line of said Sublot No. 13 to its intersection with the easterly line thereof; thence southerly along said easterly line of said Sublot No. 13 and along its southerly extension to the center line of Carlos Avenue, S.W.; thence northwesterly along said center line of Carlos Avenue, S.W. to the place of beginning,

and as outlined in red on the map hereto attached be, and the same is hereby changed to, a Two-Family Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1998, Sheet No. 2 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Passed December 13, 1999.
Effective January 22, 2000.

Ord. No. 1563-99.
By Councilman Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to the Liquid Cafe to encroach into the right-of-way of West Lakeside Avenue at West 6th Street with a outdoor seasonal patio dining area.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to the Liquid Cafe, 1212 West 6th Street, Cleveland, Ohio 44113, its successors and assigns, for the construction, use and maintenance of an outdoor seasonal patio dining area which will consist of four (4) round tables, each of which will seat four (4) to six (6) persons, two (2) benches and one (1) swing; the patio area will be separated from the sidewalk area by windproof metal support poles and railing that will not be attached to the sidewalk, and which outdoor seasonal patio dining area will encroach into the right-of-way of West Lakeside Avenue at West 6th Street at the locations more fully described herein.

LEGAL DESCRIPTION/LIQUID CAFE PATIO AREA ENCROACHMENT:

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Original Two Acre Lot Numbers 27 and 28 and bounded and described as follows:

Beginning at the intersection of the Southeasterly line of Lakeside Avenue, 99.00 feet wide, with the Southwesterly line of West 6th Street, 99.00 feet wide;

Thence South 56°-15'-00" West, along the Southeasterly line of Lakeside Avenue, 40.15 feet to a point and the place of beginning of the encroachment area intended to be described;

Thence South 56°-15'-00" West, continuing along the Southeasterly line of Lakeside Avenue, 40.00 feet to a point;

Thence North 33°-45'-00" West and perpendicular to the last described line, 10.00 feet to a point;

Thence North 56°-15'-00" East and parallel with the Southeasterly line of Lakeside Avenue 40.00 feet to a point;

Thence South 33°-45'-00" East and perpendicular to the last described line, 10.00 feet to the place of beginning, containing 400.00 square feet of land, be the same more or less, but subject to all legal highways.

North is referenced from the information in Volume 84-4985, Page 51.

Section 2. That said outdoor seasonal patio dining area will be placed within the public right-of-way as aforesaid in Section 1, and said outdoor seasonal patio dining area will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

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

Passed December 15, 1999.
Effective December 21, 1999.

Ord. No. 1568-99.
By Councilmen Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with True Resource, Inc. to provide economic development assistance to partially finance the acquisition of machinery and equipment and to renovate the facility located at 2686 Lisbon Road, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with True Resource, Inc. to provide economic development assistance to partially finance the acquisition of machinery and equipment and to renovate the facility located at 2686 Lisbon Road, Cleveland, Ohio.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1568-99-A.

Section 3. That the costs of said contract shall not exceed Two Hundred Thirty Two Thousand Dollars (\$232,000.00), and shall be paid from Fund Nos. 12 SF 954 and 17 SF 008, Request No. 1012.

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

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund Nos. 12 SF 958 and 17 SF 006.

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

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

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 1569-99.

By Councilmen Jones, 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 in Block C-1 of the Cleveland Industrial Park to the Jaylin Group, Inc.

Whereas, the Director of Economic Development has requested the sale of City-owned property no longer needed for public use and located in Block C-1 of the Cleveland Industrial Park to the Jaylin Group, Inc.; and

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

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

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

BLOCK C-1 SOUTHEAST

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of Block C in the Lee-Seville/Cleveland Outerbelt Industrial Park of a part of Original Warrensville Township Lots 81, 82, and 103 as shown by the recorded plat in Volume 231 of Maps, Page 42 of Cuyahoga County Records, further bounded and described as follows:

Commencing in the centerline of Seville Road, S.E. (70 feet wide) at its intersection with the centerline of East 162 Street (50 feet wide);

Thence South 89° 41' 00" West along said centerline of Seville Road, S.E., 76.73 feet to a point therein;

Thence North 00° 01' 50" West along the Southerly prolongation of the Easterly line of said Industrial Park, 30.00 feet to a point in the Northerly line of Seville Road, S.E., and the principle place of beginning of the following described parcel:

Thence South 89° 41' 00" West along said Northerly line, 288.32 feet to a point therein;

Thence North 00° 14' 00" East, 361.81 feet to a point;

Thence North 89° 41' 00" East, and parallel to the line of Seville Road, S.E., 40.00 feet to a point;

Thence North 00° 14' 00" East, 40.00 feet to a point;

Thence North 89° 41' 00" East and parallel to the line of Seville Road, S.E., 246.47 feet to a point in the Easterly line of said Industrial Park;

Thence South 00° 01' 50" East along said Easterly line, 401.80 feet to the principle place of beginning.

Containing within said bounds, an area of 2.6142 acres of land, as appears by said plat, be the same more or less, but to all legal highways, easements, and restrictions of record.

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

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

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 1600-99.

By Councilman Melena.

An ordinance to change the Use and Area Districts of lands on the north side of Bridge Avenue, N.W. and the west side of West 52 Street. (Map Change No. 1999, 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 52 Street and the center line of Bridge Avenue, N.W.; thence westerly along said center line of Bridge Avenue, N.W. to its intersection with the southerly extension of a line located eighty eight (88) feet west of the westerly line of West 52 Street; thence northerly along said southerly extension and along said line which is parallel to and eighty eight (88) feet west of said westerly line of West 52 Street to its intersection with a line located eighty (80) feet north of the northerly line of Bridge Avenue, N.W.; thence easterly along said line which is parallel to and eighty (80) feet north of said northerly line of Bridge Avenue, N.W. and along its easterly extension to the center line of West 52 Street; thence southerly along said center line of West 52 Street to the place of beginning, and as outlined in red on the map hereto attached be and the same is hereby changed to a RA2 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. 1999, 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.

Passed December 13, 1999.
Effective January 22, 2000.

Ord. No. 1658-99.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3902-08 Franklin Boulevard to Mark G. Pokrandt.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 003-25-063, as more fully described in Section 2 below, to Mark G. Pokrandt.

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. 003-25-063

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 102 in Taylor Farm Allotment of part of Original Brooklyn Township Lot No. 51, as shown by the recorded plat in Volume 2 of Maps, Page 22 of Cuyahoga County Records and being 66 feet front on the Northerly side of Franklin Boulevard, N.W., and extending back of equal width 154 feet 2-1/4 inches deep on the Easterly line, 152 feet 5-1/2 inches deep on the Westerly line and 66 feet 0-1/4 inches wide in the rear, be the same more or less, but subject to all legal highways.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of

Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 1659-99.

By Councilmen Britt, 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 northeast corner of East 105th Street and Euclid Avenue to the Cleveland Clinic Foundation.

Whereas, the Director of Community Development has requested the sale of City-owned property no longer needed for public use and located at the northeast corner of East 105th Street and Euclid Avenue; and

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

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

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

Permanent Parcel No. 119-20-009
Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 7 and 8 in the Partition of the Estate of Job Doan of part of Original One Hundred Acre Lot No. 402, as shown by the plat in the proceeding of the Court of Common Pleas, recorded in Volume 15, Page 284 of Cuyahoga County Common Pleas Court Records, bounded and described as follows:

Beginning at a 5/8" capped iron pin set on the Northerly line of Euclid Avenue, 80 feet in width, at the Southwesterly corner of land conveyed to Beal Auto Service, Inc., by deed dated February 16, 1978 and recorded in Volume 14677, Page 265 of Cuyahoga County Records;

Course No. 1: Thence South 88° 25' 46" West along said Northerly line of Euclid Avenue 166.54 feet to a drill hole and cross set at the Easterly end of a curved turn-out connecting said Northerly line of Euclid Avenue and the Easterly line of East 105th Street, 30 feet in width, as shown by the Widening Plat of East 105th Street and recorded in Volume 249 of Maps, Page 51 of Cuyahoga County Records;

Course No. 2: Thence Northwesterly along said curved turn-out, being along the arc of a circle deflecting to the right, 32.05 feet to a drill hole

found and cross set at a point of tangency in the aforementioned Easterly line of East 105th Street, as widened, said curved line having a radius of 20.00 feet and a chord which bears North 45° 39' 42" West a distance of 28.73 feet;

Course No. 3: Thence North 0° 14' 49" East along said Easterly line of East 105th Street, as widened, 30.10 feet to a point in the Southerly line of land conveyed to the Cleveland Clinic Foundation, Inc., by deed dated February 11, 1985 and recorded in Volume 85-1262, Page 44 of Cuyahoga County Records;

Course No. 4: Thence North 88° 25' 46" East along said Southerly line of land so conveyed to the Cleveland Clinic Foundation, Inc., 187.13 feet to a point in the Westerly line of land conveyed to Beal Auto Service, Inc., as aforementioned;

Course No. 5: Thence South 0° 11' 16" West along said Westerly line of land so conveyed to Beal Auto Service, Inc., 50.74 feet to the place of beginning, containing 9,399 square feet of land (0.2158 acres), according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in January, 1999, be the same more or less, but subject to all legal highways.

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

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Cleveland Clinic Foundation 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 restricting the use of the property to nonprofit corporation purposes and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 1660-99.

By Councilmen Sweeney, 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 13113 Gilmore Avenue to Lillian Flores.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 023-14-023, as more fully described in Section 2 below, to Lillian Flores.

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. 023-14-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2001 in the Ford Realty Company's Liberty Subdivision No. 5 of part of Original Rockport Township, Section No. 10, as shown by the recorded plat in Volume 67 of Maps, Page 34 of Cuyahoga County Records and being 40 feet front on the Southerly side of Gilmore Avenue, S.W. and extending back of equal width, 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 1661-99.

By Councilmen Sweeney, 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 13218 Thornhope Road to Henry C. Neely and Geraldine Neely.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 023-21-011, as more fully described in Section 2 below, to Henry C. Neely and Geraldine Neely.

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. 023-21-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and bounded and described as follows, to wit: And known as being part of Sublot No. 175 in Scott-Hall-Clark Company's Subdivision No. 2 of part of Original Rockport Township Section No. 1 as shown by the recorded plat in Volume 43 of Maps, Page 23 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the intersection of the Westerly line of said Sublot No. 175 and the Northwesterly line of Thornhope Road, S.W., 40 feet wide; thence Northerly, along the Westerly line of said Sublot No. 175, a distance of 114.69 feet to a point distant Southerly measured along said Westerly line a distance of 107.00 feet from the Southerly line of Puritas Avenue, S.W., 80 feet wide; thence Easterly a distance of 40.61 feet to a point in the Easterly line of said Sublot No. 175 distant Southerly measured along said Easterly line, a distance of 100.00 feet from the Southerly line of Puritas Avenue, S.W., 80 feet wide; thence Southerly along the Easterly line of said Sublot No. 175, a distance of 82.22 feet to the Northwesterly line of Thornhope Road; thence Southwesterly along the Northerly line of Thornhope Road a distance of 56.19 feet to the place of beginning, 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.

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 1706-99.

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

An emergency ordinance authorizing the acquisition of certain easement interests from MetroHealth Medical Center for the public improvement of allowing pedestrian crossing and passage through the two-story arcade along Scranton Avenue, for the Department of Public Service.

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

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

Section 1. That, notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to acquire certain easement rights in and to the premises hereinafter described from MetroHealth Medical Center which will allow pedestrian crossing and passage through the two-story arcade along Scranton Avenue, at no cost to the City of Cleveland, and more particularly described as:

PROPOSED PEDESTRIAN ACCESS EASEMENT

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being a part of Original Brooklyn Township Lot No. 67, bounded and described as follows:

Beginning on the Northeasterly line of Scranton Road S.W., 60 feet in width, at its intersection with the Southerly line of Valentine Avenue S.E., 60 feet in width;

Course No. 1: Thence South 89° 05' 26" East along said Southerly line of Valentine Avenue S.W., 6.14 feet to its intersection with a line drawn

parallel with and distant 6.00 feet Easterly by rectangular measurement from said Easterly line of Scranton Road S.W.;

Course No. 2: Thence South 13° 12' 15" West along said parallel line, 7.53 feet to a point;

Course No. 3: Thence Southeasterly along the arc of circle deflecting to the right, 13.36 feet to a point of tangency, said curved line having a radius of 9.33 feet and a chord which bears South 27° 48' 38" East a distance of 12.25 feet;

Course No. 4: Thence South 13° 12' 15" West, 1.33 feet to a point;

Course No. 5: Thence South 76° 47' 45" East, 0.92 feet to a point of intersection with a line drawn parallel with and distant 14.92 feet Easterly by rectangular measurement from the aforementioned Easterly line of Scranton Road S.W.;

Course No. 6: Thence South 13° 12' 15" West along said parallel line, 13.50 feet to a point;

Course No. 7: Thence North 76° 47' 45" West, 0.92 feet to a point;

Course No. 8: Thence South 13° 12' 15" West, 1.33 feet to a point of curvature;

Course No. 9: Thence Southwesterly along the arc of a circle deflecting to the right, 13.36 feet to its intersection with a line drawn parallel with and distant 6.00 feet Easterly by rectangular measurement from said Easterly line of Scranton Road S.W., said curved line having a radius of 9.33 feet and a chord which bears South 54° 13' 08" West a distance of 12.25 feet;

Course No. 10: Thence South 13° 12' 15" West along said parallel line, 13.80 feet to a point in the Southerly face of North curb line of MetroHealth Drive (a private drive);

Course No. 11: Thence Northwestwardly along the arc of a circle deflecting to the right, 7.49 feet to a point of compound curvature therein, said curved line having a radius of 20.00 feet and a chord which bears North 33° 10' 20" West a distance of 7.45 feet;

Course No. 12: Thence Northwestwardly along the arc of a circle deflecting to the right, 1.07 feet to a point of tangency in the aforementioned Easterly line of Scranton Road S.W., said curved line having a radius of 35.10 feet and a chord which bears North 21° 34' 14" West a distance of 1.07 feet;

Course No. 13: Thence North 13° 12' 15" East along said Easterly line of Scranton Road S.W., 218.66 feet to the place of beginning, containing 3,114 square feet of land (0.0715 acres), according to a survey by Garrett & Associates, Inc., Registered Engineers & Surveyors, made in June, 1999, be the same more or less.

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

Section 2. That the Director of Public Service is hereby authorized to execute on behalf of the City all documents necessary to acquire certain rights in and to the property.

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

Passed December 15, 1999.

Effective December 21, 1999.

Ord. No. 1707-99.

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

An emergency ordinance authorizing the Director of Public Service to enter into a second amendment to Contract No. 52806 with Dodson Stilson and Associates for professional design services necessary to design the rehabilitation of East 40th Street, Phase III.

Whereas, this ordinance constitutes an emergency measure providing for 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 authorized to enter into a second amendment to Contract No. 52806 with Dodson Stilson for the inclusion of professional design services for Phase III of the East 40th Street rehabilitation.

Section 2. That the cost of said services hereby authorized shall be paid from Fund Nos. 20 SF 364, 52 SF 223, 58 SF 001, 20 SF 400, and from one or more of the following funding sources: the fund or funds to which are credited the proceeds of any grant funds received from the Ohio Works Commission, Request No. 4314.

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 December 13, 1999.

Effective December 21, 1999.

Ord. No. 1708-99.

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

An emergency ordinance authorizing the Director of Public Service to enter into a first amendment to Contract No. 52878 with Michael Benza and Associates for professional design services necessary to design the rehabilitation of East 55th Street, Phase III.

Whereas, this ordinance constitutes an emergency measure providing for 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 authorized to enter into a first amendment to Contract No. 52878 with Michael Benza and Associates for the inclusion of professional design services for Phase III of East 55th Street rehabilitation.

Section 2. That the cost of said services hereby authorized shall be paid from Fund Nos. 20 SF 364, 52 SF 001, 58 SF 001, 20 SF 401, and from one or more of the following funding sources: the fund or funds to which are credited the proceeds of any grant funds received from the Ohio Works Commission, Request No. 4315.

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 December 13, 1999.
Effective December 21, 1999.

Ord. No. 1750-99.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2921 Alpine Street to Laura M. Little.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 126-36-102, as more fully described in Section 2 below, to Laura M. Little.

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. 126-36-102

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 107 and part of Woodhill Court, S.E., (10.0 feet wide) vacated by Ordinance No. 102342, passed April 4, 1935 in N.H. Ambler and others' Subdivision of part of Original One Hundred Acre Lots Nos. 424 and 425, as shown by the recorded plat of said Subdivision in Volume 5, Page 25 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Southeast line of Alpine Street, S.E., 44 feet Southwesterly from the Northwesterly corner of said Sublot No. 107; thence Easterly parallel with the Northerly line of Sublot No. 107, 170 feet to the Southeasterly line of said Sublot; thence Southwesterly along the Southeasterly line of Sublot No. 107, about 45 and 3/12 feet to the Southeasterly corner of said vacated Woodhill Court, S.E.; thence Westerly along the Southerly line of said

vacated Woodhill S.E., 170 feet to the Southeasterly line of said Alpine Street, S.E.; thence Northeasterly, along the Southeasterly line of said Alpine Street, S.E., 45 and 3/12 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 1752-99.

By Councilmen Melena, 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 7510 Lorain Avenue to William J. Ripcho.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the

Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 006-07-083, as more fully described in Section 2 below, to William J. Ripcho.

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. 006-07-083

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 436 in James M. Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 28 and 33 as shown by the recorded plat in Volume 3 of Maps, Page 37 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Lorain Avenue, and extending back 132 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.

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 1756-99.

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 12407 Harvard Avenue to Anthony R. Ford and Alletrius M. Ford.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 138-03-025, as more fully described in Section 2 below, to Anthony R. Ford and Alletrius M. Ford.

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. 138-03-025

Parcel No. 1

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. 461, bounded and described as follows:

Beginning in the Southerly line of a parcel of land conveyed to Mary Keller by deed dated May 20, 1930 and recorded in Volume 1448, Page 233 of Cuyahoga County Records at the Northwesterly corner of a parcel of land conveyed to Stanley Siemientkowski and Irene Siemientkowski by deed dated February 9, 1946, and recorded in Volume 6048, Page 123 of Cuyahoga County Records; thence Easterly along the Southerly line of said parcel conveyed to Mary Keller, 40 feet to the Southeasterly corner thereof; thence Northerly along the Easterly line of said parcel so conveyed to Mary Keller, 62.80 feet to the Northwesterly corner thereof; thence Westerly along the Northerly line of said parcel so conveyed to Mary Keller 40 feet to its intersection with the Northerly prolongation of the Westerly line of the parcel conveyed to Stanley Siemientkowski and Irene Siemientkowski; thence Southerly along said Northerly prolongation, 62.80 feet to the place of beginning and being further known as part of Sublot No. 10 in The Frisbie Realty and Investment Company's Proposed Mars Hill Allotment of part of Original One Hundred Acre Lot No. 461, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 461, and bounded and described as follows:

Beginning on the Northerly line of Harvard Avenue, S.E., at a point distant Easterly, measured along said Northerly line, 215 feet from its intersection with the Easterly line of East 123rd Street; thence Easterly along said Northerly line of Harvard Avenue, S.E., 40 feet; thence Northerly parallel with said Easterly line of East 123rd Street, 62.8 feet; thence

Westerly parallel with said Northerly line of Harvard Avenue, S.E., 40 feet; thence Southerly parallel with said Easterly line of East 123rd Street, 62.8 feet to the place of beginning, and being further known as part of Sublot No. 10 in the Frisbie Realty and Investment Company's Proposed Mars Hill Allotment of part of Original One Hundred Acre Lot No. 461, 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.

Passed December 13, 1999.

Effective December 21, 1999.

**Ord. No. 1758-99.
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 9604 Nelson Avenue to Gail F. Stubbs.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordina-

nances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 136-02-066, as more fully described in Section 2 below, to Gail F. Stubbs.

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. 136-02-066

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 16 feet in Sublot No. 60 and the Westerly 16 feet of Sublot No. 59 in James M. and Colgate Hoyt's Subdivision of part of Original One Hundred Acre Lot No. 457, as shown by the recorded plat of said Re-Subdivision in Volume 4 of Maps, Page 26 of Cuyahoga County Records, and together forming a parcel of land 32 feet front on the Southerly side of Nelson Avenue, S.E., and extending back of equal width 125 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.

Passed December 13, 1999.

Effective December 21, 1999.

**Ord. No. 1759-99.
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 east of 9122 Saxe Avenue to Ernest R. D'Amato and Kathleen D'Amato.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 133-26-051, as more fully described in Section 2 below, to Ernest R. D'Amato and Kathleen D'Amato.

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. 133-26-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 226 in the Carter Heirs Allotment of part of Original One Hundred Acre Lot No. 456, as shown by the recorded plat in Volume 12 of Maps, Page 39 of Cuyahoga County Records, and being 44 feet front on the Southerly side of Saxe Avenue, (formerly Saxe Street), and extending back of equal width 115 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 1760-99.
By Councilmen Zone, 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 12713 Longmead Avenue to John C. Bella and Alice F. Bella.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 020-09-095, as more fully described in Section 2 below, to John C. Bella and Alice F. Bella.

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

P. P. No. 020-09-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 261 in the Clark Manchester Company's Homesite Allotments Nos. 3 and 5 of part of Rockport Township Lot No. 1, as shown by the recorded plat in Volume 54 of Maps, Page 36 and being 39.99 feet frontage on the Southerly side of Longmead Avenue S.W. and extending back between parallel lines 175 feet, 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.

Passed December 13, 1999.
Effective December 21, 1999.

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.

Passed December 13, 1999.
Effective December 21, 1999.

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 December 13, 1999, 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 Southeasterly 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 Northeasterly corner thereof; thence Southeasterly, along the Northeasterly face of Pier 17 of the Superior Viaduct to the Southeasterly corner thereof; thence Southwesterly, along the Southeasterly 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 Southeasterly right-of-way line of the Superior Viaduct; thence Northeasterly,

along said Southeasterly 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 Northeasterly face of Pier 16 of the Superior Viaduct; thence Southeasterly, along said Northeasterly face of Pier 16 of the Superior Viaduct, to the Southeasterly corner thereof; thence Southwesterly, along the Southeasterly 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 shall provide that Stonebridge Phase One, Ltd. may assign, transfer or sell the lease of the Old Superior Viaduct in the event that the Lessee is in default on its mortgage to the Department of Housing and Urban Development ("HUD") and such assignment, transfer or sale is approved by HUD.

That the lease of the tow areas under Arches 7 and 9 under the Old Superior Viaduct authorized by Section 1 of this ordinance shall provide that Stonebridge Waterfront Limited Partnership may assign, transfer or sell the lease of the tow areas under Arches 7 and 9 under the Old Superior Viaduct in the event that the Lessee is in default on its mortgage to HUD and such assignment, transfer or sale is approved by HUD.

Section 6. In the event of such default, Lessee and HUD shall immediately notify the City of the default, the City shall be provided with the names and addresses of potential new lessees, and such potential lessees shall appear before the City Council to discuss their qualifications prior to any approval of assignment by HUD.

Section 7. That the lease of the Old Superior Viaduct authorized by Section 1 of this ordinance shall provide that such viaduct shall be open

to the general public between the hours of 7:00 a.m. and 10:00 p.m. daily.

Section 8. 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 December 13, 1999.

Section 9. 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. In the event that the terms of this Ordinance conflict with HUD requirements for financing of this project, HUD's requirements shall control. Original executed lease agreements shall be maintained in the above-mentioned file. The lease of a portion of the Old Superior Viaduct as authorized by Section 1 of this ordinance shall be substantially in accordance with the form contained in File No. 1818-99-A, except that the provisions of Section 8.2 thereof, "SPECIAL EVENTS", shall be modified to conform to the following requirements: First, the events identified in the handout to this Council on December 15, 1999, prepared by SFX Entertainment, and contained in File No. 1818-99-A, are authorized events, but no other event may be held on the leased space without prior legislative authority. Second, the lease shall provide that no charge may be assessed to the public for any event on the leased premises unless such a charge is first authorized by an ordinance of Council. Third, notices required for special events shall be directed to both the Ward Councilman and the Director of Public Service.

Section 10. 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 actions as may be necessary to effect the leases authorized pursuant to this ordinance.

Section 11. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed December 15, 1999.

Effective December 21, 1999.

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.

Passed December 15, 1999.

Effective December 21, 1999.

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.

Passed December 15, 1999.

Effective December 21, 1999.

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' 00" 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.

Passed December 13, 1999.

Effective December 21, 1999.

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 prior to conveyance of the above-described property, a landscape plan shall be presented to and approved by the Director of the City Planning Commission.

Section 4. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed December 13, 1999.

Effective December 21, 1999.

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 including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed December 13, 1999.
Effective December 21, 1999.

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 including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed December 13, 1999.
Effective December 21, 1999.

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

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 1849-99.

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

An emergency ordinance to amend Section 2 and Section 4 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 and Section 4 of Ordinance No. 1090-99, passed June 14, 1999, are hereby amended to read respectively 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 4. That the rent for the real property described in Section 3 shall be for One Dollar (\$1.00) per year; that the lease shall be for a term not to exceed fifty (50) years as determined by the Director of Economic Development; that the lease shall be for a term equal to the term of the leases described in Sections 1 and 2; that the lease shall be for the purpose of the provision of a public open space and the provision of parking; that the lease shall provide that Felder Properties,

Ltd. include the requirement to use best efforts to achieve the following construction contract and construction job goals:

Construction Contracts	33-1/3% MBE; 10% FBE
Construction Jobs	30% Minority 10% Female; 50% Residents

and that the lease shall contain any other provisions that the Director of Economic Development and Director of Law deem necessary to protect the public interest and effect the purpose of hotel development.

Section 2. The existing Section 2 and Section 4 of Ordinance No. 1090-99, 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.

Passed December 15, 1999.
Effective December 21, 1999.

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 Northeastly line of land so conveyed to Felder Properties, Ltd., 132.00 feet to the Northeastly 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 which documents shall require that the right of way curbing installed around the project, including off-street parking, public open space, and right of way improvements developed in conjunction with the project, utilize granite curbing meeting the standards established for the Warehouse District by the Cleveland Landmarks Commission.

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.

Passed December 15, 1999.
Effective December 21, 1999.

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 employ-

ment 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.

Passed December 13, 1999.
Effective December 21, 1999.

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 including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed December 13, 1999.
Effective December 21, 1999.

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 including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed December 13, 1999.
Effective December 21, 1999.

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 including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed December 13, 1999.
Effective December 21, 1999.

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 including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed December 13, 1999.

Effective December 21, 1999.

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 Sup-

plies 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 including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 1877-99.

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 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 Northeastly 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 including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 1905-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into a requirement contract without competitive bidding with Pavement Technology for the purchase of reclaimite asphalt rejuvenating agent, 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 it is hereby determined that the within commodity is non-competitive and cannot be secured from any source other than Pavement Technology. Therefore, the Director of Public Service is hereby authorized to make a written requirement contract for the period of one year with said contractor for reclaimite asphalt rejuvenating agent, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service.

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 8738)

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 December 13, 1999.
Effective December 21, 1999.

Ord. No. 1906-99.

By Councilman Dolan.

An emergency ordinance to vacate a portion of Groveland Avenue hereinafter described.

Whereas, on the 14th day of June, 1999 the Council of the City of Cleveland adopted Resolution No. 1078-99 declaring its intention to vacate a portion of Groveland Avenue, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1078-99 has been served upon the owners of all the property abutting Groveland Avenue, 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 Calvin Court S.W., 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 Groveland Avenue, 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 Groveland Avenue (60.00 feet wide) extending Westerly from Lorain Avenue (width varies) and Riveredge Road (60.00 feet wide) to its Easterly terminus, 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 and, Division of Fire equipment.

The description of the easement is as follows:

That portion of Groveland Avenue (60.00 feet wide) extending Westerly from Lorain Avenue (width varies) and Riveredge Road (60.00 feet wide) to its Easterly terminus.

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

Passed December 15, 1999.
Effective December 21, 1999.

Ord. No. 1907-99.

By Councilman Cintron.

An emergency ordinance to vacate a portion of Calvin Court S.W. hereinafter described.

Whereas, on the 7th day of June, 1999 the Council of the City of Cleveland adopted Resolution No. 34-99 declaring its intention to vacate a portion of Calvin Court S.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 34-99 has been served upon the owners of all the property abutting Calvin Court N.W., 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 Calvin Court S.W., 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 Calvin Court S.W., 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 Calvin Court S.W. (12.00 feet wide) extending Easterly from the Easterly line of West 17th Street (60.00 feet wide) to the Southerly prolongation of the Easterly line of Sublot Number 98 in Brainards & Curtiss Allotment as shown by the recorded plat in Volume 12, Page 43 of Cuyahoga County Records, be and the same is hereby vacated.

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

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

Passed December 15, 1999.
Effective December 21, 1999.

Ord. No. 1908-99.

By Councilman Jackson.

An emergency ordinance to vacate a portion of Shepard Court S.E. hereinafter described.

Whereas, on the 14th day of June, 1999 the Council of the City of Cleveland adopted Resolution No. 741-99 declaring its intention to vacate a portion of Shepard Court S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 741-99 has been served upon the owners of all the property abutting Shepard Court S.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 13th day of October, 1999, the Board of Revision of Assessments approved the vacation of Calvin Court S.W., 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 Shepard Court S.E., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of Shepard Court S.E. (12.00 feet wide) extending Easterly from the Easterly line of East 30th Street (50.00 feet wide) to that portion of Shepard Court S.E. vacated by the Council of the City of Cleveland by Ordinance Number 2157-78, passed October 30, 1978, be and the same is hereby vacated.

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

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

Passed December 15, 1999.
Effective December 21, 1999.

Ord. No. 1910-99.

By Councilman Westbrook.

An emergency ordinance to vacate a portion of Sommer Court N.W. hereinafter described.

Whereas, on the 16th day of November, 1998 the Council of the City of Cleveland adopted Resolution No. 1613-98 declaring its intention to vacate a portion of Sommer Court N.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1613-98 has been served upon the owners of all the property abutting Sommer Court N.W., 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 Sommer Court N.W., 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 Sommer Court N.W., 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 Sommer Court N.W. (12.00 feet wide) extending Westerly from the Westerly line of West 95th Street (50.00 feet wide), to the Easterly line of West 96th Street (30.00 feet wide), be and the same is hereby vacated.

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

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

Passed December 15, 1999.

Effective December 21, 1999.

Ord. No. 1961-99.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of tires, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

er 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 9660)

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 December 13, 1999.

Effective December 21, 1999.

Ord. No. 1976-99.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 2201 West 93rd Street to West Tech LLC for the development of housing; authorizing the Directors of Economic Development and Community Development to enter into a Neighborhood Development Investment Fund contract with WTech, LLC to provide economic development assistance to partially finance the renovation of the former West Technical High School for rental housing located at 2201 W. 93rd Street, Cleveland, Ohio; authorizing the Director of Community Development to enter into a project agreement with WTech, LLC for the acquisition, clearance and redevelopment of certain lands located at 2201 W. 93rd Street.

Whereas, the Director of Community Development has requested the sale of City-owned property no longer needed for public use located at 2201 West 93rd Street; and

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

Whereas, WTech, LLC, has submitted a proposal which the Director of Community Development has determined to be a satisfactory means of achieving the purposes of elimination and prevention of blighting influence at 2201 West 93rd Street; and

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

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

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

Former West Technical High School Site located at 2201 West 93rd Street

Parcel 3:

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

32 in Elijah F. Davis' Subdivision of part of Original Brooklyn Township Lot No. 13, as shown by the recorded Plat in Volume 7 of Maps, Page 8 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 93rd Street, (formerly Davis Avenue), and extending back of equal width 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel 4:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Nos. 86 to 106 in the Denison Co.'s Allotment of part of Original Brooklyn Township Lots Nos. 13 and 14, as shown by the recorded plat in Volume 15 of Maps, Page 21 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Parcel 5:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Nos. 170 to 234 in Denison Allotment of part of Original Brooklyn Township Lot No. 13, as shown by the recorded plat in Volume 17 of Maps, Page 24 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also for opening and widening and vacations of streets, see Ordinance Nos. 16916 and 92569 of Cuyahoga County Records.

Property known as 2201 West 93rd Street, Cleveland, Ohio.

Permanent Parcel No. 005-29-001 and 045.

Section 2. That, subject to the provisions of Section 9 of this ordinance, the Directors of Economic Development and Community Development are hereby authorized to enter into a Neighborhood Development Investment Fund contract with WTech, LLC to provide for the economic development assistance to partially finance the renovation of the former West Technical High School located at 2201 West 93rd Street, Cleveland, Ohio into 184 units of market rate rental housing.

Section 3. That the terms of said contract shall comply with the requirements of the Neighborhood Development Investment Program and NDIF, as set forth in Section 1 of Ordinance No. 56-94, passed June 13, 1994, and shall be in accordance with the terms as set forth in the Executive Summary contained in File No. _____, except that under the heading "Special Conditions:", the second condition of the Executive Summary is hereby amended to read as follows:

"2. The City will require best efforts by the borrower and its tenants to employ 30% of construction contracts and supplier purchase orders for the project to minority-owned businesses and 10% to female-owned businesses."

The terms of the City of Cleveland NDIF Loan, as repeated in the Executive Summary, shall be as follows:

The City will cross-collateralize the loan and have a third mortgage on the apartments and a 1st mortgage on the athletic field. The loan term will be 12 year/25 year amortization with a balloon payment due at maturity. The interest rate will be 0% for the first three years, then 4% thereafter. Upon successful completion of Phase II, the interest rate will be reduced to 3%. The mortgage on the athletic field will be

released upon commencement of Phase II.

No payments will be due during the first three years, followed by interest only the next 4 years of operation. The loan then fully amortizes in year eight based on a 25 year schedule.

The City will not close its loan until firm financing commitments for both the construction and permanent financing have been issued and accepted by the Developers.

The terms of this loan as set forth herein shall not be changed unless first authorized by an ordinance of Council.

Section 4. That the costs of said contract shall not exceed Two Million Dollars (\$2,000,000.00), and shall be paid from Fund No. 10 SF 501, Request No. 1175.

Section 5. That the Directors of Economic Development and Community Development are hereby authorized to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 3 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 6. That the Directors of Economic Development and Community Development are hereby authorized to accept monies in repayment of such loan and to deposit said monies in Fund No. 10 SF 502.

Section 7. That the Directors of Economic Development and Community Development are hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 8. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 9. That, prior to entering into any contract authorized herein, the Director of Finance is required and hereby is directed to certify that said contract is in compliance with the provision of Section 1 of Ordinance No. 56-94 regarding the use of such funds for construction and/or rehabilitation of housing units within the City, and to certify that appropriated funds equal to the contract amount set forth in Section 4 of this ordinance are available to be allocated to such contract.

Section 10. That notwithstanding and as an exception to the provision of Title V of the Community Development Code and Chapters 181 and 183 in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to enter into and execute a project agreement for and on behalf of the City of Cleveland with WTech, LLC, (the "Redeveloper") for the acquisition, disposition and private redevelopment for the property located at 2201 W. 93rd Street, Cleveland, Ohio.

Section 11. That the project agreement authorized by this Ordinance shall include without limitation the following terms and conditions:

(a) an agreement by the City of Cleveland to convey, by official deed or deeds, certain property more fully described in this ordinance; provided that the deed or deeds shall con-

tain such restrictive covenants, reversionary interests or similar provisions as may, in the judgment of the Director of Community Development, be required to insure the elimination of conditions of blight and deterioration and for the prevention of recurrence of said conditions;

(b) a commitment by the Redeveloper to comply with all Federal and state real property acquisition requirements, including without limitation relocation assistance, to the extent Federal or state funding is used for acquisition;

(c) a commitment by the Redeveloper to pay all costs of demolition required to develop the property; and

(d) such other requirements as the Director of Community Development may deem necessary to protect the interests of the City of Cleveland.

(e) that Redeveloper shall present all design drawings, specifications, and other construction documents to the City Planning Commission and its Design Review Committee for approval prior to the issuance of permits by the Division of Building and Housing.

Section 12. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the property referenced above may be conveyed to the Redeveloper pursuant to the project agreement and is more fully described in Section 1 of this ordinance.

Section 13. That this Council finds the conveyance to the Redeveloper of the property described above, for the purposes of redevelopment, constitute a public use of said property.

Section 14. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described herein at a price not less than the fair reuse value. As used in this Section, "fair reuse value" means the 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 15. That the conveyance to the Redeveloper shall be made by official quitclaim 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 16. That the Mayor, the Director of Community Development, the Director of Law, and appropriate City officials are authorized to execute such certifications and documents, and take such other actions as may be necessary or appropriate in connection with carrying out the terms of the project agreement.

Section 17. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 December 13, 1999.
Effective December 21, 1999.

Ord. No. 1979-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Neighborhood Health Care, Inc. d.b.a. Neighborhood Family Practice to provide economic development assistance to support leasehold improvement costs for their facility located at 3569 Ridge Road, Cleveland, Ohio 44102.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a grant agreement with Neighborhood Health Care, Inc. d.b.a. Neighborhood Family Practice to provide economic development assistance to support leasehold improvement costs for their facility located at 3569 Ridge Road, Cleveland, Ohio 44102.

Section 2. That the term of said grant agreement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1979-99-A.

Section 3. That the costs of said grant agreement shall not exceed Fifty Thousand Dollars (\$50,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 1025.

Section 4. That the Director of Law is hereby authorized to prepare said grant agreement and such other documents as may be appropriate to complete the transaction.

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 1980-99.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance to amend the fifth whereas clause, Section 1 and Section 2 of Ordinance No. 1742-88, passed July 14, 1988, relating to an Enterprise Zone Agreement between the City of Cleveland and LTV Steel Company, Inc.; and to amend Contract No. 41275 relative thereto.

Whereas, this ordinance constitutes an emergency measure providing for 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 fifth whereas clause, Section 1 and Section 2 of Ordinance No. 1742-88, passed July 14, 1988, are hereby amended to read, respectively, as follows:

Whereas, LTV Steel Company, Inc. and LTV Steel Products, LLC, a wholly owned subsidiary of LTV Steel Company Inc. (collectively known as "LTV Steel" or "LTV") have conditionally proposed to the Council of the City of Cleveland to modernize and improve the Cleveland Works Steel Facility located in the designated zone by the construc-

tion, equipping and installation of new capital equipment and other improvements for modernization of the steel production process necessary for LTV Steel to remain competitive, retain existing employment and meet customer requirements; and

Section 1. That this Council hereby approves the application of LTV Steel Company, Inc. and LTV Steel Products LLC, a wholly owned subsidiary of LTV Steel Company Inc. (collectively known as "LTV Steel" or "LTV") for enterprise zone incentives on the basis that LTV Steel is qualified by financial responsibility and business experience to create and/or preserve employment opportunities in that portion of the enterprise zone within the corporate boundaries of the City of Cleveland, and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into a First Amendment to the Enterprise Zone Agreement with LTV Steel to provide LTV Steel Company, Inc. with a 10-year tax abatement for certain tangible personal property as an incentive to modernize and improve the Cleveland Works Steel Facility to add LTV Steel Products LLC as a party; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 2. That the fifth whereas clause, Section 1 and Section 2 of Ordinance No. 1742-88, passed July 14, 1988, are hereby repealed.

Section 3. That this Council hereby acknowledges and consents to the addition of LTV Steel Products, LLC, a wholly owned subsidiary of LTV Steel Company, Inc. (collectively known as "LTV Steel" and/or "LTV") to the Urban Jobs and Enterprise Zone Program Agreement No. 41275 originally between the City of Cleveland and LTV Steel Company, Inc. The Director of Economic Development is hereby authorized to execute all documents and do all things necessary to implement the acknowledgement hereby made and consent hereby granted.

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 1982-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Manufacturing Road, LLC to provide economic development assistance to partially finance the acquisition of a building at 4700 Manufacturing Road, Cleveland, Ohio 44135.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Manufacturing Road, LLC to provide economic development assistance to

partially finance the acquisition of a building at 4700 Manufacturing Road, Cleveland, Ohio 44135.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1982-99-A.

Section 3. That the costs of said contract shall not exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 1024.

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

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

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

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

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 2041-99.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the Director of Finance to solicit proposals from one or more financial institutions for the installation, operation and maintenance of one or more automatic teller machines.

Whereas, this ordinance constitutes an emergency measure providing for 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 solicit proposals from one or more financial institutions for the purpose of installing, operating and maintaining one or more automatic teller machines ("ATMs") at selected City locations.

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 2042-99.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of long distance telephone service for all City exchanges and one or more concession agreements for long distance service to coin operated telephones and the provision of prepaid debit/calling card services for a period of three years, for the Division of Information System Services, Department of Finance.

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

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

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

Section 2. That the Director of Finance is also hereby authorized to enter into one or more concession agreements in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a period of three years, for long distance telephone service for coin operated telephones, including a rate of commission to be set by agreement at no less than 18% of revenues and the provision of prepaid debit/calling card services.

Section 3. 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. (7847)

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 2043-99.**By Councilman Patmon (by departmental request).****An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums herein set forth opposite the names of the claimants.**

Whereas, this ordinance constitutes an emergency measure providing for 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 pay as Moral Claims the sums set forth opposite and names of the following claimants and charged against the fund numbers opposite the names of the claimants:

<u>Claimant</u>	<u>Claim No.</u>	<u>Amount</u>	<u>Division</u>	<u>Fund</u>
Anne Grasso	10577	\$ 115.64	Water Pollution Control	54 SF 001
Madeline Taylor	10606	1,222.39	Water Pollution Control	54 SF 001
Raymond Costanzo	10640	275.00	Water Pollution Control	54 SF 001
Paul Gantt	10675	448.00	Water Pollution Control	54 SF 001
Brenda Barnes	10746	345.50	Water Pollution Control	54 SF 001
Jeff Smith	10766	1,550.00	Water Pollution Control	54 SF 001
Dominic Rodriguez	10778	341.12	Water Pollution Control	54 SF 001
Isaac & Joyce Peah	10780	365.00	Water Pollution Control	54 SF 001
Edna Roberts	10783	1,500.00	Water Pollution Control	54 SF 001
Madeline Zammer	10833	1,500.00	Water Pollution Control	54 SF 001
John & Eric Paszy	10834	1,500.00	Water Pollution Control	54 SF 001
Bemba Jones	10836	1,500.00	Water Pollution Control	54 SF 001
Dominione Bey	10327	1,224.69	Police	01-600202-672000
Barbara Johnson	10416	3,350.00	Police	01-600202-672000
David Lantz	10661	2,150.00	Police	01-600202-672000
Ephraim Phillips	10754	500.00	Police	01-600202-672000
Julia Sims	10794	125.00	Police	01-600202-672000
Daniel Buncher	10797	293.99	Police	01-600202-672000
Frank Gurkles	10812	642.00	Police	01-600202-672000
Michael Soots	10829	177.62	Police	01-600202-672000
Sheila Acree	10835	850.00	Police	01-600202-672000
Daniel Graves	10844	100.00	Police	01-600202-672000
Thomas Rudyk	10828	250.00	Fire	01-600302-672000
William E. Hamilton	10723C	500.00	Emergency Medical Service	01-600402-672000
Deborah Behringer	10723D	250.00	Emergency Medical Service	01-600402-672000
Patricia Klostermeyer	10719	150.00	Park Maintenance (Urban Forestry)	01-701204-672000
Bertha Townsend	10777	300.00	Park Maintenance (Urban Forestry)	01-701204-672000
Vivian Egnor	10821	1,745.84	Park Maintenance (Urban Forestry)	01-701204-672000
Milton & Thelma Bridges	10823	1,400.00	Park Maintenance (Urban Forestry)	01-701204-672000
Horace H. Young	10748	500.00	Park Maintenance	01-701205-672000
Lillian Brown	10767	237.50	Park Maintenance	01-701205-672000
William Wolf & Co.	10776	100.00	Park Maintenance	01-701205-672000
Ann Farmer	10782	350.00	Park Maintenance	01-701205-672000
University Church of Christ	10839	2,000.00	Park Maintenance	01-701205-672000
Lee Woodward	10773	180.00	Park Maintenance (Highland Park)	01-701203-672000
Brian C. Null	10650	253.59	Waste Collection	01-400303-672000
Grady Walker	10747	241.05	Waste Collection	01-400303-672000
Kiser Houston	10751	2,000.00	Streets	10 SF 401
James Duman	10761	536.54	Streets	10 SF 401
Margaret Petras	10843	98.00	Streets	10 SF 401

Section 2. That the authority of the Director of Finance to pay the amounts set forth in Section 1 of this ordinance is conditioned upon a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 2044-99.**By Councilman Patmon (by departmental request).**

An emergency ordinance to transfer the sum of five million two hundred and seventy nine thousand six hundred fifteen dollars (\$5,279,615) within various division of the General Fund one million three hundred fifty four thousand six hundred fifteen dollars (\$1,354,615), within the Special Revenue Fund three hundred thousand dollars (\$300,000), within the Enterprise Fund three million two hundred twenty five thousand dollars (\$3,225,000), within the Agency Fund three hundred fifty thousand dollars (\$350,000), and within the Sinking Commission Fund twenty thousand dollars (\$20,000).

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; 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 sum of five million two hundred seventy nine thousand six hundred fifteen dollars (\$5,279,615) be same and hereby transferred as follows:

GENERAL FUND	FROM	TO
LEGISLATIVE BRANCH		
Council and Clerk of Council		
I. Personnel and Related Expenses	\$ 30,000	\$ —
II. Other Expenses	—	80,000
TOTAL LEGISLATIVE BRANCH	\$ 30,000	\$ 80,000
MUNICIPAL COURT		
Judicial Division		
I. Personnel and Related Expenses	\$ 44,000	\$ —
II. Other Expenses	—	44,000
Clerks Division		
I. Personnel and Related Expenses	\$ 150,000	\$ —
II. Other Expenses	—	150,000
Housing Division		
I. Personnel and Related Expenses	\$ 34,000	\$ —
II. Other Expenses	—	34,000
TOTAL MUNICIPAL COURT	\$ 228,000	\$ 228,000
DEPARTMENT OF PUBLIC SAFETY		
Division of Emergency Medical Service		
I. Personnel and Related Expenses	\$ 215,615	\$ —
II. Other Expenses	—	100,000
Division of Fire		
II. Other Expenses	—	\$ 50,000
Division of Dog Pound		
II. Other Expenses	—	\$ 6,000
Division of Traffic Engineering		
I. Personnel and Related Expenses	\$ 86,000	\$ —
II. Other Expenses	—	60,000
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$ 301,615	\$ 216,000
DEPARTMENT OF PUBLIC SERVICE		
Division of Architecture		
I. Personnel and Related Expenses	\$ 60,000	\$ —
Division of Waste Collection and Disposal		
I. Personnel and Related Expenses	\$ 175,000	\$ —
Division of Engineering and Construction		
I. Personnel and Related Expenses	\$ 200,000	\$ —
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$ 435,000	\$ —

URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Division of Building and Housing		
II. Other Expenses	—	\$ 30,000
Division of Neighborhood Development		
I. Personnel and Related Expenses	\$ 30,000	\$ —
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TOTAL URBAN PLANNING AND DEVELOPMENT	\$ 30,000	\$ 30,000
BOARD OF EXAMINERS		
I. Personnel and Related Expenses	\$ —	\$ 4,324
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TOTAL BOARD OF EXAMINERS	\$ —	\$ 4,324
CITY PLANNING		
I. Personnel and Related Expenses	\$ —	\$ 12,075
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TOTAL CITY PLANNING	\$ —	\$ 12,075
DEPARTMENT OF PUBLIC HEALTH		
DEPARTMENT OF PUBLIC HEALTH		
Health Administration		
I. Personnel and Related Expenses	\$ —	\$ 60,568
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TOTAL DEPARTMENT OF PUBLIC HEALTH	\$ —	\$ 60,568
SUPPORT FUNCTIONS		
FINANCIAL AND LEGAL ADMINISTRATION		
DEPARTMENT OF FINANCE		
Division of Treasury		
II. Other Expenses	—	\$ 10,000
Division of Financial Reporting & Control		
I. Personnel and Related Expenses	\$ —	\$ 100,000
II. Other Expenses	—	50,000
<hr/>		
TOTAL DEPARTMENT OF FINANCE	\$ —	\$ 160,000
Law		
I. Personnel and Related Expenses	\$ 250,000	\$ —
II. Other Expenses	—	250,000
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TOTAL FINANCE AND LEGAL ADMINISTRATION	\$ 250,000	\$ 410,000
PERSONNEL ADMINISTRATION		
Office of Personnel		
II. Other Expenses	—	\$ 263,648
Civil Service Commission		
I. Personnel and Related Expenses	\$ 80,000	\$ —
II. Other Expenses	—	80,000
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TOTAL PERSONNEL ADMINISTRATION	\$ 80,000	\$ 343,648
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TOTAL GENERAL FUND	\$1,354,615	\$1,354,615
SPECIAL REVENUE FUND		
Restricted Income Tax		
I. Capital	\$ 300,000	\$ —
II. Debt Service	—	300,000
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TOTAL SPECIAL REVENUE FUND	\$ 300,000	\$ 300,000

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Division of Utilities Fiscal Control		
I. Personnel and Related Expenses	\$ 25,000	\$ —
II. Other Expenses	—	25,000
Division of Cleveland Public Power		
I. Personnel and Related Expenses	\$1,600,000	\$ —
II. Other Expenses	—	1,600,000
Division of Port Control		
I. Personnel and Related Expenses	\$1,600,000	\$ —
II. Other Expenses	—	1,600,000
TOTAL ENTERPRISE FUNDS	\$3,225,000	\$3,225,000

AGENCY FUND

Central Collection Agency		
I. Personnel and Related Expenses	\$ 350,000	\$ —
II. Other Expenses	—	350,000
TOTAL SPECIAL REVENUE FUND	\$ 350,000	\$ 350,000
Sinking Fund Commission		
I. Personnel and Related Expenses	\$ 20,000	\$ —
II. Other Expenses	—	20,000
TOTAL DEBT SERVICE FUND	\$ 20,000	\$ 20,000
TOTAL GENERAL AND OTHER FUNDS	\$5,249,615	\$5,249,615

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

Passed December 15, 1999.

Effective December 21, 1999.

Ord. No. 2045-99.**By Councilman Patmon (by departmental request).**

An emergency ordinance to make additional appropriation of three million three hundred twenty thousand (\$3,320,000) of the General Fund, one hundred thirty nine thousand (\$139,000) of the Internal Service Fund, and four million one hundred thousand (\$4,100,000) of the Enterprise Fund and three million five hundred thousand (\$3,500,000) for various special programs.

Whereas, there remains an unappropriated balance in the various funds, the sum of eleven million fifty nine thousand dollars (\$11,059,000) which is available for additional appropriation; 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 there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources received from the Budget Commission of Cuyahoga County for the year 1999, dated November 15, 1999, previously unappropriated as follows:

GENERAL FUND	\$3,320,000
INTERNAL SERVICE FUND	139,000
ENTERPRISE FUND	4,100,000

GENERAL FUND

DEPARTMENT OF PUBLIC SAFETY

Division of Police		\$ 900,000
I. Personnel and Related Expenses	\$ 900,000	

DEPARTMENT OF PUBLIC HEALTH

Division of House of Corrections		\$ 170,000
II. Other Expenses	170,000	

DEPARTMENT OF LAW		
Department of Law		\$ 950,000
I. Personnel and Related Expenses	\$ —	
II. Other Expenses	\$ 950,000	
NONDEPARTMENTAL		
Other Administrative		\$ 1,300,000
II. Other Expenses	\$1,300,000	
TOTAL GENERAL FUND	\$ —	\$ 3,320,000
INTERNAL SERVICE FUND		
Division of Printing and Reproduction		\$ 139,000
I. Personnel and Related Expenses	\$ —	
II. Other Expenses	139,000	
TOTAL INTERNAL SERVICE FUNDS	\$ —	\$ 139,000
ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC UTILITIES		
Division of Cleveland Public Power		\$ 4,100,000
I. Personnel and Related Expenses	\$ —	
II. Other Expenses	\$4,100,000	
TOTAL ENTERPRISE FUNDS	\$ —	\$ 4,100,000
TOTAL GENERAL AND OTHER FUNDS	\$ —	\$ 7,559,000

Section 2. That this Council hereby appropriates a portion of the additional revenue as set forth in the Amended Official Certificate of Estimated Resources received from the Budget Commission of Cuyahoga County for the Year 1999, dated November 15, 1999, previously unappropriated for the purpose of establishing a Mortgage Loan Program for Single-Parent Households:

Personnel	\$ 0
Other Expenses	\$1,425,000

Section 3. That this Council hereby appropriates a portion of the additional revenue as set forth in the Amended Official Certificate of Estimated Resources received from the Budget Commission of Cuyahoga County for the year 1999, dated November 15, 1999, previously unappropriated for the purpose of establishing a Homeless Street-Outreach and Detoxification Program:

Personnel	\$ 0
Other Expenses	\$ 500,000

Section 4. That this Council hereby appropriates a portion of the additional revenue as set forth in the Amended Official Certificate of Estimated Resources received from the Budget Commission of Cuyahoga County for the Year 1999, dated November 15, 1999, previously unappropriated for the purpose of establishing a Community Improvement Fund:

Personnel	\$ 0
Other Expenses	\$1,575,000

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

Passed December 15, 1999.

Effective December 21, 1999.

Ord. No. 2046-99.

By Councilman Patmon (by departmental request).

An emergency ordinance to provide the temporary appropriation of current payrolls and other expenses of the City of Cleveland for the period from January 1, 2000 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2000.

Whereas, it is desired to postpone the passage of the annual appropriation ordinance until the amended certificate is received, based on the actual balances as the same may be determined by the Director of Finance and the County Budget Commission; 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. To provide for the current payrolls, sinking fund and other ordinary expenses of the City of Cleveland for the period from January 1, 2000, until the effective date of the Annual Appropriation Ordinance for the fiscal year ending December 31, 2000, there be and there is hereby appropriated for the period from January 1, 1999, to the effective date of the Annual appropriation Three hundred ninety six million two hundred forty one thousand nine hundred ninety eight dollars (\$396,241,998) out of taxes due the City of Cleveland and any other revenues accrued or occurring during said period of time and said funds are respectively appropriated as follows:

GENERAL FUND

LEGISLATIVE BRANCH

Council and Clerk of Council		\$1,351,818
I. Personnel and Related Expenses	\$887,758	
II. Other Expenses	464,060	
TOTAL LEGISLATIVE BRANCH	\$1,351,818	\$1,351,818

MUNICIPAL COURT

Judicial Division		\$5,290,021
I. Personnel and Related Expenses	\$4,165,637	
II. Other Expenses	1,124,384	
Clerk's Division		\$3,589,651
I. Personnel and Related Expenses	2,310,023	
II. Other Expenses	1,279,628	
Housing Division		\$558,826
I. Personnel and Related Expenses	\$525,590	
II. Other Expenses	33,236	
TOTAL MUNICIPAL COURT	\$9,438,499	\$9,438,499

EXECUTIVE BRANCH

Office of the Mayor		\$508,475
I. Personnel and Related Expenses	\$408,702	
II. Other Expenses	99,773	
TOTAL EXECUTIVE BRANCH	\$508,475	\$508,475

DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$3,660,287
I. Personnel and Related Expenses	\$3,318,654	
II. Other Expenses	341,633	
Division of Police		\$57,038,669
I. Personnel and Related Expenses	\$52,013,884	
II. Other Expenses	5,024,785	
Division of Fire		\$26,071,853
I. Personnel and Related Expenses	\$24,467,443	
II. Other Expenses	1,604,410	
Division of Emergency Medical Services		\$5,927,113
I. Personnel and Related Expenses	\$5,387,040	
II. Other Expenses	540,073	
Division of Traffic Engineering		\$1,635,463
I. Personnel and Related Expenses	\$959,451	
II. Other Expenses	676,012	
Division of Dog Pound		\$321,786
I. Personnel and Related Expenses	\$212,176	
II. Other Expenses	109,610	
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$94,655,171	\$94,655,171

COMMUNITY RELATIONS BOARD

Community Relations Board		\$326,452
I. Personnel and Related Expenses	\$297,082	
II. Other Expenses	29,370	
TOTAL COMMUNITY RELATIONS BOARD	\$326,452	\$326,452

DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$126,822
I. Personnel and Related Expenses	\$118,105	
II. Other Expenses	8,717	
Division of Architecture		\$189,008
I. Personnel and Related Expenses	\$168,779	
II. Other Expenses	20,229	
Division of Waste Collection & Disposal		\$11,403,792
I. Personnel and Related Expenses	\$6,785,439	
II. Other Expenses	4,618,353	
Division of Engineering and Construction		\$1,829,150
I. Personnel and Related Expenses	\$1,621,767	
II. Other Expenses	207,383	
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$13,548,772	\$13,548,772

DEPARTMENT OF PARKS, RECREATION AND PROPERTIES

Parks, Recreation and Properties Administration		\$216,370
I. Personnel and Related Expenses	\$194,476	
II. Other Expenses	21,894	
Division of Research, Planning & Development		\$214,190
I. Personnel and Related Expenses	\$172,754	
II. Other Expenses	41,436	
Division of Recreation		\$3,331,141
I. Personnel and Related Expenses	\$2,230,829	
II. Other Expenses	1,100,312	
Division of Parking Facilities - On Street		\$380,618
I. Personnel and Related Expenses	\$277,206	
II. Other Expenses	103,412	
Division of Property Management		\$4,117,646
I. Personnel and Related Expenses	\$2,948,883	
II. Other Expenses	1,168,763	
Division of Park Maintenance & Properties		\$3,621,636
I. Personnel and Related Expenses	\$2,649,062	
II. Other Expenses	972,574	
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES	\$11,881,601	\$11,881,601

BOXING AND WRESTLING COMMISSION

Boxing and Wrestling Commission		\$2,710
I. Personnel and Related Expenses	\$2,710	
II. Other Expenses	—	
TOTAL BOXING AND WRESTLING COMMISSION	\$2,710	\$2,710

URBAN PLANNING AND DEVELOPMENT

DEPARTMENT OF COMMUNITY DEVELOPMENT

Director's Office		\$36,167
I. Personnel and Related Expenses	\$36,167	
Division of Administrative Services		\$33,098
I. Personnel and Related Expenses	\$33,098	
Division of Building & Housing		\$2,676,739
I. Personnel and Related Expenses	\$2,375,532	
II. Other Expenses	301,207	
Division of Neighborhood Services		\$27,549
I. Personnel and Related Expenses	\$27,549	

Division of Neighborhood Development		\$189,099
I. Personnel and Related Expenses	\$92,195	
II. Other Expenses	96,904	
TOTAL DEPARTMENT OF COMMUNITY DEVELOPMENT	\$2,962,652	\$2,962,652
REGULATORY BOARDS & COMMISSIONS		
Landmarks Commission		\$37,087
I. Personnel and Related Expenses	\$31,248	
II. Other Expenses	5,839	
Board of Building Standards and Appeals		\$44,883
I. Personnel and Related Expenses	\$40,740	
II. Other Expenses	4,143	
Board of Zoning Appeals		\$91,163
I. Personnel and Related Expenses	\$84,487	
II. Other Expenses	6,676	
Board of Examiners of Plumbers and Electricians		\$40,293
I. Personnel and Related Expenses	\$38,643	
II. Other Expenses	1,650	
Fair Campaign Finance Commission		\$5,911
II. Other Expenses	\$5,911	
TOTAL REGULATORY BOARDS	\$219,337	\$219,337
DEPARTMENT OF ECONOMIC DEVELOPMENT		
Economic Development		\$461,562
I. Personnel and Related Expenses	\$429,201	
II. Other Expenses	32,361	
Office of Equal Opportunity		\$327,690
I. Personnel and Related Expenses	\$251,537	
II. Other Expenses	76,153	
City Planning Commission		\$526,002
I. Personnel and Related Expenses	\$504,691	
II. Other Expenses	21,311	
Port Control-Harbor Development		\$21,482
I. Personnel and Related Expenses	\$21,482	
II. Other Expenses	—	
TOTAL URBAN PLANNING AND DEVELOPMENT	\$1,336,736	\$1,336,736
DEPARTMENT OF PUBLIC HEALTH		
DEPARTMENT OF PUBLIC HEALTH		
Health Administration		\$110,043
I. Personnel and Related Expenses	\$46,464	
II. Other Expenses	63,579	
Division of Correction		\$2,615,455
I. Personnel and Related Expenses	\$1,928,151	
II. Other Expenses	687,304	
Division of Health		\$1,174,762
I. Personnel and Related Expenses	\$852,798	
II. Other Expenses	321,964	
Division of Environment		\$776,468
I. Personnel and Related Expenses	\$670,530	
II. Other Expenses	105,938	
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$4,676,728	\$4,676,728
DEPARTMENT OF AGING		
DEPARTMENT OF AGING		
I. Personnel and Related Expenses	\$79,032	\$97,772
II. Other Expenses	18,740	
TOTAL DEPARTMENT OF AGING	\$97,772	\$97,772

SUPPORT FUNCTIONS

FINANCIAL AND LEGAL ADMINISTRATION

DEPARTMENT OF FINANCE

Finance Administration		\$140,334
I. Personnel and Related Expenses	\$120,710	
II. Other Expenses	19,624	
Division of Accounts		\$608,514
I. Personnel and Related Expenses	\$253,509	
II. Other Expenses	355,005	
Division of Assessments and Licenses		\$359,242
I. Personnel and Related Expenses	\$279,706	
II. Other Expenses	79,536	
Division of Treasury		\$133,921
I. Personnel and Related Expenses	\$109,864	
II. Other Expenses	24,057	
Division of Purchases and Supplies		\$222,489
I. Personnel and Related Expenses	\$178,987	
II. Other Expenses	43,502	
Bureau of Internal Audit		\$259,083
I. Personnel and Related Expenses	\$64,192	
II. Other Expenses	194,891	
Division of Financial Reporting and Control		\$351,559
I. Personnel and Related Expenses	\$303,586	
II. Other Expenses	47,973	
TOTAL DEPARTMENT OF FINANCE	\$2,075,142	\$2,075,142
Office of Budget & Management-Budget Admin.		\$160,885
I. Personnel and Related Expenses	\$132,908	
II. Other Expenses	27,977	
Law		\$2,686,156
I. Personnel and Related Expenses	\$1,612,617	
II. Other Expenses	1,073,539	
TOTAL FINANCIAL AND LEGAL ADMINISTRATION	\$4,992,183	\$4,992,183
PERSONNEL ADMINISTRATION		
Office of Personnel		\$968,360
I. Personnel and Related Expenses	\$412,392	
II. Other Expenses	555,968	
Civil Service Commission		\$760,889
I. Personnel and Related Expenses	\$260,972	
II. Other Expenses	499,917	
TOTAL PERSONNEL ADMINISTRATION	\$1,729,249	\$1,729,249
NONDEPARTMENTAL		
TRANSFERS TO OTHER FUNDS		\$13,364,160
II. Other Expenses	\$13,364,160	
OTHER ADMINISTRATIVE		\$8,323,830
II. Other Expenses	\$8,323,830	
TOTAL NONDEPARTMENTAL	\$21,687,990	\$21,687,990
TOTAL SUPPORT FUNCTIONS	\$28,339,423	\$28,339,423
TOTAL GENERAL FUND	\$169,346,146	\$169,346,146

SPECIAL REVENUE FUND

Restricted Income Tax Fund		\$29,039,144
I. Capital	\$17,039,144	
II. Debt Service	12,000,000	
Schools Recreation & Cultural Activities		\$2,000,000
II. Other Expenses	\$2,000,000	
Street Construction, Maintenance & Repair		\$13,395,265
I. Personnel and Related Expenses	\$5,719,153	
II. Other Expenses	7,676,112	
TOTAL SPECIAL REVENUE FUNDS	\$44,434,409	\$44,434,409

INTERNAL SERVICE FUNDS

Information Systems Services-Telecommunications		\$1,704,824
I. Personnel and Related Expenses	\$119,486	
II. Other Expenses	1,585,338	
Information Systems Services		\$1,299,279
I. Personnel and Related Expenses	\$521,770	
II. Other Expenses	777,509	
Division of Motor Vehicle Maintenance		\$7,454,253
I. Personnel and Related Expenses	\$1,849,253	
II. Other Expenses	5,605,000	
Division of Printing and Reproduction		\$540,830
I. Personnel and Related Expenses	\$207,066	
II. Other Expenses	333,764	
City Storeroom and Central Warehouse		\$463,569
I. Personnel and Related Expenses	\$35,686	
II. Other Expenses	427,883	
TOTAL INTERNAL SERVICE FUNDS	\$11,462,755	\$11,462,755

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$460,841
I. Personnel and Related Expenses	\$293,217	
II. Other Expenses	167,624	
Division of Fiscal Control		\$558,128
I. Personnel and Related Expenses	\$514,240	
II. Other Expenses	43,888	
Division of Radio		\$1,033,925
I. Personnel and Related Expenses	\$33,778	
II. Other Expenses	1,000,147	
Division of Water		\$76,929,750
I. Personnel and Related Expenses	\$23,280,546	
II. Other Expenses	53,649,204	
Division of Water Pollution Control		\$8,011,096
I. Personnel and Related Expenses	\$2,810,409	
II. Other Expenses	5,200,687	
Division of Cleveland Public Power		\$37,670,900
I. Personnel and Related Expenses	\$8,540,871	
II. Other Expenses	29,130,029	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$123,630,716	\$123,630,716

DEPARTMENT OF PORT CONTROL

Airports-Operations		\$27,155,115
I. Personnel and Related Expenses	\$6,880,476	
II. Other Expenses	20,274,639	

Airports-Development		\$7,059
II. Other Expenses	\$7,059	
TOTAL DEPARTMENT OF PORT CONTROL	\$27,162,174	\$27,162,174
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Division of Cemeteries		\$687,369
I. Personnel and Related Expenses	\$467,474	
II. Other Expenses	219,895	
Golf Course Fund		\$718,291
I. Personnel and Related Expenses	\$235,367	
II. Other Expenses	482,924	
Division of Parking Facilities-Off Street		\$4,750,827
I. Personnel and Related Expenses	\$252,109	
II. Other Expenses	4,498,718	
Convention Center & Stadium-Convention Center		\$2,326,012
I. Personnel and Related Expenses	\$864,591	
II. Other Expenses	1,461,421	
Convention Center & Stadium-Market		\$413,925
I. Personnel and Related Expenses	\$124,572	
II. Other Expenses	289,353	
Property Management-East Side Market		\$82,944
I. Personnel and Related Expenses	\$25,919	
II. Other Expenses	57,025	
TOTAL PARKS, RECREATION & PROPERTIES	\$8,979,368	\$8,979,368
TOTAL ENTERPRISE FUNDS	\$159,772,258	\$159,772,258
AGENCY FUND		
Central Collection Agency		\$1,866,094
I. Personnel and Related Expenses	\$1,156,323	
II. Other Expenses	709,771	
TOTAL AGENCY FUND	\$1,866,094	\$1,866,094
DEBT SERVICE FUND		
Sinking Fund Commission		\$8,910,335
I. Personnel and Related Expenses	\$47,269	
II. Other Expenses	61,619	
III. Debt Service	8,801,446	
Stadium Fund		\$450,000
I. Debt Service	\$450,000	
TOTAL DEBT SERVICE FUND	\$9,360,335	\$9,360,335
TOTAL OTHER FUNDS	\$217,535,517	\$217,535,517
TOTAL GENERAL FUND	\$169,346,146	\$169,346,146
TOTAL GENERAL AND OTHER FUNDS	\$396,241,998	\$396,241,998

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

Passed December 15, 1999.

Effective December 21, 1999.

Ord. No. 2061-99.
By Councilmen Jackson, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a Neighborhood Development Investment Fund contract with C.A.J. Properties, Inc., to provide economic development assistance to partially finance the acquisition of property and the construction of a new cement mixing facility, located at 5000 Crayton Avenue, Cleveland, Ohio.

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

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

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

Section 1. That, subject to the provisions of Section 8 of this ordinance, the Director of Economic Development is hereby authorized to enter into a Neighborhood Development Investment Fund contract with C.A.J. Properties, Inc., to provide economic development assistance to partially finance the acquisition of property and the construction of a new cement mixing facility, located at 5000 Crayton Avenue, Cleveland, Ohio.

Section 2. That the terms of said contract shall comply with the requirements of the Neighborhood Development Investment Program and NDIF, as set forth in Section 1 of Ordinance No. 56-94 passed June 13, 1994, and shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 2061-99-A.

Section 3. That the costs of said contract shall not exceed Five Hundred Thousand Dollars (\$500,000.00), and shall be paid from Fund No. 10 SF 501, RL 1027.

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

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

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

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other docu-

ments as may be appropriate to complete the transaction.

Section 8. That, prior to entering into any contract authorized herein, the Director of Finance is required and hereby is directed to certify that un-appropriated funds equal to the contract amount set forth in Section 3 of this ordinance have been collected by the City and are available to be allocated to such contract.

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

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 2093-99.
By Councilmen Cimperman, Melena and Patmon (by departmental request).

An emergency ordinance to amend Section 3 of Ordinance No. 1776-A-90, passed April 22, 1991, as amended by Ordinance No. 960-99, passed June 7, 1999, relating to and establishing the City of Cleveland as a Community Reinvestment Area, except the area defined as the "Downtown Plan Area" by the Civic Vision 2000 Plan.

Whereas, this ordinance constitutes an emergency measure providing for 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 3 of Ordinance No. 1776-A-90, passed April 22, 1991, as amended by Ordinance No. 960-99, passed June 7, 1999, are hereby amended to read, respectively, as follows:

Section 3. That the construction of new structures and the remodeling of existing structures in the Community Reinvestment Area is hereby declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owner of any such real property in the Community Reinvestment Area described hereinabove may file an exemption from real property taxation for a period of fifteen (15) years for one hundred percent (100%) of the assessed taxes for new construction and conversion projects consisting of one (1) and two (2) family residential properties.

(b) The owner of any such real property in the Community Reinvestment Area described hereinabove may file an exemption from real property taxation for a period of ten (10) years for one hundred percent (100%) of the assessed taxes on the following improvements:

(i) Improvements on one (1) and two (2) family residential property which cost greater than \$2,500 and, but for the tax exemption granted pursuant to this ordinance, would increase the assessed value of the real estate seeking the exemption.

(c) The neighborhood residential projects set forth in Section 3(b)

above may be eligible to receive an exemption from real property taxation for a period up to ten (10) years if the project uses the Federal Low Income Housing Tax Credit Program.

(d) That the construction of new multi-family residential structures and the remodeling of existing multi-family residential structures in the projects listed below, which are located in the Community Reinvestment Area described hereinabove, have been declared to be a public purpose for exemption from real property taxation under Ordinances 1865-97, passed 12/15/97; 2366-91, passed 12/16/91; 2122-96, passed 12/16/96; 1788-97, passed 12/15/97; 157-98, passed 4/6/98; 1167-96, passed 7/16/96; 1316-97, passed 12/15/97; 1932-97, passed 3/2/98; 553-96, passed 6/10/96; 1512-93, passed 8/3/93; 93-96, passed 4/29/96; 1352-90, passed 7/23/90; 2283-95, passed 4/29/96, and shall be honored under the terms set forth in those ordinances and as restated below:

(i) The renovation of the second, third and fourth floors of the Bender Building located at 2528 Lorain Avenue (Permanent Parcel No. 003-38-031) into 12 multi-family residential units in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

a) The owner of such real property located in Permanent Parcel No. 003-38-031 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for the construction activities described above.

(ii) The acquisition and rehabilitation of two (2) vacant four (4) story walkup buildings located at 3147 Prospect Avenue (Permanent Parcel No. 103-06-020) and 2029 East 40th Street (Permanent Parcel No. 103-09-027) into 67 multi-family residential units in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owners of such real property located at 3147 Prospect Avenue (Permanent Parcel No. 103-06-020) and 2029 East 40th Street (Permanent Parcel No. 103-09-027) may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for 100% of the assessed taxes for acquisition and gut rehabilitation for a period of twelve (12) years.

(iii) The rehabilitation of a nineteen (19) unit apartment complex located at 1847 Crawford Road (Permanent Parcel No. 119-04-056) into 19 multi-family residential units in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

(a) The owner of such real property located in Permanent Parcel No. 119-04-056 may file an application for exemption from real prop-

erty taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the assessed taxes for the construction activities described above.

(iv) The renovation of the KARE Building located at 13010-16 Kinsman Road (Permanent Parcel No. 130-24-021) into eighteen units of multi-family residential housing in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

(a) The owners of such real property in the KARE Building located in Permanent Parcel No. 130-24-021 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the assessed taxes for the construction activities described above.

(v) The construction of approximately 110 new homes in attached units on a nine acre site located at 4221 Jennings Road (Permanent Parcel Nos. 009-33-005 and 009-33-006) in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

(a) The owners of such real property in Permanent Parcel Nos. 009-33-005 and 009-33-006 may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the assessed taxes for the construction activities described above.

(vi) The renovation of a building known as the Lincoln Bathhouse at 1201 Starkweather (Permanent Parcel Nos. 004-21-015 and 004-21-097) into four condominium units, six new single-family detached townhomes and one duplex unit in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

(a) The owners of such real property in Permanent Parcel Nos. 004-21-015 and 004-21-097 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the assessed taxes for the construction activities described above.

(vii) The renovation of the apartment building located at 5114 Herman Avenue (Permanent Parcel No. 003-10-008) into three units of multi-family residential housing in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owners of such real property in Permanent Parcel No. 003-10-008 located at 5114 Herman Avenue described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development

for the City of Cleveland for a period of ten (10) years for 100% of the assessed taxes for the construction activities described above.

(viii) The construction of approximately 21 residential units in the Merrell Building (Permanent Parcel No. 003-38-017) located at 1900 West 25th Street into 21 multi-family residential units in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owners of such real property in Permanent Parcel No. 003-38-017 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for the construction activities described above.

(ix) The construction of approximately 80 units of apartments located between the Notre Dame Academy Building located at 1325 Ansel Road (Permanent Parcel No. 107-12-180) and the Gordon Building located at 1053 East 71st Street (Permanent Parcel No. 105-27-097) in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owners of such real property in the apartments located between the Notre Dame Academy Building and Gordon Building described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the assessed taxes for the construction activities described above.

(x) The rehabilitation of a seventeen unit apartment complex located at 1412-16 West 110th Street (Permanent Parcel No. 001-025-094) in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owners of such real property in the apartment complex located in Permanent Parcel No. 001-025-094 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the assessed taxes for the construction activities described above.

(xi) The construction of new structures and the remodeling of existing structures at Permanent Parcel Nos. 117-17-002, 117-17-003, 117-17-004, known as Rudwick Apartments, at 17500 Euclid Avenue in the Community Reinvestment Area described hereinabove is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owners of such real property located in Permanent Parcel Nos. 117-17-002, 117-17-003, and 117-17-

004 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for the following periods:

i) for every dwelling containing more than two (2) units, upon which the cost of remodeling is at least Five Thousand Dollars (\$5,000.00), 100% of the dollar amount by which the remodeling increased the market value of the property for a period of twelve (12) years for the residential dwelling units only;

ii) for every newly constructed dwelling, 100% of the dollar amount by which the new construction increased the market value of the property for a period of twelve (12) years for the residential dwelling units only;

iii) for every remodeled or newly constructed structure, no exemption is granted for any commercial or industrial space therein.

The terms set forth for the projects listed above apply only to those projects and shall not apply to any other construction or remodeling of single-family, two-family, or multi-family residential properties located in the Community Reinvestment Area described hereinabove.

(xii) The construction of new structures and the remodeling of existing structures at Permanent Parcel No. 025-19-050 at Granton Avenue; Permanent Parcel No. 001-05-012 at 10500 Edgewater Drive; and Permanent Parcel No. 002-16-034 at 6314 Franklin Boulevard are hereby declared to be a public purpose for which exemption from real property taxation in the dollar amount by which the new construction or remodeling increased the market value of the property may be granted as follows:

(a) The owners of such real property located in Permanent Parcel Nos. 025-19-050, 001-05-012, and 002-16-034 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the following periods:

i) for every dwelling containing not more than two (2) family units upon which the cost of remodeling is at least Two Thousand Five Hundred Dollars (\$2,500.00), seven (7) years for the residential dwelling units only.

ii) for every dwelling containing more than two (2) units, upon which the cost of remodeling is at least Five Thousand Dollars (\$5,000.00), seven (7) years for the residential dwelling units only.

iii) for every newly constructed dwelling, seven (7) years for the residential dwelling units only.

iv) for every remodeled or newly constructed structure, no exemption granted for any commercial or industrial space therein.

(e) That the remodeling of the multi-family residential structures listed below, upon which the cost of remodeling is at least Fifteen Thousand Dollars (\$15,000) per unit or Five Hundred Thousand Dollars (\$500,000) per structure, and which are located in the Community Reinvestment Area described hereinabove, are declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(i) The conversion of three buildings located in the Community Reinvestment Area described hereinabove at 10803 Detroit Avenue (Permanent Parcel No. 001-25-028), 10811 Detroit Avenue (Permanent Parcel No. 001-25-027), and 10903 Detroit Avenue (Permanent Parcel No. 001-25-026), known as Schilling Square Condominiums, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owners of such real property in Permanent Parcel Nos. 001-25-028, 001-25-027, 001-25-026 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(ii) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 11014 Detroit Avenue (Permanent Parcel No. 001-18-009), known as Eastman Condominiums, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owners of such real property in Permanent Parcel No. 001-18-009 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(iii) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 2341 West 7th Street (Permanent Parcel No. 004-19-006) into four apartments is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owners of such real property in Permanent Parcel No. 004-19-006 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(iv) The remodeling of two buildings located in the Community Reinvestment Area described hereinabove at 3507 and 3515 East 142nd Street (Permanent Parcel Nos. 139-01-111 and 139-01-113) into twelve apartments, known as Mt. Pleasant Homes III, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owners of such real property in Permanent Parcel Nos. 139-01-111 and 139-01-113 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(v) The remodeling of one building located in the Community Reinvestment Area described hereinabove at 1644, 1646, 1648, and 1650 Brainard Avenue (Permanent Parcel No. 008-12-049) known as Brainard Terrace, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owners of such real property in Permanent Parcel No. 008-12-049 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(vi) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 8001-8005 Detroit Avenue, (Permanent Parcel No. 002-20-001), known as the Muirville project is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owners of the multi-family residential units in Permanent Parcel No. 002-20-001 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(vii) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 7918 Detroit Avenue (Permanent Parcel No. 002-01-007) known as Detroit Chateau Apartments, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owners of the multi-family residential units in Permanent Parcel No. 002-01-007 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(viii) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 1389-91 West 64th Street, (Permanent Parcel No. 002-12-020), known as Harp Apartments, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owners of Low Income Housing Tax Credit multi-family residential units in Permanent Parcel No. 002-12-020 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(b) The owners of all other multi-family residential units in Permanent Parcel No. 002-12-020 described hereinabove may file an application for exemption from real property taxation upon the cost of remodeling of at least Five Thousand Dollars (\$5,000.00) with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

(ix) The remodeling of a building located in the Community Reinvestment Area described hereinabove at 5401 North Marginal Road, (Permanent Parcel No. 105-01-006), known as the Quay 55 apartments, is declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner:

(a) The owners of such real property in Permanent Parcel No. 105-01-006 described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the dollar amount by which the remodeling increased the market value of the structure.

The terms set forth for the projects listed above apply only to those projects and shall not apply to any other construction or remodeling of single-family, two-family, or multi-family residential properties located in the Community Reinvestment Area described hereinabove.

(f) That the construction or remodeling of any other multi-family structure, located in the Community Reinvestment Area described hereinabove, for which construction or remodeling is completed after the effective date of this amending ordinance is declared to be a public purpose for which exemptions from real property taxation shall be granted as follows:

The owners of such multi-family real property may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland under the terms set forth below:

(i) For the new construction of Low Income Housing Tax Credit multi-family projects where 50% or more of the occupants qualify as low income residents per the tax credit laws, 100% of the assessed value of the new construction for a period of fifteen (15) years;

(ii) For Low Income Housing Tax Credit multi-family projects upon which the cost of remodeling is at least Fifteen Thousand Dollars (\$15,000) per unit or Five Hundred Thousand Dollars (\$500,000) per structure where 50% or more of the occupants qualify as low income residents per the tax credit laws, one hundred percent (100%) of the dollar amount by which the remodeling increased the value of the structure for a period of twelve (12) years;

(iii) For multi-family residential projects utilizing historic tax credits upon which the cost of remodeling is at least Fifteen Thousand Dollars (\$15,000) per unit or Five Hundred Thousand Dollars (\$500,000) per structure one hundred percent (100%) of the dollar amount by

which the remodeling increased the market value of the structure for a period of twelve (12) years;

(iv) For the construction of all other multi-family residential projects, a period of fifteen (15) years for 100% of the assessed value of the new structure.

(v) For the remodeling of all other multi-family residential projects upon which the cost of remodeling is at least Fifteen Thousand Dollars (\$15,000) per unit or Five Hundred Thousand Dollars per structure, a period of twelve (12) years for 100% of the dollar amount by which the remodeling increased the market value of the structure.

The tax exemption rate schedule set forth above shall remain in effect from the effective date of this ordinance until December 31, 1999, with a six month automatic renewal of the rates set forth above unless Council elects to terminate such rates. Every six months thereafter until December 15, 2001, Council may reevaluate the tax exemption rate schedule and either modify or terminate it and instruct the City's Housing Officer to stop accepting tax exemption applications from property owners. No tax exemption shall be granted before December 31st, 1999 without the written consent of Council.

Section 2. That existing Section 3 of Ordinance No. 1776-A-90, passed April 22, 1991, as amended by Ordinance No. 960-99, passed June 7, 1999, is hereby repealed.

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

Passed December 13, 1999.
Effective December 21, 1999.

Ord. No. 2095-99.

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

An emergency ordinance to amend Section 5 of Ordinance No. 2831-86, passed February 9, 1987, as amended by Ordinance No. 1171-94, passed July 20, 1994, and Ordinance No. 959-99, passed June 7, 1999, relating to establishing a Community Reinvestment Area in the area bounded by Lakeside Avenue on the north, W. 6th Street on the east, St. Clair Avenue on the south, and W. 9th Street on the west.

Whereas, this ordinance constitutes an emergency measure providing for 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 5 of Ordinance No. 2831-86, passed February 9, 1987, as amended by Ordinance No. 1171-94, passed July 20, 1994, and Ordinance No. 959-99, passed June 7, 1999, is hereby amended to read as follows:

Section 5. (a) That the construction or remodeling of any other multi-family structure, located in the

Community Reinvestment Area described hereinabove, for which construction or remodeling is completed after the effective date of the amending ordinance, is declared to be a public purpose for which exemptions from real property taxation may be granted as follows:

The owners of such multi-family real property may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for construction or remodeling of such property which commences after the effective date of this amending ordinance under the terms set forth below:

(i) For new construction of Low Income Housing Tax Credit multi-family projects where 50% or more of the occupants qualify as low income residents per the tax credit laws, seventy-five percent (75%) of the assessed value of the new structure for period of twelve (12) years;

(ii) For Low Income Tax Credit multi-family projects upon which the cost of remodeling is at least Fifteen Thousand Dollars (\$15,000.00) per unit or Five Hundred Thousand Dollars (\$500,000.00) per structure and where 50% or more of the occupants qualify as low income per the tax credit laws, seventy-five percent (75%) of the dollar amount by which remodeling increased the market value of the structure for a period of twelve (12) years;

(iii) For multi-family residential projects utilizing historic tax credits upon which the cost of remodeling is at least Fifteen Thousand Dollars (\$15,000.00) per unit or Five Hundred Thousand Dollars (\$500,000.00) per structure, a period of twelve (12) years for 75% of the dollar amount by which the remodeling increased the market value of the structure for years 1-5; 50% of the dollar amount by which the remodeling increased the market value of the structure of years 6-10; and 25% of the dollar amount by which the remodeling increased the market value of the structure for years 11-12;

(iv) For the construction of all other multi-family residential projects, seventy-five percent (75%) of the assessed value of the new construction for a period of fifteen (15) years;

(v) For the remodeling of all other multi-family residential projects upon which the cost of remodeling is at least Fifteen Thousand Dollars (\$15,000.00) per unit or Five Hundred Thousand Dollars (\$500,000.00) per structure, a period of twelve (12) years for 75% of the dollar amount by which the remodeling increased the market value of the structure for years 1-5; 50% of the dollar amount by which the remodeling increased the market value of the structure of years 6-10; and 25% of the dollar amount by which the remodeling increased the market value of the structure for years 11-12.

The tax exemption rate schedule set forth above shall remain in effect from the effective date of this ordinance until December 31, 1999, with a six month automatic renewal of the rates set forth above unless Council elects to terminate such rates. Every six months thereafter until December

15, 2001, Council may reevaluate the tax exemption rate schedule and either modify or terminate it and instruct the City's Housing Officer to stop accepting tax exemption applications from property owners. No tax exemption shall be granted before December 31, 1999 without the written consent of Council.

Section 2. That Section 5 of Ordinance No. 2831-86, passed February 9, 1987, as amended by Ordinance No. 1171-94, passed July 20, 1994, and Ordinance No. 959-99, passed June 7, 1999, is hereby repealed.

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

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 2117-99.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into one or more contracts with various agencies to implement the 2000 Recycle Ohio! Program; and for the purchase of equipment and supplies for the program.

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

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

Section 1. That the Director of Public Service is hereby authorized to enter into one or more contracts with various agencies, including but not limited to ParkWorks, Inc., for the implementation and operation of the 2000 Recycle Ohio! Program and, if necessary, for the purchase of equipment and supplies for the Program. Equipment and supplies in the nature of promotional items shall not contain the names of any public officials. That said contract or contracts are payable from the fund or funds to which are credited the grant proceeds accepted from the Ohio Department of Natural Resources, which grant proceeds are anticipated to be in the sum of \$141,493, and from the cash match funding source which cash match is anticipated to be in the sum of \$43,690, Fund No. 01-400307-639905, as authorized by Ordinance No. 1292-99, passed July 14, 1999. The cost of the contract with ParkWorks, Inc. as authorized by this ordinance shall be not to exceed \$163,008.

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

Passed December 15, 1999.

Effective December 21, 1999.

Ord. No. 2181-99.

By Councilmen Cimperman, Cintron, Melena, O'Malley, Dolan, Patmon and Lewis.

An emergency ordinance to amend Section 507.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 64310-A, passed September 22, 1924 relating to sidewalk obstructions.

Whereas, this ordinance constitutes an emergency measure providing for 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 507.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A, passed September 22, 1924, is hereby amended to read as follows:

Section 507.06 General Prohibition of Sidewalk Obstructions

No person, partnership, firm or corporation shall store, pile, deposit, place or cause or permit to be stored, piled, deposited or placed upon any sidewalk in the City any rubbish, wood, coal, boxes, barrels, stone, brick, lumber, merchandise, shipping case, stands, signs, dirt or other inanimate obstructions of any kind, except as hereinafter provided.

Section 2. That existing Section 507.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A, passed September 22, 1924, is hereby repealed.

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

Passed December 13, 1999.

Effective December 21, 1999 without the signature of the Mayor.

Ord. No. 2182-99.

By Councilman Cintron.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Spanish American Committee for improvement to their offices at 4407 Lorain Avenue in Ward 14.

Whereas, this ordinance constitutes an emergency measure providing for 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 to enter into an agreement with the Spanish American Committee for improvement to their offices located at 4407 Lorain Avenue, including but not limited to replacement of the HVAC system, ADA compliance related improvements, and floor and ceiling repairs.

Section 2. That the costs of said contract shall be in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) 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.

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 2183-99.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3409 West 50th Street to Living In Cleveland Center or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No.(s) 016-20-065, as more fully described in Section 2 below, to Living In Cleveland Center or designee.

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

P. P. No. 016-20-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 87 in Joseph Storer's Subdivision of part of Original Brooklyn Township Lot No. 46, as shown by the recorded plat in Volume 3 of Maps, Page 35 of Cuyahoga County Records and being 60 feet front on the Easterly side of West 50th Street and extending back of equal width 126.75 feet deep, 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.

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 2184-99.

By Councilman Patmon.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the FAMICOS Foundation to fund certain costs associated with the construction of the Cory-Glenville Community of Shalom Multipurpose Building to benefit residents in and around the Glenville community.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the FAMICOS Foundation to fund certain costs associated with the construction of the Cory-Glenville Community of Shalom Multipurpose Building at 1117 East 105th Street in Ward 8.

Section 2. That the costs of said contract shall be in an amount not to exceed Nineteen Thousand Seven Hundred Twenty-Seven Dollars (\$19,727.00) 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.

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 2185-99.**By Councilman Westbrook.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cudell Improvement Inc. for the renovation of a historic mixed-use building located at 9201 Lorain Avenue in Ward 18.

Whereas, this ordinance constitutes an emergency measure providing for 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 to enter into an agreement with Cudell Improvement, Inc. for the renovation of a historic mixed-use building located at 9201 Lorain Avenue in Ward 18.

Section 2. That the costs of said contract shall be in an amount not to exceed Fifty-Six Thousand Dollars (\$56,000.00) 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.

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 2186-99.**By Councilman White.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Union Miles Development Corporation to assist with the renovation of the Miles Park Carnegie Library; to install fencing at the Garrett Morgan Place cul-de-sac; to lease a truck for community maintenance activities; and to fund the preparation of a financial audit.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Union Miles Development Corporation to assist with the renovation of the Miles Park Carnegie Library; to install fencing at the Garrett Morgan Place cul-de-sac; to lease a truck for community maintenance activities; and to fund the preparation of a financial audit.

Section 2. That the cost of said contract shall be in an amount not to exceed Eighty Thousand Six Hundred Dollars (\$80,600.00) 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.

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 2188-99.**By Councilman Willis.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Northeastern Neighborhood Development Corporation for costs associated with construction of the Lakeview Place Housing Project in Ward 9.

Whereas, this ordinance constitutes an emergency measure providing for 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 to enter into an agreement with the Northeastern Neighborhood Development Corporation for costs associated with the construction of the Lakeview Place Housing Project in Ward 9.

Section 2. That the costs of said contract shall be in an amount not to exceed Six Thousand Dollars (\$6,000.00) 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.

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 2189-99.**By Councilman Westbrook.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cudell Improvement Inc. for the acquisition of property located at 1264 West Boulevard in Ward 18.

Whereas, this ordinance constitutes an emergency measure providing for 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 to enter into an agreement with Cudell Improvement, Inc. for the acquisition of property located at 1264 West Boulevard in Ward 18.

Section 2. That the costs of said contract shall be in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) 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.

Passed December 13, 1999.

Effective December 21, 1999.

Ord. No. 2208-99.**By Councilman Willis.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Northeastern Neighborhood Development Corporation to create and manage a second mortgage program as an incentive for homeownership in Ward 9.

Whereas, this ordinance constitutes an emergency measure providing for 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 an agreement with the Northeastern Neighborhood Development Corporation to create and manage a second mortgage program as an incentive for homeownership in Ward 9.

Section 2. That the costs of said contract shall be in an amount not to exceed One Hundred Twenty-Five Thousand Dollars (\$125,000) and shall be paid from Fund No. 10 SF 166.

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

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

Passed December 15, 1999.

Effective December 21, 1999.

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