

The City Record

Official Publication of the City of Cleveland


November the Fifteenth, Two Thousand

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL—LEGISLATIVE

President of Council—Michael D. Polensek

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3032 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

MAYOR – Michael R. White

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

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

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

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

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

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

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

DEPT. OF PORT CONTROL – LaVonne Sheffield-McClain, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive; Cleveland Hopkins International Airport – Mark D. Vanloh, Commissioner; Burke Lakefront Airport – _____, Commissioner

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

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WEDNESDAY, NOVEMBER 15, 2000

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CITY COUNCIL

MONDAY, NOVEMBER 13, 2000

The City Record

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Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, November 13, 2000.

The meeting of the Council was called to order, Council Majority Whip, William W. Patmon, in the Chair.

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

Also present were Mayor White and Directors Carter, Brooks, Konicek, Whitlow, Hudecek, Warren, Alexander, Dove, and Acting Directors Sheperd, Owens, Szabo, Miller and Brown.

Absent: Directors Sheffield-McClain, Ricchiuto, Guzman, Jackson, Patterson and Morrison.

Pursuant to Ordinance No. 2976-76, the Council Meeting was opened with a prayer offered by Rev. Larry L. Mackey of St. Paul Lutheran Church, located at 3222 West 86th Street in Ward 18. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1985-2000.

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

File No. 1986-2000.

Agreement No. 56654 with Fairfax Renaissance Development Corporation re: Cityworks Neighborhood Matching Grant Program for Neighborhood Beautification Project - East Folsom Ave. Street Club. Received.

File No. 1987-2000.

From the Division of Purchases and Supplies re: Emergency Requisition (RE-30872). Received.

File No. 1988-2000.

From the Law Department re: Contract No. 56812 with Gartner Group, Inc. — Pursuant to Ordinance No. 1425-2000. Received.

File No. 1989-2000.

From the Department of Public Safety re: Gift Received from Greater Cleveland Growth Association. Received.

File No. 1990-2000.

From the Division of Purchases and Supplies re: Emergency Requisition (RE-24602). Received.

File No. 1991-2000.

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

File No. 1992-2000.

From the Department of Public Utilities re: CPP Business Strategy Deregulation Plan. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1993-2000.

Re: Transfer of Ownership Application - 91610350020 - United Petroleum Marketing LLC, d.b.a. UPM #207, 5110 Clark Avenue. (Ward 17). Received.

File No. 1994-2000.

Re: Transfer of Ownership Application - 91610350015 - United Petroleum Marketing LLC, d.b.a. UPM #201, 4611 West 130th Street. (Ward 20). Received.

File No. 1995-2000.

Re: Transfer of Ownership Application - 91610350065 - United Petroleum Marketing LLC, d.b.a. UPM #200, 3585 West 117th Street. (Ward 19). Received.

File No. 1996-2000.

Re: Transfer of Ownership Application - 0335893 - Ezell Avery, d.b.a. Ruby's Delicatessen, 7038 Wade Park Avenue. (Ward 7). Received.

File No. 1997-2000.

Re: Transfer of Ownership and Location Application - 96100440040 - Wild Oats Markets, Inc., d.b.a. Wild Oats Market, 13130 Shaker Boulevard. (Ward 4). Received.

File No. 1998-2000.

Re: Transfer of Ownership and Location Application - 2434398 - Carla D. Edeh, d.b.a. Club Nijer, 6611 St. Clair Avenue. (Ward 13). Received.

File No. 1999-2000.

Re: Stock Transfer Application - 1709357 - Convenient Food Mart, Inc. 357, d.b.a. Convenient Food Mart, 14302 Puritas Avenue. (Ward 20). Received.

STATEMENT OF WORK ACCEPTED

File No. 2000-2000.

From the Department of Parks, Recreation and Properties re: Contract No. 56153, (#19-99b) Light Fixture Replacement at Thurgood Marshall Recreation Center. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 2001-2000—John Strancar.
Res. No. 2002-2000—Dan R. Perkins.

Res. No. 2003-2000—Katie M. Cooper.
Res. No. 2004-2000—Robert R. Weber.

Res. No. 2005-2000—Dora Renee Walker-Elston.

CONGRATULATION RESOLUTION

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

Res. No. 2006-2000—Slovenian National Home.

Res. No. 2007-2000—James B. Matteson.

Res. No. 2008-2000—Thomas C. Schwartz.

Res. No. 2009-2000—Gethsemane Baptist Church.

Res. No. 2010-2000—Nellie Lee Bailey.

Res. No. 2011-2000—Edward F. Rybka.

RECOGNITION RESOLUTIONS

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

Res. No. 2012-2000—Brother Circle of Cleveland.

Res. No. 2013-2000—Bakari Kitwana.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1761-A-2000 (As a substitute for Ord. No. 1761-2000).

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4618, 4700 Lester Avenue to Slavic Village Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 123-20-095 and 123-21-031, as more fully described in Section 2 below, to Slavic Village Development Corporation or designee.

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

P. P. No. 123-20-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northwesterly 39 feet 8 inches of Sublot No. 15 and the Southeasterly 5 feet of Sublot No. 16 in Jabesh Gallup's Subdivision of part of Original One Hundred Acre Lot No. 282, as shown by the recorded plat in Volume 4 of Maps, Page 52 of Cuyahoga County Records, and together forming a parcel of land 44 feet 8 inches front on the Southwesterly side of Lester Avenue, S.E., 120 feet deep on the Southeasterly line, which is also the Northwesterly line of Finn Avenue, S.E., 120 feet on the Northwesterly line and 44 feet 8 inches wide 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

P. P. No. 123-21-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11 in Cannon and Fowler's Subdivision of part of Original One Hundred Acre Lots Nos. 324 and 282, as shown by the recorded plat in Volume 5 of Maps, Page 5 of Cuyahoga County Records and being 33 feet front on the Southwesterly side of Lester Street, S.E., and extending back 111 feet 0-3/4" deep on the Southeasterly side, 111 feet 0-3/4" deep on the Northwesterly side which is also the Southeasterly line of Finn Avenue, S.E., 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 ordi-

nance 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.

Without objection, substitute agreed to. Ordinance No. 1761-2000 laid on the table.

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

Ord. No. 2014-2000.

By Mayor White.

An emergency ordinance to amend Section 123.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1186-92, passed June 15, 1992, relating to the Office of Equal Opportunity; to repeal Sections 187.01 to 187.15, as amended or enacted by various ordinances; and to supplement said codified ordinances by enacting new Sections 187.01 to 187.22 thereof relating to the Cleveland Small Business 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 Section 123.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1186-92, passed June 15, 1992, is amended, effective on October 1, 2000, to read as follows:

Section 123.08 Office of Equal Opportunity

(a) There is hereby established in the Office of the Mayor the Office of Equal Opportunity to be administered and controlled by an Executive Assistant to the Mayor appointed by the Mayor to be the Director of Equal Opportunity. The Director shall appoint, in accordance with the civil service provisions of the Charter, such employees as may be required for performance of duties of the office, and shall be responsible for their supervision.

(b) With respect to the City's desire to encourage employment of minorities and women by contractors and to promote utilization of small businesses in all public con-

tracts, it shall be the duty of the Director of Equal Opportunity:

(1) To supervise, coordinate, monitor and enforce the implementation of employment goals and of **small business** participation goals, in the manner described in Chapter 187 of these Codified Ordinances for all City contracts.

(2) To supervise, coordinate, monitor and enforce compliance by each City contracting department with the City's equal employment opportunity requirements and procedures, affirmative action plans, employment goals and **small business** participation goals, in the manner described in Chapter 187 of these Codified Ordinances for all City contracts. All compliance functions of the various contracting departments shall be performed in the Office of Equal Opportunity. The Director of Equal Opportunity shall be responsible for securing compliance by all contractors and subcontractors with the provisions of Chapter 187 of these Codified Ordinances and any implementing rules or regulations. Contracting departments shall comply with the provisions of Chapter 187 of these Codified Ordinances and any implementing rules or regulations of the Director of Equal Opportunity. Contracting departments shall cooperate with the Director of Equal Opportunity and shall furnish such information and assistance as the Director of Equal Opportunity may require.

(3) To provide appropriate management and technical assistance to **small businesses within Cuyahoga County** so as to maximize their participation in contracts let by the City, with such assistance to include:

A. Providing such assistance in connection with the establishment, expansion, and overall development of **small businesses**;

B. Assisting in the arrangement of business associations involving **small businesses**; and

C. Planning and participation in training seminars for the purpose of informing potential bidders of **The Cleveland Small Business Program** and of business opportunities available.

(4) To serve as liaison with economic development organizations and agencies working in support of economic development of **small businesses in Cuyahoga County**.

(5) To coordinate any City-sponsored economic development programs for **small businesses**.

(6) To promulgate, and revise as necessary, regulations implementing **The Cleveland Small Business Program**.

(c) By February 15, the Mayor shall file the following written reports with the Clerk of Council and a copy shall be provided to each member of the Council:

(1) A report stating, for each City department and for the City as a whole, the percentage and total value of contracts and subcontracts **performed by small businesses** during the preceding year.

(2) A report stating, for each City department and for the City as a whole, the percentage and total value of those contracts **which were performed by very small businesses** during the preceding year.

(3) Such other information related to the **small business** program as may be useful in evaluating the success of the program.

Section 2. That existing Section 123.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1186-92, passed June 15, 1992, is repealed effective on October 1, 2000.

Section 3. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 187.01, as amended by Ordinance No. 77-94, passed March 14, 1994,

Section 187.02, as enacted by Ordinance No. 1660-85, passed February 10, 1986,

Sections 187.03 and 187.031 as amended by Ordinance No. 1186-92, passed June 15, 1992,

Section 187.04, as amended by Ordinance No. 77-94, passed March 14, 1994

Section 187.05, as enacted by Ordinance No. 1660-85, passed February 10, 1986,

Section 187.06, as amended by Ordinance No. 1186-92, passed June 15, 1992,

Sections 187.07 and 187.08, as enacted by Ordinance No. 1660-85, passed February 10, 1986,

Section 187.09, as amended by Ordinance No. 1186-92, passed June 15, 1992,

Section 187.10, as enacted by Ordinance No. 1660-85, passed February 10, 1986

Section 187.11, as amended by Ordinance No. 77-94, passed March 14, 1994,

Section 187.12 and 187.13, as enacted by Ordinance No. 1660-85, passed February 10, 1986,

Section 187.131, as amended by Ordinance No. 1186-92, passed June 15, 1992,

Section 187.14, as enacted by Ordinance No. 1660-85, passed February 10, 1986, and

Section 187.15, as amended by Ordinance No. 1186-92, passed June 15, 1992

are repealed effective on October 1, 2000.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 187.01 to 187.22 to read, respectively, as follows:

CHAPTER 187 THE CLEVELAND SMALL BUSINESS CODE

Section 187.01 Definition of Terms

As used in this chapter, the following words phrases and terms shall be defined as set forth below:

(a) "Administrator" means the administrator of the Small Business Enterprise and Very Small Business Enterprise programs of the Office of Equal Opportunity.

(b) "Bidder" means a person, firm, association or corporation offering to contract with the City in response to an invitation to bid, and for purposes of this Code, may include a proposer in response to a request for proposals or other similar request.

(c) "City" means the City of Cleveland, Ohio.

(d) "Cleveland contracting market" or "contracting market" means the geographic market area consisting of Cuyahoga County, Ohio.

(e) "Cleveland Small Business Code", "Cleveland Small Business Program", "Small Business Code", "Code" or "Chapter" means all the provisions of this Chapter 187 of the Codified Ordinances of Cleveland, Ohio, 1976.

(f) "Construction" means the erection, rehabilitation, alteration, conversion, extension, demolition or repair of improvements to real property, including facilities providing utility service and includes the supervision, inspection, and other on-site functions incidental to construction.

(g) "Contract" means a binding agreement executed on or after the effective date of this Cleveland Small Business Code whereby the City either grants a privilege or is committed to expend or does expend its funds or other resources or confers a benefit having value including, but not limited to, a grant, loan, real or personal property, or tax incentive in any form for or in connection with any work, project or public purpose, or for the following purposes:

(1) Construction of any public improvement, including change orders or subsidiaries approved by the City during the performance of such construction;

(2) Purchase of personal property;

(3) Purchase of any services;

(4) Lease of any personal property; or

(5) Concession agreements whereby the City grants a specific permission, privilege or license in accordance with Sections 183.04 and 183.041 of the Codified Ordinances.

"Contract" as used herein shall include a binding agreement, funded or benefited by the City, between a party to a contract and a third party, but shall exclude contracts with other public entities, except as provided in Section 187.06.

(h) "Contracting department" means any administrative department under charge of the Mayor or any office, board or commission treated or construed as a department of City government for any purpose pursuant to the Charter or ordinances of the City.

(i) "Contractor" means a separate or distinguishable business entity employing one or more persons and participating or seeking to participate in the performance of a contract, including but not limited to Small Business Enterprises and Very Small Business Enterprises where applicable, and shall include a party in privity with such contractor for the purpose of implementation of the contract.

(j) "Control" means the unencumbered ability to direct operations and management.

(k) "Director" means the Director of the Office of Equal Opportunity.

(l) "Disability" means any physical or mental impairment that substantially limit one or more of an individual's major activities.

(m) "Discriminate" means to exclude an individual or group solely on the basis of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled-veteran status.

(n) "Discriminate on the basis of age" means to discriminate as determined by appropriate Federal Law against individuals over the age of forty (40).

(o) "Joint venture" means an association of two or more persons or businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills and knowledge.

(p) "OEO" means the Office of Equal Opportunity of the City of Cleveland.

(q) "Small Business Enterprise" or "SBE" means a sole proprietorship, partnership, or corporation that meets the established economic criteria for a SBE and is owned, operated and controlled by one or more persons who meet the established economic criteria for SBE ownership and shall include a VSB. As used in this definition, "the established economic criteria" shall mean the economic criteria established by the Director in regulations promulgated pursuant to Section 123.08 of the Codified Ordinances. To qualify as a SBE, the enterprise shall additionally be located and doing business in Cuyahoga County, Ohio.

(r) "Very Small Business Enterprise" or "VSB" means a sole proprietorship, partnership, or corporation that meets the established economic and size criteria for a VSB and is owned, operated and controlled by one or more persons who meet the established economic criteria for VSB ownership. As used in this definition, "the established economic and size criteria" shall mean the criteria established by the Director in regulations promulgated pursuant to Section 123.08 of the Codified Ordinances. To qualify as a VSB, the enterprise shall additionally be located and doing business in Cuyahoga County, Ohio.

Section 187.02 Duties of Director of Office of Equal Opportunity

In addition to those duties specified in Section 123.08 of the Codified Ordinances, the Director, through the Administrator and such other employees as are necessary, shall implement and enforce this Code in accordance with its provisions. The Director's duties shall include, but not be limited to:

(a) Reviewing all submittals and other information required by this Code to determine whether particular contractors have been certified or are certifiable;

(1) With respect to the Code's employment goals established pursuant to division (b) of Section 187.10;

(2) As a SBE or a VSB;

(3) As a bona fide joint venture;

(4) As having submitted a bona fide bid with respect to OEO-required submittals; or

(5) As being in compliance with this Code and its regulations.

(b) Reviewing all information this Code requires to be furnished and notifying the affected contracting department that the certificates or statements pertaining to particular contractors are or are not in full force and effect with respect to the matters for which the same were issued;

(c) Monitoring the general performance, workforce, and subcontracting practices of contractors to ensure continued compliance with this Code;

(d) Initiating and receiving complaints of non-compliance with this Code;

(e) Investigating complaints pertaining to non-compliance with this Code and recommending appropriate sanctions; and

(f) Implementing the hearing procedures provided in Sections 187.14 and 187.15.

Section 187.03 Goals of Contracting Departments

(a) In accordance with the City's goal of increasing the level of small business participation in City contracts, each contracting department shall use its best efforts to utilize certified SBEs as contractors and subcontractors for all contracts in excess of ten thousand dollars (\$10,000). The annual City-wide goal for SBE participation in City contracts shall be thirty percent (30%), provided however, that the goal for a particular contract may exceed the goal in order to assist a contracting department in meeting its annual City-wide goal for all contracts.

(b) In consultation with the Director, contracting departments shall consider utilization of certified SBEs when recommending a bid as lowest and best or lowest responsible or a proposal as best in order to meet the specified annual goal, including use of a preference of no more than five percent (5%) for the bid of any prime bidder which is a SBE or VSB and an adjustment factor for utilization of SBE and VSB subcontractors. However, this goal is not intended to be a quota. It shall be the responsibility of each contracting department to ensure that invitations to bid or requests for proposal emanating from that department adhere to the procedures and provisions set forth in this chapter.

(c) SBE participation shall be counted toward meeting SBE goals in accordance with the following provisions:

(1) Only expenditures to certified SBEs that perform commercially useful functions in the implementation or performance of a contract may be counted toward meeting SBE goals. A SBE is considered to perform a commercially useful function when it is responsible for executing a distinct element of the work in carrying out its responsibilities by actually performing, managing, and supervising the work involved. To determine whether a SBE is performing a commercially useful function, the City will evaluate the amount of the contractor's work which is subcontracted, industry practices, and other relevant factors;

(2) The entire amount of expenditure to a certified SBE manufacturer (i.e. a supplier that produces goods from raw materials or substantially alters them before resale) may be counted toward meeting the SBE goal;

(3) Twenty percent (20%) of expenditures to certified SBE suppliers that are not manufacturers may be counted toward meeting the SBE goal, provided that the SBE supplier performs a commercially useful function in the supply process. A firm will be considered a supplier performing a commercially useful function in the supply process when it:

A. assumes the actual and contractual responsibility for furnishing the supplies or materials;

B. is recognized as a distributor by the industry involved in the contracted supplies and materials;

C. owns or leases a warehouse, yard, building or other facilities for stocking inventory or otherwise con-

ducts business in a manner which is usual and are customary in the market for such supplies or materials; and

D. distributes, delivers, and services products primarily with its own staff and/or equipment; and

(4) The amount of a SBE subcontract which a SBE subcontractor intends to or does further subcontract to non-SBE(s) may not be counted toward meeting SBE goals. This provision does not apply to a subcontractor's contract(s) for the purchase of materials, equipment, or supplies which are incident to the performance of services under the contract or for the general operation of its business and not attributable, primarily and exclusively, to the particular subcontract.

(d) In order to fulfill the purposes of the SBE goals, contractors utilizing SBEs shall use them in a way which preserves the meaningful performance of the work or other contract obligations by the SBE. Failure to do so may subject the contractor to criminal prosecution, decertification, and other sanctions.

(e) Notwithstanding the goal established in division (a) of this section, the Council may increase or decrease the percentage goal in any legislation considered by said body.

Section 187.04 Contracts with Very Small Businesses

In furtherance of the efforts by the contracting departments to support small business participation in City contracts, a contracting department, in consultation with the Director, may solicit bids or proposals for a contract from only VSBs, provided that:

(a) The anticipated dollar value of the contract does not exceed fifty thousand dollars (\$50,000);

(b) The Director can provide the contracting department with a list of certified VSBs which can be solicited to submit bids or proposals for the contract;

(c) There is a reasonable expectation of obtaining offers from two or more responsible VSBs that are competitive in terms of market prices, quality and delivery; and

(d) If the contracting department receives only one acceptable offer from a responsible VSB concern in response to a VSB set-aside, the department should make an award to that firm. If the contracting department receives no acceptable offers from responsible VSB concerns, the department will withdraw the procurement and, if still valid, must re-solicit it pursuant to Section 187.05.

Section 187.05 Good Faith Effort of Bidders and Contract Provisions

(a) Each bidder shall make a good faith effort to subcontract to certified SBEs.

(b) Except for contracts solicited in accordance with Section 187.04, contracts for a dollar amount in excess of ten thousand dollars (\$10,000) shall be awarded and administered in accordance with the following standards and procedures:

(1) Bid invitations, requests for proposals and all other specifications for contracts shall require each bidder to include in its bid or proposal such documentation and schedules as specified by the Director in which the bidder identifies its

efforts to utilize SBEs in a percentage that equals or exceeds the applicable goal. All bidders shall keep such records of such efforts adequate to permit a determination of compliance with the requirements of this section as are required by the Director.

(2) If the bid invitation or request for proposal contains alternates, the percentage of SBE participation will be computed with reference to the total dollar amount of the award, including the cost of alternates the contracting department recommends for award.

(3) It is the responsibility of each bidder to ensure, prior to the bid opening, that the City has certified all SBEs it proposes to utilize as subcontractors in the performance of the contract sought.

(4) If a bidder is unable to achieve the goal for SBE utilization for a particular contract, the bidder may submit a request for exception pursuant to division (a) of Section 187.09.

(5) Prior to execution of a contract, a bidder shall submit to the City such contract documents as the Director specifies which shall identify the particular SBEs and other subcontractors to be utilized in performing the contract, and shall specify for each subcontractor the dollar and percentage value of the participation, the type of work to be performed and such information as may reasonably be required to determine whether the SBE participation goal has been met.

(c) All contracts shall contain the following requirements:

(1) The contractor shall utilize certified SBEs in the performance of the contract in accordance with the participation identified in its bid or proposal, subject only to any substitution and waiver granted pursuant to division (b) of Section 187.09.

(2) The contractor shall make a good faith effort to increase utilization of SBEs during performance of the contract.

(3) The contractor shall maintain such records as are required by the Director to demonstrate compliance with this chapter and the requirements of the contract relating to SBE participation.

(4) The provisions of this chapter shall be incorporated into the contract by reference and any failure of the contractor or any subcontractor to comply with the provisions of this chapter shall constitute a material breach of the contract.

(5) Whenever a contract is amended or any change order or subsidiary is authorized and the total dollar amount of the contract is increased by more than ten (10) percent of the dollar value of the original contract, the contractor shall comply with the provisions of this chapter with respect to the work to be paid for through such amendment, change order or subsidiary and ensure that the same percentage of SBE participation set forth in the contractor's bid or proposal is maintained in the performance of the additional work.

(d) In order to be considered lowest and best or lowest responsible, a bidder shall disclose with its bid or proposal such information as required by the Director to demonstrate the extent to which, in con-

tracts not within the purview of this chapter, the bidder has awarded subcontracts to SBEs.

Section 187.06 Contracts with Other Governmental Entities

Where, under contracts or other agreements between the City and other political subdivisions, or other governmental or quasi-governmental agencies, such entities receive money, resources, and benefits including rights or privileges from or through the City, directly or indirectly, for the purpose of contracting with businesses to perform or carry forward any work or project or public purpose, all such entities shall comply with the provisions of this chapter in the award, administration, and implementation of such contracts, as applicable.

Section 187.07 SBE and VSB Joint Venture

Participation of SBEs and VSBs in joint ventures with other SBEs and VSBs is encouraged. In the case of a certified joint venture, the value of the contract equal to the percentage of participation of the small or very small partner(s) in the joint venture will be counted toward the applicable goal.

Section 187.08 Responsibilities of Contracting Departments

The Commissioner of Purchases and Supplies and each contracting department hereby are directed to:

(a) Make every effort to increase the level of participation of SBEs in contracts of ten thousand dollars (\$10,000) or less;

(b) Develop lists of SBEs and VSBs experienced in the various types of services, products or property typically contracted for;

(c) Provide quarterly reports to the Director not later than thirty (30) calendar days after the end of the previous quarterly period specifying with respect to contracts and subcontracts:

(1) For the forthcoming quarter, the means by which it intends to meet the goal established by this section;

(2) The dollar percentage and dollar amount of those contracts and subcontracts awarded in the previous quarter to SBEs and VSBs;

(3) For each contracting department, the degree to which the goal set forth in this section have been met, any past and current activities undertaken and being undertaken in trying to meet such goal and, if applicable, a detailed explanation of why the goal has not been met; and

(4) Such other information as may be requested by the Director; and

(d) Appoint a member of the contracting department or division to serve as a liaison between the contracting department and the Office of Equal Opportunity, and to nominate a member of the contracting department or division to serve on the Committee established pursuant to Section 187.18.

Section 187.09 Exceptions, Substitutions and Waivers

(a) If a bidder is unable to meet the goal for a contract in accordance with division (a) of Section 187.03, such bidder may submit a request for exception prior to the bid opening. The request for exception shall include such documenta-

tion the Director specifies which demonstrates the bidder's good faith effort to utilize SBEs to achieve the goal established in division (a) of Section 187.03.

(b) If, after award of a contract, the contractor is unable to utilize a certified SBE identified in the contractor's bid, the contractor shall seek and propose a substitute certified SBE to fulfill its utilization commitment, for approval of the Director. If, after reasonable good faith efforts, the contractor is unable to find a substitute, the contractor may request a waiver of the contract obligation from the Director. The request must document both the contractor's good faith efforts to find a substitute and the reasons for its inability to meet the goal.

(c) A contracting department may request the Director to waive or reduce the goal for SBE participation in a particular contract by submitting the reasons therefor in writing prior to solicitation of bids or proposals.

(1) The Director may grant such a waiver or reduction upon determination that:

A. The reasonable and necessary requirements of the contract rendered subcontracting or participation of businesses other than the bidder or proposer infeasible; or

B. Based upon documentation submitted to the Director, sufficient qualified SBEs capable of providing the goods or services required by the contract are unavailable in the contracting market despite every feasible attempt to locate them.

(2) Any reduction in a goal granted by the Director shall specify the percentage to which the goal has been reduced.

(d) A contracting department may waive or reduce the goal established in division (a) of Section 187.03 for a particular contract under the following circumstances:

(1) Whenever the director of a contracting department finds, with the advice of the Director, that the goods or services are available only from a sole source, and the prospective contractor is not currently disqualified from doing business with the City.

(2) If the director of a contracting department certifies in writing to the Director:

A. That an emergency exists which requires goods or services to be provided with such immediacy that it is unfeasible to comply with the requirements of this chapter; and

B. That the prospective contractor is a SBE, or if not, that the prospective contractor will make every good faith effort to subcontract to SBEs should subcontracting opportunities exist.

Section 187.10 Employment; Non-discrimination; Goals of Contractors

(a) No contractor shall discriminate against any employee or applicant for employment because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status. Contractors shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to race, religion, color, sex, sexual orientation, national origin, age, dis-

ability, ethnic group or Vietnam-era or disabled veteran status. As used herein, "treated" means and includes without limitation the following: recruited whether by advertising or other means; compensated, whether in the form of rates of pay or other forms of compensation; selected for training, including apprenticeship, promoted, upgraded, demoted, transferred, laid off and terminated. Contractors shall post in conspicuous places available to employees and applicants for employment, notices to be provided by the hiring representative of contractors setting forth the provisions of this nondiscrimination clause.

(b) Goals, as established by the Director, shall be used to encourage affirmative action by all parties who participate in contracts with the City. All contractors and subcontractors shall use their best efforts to attain such goals in accordance with the criteria herein specified. However, the goals shall not be construed as quotas.

Section 187.11 Compliance with Employment Goals

(a) A contractor shall qualify for a certificate of employment compliance when the Administrator, from the required submittals and other information supplied by the contractor, determines that the goals established pursuant to Section 187.10 of this Code have been met and that the contractor is otherwise complying with this Code and its regulations.

(b) A contractor that has not met the goals established pursuant to division (b) of Section 187.10 may be deemed by the Administrator to be in compliance with this Code if the required submittals and other information supplied by the contractor assure the Administrator that the contractor is ensuring equal employment opportunities by taking specified affirmative actions, with regard to its employees, facilities and performance of the contract. In making the determination under division (b) of this section, the Administrator may require the contractor to submit and implement a written affirmative action plan containing such terms as the Administrator may require. When the Administrator is satisfied that the contractor has complied with the Code, its regulations and with this subsection, the Administrator shall issue a written "statement of deemed compliance."

(c) By notice in writing to the Director and the Clerk of Council, the Mayor may waive compliance with the employment goals set forth in Section 187.10 with respect to a specific contractor seeking the award of a specific contract when, in the Mayor's sole judgment, such action is necessary to preserve the health, welfare and public safety.

Section 187.12 Certification as a Contract Prerequisite

(a) All contractors with the City must hold:

(1) A valid certificate of employment compliance or a statement of deemed compliance under division (a)(1) of Section 187.13, unless the Mayor has waived such compliance; and

(2) A certificate of general compliance with this Code under division (a)(4) of Section 187.14.

(b) In order to retain a certificate of compliance, each contractor whose bid includes participation by SBEs must demonstrate that it:

(1) Has reached a specific agreement with each participating SBE subcontractor;

(2) Has accurately and fully represented the essence of their agreement in the bid documents; and

(3) Is using SBEs in a way which is compliant with this Code and its regulations.

If the Administrator has made a finding of noncompliance under division (c)(3) of Section 187.13, then the City may reject the bid until such proceedings are resolved.

(c) SBEs must be certified under divisions (a)(2) and (a)(4) of Section 187.13. Contractors seeking to use certified SBEs shall ensure that all forms and related materials required for certification are submitted to the Director in a timely fashion.

(d) Certificates issued by the Administrator pursuant to divisions (a)(1) through (a)(4) of Section 187.13 shall be valid for two (2) years or such shorter period specified in the regulations.

(e) If the Administrator finds that a contractor is not in compliance with the applicable provisions of this Code or is in default with respect to any representation made by the contractor regarding applicable provisions of this Code and upon which a certificate was awarded, then the relevant certificate may be withdrawn prior to its expiration. All certificates must be renewed on forms provided by the Office of Equal Opportunity.

(f) The Administrator shall monitor compliance with the requirements of this chapter during the terms of the contract. If the Administrator determines that there is cause to believe that cause to believe that a contractor or a subcontractor has failed to comply with any of the requirements of this chapter, or the contract provisions pertaining to SBE participation, the Administrator shall notify the contractor in accordance with the provisions of division (c) of Section 187.13. The provisions of divisions (c), (d) and (e) of Section 187.13, Section 187.14 and 187.15 shall be applicable for the review and appeal of this determination by the Administrator.

(g) The Director and the Administrator may require such reports, information and documentation from contractors, bidders, contractors, bidders, contracting departments, and the head of any department division or office of the City, as reasonably necessary to determine compliance with requirements of the chapter and any contract provisions regarding SBE and VSB participation.

(h) Contracting departments shall maintain accurate records for each contract awarded, including dollar value, the nature of the goods and services to be provided, the name of the contractor awarded the contract, the efforts employed to solicit bids from SBEs and VSBs, and all subcontracts awarded by the contractor, including dollar value, the nature of the goods or services provided, and the name of the subcontractor.

(i) On or before the fifteenth day of the month following the completion of each quarter, the Director shall publish in the City Record a

list of all SBEs and VSBs certified by the Administrator during the preceding quarter, including identification of the type of work that each performs and a list of any business enterprise that has lost its certification as a SBE or VSB for purposes of this chapter during the preceding quarter, including whether an appeal of this determination is pending. On or before the fifteenth day of the month following the completion of each quarter, the Director shall furnish each member of Council with a list of any business enterprise which has been denied certification as a SBE or VSB for purposes of this chapter during the preceding quarter, including whether an appeal of this determination is pending. The printing of the name of a certified SBE or VSB in the City Record pursuant to this division shall not be a prerequisite for eligibility for the award of a City contract.

Section 187.13 Certification Process

(a) Under the direction of and upon authorization from the Director, the Administrator may issue or deny certificates of compliance or, in the case of equal employment as described in division (a)(1) of this section, statements of deemed compliance to contractors with respect to the following areas:

(1) Equal employment of minorities and women in the contractor's workforce, as described in division (b) of Section 187.10;

(2) Bona fide status as SBEs or VSBs;

(3) Bona fide status as SBE and VSB joint ventures pursuant to Section 187.07; and

(4) Compliance with this Code and its regulations.

Any certification with regard to professional service contracts entered into by the Director of Law may be deferred at the discretion of the Director of Law, but shall occur prior to final payment under the contract.

(b) Any person having knowledge of facts tending to show that a contractor has obtained or is seeking certifications by false or inaccurate representations to the Office of Equal Opportunity may initiate the administrative procedures set forth in this section and in Sections 187.14 and 187.15. For purposes of these sections all contractors are responsible for maintaining their current addresses and those of their subcontractors with the Administrator; upon mailing by certified mail of any notice to such filed address, the required notice shall be complete.

(c) If the Administrator has reason to believe that as contractor is in default with respect to any representation by the contractor regarding applicable provisions of this Code and its regulations, and upon which a certification or contract was awarded the Administrator shall:

(1) Send the contractor written notice by certified mail or personal delivery of any apparent noncompliance with applicable terms of the Code;

(2) Give the contractor forty-eight (48) hours from receipt of the notice, or other specified reasonable opportunity to submit records or offer other information in support of its continued certification and compliance with the provisions of the

Code. Failure of the contractor to submit records or other information promptly as requested by the Administrator may be deemed by the Administrator to be agreement by the contractor to the conditions and circumstances of the noncompliance addressed in the Administrator's notice to the contractor; and

(3) If the Administrator, after reviewing the information submitted under division (c)(2) of this section determines that the contractor is not in compliance with the Code, then he shall issue a written finding of noncompliance or default under the Code, stating the basis for that finding and giving notice to the contractor of the right to object to the finding.

(d) Any contractor taking exception to a finding of the Administrator may attempt to reconcile the differences through informal methods of conciliation and persuasion and/or file a written objection, with reasons for the objection, with the Administrator by certified mail within five days of mailing of the Administrator's written finding. The Administrator may enter into a settlement agreement regarding the finding. If a written objection is filed, the Administrator shall forward the objection to the Director, within five days of its receipt along with all materials relating to the determination, from which is being appealed, together with any recommendations of appropriate remedial action to be taken. The provisions of Section 187.14 will then apply.

(e) If the Administrator finds a contractor is in default under this Code, and if no reconciliation is attempted by the contractor within five days of mailing of the written finding, the Administrator shall forthwith forward his findings to the Director along with a recommendation of appropriate remedial action to be taken or sanctions to be imposed. The Director shall then make a decision as to whether or not a status of noncompliance exists based solely on the findings of the Administrator and shall take such of the actions set out in division (a) of Section 187.08 as are applicable and consistent with his determination.

Section 187.14 Hearing Procedure

If the contractor files a timely objection, as provided in division (d) of Section 187.13, to a written finding by the Administrator, the Director shall hold a hearing on the matter of the objection. The hearing shall be held not less than five days nor more than ten days from the filing, unless otherwise mutually agreed to by the contractor and the Director. Notice of the date, time and place for hearing shall be sent by certified mail to all interested parties by the Director. Counsel for the Administrator or contractor hereby are empowered to issue subpoenas for the presentation of evidence. The contractor shall have the right to record the proceedings of the hearing at the sole expense of the contractor.

Section 187.15 Decision and Available Sanctions for Noncompliance

(a) Within five days after the hearing required by Section 187.14, the Director shall issue and send by certified mail to the contractor, findings of fact and a determination of

compliance or noncompliance with the Code. If the Director determines that the contractor is in compliance with the applicable provisions of the Code, he shall issue an appropriate certificate. If the Director determines that the contractor is in default with respect to any representation by the contractor upon which a certificate or contract was awarded or that the contractor is not in compliance with the applicable provisions of the Code and its regulations, the Director, in addition to whatever other remedies may be available with respect to the foregoing and other defaults under any contract in question, may:

(1) Cancel any existing certificate or statement of deemed compliance or withhold issuance of a certificate or statement of deemed compliance until the contractor cures the default or is in full compliance with the applicable provisions of the Code; or

(2) Recommend that the City withhold all or part of any payments due such contractor until such time as the contractor cures the default or is in full compliance with the applicable provisions of the Code; or

(3) Recommend that the City cancel the contract and declare a forfeiture of any performance bond; or

(4) Recommend that the Director of Law take such legal action, whether civil or criminal, as he deems appropriate; or

(5) Recommend rescission of the contract based upon a material breach of the contract pertaining to SBE or VSB participation; or

(6) Recommend disqualification of a bidder, contractor, or other business from eligibility for providing goods or services to the City for a period not to exceed two (2) years; or

(7) Recommend payment of damages, including any liquidated damages specified in the contract.

(b) The decision of the Director is final and may be appealed to the Board of Zoning Appeals, whose decision, in turn, may be reviewed by the Common Pleas Court pursuant to RC Chapter 2506, or as otherwise provided by law.

Section 187.16 Negotiated Contracts; Notice Required in Advertisement for Bids

Where invitations to bid are advertised, the following notice shall be included in the advertisement: "Pursuant to the Cleveland Small Business Code, each small business enterprise ("SBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for utilizing a SBE shall submit applications for certification as to SBE status, compliance with the Code, affirmative action in employment and, if applicable, joint venture status, to the City's Office of Equal Opportunity prior to the date of bid opening or submission of proposals or as specified by regulations. Failure to comply with the Cleveland Small Business Code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

Section 187.17 Equal Opportunity Clause; Terms in Contracts

(a) Contracting departments are hereby directed to include the notice

set forth in Section 187.16 and the requirements set forth in division (c) of Section 187.05 in all specifications for contracts. The satisfaction of the duties and agreements set forth in that clause shall be considered by the Director in determining whether a contractor is in compliance with this Code.

(b) Each contract also shall contain the following equal opportunity clause:

"During the performance of this contract, the contractor agrees as follows:

(1) The contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status. The contractor shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, or Vietnam-era or disabled veteran status. As used herein, "treated" means and includes without limitation the following: recruited, whether by advertising or other means; compensated, whether in the form of rates of pay or other forms of compensation; selected for training, including apprenticeship, promoted, upgraded, demoted, downgraded, transferred, laid off and terminated. The contractor agrees to and shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the hiring representatives of the contractor setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that the contractor is an equal opportunity employer.

(3) The contractor shall send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract, or understanding, a notice advising the labor union or worker's representative of the contractor's commitments under the equal opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) It is the policy of the City that small business concerns shall have every practicable opportunity to participate in the performance of contracts awarded by the City.

(5) The contractor shall permit access by the Director or his or her designated representative to any relevant and pertinent reports and documents to verify compliance with the Cleveland Small Business Code, and with the regulations of the Office of Equal Opportunity. All such materials provided to the Director or his designated representative by the contractor shall be considered confidential.

(6) The contractor will not obstruct or hinder the Director or his designated representative in the fulfillment of the duties and responsibilities imposed by the Cleveland Small Business Code.

(7) The contractor agrees that each subcontract will include this Equal Opportunity Clause, and the

contractor will notify each subcontractor, materialman and supplier that the subcontractor must agree to comply with and be subject to all applicable provisions of the Cleveland Small Business Code. The contractor shall take any appropriate action with respect to any subcontractor as a means of enforcing the provisions of the Code."

Section 187.18 Review and Evaluation Committee

The Director shall serve as chairman of a Review and Evaluation Committee comprised of at least one member from each contracting department and one business enterprise liaison from the Division of Purchases and Supplies. Such members may be appointed by the Mayor from among nominees presented to him by the contracting departments and serve at the discretion of the Mayor. The Committee shall meet as is necessary to fulfill the following responsibilities.

(a) Review and monitor each contracting department's SBE and VSB program.

(b) Assist the Director in preparing annual reports to the Mayor on the progress of the City's SBE and VSB programs.

(c) Recommend changes in the regulations promulgated under this Code.

(d) Assist, as appropriate, in the implementation of this Code.

(e) Prepare, review and make recommendations concerning the directory of certified SBEs and VSBs.

(f) Assist in preparing a business enterprise quarterly awards report.

(g) Carry out such other oversight or coordination functions as may be requested by the Director.

Section 187.19 Reports

(a) If a construction contract is estimated to take more than ninety (90) days to complete or calls for the City to expend five hundred thousand dollars (\$500,000) or more, each contractor and subcontractor shall submit project site reports to the Administrator which shall contain such information as the Administrator may require. Reports shall be submitted as requested by the Administrator, but at least every ninety (90) days.

(b) Failure to submit any required report may result in imposition of any of the sanctions listed in Section 187.15.

Section 187.20 Violations; Disqualification

(a) No person shall:

(1) Willfully obstruct, impede or attempt to obstruct or impede any authorized official or employee who is investigating the qualifications of a business entity which has requested certification as a SBE or a VSB.

(2) Fraudulently obtain, retain, attempt to obtain or retain, or aid another in fraudulently obtaining or retaining or attempting to obtain or retain certification as a SBE or a VSB for purposes of this chapter.

(3) Make false statements to any entity that any other is or is not certified as a SBE or a VSB for purposes of this chapter.

(4) Willfully falsify, conceal or cover up by a trick, scheme or device a material fact, or make any false, fictitious or fraudulent statements or representations or make

use of any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry in any matter administered pursuant to this chapter.

(5) Fraudulently obtain, attempt to obtain, or aid another person fraudulently obtaining or attempting to obtain, public monies to which the person is not entitled under this chapter.

(b) Any person who violates the provisions of this section is guilty of a misdemeanor of the first degree and upon conviction is subject to imprisonment for a period of not more than six (6) months or a fine of not more than one thousand dollars (\$1,000), or both.

Section 187.21 Severability

Each section and each part of each section of this Cleveland Small Business Code is hereby declared to be an independent section or part of a section, and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby. It is further declared to be the legislative intent that the other provisions of this Code would have been adopted independently of such section or parts of a section which are held to be invalid

Section 187.22 Duration

This Cleveland Small Business Code is enacted as a temporary measure to attempt to alleviate the barriers facing small businesses in the City of Cleveland and benefit and strengthen the City of Cleveland's ties with firms located within its contracting market. This Code shall remain in full force and effect, subject to periodic review by the Council of the City of Cleveland. The Council shall regularly, but at a minimum once every two (2) years, determine whether there is a continuing need for a Cleveland Small Business Program, make relevant findings in support of that determination, and, if necessary, amend this chapter as appropriate.

Section 5. That new Sections 187.01 through 187.22 of the Codified Ordinances of Cleveland, Ohio, 1976, shall take effect on October 1, 2000.

Section 6. That, notwithstanding any other provision of this ordinance to the contrary and in furtherance of an orderly transition from the Minority Business and Female Business Enterprise Code to The Cleveland Small Business Code, any business enterprise located and doing business in Cuyahoga County which is certified as an MBE or FBE for purposes of the Minority Business and Female Business Enterprise Code as of the effective date of The Cleveland Small Business Code shall be deemed to be a SBE for purposes of The Cleveland Small Business Code until such time as an application of the business enterprise for certification as a SBE is granted or denied by the Director of the Office of Equal Opportunity

or for a period of eighteen (18) months following the effective date of The Cleveland Small Business Code, whichever shall occur first.

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

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

Ord. No. 2015-2000.

By Mayor White.

An emergency ordinance determining the method of making the public improvement of demolishing, relocating and constructing certain NASA facilities in order to permit the construction of Runway 5L/23R; authorizing the Director of Port Control to enter into contracts for the making of such improvement; authorizing contracts for the purchase of supplies, materials, equipment and other items required to make the improvement, including rental, labor and installation, if necessary; authorizing said Director to apply and pay for permits, licenses, or other authorizations as necessary to make the public improvement; and authorizing the Commissioner of Purchases and Supplies to acquire such interests in real property as are necessary to make the public 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 demolishing, relocating and constructing certain NASA facilities in order to permit the construction of Runway 5L/23R ("Improvement").

Section 2. The Director of Port Control is hereby authorized to enter into contracts for the making of the Improvement, by contracts duly let to the lowest responsible bidders, after competitive bidding for a gross price, with the exception of roadwork, earthwork and utility work performed in conjunction with the Improvement, which shall be competitively bid on a unit price basis provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 3. That the Director of Port Control is hereby authorized to make written standard purchase contracts and written requirements contracts in accordance with the Charter and Codified Ordinances of Cleveland, Ohio, 1976, the period of such requirements not to exceed two

years, for each and all of the necessary items of supplies, material, equipment and other items required to make the Improvement, including the rental of such items, and labor and materials to install and maintain any and all of the foregoing items, to be purchased or procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control. Bids shall be taken in such a manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine.

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

Section 5. That the Director of Port Control is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire said rights or interests in real property directly necessary for the Improvement and to employ title companies, surveyors, escrow agents, appraisers, environmental consultants, and field service consultants necessary for the acquisition or use of the rights or interests in real property authorized by Section 4 hereof.

Section 6. That the Director of Port Control is hereby authorized to enter into agreements with the holders of said rights or interests in real property to relocate or to otherwise modify existing buildings, equipment, fixtures or other features of said property and to pay or reimburse related costs to permit the making of the Improvement.

Section 7. That the Director of Port Control is hereby authorized to enter into agreements with federal, state, and local governmental or regulatory entities or other public authorities necessary and to pay or reimburse directly related costs incurred by such entities for the purpose of making the Improvement.

Section 8. That the Director of Port Control is hereby authorized to apply for and pay for such permits and licenses required by any regulatory entity or other public authority for making of the Improvement.

Section 9. That the cost of any requirement contracts entered into pursuant to this ordinance shall be charged against the proper account and the Director of Finance shall certify thereon, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

Section 10. That, as a condition precedent to entering into any contracts or agreements contemplated to make the Improvement, the Department of Port Control shall be in receipt of all necessary federal approvals, including the Record of Decision for the Environmental

Impact Statement, and other such regulatory approvals as may be required.

Section 11. That the Director of Port Control shall file a copy of all contracts, permits, licenses or agreements entered into by the City as authorized by this ordinance with the Clerk of Council, the President of Council, the Chairman of the Aviation and Transportation Committee and the Chairman of the Finance Committee within five (5) business days of execution by the City.

Section 12. That the cost of any expenditures authorized by this ordinance for any contract, including all public improvements, standard purchases, requirements contracts and property acquisition, shall not exceed a total amount of \$86,908,692.00 and shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, passenger facility charges and the fund and/or sub-funds to which are credited the proceeds of any general airport revenue bonds, federal grants, state grants, and local grants issued for the purpose of the Improvement authorized herein. In the event that the Improvement exceeds or is anticipated to exceed the amount specified for each project component listed herein, the Director of Port Control shall notify the President of Council, the Chairman of the Aviation and Transportation Committee, and the Chairman of the Finance Committee of the need for a subsidiary agreement in accordance with Section 185.44 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, and shall immediately proceed to secure the necessary legislative approval from Cleveland City Council. (RL 8297)

Section 13. That, in accordance with federal law and to the extent permitted by federal law, all construction contracts entered into pursuant to this ordinance shall establish a goal of hiring at least thirty percent (30%) MBE, ten percent (10%) FBE, twenty-five percent (25%) minority workforce, seven and one-half percent (7.5%) female workforce and forty percent (40%) City residents. In seeking to obtain such goal, all contractors shall utilize best efforts.

Section 14. That the Director of Port Control shall provide detailed bimonthly written reports to the President of Council, the Chairman of the Aviation and Transportation Committee, and the Chairman of the Finance Committee of all expenditures made pursuant to this ordinance, including the source of funds for such expenditures. The Director of Port Control shall also provide to the aforementioned Council representatives detailed bimonthly written reports of the MBE/FBE goals and residency and workforce goals set forth herein.

Section 15. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 2016-2000.

By Mayor White,

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

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

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

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

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

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

Easement to
East Ohio Gas Company
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Middleburg Township Lot Nos. 5 and 6.

Starting at the intersection of the centerline of Old Grayton Road, 60.00 feet wide and the centerline of Brookpark Road, 100.00 feet wide as shown by Airport Survey recorded in Volume 246, Page 71-75 of Cuyahoga County Map Records;

Thence South 00° 13' 44" West and perpendicular to said centerline of Brookpark Road, 50.00 feet to a point in the Southerly line of said Brookpark Road;

Thence North 89° 46' 16" West along said Southerly line, 1115.28 feet to a point in the Westerly line of land conveyed to the City of Cleveland Municipal Airport in deed recorded in Volume 9037, Page 245 of Cuyahoga County Deed Records;

Thence South 66° 59' 29" West along the Westerly line of land so conveyed, 485.11 feet to an angle point therein;

Thence South 43° 39' 20" West along said Westerly line of land so conveyed 199.99 feet to the Principal Place of Beginning of the easement herein intended to be described;

Thence South 42° 54' 13" East, 40.72 feet;

Thence South 48° 05' 10" West, 118.77 feet;

Thence South 49° 23' 43" West, 37.50 feet;

Thence South 44° 35' 12" West, 30.75 feet;

Thence South 41° 20' 16" West, 13.72 feet;

Thence South 36° 49' 45" West, 347.69 feet;

Thence South 27° 36' 50" West, 32.64 feet;

Thence South 69° 41' 36" East, 15.75 feet;
 Thence North 22° 09' 21" East, 2.50 feet;
 Thence South 67° 50' 39" East, 10.00 feet;
 Thence South 22° 09' 21" West, 10.00 feet;
 Thence North 67° 50' 39" West, 10.00 feet;
 Thence North 22° 09' 21" East, 2.50 feet;
 Thence North 69° 41' 36" West, 16.23 feet;
 Thence South 27° 36' 50" West, 154.82 feet;
 Thence South 37° 58' 00" West, 564.88 feet;
 Thence North 52° 02' 00" West, 5.00 feet;
 Thence North 37° 58' 00" East, 564.43 feet;
 Thence North 27° 36' 50" East, 192.45 feet;
 Thence North 36° 49' 45" East, 348.29 feet;
 Thence North 41° 20' 16" East, 14.06 feet;
 Thence North 44° 35' 12" East, 31.10 feet;
 Thence North 49° 23' 43" East, 37.65 feet;
 Thence North 48° 05' 10" East, 113.63 feet;
 Thence North 42° 54' 13" West, 35.34 feet to a point in said Westerly line of land so conveyed;
 Thence North 43° 39' 20" East along said Westerly line, 5.01 feet to the Principal Place of Beginning and containing 0.1581 acres of land as described on September 27, 2000 by R.M. Kole & Assoc., Inc., Professional Land Surveyors.

Section 2. That the easement shall be non-exclusive and the purpose of the easement shall be to construct and maintain a gas line in connection with the West Hangar Road project.

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

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

Section 5. That the conveyance shall be made by Official Deed of Easement prepared by the Director of Law and executed by the Director of Port Control on behalf of the City of Cleveland. The Deed of Easement shall contain such additional terms and conditions as are required to protect the interests of the parties. The Directors of Port Control and Law are authorized to execute such other documents, including without limitation, contracts for right of entry, as may be necessary to effect the construction of a gas line in connection with the West Hangar Road project.

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

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

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

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

Ord. No. 2017-2000.

By Mayor White.

An emergency ordinance determining the method of making the public improvement of constructing the FAA TRACON and necessary project components; authorizing the Director of Port Control to enter into contract for the making of such improvement; authorizing contracts for the purchase of supplies, material, equipment and other items required to make the improvement, including rental, labor and installation, if necessary; authorizing such other agreements as are necessary; and authorizing said Director to apply and pay for permits, licenses, or other authorizations as necessary to make the public 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 constructing the FAA TRACON and its necessary appurtenances ("Improvement").

Section 2. The Director of Port Control is hereby authorized to enter into contracts for the making of the Improvement, by contracts duly let to the lowest responsible bidders, after competitive bidding for a gross price, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or

any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 3. That the Director of Port Control is hereby authorized to make written standard purchase contracts and written requirement contracts in accordance with the Charter and Codified Ordinances of Cleveland, Ohio, 1976, the period of such requirements not to exceed two years, for each and all of the necessary items of supplies, material, equipment and other items required to make the Improvement, including the rental of such items, and labor and materials to install and maintain any and all of the foregoing items, to be purchased or procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control. Bids shall be taken in such a manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine.

Section 4. That the Director of Port Control is hereby authorized to enter into agreements with federal, state, and local governmental or regulatory entities or other public authorities necessary and to pay or reimburse directly related costs incurred by such entities for the purpose of making the Improvement.

Section 5. That the Director of Port Control is hereby authorized to apply for and pay for such permits and licenses required by any regulatory entity or other public authority for making of the Improvement.

Section 6. That the cost of any requirement contracts entered into pursuant to this ordinance shall be charged against the proper account and the Director of Finance shall certify thereon, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

Section 7. That, as a condition precedent to entering into any contracts or agreements contemplated to make the Improvement, the Department of Port Control shall be in receipt of all necessary federal approvals, including the Record of Decision for the Environmental Impact Statement, and other such regulatory approvals as may be required.

Section 8. That the Director of Port Control shall file a copy of all contracts, permits, licenses or agreements entered into by the City as authorized by this ordinance with the Clerk of Council, the President of Council, the Chairman of the Aviation and Transportation Committee and the Chairman of the Finance Committee within five (5) business days of execution by the City.

Section 9. That the cost of any expenditures authorized by this ordinance for any contract, including all public improvements, standard purchases and requirements

contracts, shall not exceed a total amount of \$3,802,104.00 and shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, passenger facility charges and the fund and/or subfunds to which are credited the proceeds of any general airport revenue bonds, federal grants, state grants, and local grants issued for the purpose of the Improvement authorized herein. In the event that the Improvement exceeds or is anticipated to exceed the amount specified for each project component listed herein, the Director of Port Control shall notify the President of Council, the Chairman of the Aviation and Transportation Committee, and the Chairman of the Finance Committee of the need for a subsidiary agreement in accordance with Section 185.44 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, and shall immediately proceed to secure the necessary legislative approval from Cleveland City Council. (8295)

Section 10. That, in accordance with federal law and to the extent permitted by federal law, all construction contracts entered into pursuant to this ordinance shall establish a goal of hiring at least thirty percent (30%) MBE, ten percent (10%) FBE, twenty-five percent (25%) minority workforce, seven and one-half percent (7.5%) female workforce and forty percent (40%) City residents. In seeking to obtain such goal, all contractors shall utilize best efforts.

Section 11. That the Director of Port Control shall provide detailed bimonthly written reports to the President of Council, the Chairman of the Aviation and Transportation Committee, and the Chairman of the Finance Committee of all expenditures made pursuant to this ordinance, including the source of funds for such expenditures. The Director of Port Control shall also provide to the aforementioned Council representatives detailed bimonthly written reports of the MBE/FBE goals and residency and workforce goals set forth herein.

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

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

Ord. No. 2018-2000.

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

An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 1004-91, passed July 24, 1991, as amended by Ordinance No. 324-97, passed June 2, 1997, and to amend Section 4 of Ordinance No. 1004-97, passed July 24, 1991, relating to consent of the City of Cleveland for participation in the repair and resurfacing of Rocky River Drive, therefore, to cause payment of Cleveland's share.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That Sections 1 and 2 of Ordinance No. 1004-91, passed July 24, 1991, as amended by Ordinance No. 324-97, passed June 2, 1997, are hereby amended to read, respectively, as follows:

Section 1. That it is declared to be in the public interest that the consent of the City be and such consent is hereby given to the Director of Transportation of the State of Ohio to participate in the **design and construction** of the following improvement in accordance with plans, specifications and estimates approved by said Director: the **design, repair and resurfacing** of Rocky River Drive from Brookpark Road to the northern corporation line at Hogs Back Lane (the "Improvement").

Section 2. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 885-91, passed April 22, 1991, the City hereby proposes to cooperate with the State of Ohio in the **design and construction** of the Improvement by assuming and contributing the entire cost and expense of the Improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of the Improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation and less the amount of State Highway Funds determined to be eligible and set aside for the Improvement. In addition, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract, at the requirement of the City, which are determined by the Director not to be reliable or made necessary by the Improvement.

Section 2. That Sections 1 and 2 of Ordinance No. 1004-91, passed July 24, 1991, as amended by Ordinance No. 324-97, passed June 2, 1997, are hereby repealed.

Section 3. That Section 4 of Ordinance No. 1004-91, passed July 24, 1991, is hereby amended to read as follows:

Section 4. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 885-91, passed April 22, 1991, the Director of Public Service is hereby authorized to cause payment to the State of Ohio of the City's share of the cost of the Improvement from Fund Nos. 20 SF 146, **20 SF 353**, 20 SF 883, and also Fund No. 20 SF 190, which is the fund to which will be credited the proceeds of the sale of general obligation bonds of the City of Cleveland authorized by Ordinance No. 885-91, passed April 22, 1991, Request No. 14281 and **22509**.

Section 4. That Section 4 of Ordinance No. 1004-91, passed July 24, 1991, is hereby repealed.

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

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

Ord. No. 2019-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain generators, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to repair and maintain generators 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. 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 17938)

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

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

Ord. No. 2020-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain various types of heavy duty construction equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to repair and maintain various types of heavy duty construction equipment in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of 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. 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 17937)

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

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

Ord. No. 2021-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Ford tractor, mower and construction equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of Ford tractor, mower and construction equipment parts, including labor if necessary in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids

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

Section 2. 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 17935)

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

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

Ord. No. 2022-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Cushman-Ransomes equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. 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 17936)

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

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

Ord. No. 2023-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of diesel fuel, 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 diesel fuel 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. 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 17939)

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

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

Ord. No. 2024-2000.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 1301-97, passed August 13, 1997, relating to the cause payment of the City of Cleveland's share to the County of Cuyahoga and the State of Ohio for the cost of rehabilitating and reconstructing West 53rd Street Bridge; Denison Avenue Bridge, Harvard Avenue Bridge, West 65th Street Bridge and the West 74th Street Bridge.

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

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

Section 1. That Section 1 of Ordinance No. 1301-97, passed August 13, 1997, is hereby amended to read as follows:

Section 1. That this Council hereby authorizes payment to the State of Ohio and the County of Cuyahoga of the City's share of the cost of rehabilitating and reconstructing West 53rd Street Bridge over N/S and RTA, Denison Avenue Bridge over Conrail and N/S, Harvard Avenue Bridge over Wheeling & Lake Erie, West 65th Street Bridge over N/S and RTA, and the West 74th Street Bridge from Fund Nos. 20 SF 190, 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, 20 SF 353, 20 SF 373, 52 SF 001, 58 SF 223 and from the fund and subfunds to which are credited the proceeds of the sale of the general obligation bonds authorized by Ordinance No. 920-97, passed June 9, 1997, Request No. 21947.

Section 2. That Section 1 of Ordinance No. 1301-97, passed August 13, 1997, is hereby repealed.

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

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

Ord. No. 2025-2000.

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

An emergency ordinance to amend various sections of Chapter 241 of the Codified Ordinances of Cleveland, Ohio, as amended and enacted by various ordinances; to repeal Section 241.231 as amended by Ordinance No. 1587-90, passed December 17, 1990; to repeal Sections 243.01 through and including 243.17 of said codified ordinances, as amended and enacted by various ordinances and to enact new Section 243.01; to supplement said codified ordinances by enacting new Sections 241.041 and 241.051 thereof; and to repeal Sections 245.01 through and including 245.19 and to enact new Sections 245.01 to 245.12, all relating to licensing and sanitation of food shops.

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

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

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 241.03 and 241.04, as enacted by Ordinance No. 511-76, passed June 14, 1976,

Section 241.05, as amended by Ordinance No. 2015-95, passed December 18, 1995, and

Sections 241.09, 241.20, 241.21, 241.22, 241.26 and 241.27, as enacted by Ordinance No. 511-76, passed June 14, 1976,

are hereby amended, to read, respectively, as follows:

Section 241.03 Definitions

As used in this chapter:

(a) "Food," "drug," "device," "cosmetic," "label," "labeling," "adulterated," and "misbranded," shall have the meaning established in Chapter 3715 of the Revised Code, "Food service operation" and "retail food establishment" shall have the meaning established in Section 3717.01 of the Revised Code.

(b) "Food handling establishment" means a business establishment or vehicle, where food is either prepared, manufactured, compounded, stored, mixed, packed, demonstrated, given away, peddled, vended, dispensed, delivered from, offered for sale or sold with the exceptions of "food service operations" and "retail food establishments" as defined by State law.

(c) "Wholesale" shall have the meaning established in Section 3715.021 of the Revised Code.

(d) "Food shop" applies to "food-handling establishment," "retail food establishment" and "food service operation."

Section 241.04 Quality and Labeling Standards

(a) The definitions and standards of identity, the standard of quality, the standard of fill of container and the labeling requirements for any food sold or manufactured in the City shall be those established for interstate commerce by the United States Food and Drug Administration and Ohio Department of Agriculture.

(b) Unless otherwise specified in this chapter, the definitions and standards of identity and the labeling requirements for meat, meat by-products and meat food products sold or manufactured in the City shall be those of the Ohio Department of Agriculture.

Section 241.05 Food Shop Licenses and Fees; Food Vehicle Permit

(a) No food shop shall be operated without the person, firm, association or corporation conducting such business first applying for and obtaining an annual license issued by the Commissioner of Assessments and Licenses. No business vehicle used regularly for the transportation, delivery, vending or peddling of food except a commercial carrier transporting food incidental to other deliveries, shall transport, deliver, vend or peddle food in the City without the owner obtaining an annual food vehicle permit for such vehicle.

(b) For food handling establishments, the annual fee shall be twenty-five dollars (\$25.00) for less than 2,500 square feet of floor space. For floor space in excess of 2,500 square feet, the fee shall be thirty-five dollars (\$35.00).

(c) For a food vehicle permit the annual fee shall be ten dollars (\$10.00).

(d) Food handling licenses and food vehicle permits shall expire not later than the last day of February of the next ensuing year after issuance, and they shall not be transferable except in accordance with Section 3717.46 of the Revised Code.

(e) The holder of a food service operation license as defined by state law shall not be required to obtain a retail food establishment license except when the activities of a retail food establishment and a food service operation are carried on within the same facility by the same person or entity, then the determination of what license applies shall be made according to the primary business of the person or entity as determined by the licensor, the City of Cleveland Director of Public Health as described in Section 3717.44 of the Revised Code.

(f) The holder of a food service operation license or retail food establishment license shall not be required to obtain a food handling license.

(g) For a mobile food service operations, the annual fee shall be Two Hundred Sixty-Three Dollars (\$263.00).

(h) For a vending food service operation, the annual fee shall be Twenty-Nine Dollars (\$29.00).

(i) For a temporary food service operation, the fee shall be Forty-Eight Dollars (\$48.00) per day.

(j) The Commissioner of Assessments and Licenses may also collect fees for collection and bacteriological examination of samples taken from a food shop in an amount equal to the cost of such collection and examination as determined by the Commissioner of Environment.

(k) The Commissioner of Assessments and Licenses may also collect fees for plan reviews of food shops of an amount equal to thirty percent (30%) of the food shop license fee for said shops, except for plans pertaining to mobile or temporary food service operations or vending locations.

(l) The Commissioner shall submit all applications for a food shop license to the City of Cleveland Director of Public Health for approval or disapproval of such application.

(m) The Commissioner is authorized to collect license fees for retail food establishments and food service operations and deposit such fees into a fund created pursuant to Sections 3717.25 and Section 3717.45 of the Revised Code.

(n) The Commissioner is authorized to collect license fees for food handlers and all food handlers' license fees and deposits shall be retained by the licensor.

(o) For purposes of this Section, noncommercial organizations are defined as organizations such as churches, or non-profit organizations operated exclusively for charitable purposes as defined in division (B)(12) of Section 5739.02 of the Revised Code, provided that displayed foods are not displayed for more than seven (7) consecutive days or more than fifty-two (52) separate days per year.

(p) A penalty of twenty five percent (25%) of any license fee required by this section must be paid

prior to the issuance of the license if the required license fee is not paid on or before the date it is due.

Section 241.09 Food Shop Premises to be Free of Insects and Rodents

All buildings and portions of buildings in which food is prepared, stored or served shall be of rat-proof construction and insect and rodent free. When flies are prevalent, all openings to the outer air shall be effectively screened and doors shall be self-closing unless other effective means are provided to prevent their entrance.

Section 241.20 Transportation

No food shall be transported unless it is so covered that it is protected from dust, dirt, insects and other contaminating substances. Every vehicle transporting food shall be kept in a clean, sanitary condition.

Section 241.21 Display

No food shall be displayed in, upon or over any street, alley, sidewalk, or other public place in the City, except in districts designated by the City as market districts. Produce or other foodstuffs displayed outside on the food shop's property shall be displayed so as to be protected from contamination.

Section 241.22 Licensing Outdoor Restaurants: Procedure and Fee

(a) To provide for issuance of annual licenses by the Commissioner of Assessments and Licenses and to direct the Director of Public Health to develop rules for such operations not inconsistent with state statutes and regulations, application shall be accepted by the Commissioner of Assessments and Licenses from restaurants, the approval of which will allow them to serve food and beverages outdoors.

(b) Each license application shall have included with it a sketch of the premises showing what outdoor areas are proposed to be used for the serving of food and beverages.

(c) **Before any food shop may expand its operation to an outdoor area, it must submit a new application and new sketch of the premises to the Commissioner of Assessments and Licenses and obtain approval as required herein.**

(d) This section shall in no way supercede any applicable portions of City or state health regulations.

(e) On the approval of the application by the Commissioner of Environmental Health, the Commissioner of Assessments and Licenses shall **issue the food shop license. Denial of a food shop license may be appealed to the Board of Zoning Appeals.**

(f) **After issuance of the food shop license, each applicant must submit an application for a permit pursuant to Chapter 513 of these codified ordinances.**

Section 241.26 Health of Food Shop Personnel

(a) No person shall be permitted to work in a food shop unless he or she is free from disease in a communicable form or a carrier state. When reasonable cause exists to suspect the possibility of transmission of disease from any person handling food, the Commissioner of Environmental Health may exclude

immediately such person from food handling until such time as he or she is satisfied that such person is free from the possibility of transmitting disease.

(b) **No person shall be permitted to work in a food shop if they are known or suspected of having a disease in a communicable form or a carrier state in any capacity in which food is handled.**

Section 241.27 Drug Stores

All drug stores shall be maintained in a clean, sanitary manner and in accordance with the rules established for retail food establishments in Chapter 3717 of the Ohio Revised Code.

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

Sections 241.03 and 241.04, as enacted by Ordinance No. 511-76, passed June 14, 1976,

Section 241.05, as amended by Ordinance No. 2015-95, passed December 18, 1995, and

Sections 241.09, 241.20, 241.21, 241.22, as enacted by Ordinance No. 511-76, passed June 14, 1976

Section 241.231, as amended by Ordinance No. 1598-90, passed December 17, 1990,

Sections 241.26 and 241.27, as enacted by Ordinance No. 511-76, passed June 14, 1976, are hereby repealed.

Section 3. That the Codified Ordinances are hereby supplemented by enacting new Sections 241.041 and 241.051, to read, respectively, as follows:

Section 241.041 Safe food Sanitation Standards

The definitions and standards for safe sanitation in retail food establishments and food service operations shall be any established as the Ohio Uniform Food Safety Code, promulgated by The Ohio Director of Agriculture and Ohio Public Health Council pursuant to Section 3717.05 of the Revised Code.

Section 241.051 Categories and Fees

(a) Each application to the Commissioner of Licenses and Assessments for a food service operation license required pursuant to Section 3717.43 of the Revised Code, or for a retail food establishment license required pursuant to Section 3717.21 of the Revised Code shall be accompanied by a combined license and inspection fee as follows:

(1) Food Service Operations and Retail Food Establishments less than 10,000 square feet of floor space:

Risk Level	Fee
Level I	\$ 140.00
Level II	216.00
Level III	398.00
Level IV	450.00
Level V	495.00

(2) Food Service Operations and Retail Food Establishments in excess of 10,000 square feet of floor space:

Risk Level	Fee
Level I	\$ 219.00
Level II	260.00
Level III	889.00
Level IV	942.00
Level V	964.00

(3) Non-Commercial Food Service Operations and Non-Commercial Retail Food Establishments less than 10,000 square feet of floor space:

Risk Level	Fee
Level I	\$ 70.00
Level II	108.00
Level III	199.00
Level IV	225.00
Level V	247.00

(4) Non-Commercial Food Service Operations and Non-Commercial Retail Food Establishments in excess of 10,000 square feet of floor space:

Risk Level	Fee
Level I	\$ 109.00
Level II	130.00
Level III	444.00
Level IV	471.00
Level V	482.00

(b) The risk level categories described herein shall have the meaning established in any rules promulgated pursuant to Chapter 3717 of the Ohio Revised Code.

Section 4. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 243.01 and 243.02, as enacted by Ordinance No. 1460-64, passed June 29, 1964,

Section 243.03, as amended by ordinance No. 2301-80, passed March 2, 1981, and

Sections 243.04, 243.05, 243.06, 243.07, 243.08, 243.09, 243.10, 243.11, 243.12, 243.13, 243.14, 243.15, 243.16, 243.17, are hereby repealed.

Section 5. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 243.01 thereof to read as follows:

CHAPTER 243

OHIO UNIFORM FOOD SAFETY CODE

Section 243.01 Ohio Uniform Food Safety Code

The Ohio Uniform Food Safety Code as promulgated by the Ohio Director of Agriculture and Ohio Public Health Council pursuant to Section 3717.05 of the Revised Code, is hereby adopted and incorporated by the City of Cleveland as fully as if set forth herein.

Section 6. That Sections 245.01, through and including 245.19 of the Codified Ordinances, as enacted by Ordinance No. 1461-64, passed June 29, 1964, are hereby repealed.

Section 7. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 245.01 to 245.12 to read, respectively, as follows:

CHAPTER 245

FROZEN DESSERTS

Section 245.01 Definitions

(a) "Frozen desserts" means ice cream, frozen custard, milk sherbet, ice or ice sherbet, imitation ice cream, frozen dairy dessert, ice milk and similar frozen or partially frozen dairy food products.

(b) "Mix" means the unfrozen combination of the ingredients of a frozen dessert.

Section 245.02 License or Permit Required

No person, firm or corporation shall manufacture, package, sell or distribute within the City any frozen desserts or mixes, without first obtaining a license pursuant to Section 241.05 of these codified ordinances.

Section 245.03 Standards and Labeling

All frozen desserts and mixes shall conform in standards to the definitions of such products as set forth in the Ohio Revised Code, or in the regulations of the Ohio Department of Agriculture. All frozen desserts and mixes shall be properly labeled as required by law, and such label shall include the name and address of the manufacturer, packager or distributor. In the event the name and address is that of the distributor, or the manufacturer has more than one plant, the processing plant must be identified on the label in a manner acceptable to the Commissioner of Environmental Health. Labeling and identity requirements need not apply to retail manufacturers who do not harden and store frozen desserts for sale or distribution. Labels shall not be misleading.

Section 245.04 Protection from Contamination

All places where frozen desserts and mixes are manufactured or handled shall be thoroughly clean. Operations shall be located and conducted to prevent any contamination of food, equipment or containers. Spilled, overflowed or leaked product shall be discarded. All milk, milk products or mix drained from equipment at the end of a run shall be handled in a sanitary manner.

Section 245.05 Sanitary Facilities

All places where frozen desserts and mixes are manufactured or handled shall be in conformance with City ordinances regarding toilet facilities and hand washing facilities, and the water supply shall be easily accessible, adequate and of a safe, sanitary quality.

Section 245.06 Design, Construction and Sanitizing of Equipment

(a) All equipment, piping and containers used for the processing, conducting and storing of frozen desserts and mixes shall be of sanitary design and construction and shall be handled in a sanitary manner.

(b) Equipment and multi-use containers shall be thoroughly cleaned and sanitized after each use, and adequate facilities shall be provided for cleaning and sanitizing equipment and containers. Empty containers shall be thoroughly cleaned before being returned to the manufacturer of frozen desserts and mixes. Single use containers shall not be reused. Dippers and other utensils used intermittently for dispensing frozen desserts shall be kept in running water with adequate velocity and volume to cleanse them.

Section 245.07 Vehicle Regulations

All vehicles used in transporting, delivering or peddling frozen desserts or mixes shall be clean, well constructed and properly insulated. Such vehicles shall be licensed and properly identified.

Section 245.08 Transferring and Dispensing

No ice cream or mix shall be packaged, dispensed or transferred except in a clean, sanitary manner.

Section 245.09 Personnel Health and Cleanliness

All persons engaged in the processing of frozen desserts or mixes shall be clean in person and habits and shall wear clean, washable clothing and caps. They shall not use tobacco in any form while working. All such persons shall be free of contagious or infectious disease in active or carrier state, and shall submit to an annual physical examination, the record of which shall be kept on file and exhibited upon demand of the Commissioner of Environmental Health or his agent.

Section 245.10 Peddling of Frozen Desserts

No person, firm or corporation shall peddle frozen desserts within the City unless the following requirements are complied with:

(a) All such products shall be completely wrapped or packaged in a licensed place of business and all such wrappings or packages shall be labeled with:

- (1) Name of the product;
- (2) Name and address of the manufacturer;
- (3) Net contents by weight or volume.

(b) All such products shall be properly refrigerated to inhibit bacterial growth.

(c) All persons employed as peddlers shall be at least sixteen years of age and:

- (1) Be in the regular employment of the licensee;
- (2) Wear clean, washable garments or uniforms;
- (3) Maintain himself in a clean and personable condition.

(d) All frozen desserts shall be transported in sanitary containers, which must be washed after each day's use. Such containers shall be used for no other purpose than the transportation of frozen desserts and shall be stored only at the place of business of the licensee. Such containers shall conspicuously display the name of the licensee.

(e) All vehicles used to peddle frozen desserts shall be stored or parked in clean surroundings when not in use.

Section 245.11 Noise from Peddlers

No peddler of frozen dessert shall cry his wares in a loud voice or use any noise-producing device other than a soft chime, the limit of audibility of which shall be one hundred (100) feet from the source of such sounds, and otherwise shall be in conformity with the provisions of Section 605.12 of the codified ordinances.

Section 245.12 Prohibited Places

No peddler of frozen desserts shall manufacture his wares on any City street, sell his wares in areas designated by the Commissioner of Traffic Engineering and Parking as a congested area or peddle frozen desserts in or on City property without the written consent of the Director of Parks, Recreation and Properties.

Section 8. That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

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

Ord. No. 2026-2000.

By Councilmen Polensek, Rybka, Dolan, Cimperman, Britf, Brady, White, Patmon, O'Malley, Sweeney, Lewis, Melena and Cintron.

An emergency ordinance to amend Sections 135.33 and 135.331 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2092-80, passed December 8, 1980, relating to Emergency Medical 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 Sections 135.33 and 135.331 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2092-80, passed December 8, 1980, are hereby amended to read respectively as follows:

Section 135.33 Bureau of Emergency Medical Service

There is hereby established a Bureau of Emergency Medical Service within the Division of Fire in the Department of Public Safety, which shall be administered and controlled by an Assistant Chief of the Division of Fire to be known as the Assistant Chief for Emergency Medical Service, subject to the provisions of the Charter and Ordinances of the City and to the direction of the Chief of the Division of Fire.

Section 135.331 Duties of the Assistant Chief for Emergency Medical Service

The Assistant Chief of Emergency Medical Service shall supervise the work of other officers and employees in the Bureau; have charge of the planning, management and operation of a system to provide emergency medical services to persons in need of pre-hospital care; shall collect duly established charges for such services and keep such records pertaining to the Bureau as may be necessary or useful in the efficient management of the Bureau.

Section 2. That existing Sections 135.33 and 135.331 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2092-80, passed December 8, 1980, are hereby repealed.

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

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

Ord. No. 2027-2000.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more Concession Agreements with the Ohio Rehabilitation Services Commission, Bureau of Services for the Visually Impaired for the operation of a snack bar and vending machines at the Carl B. Stokes Building and the Cleveland Public Power Building.

Whereas, this ordinance constitutes an emergency measure providing for 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 any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation and Properties is hereby authorized to enter into one or more Concession Agreements with the Ohio Rehabilitation Services Commission, Bureau of Services for the Visually Impaired, for the operation of a snack bar and installation of vending machines at the Carl B. Stokes Building located at 1201 Lakeside Avenue and for the operation of vending machines at the Cleveland Public Power Building located at 1300 Lakeside Avenue, for a period not to exceed three (3) years.

Section 2. That the Concession Agreements authorized herein shall be prepared by the Director of Law, and shall contain such additional provisions as he deems necessary to protect and benefit the public interest.

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

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

Ord. No. 2028-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with The Revere Group to provide for a ten year abatement for certain tangible personal property taxes as an incentive to acquire personal property located at 2000 Sycamore, Cleveland, Ohio 44113.

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, The Revere Group (the "Enterprise") has proposed to acquire personal property located at 2000 Sycamore, Cleveland, Ohio 44113; and

Whereas, the Enterprise has certified to the City that, but for abatement of personal property 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 the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a five (5) year abatement for certain tangible personal property taxes as an incentive to acquire personal property located at 2000 Sycamore, Cleveland, Ohio 44113; 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. 2028-2000-A. The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

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

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

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

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

Ord. No. 2029-2000.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance to amend Section 5 of Ordinance No. 159-98, passed June 15, 1998, relating to a Tax Increment Financing Agreement with Third Federal Savings and Loan Association; to supplement said ordinance by adding new Section 6; and to renumber existing Sections 6 and 7 to new Sections 7 and 8.

Whereas, this ordinance constitutes an emergency measure providing for 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. 159-98, passed June 15, 1998, is hereby amended to read as follows:

Section 5. That the balance of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the City of Cleveland and deposited in Fund No. 10 SF 501 and Fund No. 17 SF 008 to recover expenditures from the Neighborhood Development Investment Fund ("NDIF") and the UDAG Repayments Fund ("UDAGR") in an amount equal to NDIF and UDAGR funds, plus interest, authorized pursuant to Section 6 hereof, and appropriated by Ordinance No. 241-98, passed June 15, 1998, as amended to those public improvements and such other purposes more fully described in such appropriating legislation. Said appropriation of NDIF funds shall not exceed \$2,000,000.00; appropriation from UDAGR funds shall not exceed \$220,000.

Section 2. That existing Section 5 of Ordinance No. 159-98, passed June 15, 1998, is hereby repealed.

Section 3. That Ordinance No. 159-98, passed June 15, 1998, is hereby supplemented by adding new Section 6 to read as follows:

Section 6. That the Director of Economic Development is hereby authorized to enter into a contract with Third Federal to provide financial assistance to partially finance a neighborhood land-bank program operated by Third Federal within the Area, as more fully described in File No. _____; the costs of said contract shall not exceed the amount of UDAGR funds appropriated pursuant to Ordinance No. 241-98, as amended, less the amount expended for those public improvements authorized pursuant to Ordinance No. 241-98.

Section 4. That existing Sections 6 and 7 of Ordinance No. 159-98, passed June 15, 1998, are hereby renumbered, respectively, to new "Section 7" and "Section 8".

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

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

Ord. No. 2030-2000.
By Councilmen Melena and Patmon (by departmental request).
An emergency ordinance to amend Section 5 of Ordinance No. 241-98, passed June 15, 1998, relating to the rehabilitating Broadway Avenue and Aetna Avenue, including but not limited to streetscape and roadway improvements.

Whereas, this ordinance constitutes an emergency measure providing for 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. 241-98, passed June 15, 1998, is hereby amended to read as follows:

Section 5. That the cost of the improvement hereby authorized shall be paid from Fund No. 10 SF 501 in an amount not to exceed \$2,000,000, **Fund No. 17 SF 008 in an amount not to exceed \$220,000** and from the fund or funds to which are credited the proceeds of the grant and gift money accepted pursuant, respectively, to Sections 3 and 4 of this ordinance, Request No. 23340.

Section 2. That the existing Section 5 of Ordinance No. 241-98, passed June 15, 1998, is hereby repealed.

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

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

Ord. No. 2031-2000.
By Councilmen Jones, 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 in Block H of the Cleveland Industrial Park to JRM Chemical 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 H of the Cleveland Industrial Park; and

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

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

Section 1. That notwithstanding and as an exception to 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:

Legal Description For
 Parcel "B"
 3.252 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Block "H" in the Lee-Seville/Cleveland Outerbelt Industrial Park (Vol. 231, Page 42) of part of Original

Warrensville Township Lots Nos. 81, 82 and 103 and bounded and described as follows:

Beginning at a Monument Box with a 3/4" iron pin found at a Point of Curvature in the Centerline of Johnston Parkway (60 feet wide), said Monument Box being South 00° 27' 00" East a distance of 399.21 feet from a Monument Box with a Stone found at the intersection of the centerlines of Velma Avenue (50 feet wide) and said Johnston Parkway;

Thence South 89° 33' 00" West a distance of 30.00 feet to a 5/8" capped rebar set in the Westerly right-of-way line of Johnston Parkway;

Thence North 00° 27' 00" West along the Westerly right-of-way line of Johnston Parkway a distance of 33.39 feet to a 5/8" capped rebar set, which marks the true place of beginning for the following described parcel of land;

Thence South 89° 33' 00" West a distance of 374.91 feet to a 5/8" capped rebar set in the Easterly line of lands now or formerly owned by N.B. Smith (AFN# 199904210602) and also the Easterly line of Sublot No. 6 in the Cranbrook Subdivision No. 1 (Vol. 155, Pg. 1);

Thence North 01° 23' 30" West along the Easterly line of Smith and the Easterly line of said Cranbrook Subdivision No. 1, a distance of 220.94 feet to a capped rebar found at a Northeasterly corner of lands now or formerly owned by W. Tilgham (Vol. 13617, Pg. 149) and in the Easterly line of Sublot No. 2;

Thence North 49° 42' 48" West along the Easterly line of said Tilgham and along the Easterly line of said Sublot No. 2 a distance of 45.96 feet to a capped rebar found at the Southeast corner of land now or formerly owned by C. Starks Jr. (Vol. 88-136, Pg. 257) and at the Southeast corner of Sublot No. 1;

Thence North 00° 27' 30" West along the Easterly line of Starks and the Easterly line of Sublot No. 1 a distance of 90.00 feet to a 5/8" iron pin found at the Northeast corner of said Starks and in the Southerly right-of-way line of Velma Avenue (50 feet wide);

Thence North 89° 32' 30" East along the Southerly right-of-way line of Velma Avenue a distance of 363.36 feet to a 5/8" capped rebar set at a point of curvature;

Thence along the arc of a curve deflecting to the right, having a radius of 50.00 feet, an arc length 78.55 feet, a chord bearing of South 45° 27' 30" East a chord of 70.72 feet, to a 5/8" capped rebar set in the Westerly right-of-way line of Johnston Parkway;

Thence South 00° 27' 00" East along the Westerly right-of-way line of Johnston Parkway a distance of 290.96 feet to the true place of beginning, containing 3.0252 acres of land, more or less, but subject to all legal highways and easements of record, as surveyed by Daniel J. Cook, Registered Surveyor No. 7179, of Campbell & Associates, Inc., in December, 1999.

The above described parcel of land is part of lands conveyed to the City of Cleveland (Vol. 12105, Page 129) and lot split (Vol. 304, Page 48) in Cuyahoga County Records.

The basis of bearings for the above described parcel of land is South 00° 27' 00" East for the centerline of Johnston Parkway (Vol. 231, Page 42) in Cuyahoga County Records.

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 JRM Chemical 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.

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

Ord. No. 2032-2000.
By Councilman Dolan.
An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with George Fischel using Community Development Block Grant funds to provide an emergency one-time three month housing rental subsidy to a low/moderate income family meeting the requirements for Community Development Block Grant Public Services Subsistence Payment.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into a grant agreement with George Fischel, 14200 Rainbow Avenue, in the City of Cleveland, Ward 21, using Community Development Block Grant funds to provide an emergency one-time three month housing rental subsidy to a low/moderate income family meeting the requirements of Community Development Block Grant Public Services Subsistence Payment.

Section 2. That the amount of the grant agreement authorized herein shall not exceed \$2070.00 and shall be paid for from Fund No. 14 sub class 026.

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

Referred by Director of Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

**FIRST READING EMERGENCY
RESOLUTIONS REFERRED**

Res. No. 2033-2000.

By Councilman Cimperman (by request).

An emergency resolution declaring the intention to vacate a portion of Hamilton Court N.E.

Whereas, this Council; is satisfied that there is good cause to vacate a portion of Hamilton Court N.E. as hereinafter described; 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 HAMILTON COURT N.E. (16.50 feet wide), extending Easterly from the Easterly line of East 38th Street (99.00 feet wide) to the Westerly line of East 40th Street (99.00 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.

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

Res. No. 2034-2000.

By Councilmen Johnson and Britt (by request).

An emergency resolution declaring the intention to vacate portions of Williams Avenue and East 128th Street.

Whereas, this Council; is satisfied that there is good cause to vacate a portions of Williams Avenue and East 128th Street as hereinafter described; 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:

**LEGAL DESCRIPTION VACATION
OF PORTIONS WILLIAMS AVE.
& E. 128TH ST.**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lots No. 429 and further bounded and described as follows:

Beginning at the intersection of the centerline of East 127th Street (44.00 feet wide) and the centerline of Williams Avenue (50.00 feet wide);

Thence North 89°-36'-00" East along the centerline of Williams Avenue, 190.25 feet to the principal place of beginning of Williams Avenue to be vacated and further bounded and described as follows:

Thence North 00°-24'-00" West, 25.00 feet to a point on the northerly line of Williams Avenue;

Thence North 89°-36'-00" East along the northerly line of Williams Avenue, 49.63 feet to a point of curvature;

Thence along the curved line of Williams Avenue deflecting to the right, an arc of 76.83 feet, said curve

having a radius of 89.61 feet and a chord that bears South 20°-16'-40" East, 74.50 feet to a point on the curved easterly line of East 128th Street;

Thence continuing along the curved line of East 128th Street, deflecting to the right, an arc of 48.58 feet, said curve having a radius of 89.61 feet and a chord that bears South 11°-14'-43" East 47.99 feet to a point of tangency;

Thence South 04°-16'-45" West along the easterly line of East 128th Street, 142.34 feet to a point of curvature;

Thence along a curved turnout to East 128th Street deflecting to the left, an arc of 32.18 feet, said curve radius of 19.86 feet and a chord that bears South 42°-07'-32" East, 28.77 feet to a point on the northerly line of Drexmore Road, (60.00 feet wide);

Thence North 88°-31'-50" West along the westerly prolongation of Drexmore Road, 65.91 feet to the westerly line of East 128th Street;

Thence North 04°-16'-45" East along the westerly line of East 128th Street, 165.61 feet to a point of curvature;

Thence along the curved turnout of East 128th Street deflecting to the left, an arc of 65.54 feet, said curve having a radius of 40.00 feet and a chord that bears North 42°-39'-38" West, 58.45 feet to a point in the southerly line of Williams Avenue;

Thence South 89°-36'-00" West along the southerly line of Williams Avenue, 53.55 feet to a point;

Thence North 00°-24'-00" West, 25.00 feet to the principal place of beginning and containing 0.1215 acres of land with Williams Avenue and 0.2238 acres of land with East 128th Street as calculated and described by North Coast Engineering and Surveying Co., in May, 2000, be the same more or less, but subject to all legal highways.

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

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

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

Ord. No. 2035-2000.

By Councilmen Britt, Patmon, Willis, Coats and Polensek.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Northeastern Neighborhood Development Corporation for partial support of the Sim's Raiders football team and booster club participation in the championship tournament to carry out the public purpose of providing recreation programs for residents of the city through the use of Ward 6, 8, 9, 10 and 11 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Northeastern Neighborhood Development Corporation for partial support of the Sim's Raiders football

team and booster club participation in the championship tournament to carry out the public purpose of providing recreation programs for residents of the city through the use of Ward 6, 8, 9, 10 and 11 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

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

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

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. 2036-2000.

By Councilmen Cimperman, Brady, Britt, Coats, Gordon, Robinson, Sweeney and Willis.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cleveland State University Black Studies Program for partial support of the Kuumba Arts Festival to carry out the public purpose of supporting community cultural festivals, through the use of Ward 3, 6, 9, 10, 13, 15, 19 and 20 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Cleveland State University Black Studies Program for partial support of the Kuumba Arts Festival to carry out the public purpose of supporting community cultural festivals.

Section 2. That the cost of said contract shall be in an amount not to exceed \$10,500 and shall be for services rendered by the grantee on or after September 1, 2000 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.

Ord. No. 2037-2000.
By Councilmen Cimperman and Cintron.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Tremont West Development Corporation to hang forty-eight (48) Christmas Wreaths on both C.E.I. and C.P.P. utility poles (by separate permission) on streets in the Tremont Area for the period of November 22, 2000 to January 8, 2001, inclusive, to celebrate the Holiday Season.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to The Tremont West Development Corporation 2190 Professor Street, Cleveland, Ohio 44113; to install, maintain and remove forty-eight (48) Christmas Wreaths on Cleveland Public Power and Cleveland Electric Illuminating Company utility poles (by separate permissions) on streets in the Tremont Area for the period from November 22, 2000 to January 8, 2001, inclusive, at the following locations and utility pole numbers: Sacket & Scranton S.E. Corner, #406124; Clover & Scranton NE Corner, #40678; Corning & Scranton N.E., #40675; Meyer & Scranton N.E., #NE40608; Holmden & Scranton, CEI; Buhner & Scranton, #NW42826 & 42816; Prame & Scranton, CEI; Starkweather & Scranton, #NE68 AOM1251; Literary & Professor, CEI; College & Professor, #47955 & 47956; Jefferson & Professor, CEI; Starkweather & Professor, #48116; Literary & W. 7th St., #SE 47931; College & W. 7th St., CEI; Jefferson & W. 7th St., CEI; Marquardt & W. 7th St., #NE 48036; Starkweather & W. 7th, CEI; W. 10th & Starkweather, CEI; Clark Ave. & W. 14th, #44645; W. 10th & Jefferson, #46259; W. 10th & Kenilworth, #s 46115 & 46184; W. 10th & Literary, #47915; W. 10th & Fairfield, #47911; W. 14th & Kenilworth, #46147; W. 11th & Starkweather, #HOM-1A-11; W. 11th & Kenilworth, #s 46120 & 46121; W. 11th & Literary, #46192; W. 11th & Fairfield, #46136; W. 11th & Starkweather, #46214; Professor & Literary, #47921; W. 14th & Fairfield, #HOM-1-18; W. 14th & Kenilworth, #46147; W. 14th & Clark, #44642; W. 14th & Branch Ct., #44539; W. 14th & Auburn, #44536; W. 14th & Mentor, #44668; W. 14th & Rowley, #44780; W. 14th & Holmden, #44710; W. 14th & Starkweather, #s HOM-1A, HOM-1-32, Hom-1-7; W. 14th & Kenilworth, #HOM-1-29; Scranton & Starkweather, #44421; Scranton & Auburn, #44413; Scranton & Mentor; #44519; Scranton & Clark, #428134; Scranton & Valentine, #40681; Scranton & Brainard, #40609; Scranton & Holmden, #42814; Scranton & Castle, #42760. Said Wreaths shall be approved by the Director of Public Safety, as to type, method of affix-

ing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a wreath will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said wreaths and said wreaths shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 2038-2000.
By Councilman Cintron.

An emergency ordinance to amend the Title and Section 1 of Ordinance No. 661-2000, passed May 1, 2000, relating to a grant agreement with the Clark Metro Development Corporation for their revitalization of the FL Thompson Building, 3401 West 25th Street to carry out the public purpose of creating or preserving jobs and employment opportunities to preserve the economic welfare of the State, through the use of Wards 14 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 661-2000, passed May 1, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Clark Metro Development Corporation for their revitalization of the FL Thompson Building, 3401 West 25th Street to carry out the public purpose of creating or preserving jobs and employment opportunities to preserve the economic welfare of the State, through the use of Wards 14 Neighborhood Equity Funds.

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with the Clark Metro Development Corporation for their revitalization of the FL Thompson Building, 3401 West 25th Street to carry out the public purpose of creating or preserving jobs and employment opportunities to preserve the economic welfare of the State, through the use of Wards 14 Neighborhood Equity Funds.

Section 2. That the existing Title and Section 1 of Ordinance No. 661-2000, passed May 1, 2000 are hereby repealed.

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

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

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

Ord. No. 2039-2000.
By Councilman Jackson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Second Metropolitan Church to stretch banners on the corner of East 79th and Quincy Avenue, corner of Sherman and East 79th Street and in front of 2424 East 79th Street for the period from December 1, 2000 to January 5, 2001, inclusive, publicizing the Church's 75th Anniversary.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Second Metropolitan Church to install, maintain and remove banners on the corner of East 79th and Quincy Avenue (pole no. CPP 75463), corner of Sherman and East 79th Street (pole no. CPP 75426) and in front of 2424 East 79th Street (pole no. CPP NT), for the period from December 1, 2000 to January 5, 2001, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 2040-2000.**By Councilman Polensek.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Northeast Shores Development Corporation to hang thirty-two (32) Holiday Decorations on CPP utility poles (by separate permission) on various sites on E. 185th St., Waterloo Rd., & E. 156th St. for the period of November 22, 2000 to January 5, 2001, inclusive, to celebrate the Holiday Season.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Northeast Shores Development Corporation 15721 Waterloo Road, Suite 200, Cleveland, Ohio 44110; to install, maintain and remove thirty-two (32) Holiday Decorations on Cleveland Public Power utility poles (by separate permission) on portions of the following streets and utility pole numbers: East 185th Street - West Side; 18482 Lake Shore, York Video, No Tag; 542 E. 185th, Jackshaw Lot, No Tag; 632 E. 185th, Beachland Hardware, No Tag; 694 E. 185th, Hoffman TV, #A8668; 726 E. 185th, Mr. Cars, #DOM31-22; 782 E. 185th, Harland Bldg., No Tag; 832 E. 185th, Julia Psychic, #A8775; 910 E. 185th, Sunoco, #DOM 31-7; 1010 E. 185th, House, #A7927; Waterloo Road - South Side; 15300 Waterloo, #A2773; 15322 Waterloo, #A2774; 15414 Waterloo, #A2775; 15430 Waterloo, #A2776; 15504 Waterloo, #A2777; 15504 Waterloo, #2778; 15602 Waterloo, #A2779; 15610 Waterloo, #A2780; SW Corner E. 157th, #A2781; 15704 Waterloo, #A2782; 15712 Waterloo, #A2783; 15800 Waterloo, #A2784; 15812 Waterloo, #A2785; 16006 Waterloo, #A4078; 2nd pole E. of E.160th, #A4077; 4th pole E. of E.160th, #A4075; E. 156th Street; 362 E. 156th St. (W), #A2672; 376 E. 156th St. (W), #A2673; 382 E. 156th St. (W), #A2715; 15812 Waterloo (S), #A2720; from the period of November 22, 2000 to January 5, 1998, inclusive. Said Holiday Decorations shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a Holiday Decoration will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said wreaths and said wreaths shall be removed promptly upon the expiration of said permit.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

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

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

Ord. No. 2041-2000.**By Councilman Westbrook.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Councilman Jay Westbrook to hang twenty-four (24) Christmas Trees with lights on Detroit Avenue from the addresses of 10427 to 11650, using CPP utility poles (by separate permission) for the period of November 13, 2000 to January 31, 2001, inclusive, to celebrate the Holiday Season.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Councilman Jay Westbrook, Ward #18, Room 220 Cleveland City Council, 601 Lakeside Avenue, Cleveland, Ohio 44114; to install, maintain and remove twenty-four (24) Christmas Trees with lights to be hung on Cleveland Public Power utility poles (by separate permission) from the period of November 13, 2000 to January 31, 2001, inclusive, at the following addresses and pole numbers: 10427 Detroit (N), #E7-5; 10603 Detroit (N), #E7-5; 10603 Detroit (S), #E8-18; W. 107th & Detroit (S) #E8-17; 10717 Detroit (S), #E8-16; W. 110th & Detroit (S), E8-15; 11000 Detroit (N) #E7-11; 11029 Detroit (S), #E8-14; 11100 Detroit (N), #E8-13; 11119 Detroit (S), #E8-12; 11200 Detroit (N), #E7-14; 11200 Detroit (S), #E7-27; 11210 Detroit (N), #E7-15; 11225 Detroit (S), E8-10; 11310 Detroit (N), E7-16; 11409 Detroit (S), E8-8; 11510 Detroit (N), #E7-18; 11600 Detroit (S), #E8-6; 11600 Detroit (N), #E7-20; 11603 Detroit (S), #E8-5; 11611 Detroit (S), #E8-4; 11616 Detroit (N), E7-22; 11645 Detroit (S), #E8-2; 11650 Detroit (N), #E7-24; and which Christmas Trees with lights in Ward #18 shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a wreath will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said Christmas Trees with lights, and shall be removed promptly upon the expiration of said permit.

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

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

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

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

Ord. No. 2042-2000.**By Councilman Westbrook.**

An emergency ordinance to amend the Title and Section 1 of Ordinance No. 1247-2000, passed July 17, 2000, relating to a grant agreement with Cudell Improvement, Inc. for their residential crime watch program, to carry out the public purpose of providing crime prevention training and crime watch programs in Ward 18, through the use of Ward 18 Neighborhood Equity Funds.

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

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

Section 1. The Title and Section 1 of Ordinance No. 1247-2000, passed July 17, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Cudell Improvement, Inc. for their residential crime watch program, to carry out the public purpose of providing crime prevention training and crime watch programs in Ward 18, through the use of Ward 18 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Cudell Improvement, Inc. for their residential crime watch program, to carry out the public purpose of providing crime prevention training and crime watch programs in Ward 18, through the use of Ward 18 Neighborhood Equity Funds.

Section 2. That the existing Title and Section 1 of Ordinance No. 1247-2000, passed July 17, 2000 are hereby repealed.

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

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

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

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

Res. No. 2043-2000.

By Councilman Brady.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 13429 Lakewood Hgts. Blvd., 1st Fl. & Bsmt. Excl. 2nd Fl.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 1410123, Cheer-Up Inc., 13429 Lakewood Hgts. Blvd., 1st Fl. & Bsmt. Excl. 2nd Fl., Cleveland, Ohio 44107; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 1410123, Cheer-Up Inc., 13429 Lakewood Hgts. Blvd., 1st Fl. & Bsmt. Excl. 2nd Fl., Cleveland, Ohio 44107 to Permit No. 8850749, Terrapin Station Ltd., 13429 Lakewood Hgts. Blvd., 1st Fl. & Bsmt. Excl. 2nd Fl., Cleveland, Ohio 44107 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two

copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

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

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

Res. No. 2044-2000.

By Councilman Brady.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 11730 Lorain Avenue, 1st Fl./Front.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 7220737, Ray Bons Inc., 11730 Lorain Avenue, 1st Fl./Front, Cleveland, Ohio 44111 to Permit No. 2095642, Desolve Inc., DBA Neighborhood Bar & Grill, 11730 Lorain Avenue, 1st Fl./Front, Cleveland, Ohio 44111; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the trans-

fer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 7220737, Ray Bons Inc., 11730 Lorain Avenue, 1st Fl./Front, Cleveland, Ohio 44111 to Permit No. 2095642, Desolve Inc., DBA Neighborhood Bar & Grill, 11730 Lorain Avenue, 1st Fl./Front, Cleveland, Ohio 44111 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 2045-2000.

By Councilman Britt.

An emergency resolution withdrawing objection to the renewal of a C2, C2X and D6 Liquor Permit to 7905 Cedar Avenue, and repealing Res. No. 1258-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a C2, C2X and D6 Liquor Permit to 7905 Cedar Avenue, by Res. No. 1258-2000 adopted by Council on July 17, 2000; and

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

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

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

Section 1. That objection to the renewal of a C2, C2X and D6 Liquor Permit to 7905 Cedar Avenue, be and the same is hereby withdrawn and Res. No. 1258-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 2046-2000.
By Councilman Cimperman.
An emergency resolution objecting to the issuance of a C1 Liquor Permit to 4409 Payne Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 1162873, Joann M. Byrge, DBA Beverage Store, 4409 Payne Avenue, Cleveland, Ohio 44103; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 1162873, Joann M. Byrge, DBA Beverage Store, 4409 Payne Avenue, Cleveland, Ohio 44103 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

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

Res. No. 2047-2000.
By Councilman Johnson.
An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 9621 Mt. Auburn Road, 1st Fl. & Bsmt., and repealing Res. No. 785-2000 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 9621 Mt. Auburn Road, 1st Fl. & Bsmt., by Res. No. 785-2000 adopted by Council on May 8, 2000; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 9621 Mt. Auburn Road, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 785-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

Res. No. 2048-2000.
By Councilman Lewis.
An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 7102 Hough Avenue, and repealing Res. No. 663-99 objecting to said renewal.

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 7102 Hough Avenue by Res. No. 663-99 adopted by Council on April 19, 1999; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement signed November 13, 2000, a copy of which is in the file for this address with the City Law Department; and

Whereas, this resolution constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That objection to the renewal of a C1 and C2 Liquor Permit to 7102 Hough Avenue, be and the same is hereby withdrawn and Res. No. 663-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 2049-2000.
By Councilman Lewis.
An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 7017-19 Superior Avenue, 1st & 2nd Fls., and repealing Res. No. 1321-99 objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 7017-19 Superior Avenue, 1st & 2nd Fls. by Res. No. 1321-99 adopted by Council on July 14, 1999; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement signed November 13, 2000, a copy of which is in the file for this address with the City Law Department; and

Whereas, this resolution constitutes an emergency measure 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 7017-19 Superior Avenue, 1st & 2nd Fls., be and the same is hereby withdrawn and Res. No. 1321-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 2050-2000.**By Councilman Lewis.**

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 9108 Superior Avenue, 1st Fl. & Bsmt., and repealing Res. No. 1346-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 9108 Superior Avenue, 1st Fl. & Bsmt., by Res. No. 1346-2000 adopted by Council on July 28, 2000; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement signed November 13, 2000, a copy of which is in the file for this address with the City Law Department; and

Whereas, this resolution constitutes an emergency measure 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 C1 and C2 Liquor Permit to 9108 Superior Avenue, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1346-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 2051-2000.**By Councilman Polensek.**

An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 18506 St. Clair Avenue, and repealing Res. No. 1452-2000 objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 18506 St. Clair Avenue by Res. No. 1452-2000 adopted by Council on August 7, 2000; and

Whereas, this Council wishes to withdraw its objection to the above issuance and consents to said issuance based upon and pursuant to a cooperation agreement signed November 1, 2000, a copy of which is in the file for this address with the City Law Department; and

Whereas, this resolution constitutes an emergency measure 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 Council does hereby record its objection to the issuance of a C1 Liquor Permit to 18506 St. Clair Avenue, be and the same is hereby withdrawn and Res. No. 1452-2000, 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.

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

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

Res. No. 2052-2000.**By Councilman Polensek.**

An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit to 16921 St. Clair Avenue, 1st Fl. and repealing Res. No. 1273-2000 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 16921 St. Clair Avenue by Res. No. 1273-2000 adopted by Council on July 17, 2000; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership based upon and pursuant to a cooperation agreement signed November 1, 2000, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a D5 Liquor Permit to 16921 St. Clair Avenue, be and the same is hereby withdrawn and Res. No. 1273-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

Res. No. 2053-2000.**By Councilman Robinson.**

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit to 3695-97 East 131st Street, 1st Fl. & Bsmt., and repealing Res. No. 1360-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3 and D3A Liquor Permit to 3695-97 East 131st Street, 1st Fl. & Bsmt. by Res. No.

1360-2000 adopted by Council on July 28, 2000; and

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

Whereas, this resolution constitutes an emergency measure 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 and D3A Liquor Permit to 3695-97 East 131st Street, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1360-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 2054-2000.**By Councilman Sweeney.**

An emergency resolution objecting to the stock transfer of a C1, C2 and D6 Liquor Permit to 14302 Puritas Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a C1, C2 and D6 Liquor Permit, to Permit No. 1709357, Convenient Food Mart Inc. 357, DBA Convenient Food Mart, 14302 Puritas Avenue, Cleveland, Ohio 44135; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the stock transfer of a C1, C2 and D6 Liquor Permit to Permit No. 1709357, Convenient Food Mart Inc. 357, DBA Convenient Food Mart, 14302 Puritas Avenue, Cleveland, Ohio 44135 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 2055-2000.

By Councilman Sweeney.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 4611 West 130th Street.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 84189840500, Speedway Superamerica LLC, DBA Speedway #3371, 4611 West 130th Street, Cleveland, Ohio 44135 to Permit No. 91610350015, United Petroleum Marketing LLC, DBA UPM 201, 4611 West 130th Street, Cleveland, Ohio 44135; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department

of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 84189840500, Speedway Superamerica LLC, DBA Speedway #3371, 4611 West 130th Street, Cleveland, Ohio 44135 to Permit No. 91610350015, United Petroleum Marketing LLC, DBA UPM 201, 4611 West 130th Street, Cleveland, Ohio 44135 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 2056-2000.

By Councilman Westbrook.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit to 9501 Denison Avenue, 1st Fl., and repealing Res. No. 1480-99 objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to 9501 Denison Avenue, 1st Fl., by Res. No. 1480-99 adopted by Council on August 11, 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 D5 and D6 Liquor Permit to 9501 Denison Avenue, 1st Fl., be and the same is hereby withdrawn and Res. No. 1480-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**SECOND READING
EMERGENCY ORDINANCES**

Ord. No. 1676-2000.

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

An emergency ordinance authorizing the purchase by contract of not to exceed three hundred sixty winter jacket liners, for the Division of Cleveland Public Power, Department of Public Utilities.

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

Ord. No. 1809-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Swift Davis Cleaning and Laundry, Inc. to provide economic development assistance to partially finance the renovation of real property located at 8220 Carnegie Avenue, Cleveland, Ohio.

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

Ord. No. 1862-2000.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of commercial gases, for the various divisions of City government, for a period not to exceed two years.

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

Ord. No. 1863-2000.

By Councilman Patmon (by departmental request).

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

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

Ord. No. 1864-2000.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and material necessary to maintain typewriters, for the various divisions of City government, for a period not to exceed two years.

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

SECOND READING EMERGENCY ORDINANCES PASSED**Ord. No. 1009-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 73rd Street to Cleveland Housing Network, Incorporated or designee.

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

1. Strike Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 in their entirety and renumber existing Sections 5, 6, 7, 8, 21, 22, 23, 24, 25, 26, 27, 28, 41, 42, 43, 44, respectively, to new "Section 1.", "Section 2.", "Section 3.", "Section 4.", "Section 5.", "Section 6.", "Section 7.", "Section 8.", "Section 9.", "Section 10.", "Section 11.", "Section 12.", "Section 13.", "Section 14.", "Section 15.", and "Section 16."

2. In renumbered Section 1, line 3, strike "6" and insert "2"; in renumbered Section 2, line 1, strike "5" and insert "1"; in renumbered Section 3, line 3, strike "8" and insert "4"; in renumbered Section 4, line 1, strike "7" and insert "3"; in renumbered Section 5, line 3, strike "22" and insert "6"; in renumbered Section 6, line 1, strike "21" and insert "5"; in renumbered Section 7, line 3, strike "24" and insert "8"; in renumbered Section 8, line 1, strike "23" and insert "7"; in renumbered Section 9, line 3, strike "26" and insert "10"; in renumbered Section 10, line 1, strike "25" and insert "9"; in renumbered Section 11, line 3, strike "28" and insert "12"; and in renumbered Section 12, line 1, strike "27" and insert "11".

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. 1957-2000.

By Councilmen Polensek and Patmon (by departmental request).

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

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

1. In the title, line 6; in the fifth whereas clause, line 4; in Section 1, line 7; in Section 1, at Section 154.01, lines 2, 6 and appearing twice in line 11; in Section 1, at Section 154.02, lines 2, 6, 8 and 10; in Section 1, at Section 154.03, lines 1 and 2; in Section 1, at division (a)(2) of Section 154.03, line 3; in Section 1, at division (a)(3) of Section 154.03, line 3; in Section 1, at division (b) of Section 154.03, line 1; in Section 1, at division (c) of Section 154.03, lines 1, 14 and 15; in Section 1, at Section 154.04, lines 2, 5, 7, 9, and 11, strike "Commission" and insert in lieu thereof "Committee"; and in Section 1, line 4, strike "COMMISSION" and insert in lieu thereof "COMMITTEE"; and in Section 1, at division (a)(3) of Section 154.03, line 4, strike "Commissions" and insert in lieu thereof "Committees".

2. In Section 1, at Section 154.01, line 3, strike "the Director of Finance as"; in line 8, after "accounting," insert "including some experience in governmental finance or auditing,"; also in line 8, after "Cleveland" strike the period insert "in accordance with the ethics provisions of the Ohio Revised Code. In addition, the Chair shall not have had any duties pertaining to the audit of the City of Cleveland for at least five years prior to his appointment. In the event that the President of Council and Mayor fail to jointly select a Chair within thirty days of the vacancy of the seat, then the President of Council shall appoint a Chair."; and in line 9, after "years," insert "The Clerk of Council shall publish the name of each member and the Chair in the City Record."

3. In Section 1, at division (a)(4) of Section 154.03, line 1, strike "serves" and insert in lieu thereof "services".

4. In Section 1, at Section 154.04, line 5, between "public" and the period insert "and the dates and attendance of the meetings shall be published by the Clerk of Council in the City Record. The Chair, however, may hold executive sessions in accordance with the provisions of the Ohio Revised Code".

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.

THIRD READING EMERGENCY ORDINANCES PASSED**Ord. No. 468-2000.**

By Mayor White.

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 909-2000.

By Councilmen Dolan and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Port Control to

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 941-2000.

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

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1056-2000.

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

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1201-2000.

By Councilman Polensek (by request)

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1202-2000.

By Councilman Rybka.

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1208-2000.

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

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1213-2000.

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

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1387-2000.

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

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1398-2000.

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

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1399-2000.

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

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1402-2000.

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

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1414-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with MPCL, LLC to provide economic development assistance to partially finance the renovation of real property located at 9250 Miles Park Avenue, Cleveland, Ohio 44105.

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1415-2000.

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

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1599-2000.

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

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1637-2000.

By Mayor White.

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1642-2000.

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

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1679-2000.

By Councilmen Cintron and Patmon (by departmental request).

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1680-2000.

By Councilmen Cintron and Patmon (by departmental request).

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1682-2000.

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

An emergency ordinance to amend Section 1 of Ordinance No. 2159-99, passed March 27, 2000, relating to authorizing the Director of Public Service to cause payment of

the City of Cleveland's share to the County of Cuyahoga for the cost of the rehabilitation of West 140th Street.

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1686-2000.

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

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

Read third time. Passed. Yeas 17. Nays 0.

Ord. No. 1795-2000.

By Mayor White.

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

Read third time. Passed. Yeas 17. Nays 0.

THIRD READING EMERGENCY RESOLUTION ADOPTED**Res. No. 1417-2000.**

By Councilman Johnson (by request).

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

Read third time. Adopted. Yeas 17. Nays 0.

MOTION

By Councilman O'Malley and seconded by Councilman Cimperman and unanimously carried that the absence of Council President Michael D. Polensek, and Councilman Nelson Cintron, Jr., Councilman Michael A. Dolan, and Councilman Edward W. Rybka be and is hereby authorized.

MOTION

The Council adjourned at 8:30 p.m. to meet on Monday, November 20, 2000, at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

ORDINANCES**Ord. No. 1676-2000.**

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

An emergency ordinance authorizing the purchase by contract of not to exceed three hundred sixty winter jacket liners, for the Division of Cleveland Public Power, Department of Public Utilities.

Ord. No. 1809-2000.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Swift Davis Cleaning and Laundry, Inc. to provide economic development assistance to partially finance the renovation of real property located at 8220 Carnegie Avenue, Cleveland, Ohio.

Ord. No. 1862-2000.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of commercial gases, for the various divisions of City government, for a period not to exceed two years.

Ord. No. 1863-2000.

By Councilman Patmon (by departmental request).

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

Ord. No. 1864-2000.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and material necessary to maintain typewriters, for the various divisions of City government, for a period not to exceed two years.

BOARD OF CONTROL

November 8, 2000

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 8, 2000, at 11:00 a.m. with Director Carter presiding.

Present: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Absent: Mayor White.

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

On motion, the following resolutions were adopted.

Resolution No. 748-00.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of Carquest Auto Parts for an estimated quantity of automotive paint (items #1 and #2), for the various divisions of City Government, Department of Finance, for a period of two (2) years beginning with the date of execution of a contract, received on October 19, 2000, pursuant to the authority of Ordinance No. 711-99, passed May 17, 1999, which on the basis of the estimated quantity would amount to Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) (2% - 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. RE-17979

which shall be certified against such contract in the total sum of One Thousand Two Hundred-Fifty and 00/100 Dollars (\$1,250.00).

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: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 749-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 732-00, adopted by the Board on October 25, 2000, approving Cascade Lighting, Inc. for Outdoor Lighting Program (Material), item nos. 1 thru 8, is amended by deleting the words "two (2) years" and substituting the words "one (1) year".

Be it further resolved that all other provisions of said Resolution No. 732-00 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 750-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Wesco Distribution, Inc. for an estimated quantity of 13.8 KV Distribution Transformers, item nos. 2, 5 thru 25, 27, 29 thru 39, 43, 45, 47 thru 51, 53, 54, 56, 57, 59, 60, 77 thru 105, 112, 113, 116, 118, 119, 136 thru 141, 143, 145, 147 and 148, except for such terms and conditions as are not acceptable to the Director of Law, for the Division of Cleveland Public Power, Department of Public Utilities, for a

period of two (2) years beginning with the date of execution of a contract, received on June 15, 2000, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to One Million Three Hundred Sixty-Four Thousand Eight Hundred Thirty and no/ 100 Dollars (\$1,364,830.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 16919

which shall be certified against such contract in the sum of Three Hundred Fifty-Eight Thousand Three Hundred Eighty-Two and no/100 Dollars (\$358,382.00).

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

Yeas: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 751-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Reed City Power Line Supply, Ohio Division for an estimated quantity of 13.8 KV Distribution Transformers, item nos. 1, 3, 4, 26, 28, 40, 41, 42, 44, 52, 55, 58, 61 thru 72, 106 thru 111, 114, 117, 121, 122, 127, 128, 129, 132, 134, 135, 142, 144 and 150 thru 165, except for such terms and conditions as are not acceptable to the Director of Law, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on June 15, 2000, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to One Million Five Hundred Seventy-Two Thousand Two Hundred Seventy and no/100 Dollars (\$1,572,270.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 16918

which shall be certified against such contract in the sum of Seventy Nine Thousand Five and no/100 Dollars (\$79,005.00).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be

ordered under subsequent requisitions separately certified against said contract.

Yeas: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 752-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that bid of National Power X/Utiliserve for an estimated quantity of 13.8 KV Distribution Transformers, item nos. 46, 115, 120, 123 thru 126, 130, 131, 133, 146, and 149, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on June 15, 2000, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to One Hundred Thirty-Two Thousand Nine Hundred Sixty and no/100 Dollars (\$132,960.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 16917

which shall be certified against such contract in the sum of Twenty-Five Thousand Six Hundred Sixty and no/100 Dollars (\$25,660.00).

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

Yeas: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 753-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Cooper Power Systems for an estimated quantity of 13.8 KV Distribution Transformers, item nos. 166, 167, 168 and 169, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on June 15, 2000, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to One Hundred Thirty Thousand Two Hundred Forty-Four and no/100 Dollars (\$130,244.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities,

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

Requisition No. 16916

which shall be certified against such contract in the sum of Twenty Four Thousand Two Hundred Sixteen and no/100 Dollars (\$24,216.00).

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

Yeas: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 754-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of R & R Construction for an estimated quantity of Outdoor Lighting Program (Installation), item nos. 9, 11, 12, 13, 15, 17 and 18, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 15th day of September 2000, pursuant to the authority of Ordinance No. 822-2000, passed June 12, 2000 on the basis of the estimated quantity would amount to Thirteen Thousand Four Hundred Forty-Five and no/100 Dollars (\$13,445.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 31529

which shall be certified against such contract in the sum of Ten Thousand and no/100 Dollars (\$10,000.00).

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

Yeas: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 755-00.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Westside Lighting for an estimated quantity of Outdoor Lighting Program (Installation), item nos. 10, 14, 16 and 19, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 15th day of September 2000, pursuant to the

authority of Ordinance No. 822-2000, passed June 12, 2000 on the basis of the estimated quantity would amount to Eight Thousand Eight Hundred Twenty-Five and no/100 Dollars (\$8,825.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 31548

which shall be certified against such contract in the sum of Six Thousand and no/100 Dollars (\$6,000.00).

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

Yeas: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 756-00.

By Director Sheffield-McClain.

Whereas, pursuant to the authority of Ordinance No 1107-94, passed by the Council of the City of Cleveland on June 13, 1994, and Board of Control Resolution No. 751-98 adopted on November 4, 1998, the City, through its Director of Port Control, entered into City Contract No. 53711 with Parsons Engineering Science, Inc. of Ohio (Consultant) for professional services necessary to prepare the Special Site Study and Preliminary Engineering Reports required to relocate certain NASA facilities in connection with the expansion of Cleveland Hopkins International Airport; and

Whereas, by Board of Control Resolution No. 117-00, adopted by the Board of Control on February 29, 2000, the Director of Port Control was authorized to enter into a First Amendment to City Contract No. 53711 for an addition to the scope of work and increasing the compensation to Three Million Four Hundred Seventy-Four Thousand Four Hundred Twenty-One and No/100 Dollars (\$3,474,421.00); and

Whereas, the City of Cleveland has determined it necessary to further amend the scope of work to, perform additional Site Studies, include EIS support services, and conduct Field Studies; and

Whereas, Consultant has proposed by its letter dated August 15, 2000 to perform the additional services necessary; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is hereby authorized to enter into a Second Amendment to the agreement between the City of Cleveland and Parsons Engineering Science, Inc. of Ohio, Contract 53711 for an addition to the scope of work based on the Consultant's letter dated August 15, 2000. The compensation for all consulting services shall be increased from Three Million Four Hundred Seventy-Four Thousand Four Hun-

dred Twenty-One and No/100 Dollars (\$3,474,421.00) to an amount not to exceed Three Million Nine Hundred Eighty-Three Thousand Four Hundred Twenty-One and No/100 Dollars (\$3,983,421.00).

Yeas: Director Carter, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White, Directors Brooks, Konicek.

Resolution No. 757-00.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cenweld Corporation for an estimated quantity of dump bodies, Cenweld, including Option A, 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 October 20, 2000, 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 Thirty-Three Thousand Six Hundred Eighty-Seven and 00/100 Dollars (\$33,687.00) (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:

Requisition No. 17978

which shall be certified against such contract in the sum of Thirty-Three Thousand Six Hundred Eighty-Seven and 00/100 Dollars (\$33,687.00).

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 Cenweld Corporation for the above-mentioned purchase is hereby approved:

Independent Brokers, Ltd.
MBE — \$960.00 per unit

Yeas: Director Carter, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White, Directors Brooks, Konicek.

Resolution No. 758-00.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Nozzle New, Inc. for an estimated quantity of fuel dispensing pump repair (all items), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on September 27, 2000, pursuant to the authority of Ordinance No. 266-2000, passed May

1, 2000, which on the basis of the estimated quantity would amount to Three Hundred Thirty Four Thousand Five Hundred Thirteen and 80/100 Dollars (\$334,513.80) (2% 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:

Requisition No. 17975

which shall be certified against such contract in the sum of Thirty Thousand and no/100 Dollars (\$30,000.00).

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

Yeas: Director Carter, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White, Directors Brooks, Konicek.

Resolution No. 759-00.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Wise International Trucks of Ohio for an estimated quantity of International Truck parts and labor (all items), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on September 21, 2000, pursuant to the authority of Ordinance No. 267-2000, passed May 8, 2000, which on the basis of the estimated quantity would amount to Two Hundred Seventy Five Thousand and no/100 Dollars (\$275,000.00) (2.5% 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:

Requisition No. 17976

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

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Wise International Trucks of Ohio, for the purchase of International Truck parts and labor (all items), is hereby approved:

Independent Brokers, Inc.
MBE — \$6,875.00 — 3%

Yeas: Director Carter, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White, Directors Brooks, Konicek.

Resolution No. 760-00.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Aon Risk Services, Inc. of Ohio for an estimated quantity of Aviation Insurance, 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 October 5, 2000, pursuant to the authority of Ordinance No. 1108-2000, passed on August 7, 2000, which on the basis of the estimated quantity would amount to Ninety Nine Thousand, Nine Hundred and 00/100 Dollars (\$99,900.00) (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. 06184

as specified

which shall be certified against such contract in the sum of Ninety Nine Thousand, Nine Hundred and 00/100 Dollars (\$99,900.00).

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: Directors Carter, Brooks, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White, Director Konicek.

Resolution No. 761-00.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland, that all bids received on October 20, 2000, for an estimated quantity of hammer truck flatbed bodies for the Division of Traffic Engineering and Parking, Department of Public Safety, pursuant to the authority of Ordinance No. 904-2000, passed by the Council of the City of Cleveland on August 7, 2000, be and the same are hereby rejected.

Yeas: Directors Carter, Brooks, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White, Director Konicek.

Resolution No. 762-00.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of CBF Industries, for an estimated quantity of Furniture, item nos. 2, 5-12, 15-20, 24-26, 31, 33, 37 and 39, 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 September 13, 2000, pursuant to the authority of Ordinance No. 838-2000, passed on June 12, 2000, which on the basis of the estimated quantity would amount to Sixty Seven Thousand, Four Hundred Twenty Three 00/100 Dollars (\$67,423.00) (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. 06102
Furniture, as specified which shall be certified against such contract in the sum of Sixty Seven Thousand, Four Hundred Twenty Three 00/100 Dollars (\$67,423.00).

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: Directors Carter, Brooks, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White, Director Konicek.

Resolution No. 763-00.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Boise Cascade Office Products, for an estimated quantity of Furniture, item nos. 1, 3, 29, 34-36, 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 September 13, 2000, pursuant to the authority of Ordinance No. 838-2000, passed on June 12, 2000, which on the basis of the estimated quantity would amount to Ten Thousand, Nine Hundred Sixty Seven and 20/100 Dollars (\$10,967.20) (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. 06101
Furniture, as specified which shall be certified against such contract in the sum of Ten Thousand, Nine Hundred Sixty Seven and 20/100 Dollars (\$10,967.20).

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: Directors Carter, Brooks, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White, Director Konicek.

Resolution No. 764-00.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Today's Office, Inc., for an estimated quantity of Furniture, item nos. 4, 13-14, 21-23, 27-28, 30, 32 and 38, 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 September 13, 2000, pursuant to the authority of Ordinance No. 838-2000, passed on June 12, 2000, which on the basis of the estimated quantity would amount to Thirty Nine Thousand, Four Hundred Sixty Six and 81/100 (\$39,466.81) (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. 06103
Furniture, as specified which shall be certified against such contract in the sum of Thirty Nine Thousand, Four Hundred Sixty Six and 81/100 (\$39,466.81).

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: Directors Carter, Brooks, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White, Director Konicek.

Resolution No. 765-00.

By Director Jackson.

Whereas, pursuant to the authority of Ordinance No. 1007-2000, passed October 23, 2000, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell certain City-owned property no longer needed for public use, described therein and located at 6564-6566 Broadway Avenue, also known as Permanent Parcel Number 132-02-017, to Jennifer Hajj; and

Whereas, said Ordinance No. 1007-2000 provided that the consideration to be paid for the property shall be at a price not less than the fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1007-2000, passed by the Council of the City of Cleveland on October 23, 2000, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property no longer needed for public use, described therein and located at 6564-6566 Broadway Avenue, also known as Permanent Parcel Number 132-02-017, to Jennifer Hajj. The consideration to be paid for said property is hereby fixed at Twenty Thousand Seven Hundred Dollars (\$20,700.00), which amount is determined to be not less than the fair market value.

Be it further resolved that the Mayor of the City of Cleveland is

hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 766-00.

By Director Jackson.

Whereas, pursuant to the authority of Ordinance No. 1060-2000, passed October 23, 2000, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell certain City-owned property no longer needed for public use, described therein and located on North Park Boulevard in the City of Shaker Heights, also known as a portion of Permanent Parcel Number 733-10-014, to Barry J. Minoff; and

Whereas, said Ordinance No. 1060-2000 provided that the consideration to be paid for the property shall be at a price not less than the fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1060-2000, passed by the Council of the City of Cleveland on October 23, 2000, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property no longer needed for public use, described therein and located on North Park Boulevard in the City of Shaker Heights, also known as a portion of Permanent Parcel Number 733-10-014, to Barry J. Minoff. The consideration to be paid for said property is hereby fixed at Eighty Thousand Dollars (\$80,000.00), which amount is determined to be not less than the fair market value.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 767-00.

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 1976-99, passed December 13, 1999, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized by and at the direction of the Board of Control to sell certain City-owned property, no longer needed for public use, described therein and located at 2201 West 93rd Street, Permanent Parcel Numbers 005-29-001 and 045, aka the for-

mer West Technical High School, to West Tech LLC for the development of housing; and

Whereas, said Ordinance No. 1976-99, provided that the consideration to be paid for the property shall be at a price not less than the fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1976-99, passed by the Council of the City of Cleveland on December 13, 1999, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property, no longer needed for public use, described therein and located at 2201 West 93rd Street, Permanent Parcel Numbers 005-29-001 and 045, aka the former West Technical High School, to West Tech LLC for the development of housing. The consideration to be paid for said property is hereby fixed at One Hundred Thousand Dollars (\$100,000.00), which amount is determined to be not less than the fair reuse value.

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

Yeas: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 768-00.

By Director Brooks.

Resolved by the Board of Control of the City of Cleveland, that all bids received on November 1, 2000 for computer related hardware equipment (Part IV, item 13) for the various divisions of City Government, Department of Finance, pursuant to the authority of Ordinance No. 362-2000, passed by the Council of the City of Cleveland on April 17, 2000, be and the same are hereby rejected.

Yeas: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 769-00.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of Erie Shores Computer, Inc. for an estimated quantity of computer related hardware equipment (Part 1) for the various divisions of City Government, Department of Finance, for a period of six (6) months beginning with the date of execution of a contract, received on November 1, 2000, pursuant to the authority of Ordinance No. 362-2000, passed April 17, 2000, which on the basis of the estimated quantity would amount to Two Hundred Eighty-One Thousand Eight Hundred Twenty-Five & 00/100 Dollars (\$281,825.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or

services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. RE-23014

which shall be certified against such contract in the total sum of Fourteen Thousand Six Hundred Fourteen and 00/100 Dollars (\$14,614.00).

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: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 770-00.

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of Dell Marketing L.P. for an estimated quantity of computer related hardware equipment (Parts II, III and Part IV items 1-12 and 14-44) for the various divisions of City Government, Department of Finance, for a period of six (6) months beginning with the date of execution of a contract, received on November 1, 2000, pursuant to the authority of Ordinance No. 362-2000, passed April 17, 2000, which on the basis of the estimated quantity would amount to Two Hundred Thirty-Eight Thousand Nine Hundred Ninety-Nine and 53/100 Dollars (\$238,999.53) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. RE-23013

which shall be certified against such contract in the total sum of Seventeen Thousand One Hundred Twenty-Two and 70/100 Dollars (\$17,122.70).

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: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 771-00.

By Director Konicek.

Whereas, pursuant to the authority of Ordinance No. 1071-93, passed by the Council of the City of Cleveland on June 7, 1993, and Resolution No. 469-98, adopted by the Board of Control on June 24, 1998, the City, through its Director of Public Utili-

ties, entered into an agreement with SCT Utility Systems, Inc. ("Consultant") Contract No. 53157, for professional services necessary to implement a customer information system for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, the City desires to modify the scope of the implementation of the customer information system to include mandated system updates and additional staff support to complete the project; and

Whereas, Consultant has proposed by its letter dated August 25, 2000, to provide such additional services for an amount not to exceed \$381,490.02; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Utilities is hereby authorized to enter into a modification to Contract No. 53157 with SCT Utility Systems, Inc. for the additional implementation services required to complete Cleveland Public Power's customer information system on the basis of the Consultant's August 25, 2000 proposal. The compensation for such additional services shall not exceed a total of \$381,490.02, thereby increasing the total compensation payable under Contract No. 53157 to \$2,495,490.02. The modification authorized hereby shall be prepared by the Director of Law and shall include such additional provisions as said Director deems necessary to benefit and protect the public interest.

Yeas: Directors Carter, Brooks, Konicek, Acting Director Williams, Director Ricchiuto, Acting Director Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Warren, Alexander.

Nays: None.

Absent: Mayor White.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

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

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

ANNE BLOOMBERG,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, NOVEMBER 27, 2000

9:30 A.M.

Calendar No. 00-303: 4239 Archwood Avenue, Appeal of Osvaldo Luva (Ward 15)

Osvaldo Luva appeals under Section 76-6 and the Charter of the City of Cleveland, and under Section 161.05 of the Codified Ordinances from being denied a Certificate of Appropriateness on August 10, 2000 for the installation of vinyl siding to the property at 4239 Archwood Avenue, by the Cleveland Landmarks Commission upon the recommendation of Director Hunter Morrison, City Planning Commission.

Calendar No. 00-308: 2862 Martin Luther King Boulevard a.k.a. 2856 MLK Boulevard (Ward 4)

Full Gospel Church, owner, and Great Lakes Fence, agent, appeal to install 600 linear feet of 5' high ornamental fencing to the north and east of an approximate 359' x 198' corner parcel located in a Two-Family District on the southwest corner of Buckeye Road and Martin Luther King Drive at 2862 Martin Luther King Drive; said installation being contrary to the Yards and Courts Requirements where the height of fencing proposed in the front setback area is 5' and 4'-6" is allowed as stated in Section 357.13(b)(3) of the Codified Ordinances.

Calendar No. 00-309: 16013 Seville Road (Ward 1)

Jaylin Development Corporation, owners, c/o Charles Chudakoff, appeal to construct a 40' x 175' one-story, split-faced block and metal truck parts building on an approximate 288' x 402' parcel located in a Semi-Industry District on the north side of Seville Road at 16013 Seville Road; said construction being contrary to the Industrial District Regulations of Section 345.03(b) where an auto or truck repair in a Semi-Industry District must be located 100' away from a Residential District line and the center line of Seville Road is the residential line and is 30' away and contrary to the Off-Street Parking and Loading Requirements where 9 parking spaces are provided and 14 are required as stated in Section 349.04(g) of the Codified Ordinances.

Calendar No. 00-311: 4682 Broadale Road (Ward 15)

Petros and Samrong Avgerinos, owners, appeal under authority of Sections 329.01(e) and 329.02(d) from a Warning Notice issued on September 5, 2000 by the Division of Building and Housing, Commissioner Robert Vilkas, regarding the property at 4682 Broadale Road where a wall fence or hedge of the side lot of an adjoining residential premises shall not exceed 6' nor more than the least distance between such wall, fence or hedge and an existing or potential main building on an adjoining lot as stated in Section 337.23(6) of the Codified Ordinances.

Calendar No. 00-337: 775 East 152nd Street (Ward 11)

North Point Properties, Inc., owners, and Volunteers of America of Northeast and North Central Ohio, Inc., prospective purchasers c/o of Dennis J. Kresak, agent, appeal to change the use of an existing 133' x 191' irregular shaped day care building into a transitional housing facility that will provide 50 beds for homeless veterans situated on a 150' x 333' corner parcel located in a Local Retail and Two-Family District on the north side of Aspinwall Avenue between East 152nd and East 154th Streets at 775 East 152nd Street; said change of use being contrary to the Residential District Requirements of Section 337.03(a) where transient housing or rooming house is not permitted in a Two-Family District and Section 337.08(c) where transient housing or rooming house is first permitted in a Multi-Family District and contrary to the Area Requirements where the gross floor area of a building shall not exceed one-half of the total lot area and the total lot area is 49,950 sq. ft. and one-half of the total lot area is 24,975 sq. ft. and 30,000 sq. ft. of floor area is proposed as stated in Section 355.04 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, NOVEMBER 13, 2000

At the meeting of the Board of Zoning Appeals on Monday, November 13, 2000, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 00-283: 2128 West 5th Street

Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appealed to erect a three-story one family dwelling house and a detached garage on a 104' x 134' lot in a B-Multi-Family District.

Calendar No. 00-284: 2142 West 5th Street

Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appealed to erect a three-story one family dwelling house and a detached garage on a 25' x 100' lot in a B-Multi-Family District.

Calendar No. 00-285: 2158 West 5th Street

Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appealed to erect a three-story one family dwelling house on a 25' x 100' lot in a B-Multi-Family District.

Calendar No. 00-286: 2162 West 5th Street

Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appealed to erect a three-story one family dwelling house and a detached private garage on a 25' x 100' parcel in a B-Multi-Family District.

Calendar No. 00-287: 2192 West 6th Street

Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appealed to erect a three-story two family dwelling house and a detached private garage on a 25' x 100' corner lot in a B-Multi-Family District.

Calendar No. 00-288: 2203 West 6th Street

Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appealed to erect a three-story two family dwelling house and a detached private garage on a 25' x 100' corner lot in a B-Multi-Family District.

Calendar No. 00-289: 519 Literary Road

Tremont Ridge Phase 1, Limited Partnership, owner, c/o Keith Sutton, appealed to erect a three-story two family dwelling house and a detached private garage on a 25' x 116' lot in a B-Multi-Family District.

Calendar No. 00-305: 3757-3771 West 143rd Street

PPG Industries Inc., owner, and Borchert Fencing Company, agent, appealed to install 292 linear feet of 6' high tubular ornamental fencing to the west and 361 linear feet of 6' high chain link fencing to the north of a parking lot in split zoning between General and Semi-Industry Districts.

Calendar No. 00-306: 3800 West 143rd Street

PPG Industries Inc., owner, and Borchert Fencing Company, agent, appealed to install 210 linear feet of 6' high tubular ornamental fencing to the west of a parking lot in a Semi-Industry District.

Calendar No. 00-307: 3779-3791 West 143rd Street

PPG Industries Inc., owners, and Borchert Fencing Company, agent, appealed to install 239 linear feet of 6' high tubular ornamental fencing to the west and 165 linear feet of 6' high chain link fencing to the south and east of a parking lot in split zoning between General and Semi-Industry Districts.

The following appeal was **Denied**:

Calendar No. 00-275: 3304 Henninger Road

B & L Development, owner, and Rockport Construction and Materials, Inc., tenant, c/o Janet Leslie, appealed to use existing acreage located in One-Family, Semi-Industry and General Industry Districts for storage of soil, stone, construction material and vehicles.

The following appeal was **Withdrawn**:

Calendar No. 00-278: 2222-2298 Clarkwood Road

Charles C. Pearson, owner, and Robert M. Lustig, guardian of Charles C. Pearson, appealed from a Notice of Violation issued June 29, 2000 by the Division of Building and Housing, Community Development Department.

The following appeals were **Postponed**:

None.

On Monday, November 13, 2000, in Executive Session:

The following appeals were heard on Monday, November 6, 2000 and said decisions were approved and adopted by the Board on November 13, 2000.

The following appeals were Approved:**Calendar No. 00-268:** 2189 West 6th Street

Bridge Avenue Development Ltd., owners, appealed to construct a 19' x 40' three-story one family dwelling unit and a 20' x 20' detached garage on a 25' x 100' parcel in a B-1-Multi-Family.

Calendar No. 00-269: 2193 West 6th Street

Bridge Avenue Development Ltd., owners, appealed to construct a 19' x 40' three-story one family dwelling unit and a 20' x 20' detached garage on a 25' x 100' parcel in a B-1-Multi-Family District.

Calendar No. 00-270: 2199 West 6th Street

Bridge Avenue Development Ltd., owners, appealed to construct a 19' x 40' three-story one family dwelling unit and a 20' x 20' detached garage on a 25' x 100' parcel in a B-1-Multi-Family District.

Calendar No. 00-271: 613 Literary Avenue

Bridge Avenue Development Ltd., owners, appealed to construct a 19' x 40' three-story one family dwelling unit and a 20' x 20' detached garage on a 25' x 100' parcel in a B-1-Multi-Family District.

The following appeals were Denied:**Calendar No. 00-291:** Appeal of John E. Tsambounieries

John E. Tsambounieries appealed from the refusal to issue a Peddlers Temporary Sidewalk Permit for the location at East 89th and Euclid Avenue.

Calendar No. 00-292: Appeal of John E. Tsambounieries

John E. Tsambounieries appealed from the refusal to issue a Peddlers Temporary Sidewalk Permit for the location at East 100th between Euclid and Carnegie Avenues.

Calendar No. 00-296: 4033 West 157th Street

John Kimble, owner, and Craig L. Madsen, agent, appealed to remove an existing 4' x 5' front porch of a one family dwelling and to replace it with a 15' x 10' open front porch in a Two-Family District.

Calendar No. 00-319: Appeal of John L. Dimarhos, d.b.a. Johnny's Hot Dogs

John L. Dimarhos, d.b.a. Johnny's Hot Dogs appealed from the refusal of a Peddlers Temporary Sidewalk Permit for the area at Wade Oval near Jephtha Drive.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
October 25, 2000

The following Docket was heard on October 25, 2000 and inadvertently omitted from The City Record dated November 8, 2000.

* * *

Docket A-166-00.

RE: Appeal of Pioneer Manufacturing Company, Owner of the Proposed 15,655 sq. ft. One Story Building Addition located on the premises known as 4529 Industrial Parkway from a ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated October 13, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit the building to be constructed with a zero fire wall rating on the addition at the rear property line, with the provision that the fence be moved out to the property line to allow the Fire Department equipment access to the full perimeter of the building. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan. Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
November 8, 2000

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

* * *

Docket A-40-00.

RE: Appeal of GMS Management Co., Inc. & Stuart J. Graines, Owner of the Property located on the premises known as 2720 Van Aken Boulevard from a NOTICE OF VIOLATION/ELECTRICAL of the Commissioner of the Division of Building and Housing dated March 1, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date; the docket will be rescheduled for November 22, 2000.

* * *

Docket A-118-00.

RE: Appeal of Ronald Davis, Owner of the One Story Masonry Property located on the premises known as 5456 Lake CT. from a NOTICE OF VIOLATION/EXTERIOR MAINTENANCE of the Commis-

sioner of the Division of Building and Housing dated June 12, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action required by the Board; the docket will be dismissed, noting that the appellant should file an appeal with the Board of Zoning Appeals.

* * *

Docket A-123-00.

RE: Appeal of Ronald Davis, Owner of the One Story Masonry Property located on the premises known as 5447 Lake CT. from a NOTICE OF VIOLATION/EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated June 12, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action required by the Board; the docket will be dismissed, noting that the appellant should file an appeal with the Board of Zoning Appeals.

* * *

Docket A-124-00.

RE: Appeal of Ronald Davis, Owner of the One Story Masonry Property located on the premises known as 5439 Lake CT. from a NOTICE OF VIOLATION/EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated June 12, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action required by the Board; the docket will be dismissed, noting that the appellant should file an appeal with the Board of Zoning Appeals.

* * *

Docket A-145-00.

RE: Appeal of Charles C. Pearson/Guardian Robert M. Lustig, Owner of the Property located on the premises known as 2224-2280 Clarkwood Avenue (a.k.a. 2280-98 Clarkwood Avenue) from, a 30 DAY DETERIORATED CONDEMNATION ORDER/MS & GARAGE/ILLEGAL USE of the Commissioner of the Division of Building and Housing dated July 31, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY DETERIORATED CONDEMNATION ORDER/MS & GARAGE/ILLEGAL USE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant forty-five (45) days in which to obtain permits and abate the violations. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the 30 DAY DETERIORATED CONDEMNATION ORDER/MS & GARAGE and LETTER OF INTENTION TO

DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by January 6, 2001. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket A-148-00.

RE: Appeal of The First National Bank of Chicago, Mortgagee of the Two & One-half Story Brick Residential Property located on the premises known as 2903 East 123rd Street from a 30 DAY CONDEMNATION ORDER/MS of the Commissioner of the Division of Building and Housing dated August 04, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-148-00 has been POSTPONED; to be rescheduled for December 6, 2000.

* * *

Docket A-150-00.

RE: Appeal of Gene A. Sardon, Sr., Owner of the Property, located on the premises known as 7535 Kinsman Road from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated August 23, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant a sixty (60) day "Extension Of Time" on the permit in which to abate the violations and fulfill the obligations on the permit; the property is REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

* * *

Docket A-151-00.

RE: Appeal of Bankers Trust Company of California N.A., Mortgagee of the Two Story Frame Residential Property located on the premises known as 2837 East 122nd Street (a.k.a. 2837-39 East 122nd Street) from a 30 DAY CONDEMNATION ORDER/MS of the Commissioner of the Division of Building and Housing dated August 4, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 2837 East 122nd Street (a.k.a. 2837-39 East 122nd Street) to the Commissioner of the Division of Building and Housing, for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

Docket A-152-00.

RE: Appeal of Conseco Finance Servicing Corp., Mortgagee of the Two & One-half Story Frame Residential Property located on the premises known as 3379 East 114th Street from a CONDEMNATION ORDER/MS of the Commissioner of the Division of Building and Housing dated August 25, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 3379 East 114th Street to the Commissioner of the Division of Building and Housing for supervision and any required further action, noting that demolition cannot occur before thirty (30) days. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

Docket A-157-00.

RE: Appeal of Adelphia Foods, Owner of the Two Story Masonry Business/Multi-Family Property, located on the premises known as 5901 Franklin Avenue from a NOTICE OF VIOLATION/GENERAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated August 18, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-157-00 has been POSTPONED; to be rescheduled for November 22, 2000.

* * *

Docket A-161-00.

RE: Appeal of William Kozik, Owner of the Commercial Property located on the premises known as 3753 East 93rd Street from a VACATE ORDER/30 DAY DETERIORATED CONDEMNATION ORDER/MS of the Commissioner of the Division of Building and Housing dated August 22, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-161-00 has been POSTPONED; to be rescheduled for November 22, 2000.

* * *

Docket A-170-00.

RE: Appeal of T-Rex Development, Inc., Owner of the Property located on the premises known as 1425 Rockwell Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated September 19, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to (OBBC Chapter 5, Table 503,

Section 504.0, 602.1 and 602.2 pertaining to buildings #2 and #3); to permit building #2 to be classified as type 2B construction and not fire-proof the steel of the unoccupied fifth floor, noting that the building is fully sprinklered and alarmed; and to review the unoccupied former roof walkway in building #3 to be classified as a story and not fire proof the steel and classified as type 2C construction, noting that the walkway will be lightly used or not used at all. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

* * *

Docket A-173-00.

RE: Appeal of West Sixth Group, Owner of the Property located on the premises known as 1276 West 6th Street from a NOTICE OF NON-CONFORMANCE of the Commissioner of the Division of Building and Housing dated October 13, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to (Item 13109.12(b)91) and permit the awning to be erected and constructed as indicated. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

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

* * *

Docket A-174-00.

RE: Appeal of Arlene Stevar, Owner of the Property located on the premises known as 1924 Euclid Avenue from a NOTICE OF NON-CONFORMANCE of the Commissioner of the Division of Building and Housing dated October 20, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the 12' foot requirement (3109.12(b)91) and permit the canopy to remain as it is 14' high. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

* * *

Docket A-175-00.

RE: Appeal of Mentor Square Management, Owner, and Alan Silverman, Tenant of the Property located on the premises known as 6501 Harvard Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated October 4, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to (OBBC Section 1014.9 and Section 101412) and permit the stair to be installed with a protective canopy, with the stipulation that the owner and tenant submit a letter stating that they will maintain

the stair free of debris, ice and snow; and that the stair will be installed with an open tread system. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-183-00.

RE: Appeal of Edward E. Hulesch, Owner of the Proposed Restaurant located on the premises known as 9801 Denison Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated November 2, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to (OBBC 2909.2 separate facilities) and permit one (1) ADA unisex toilet to be installed for an occupant load of 34. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-184-00.

RE: Appeal of Ohio Savings Management, Owner of the Property located on the premises known as 1801 East 9th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated November 2, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance (OBBC Section 1011.4.2) and permit the four automatic sprinkler devices, two on either side of the glass wall, to be installed as indicated on the drawings. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

* * *

APPROVAL OF RESOLUTIONS:

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

- L-19-00—Alonza P. Yoney.
- L-20-00—James Armstrong.
- A-135-00—Richard J. Brincka.
- A-149-00—National City Mortgage Co.
- A-153-00—Bridge Avenue Development, Ltd.
- A-154-00—Bridge Avenue Development, Ltd.
- A-155-00—Bridge Avenue Development, Ltd.
- A-156-00—Bridge Avenue Development, Ltd.
- A-166-00—Pioneer Manufacturing Company.
- A-171-00—Cleveland Municipal School District.

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

* * *

APPROVAL OF MINUTES:

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

October 25, 2000

Yeas: Denk, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, NOVEMBER 22, 2000

Installation of New Emission Exhaust Systems at Various City Fire Stations, for the Department of Public Safety, as authorized by Ordinance No. 927-2000.

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

Office Supplies, for the various Divisions of City Government, Department of Finance.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, NOVEMBER 15, 2000, 10:00 A.M. IN ROOM 517 OF CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. ATTENDANCE IS MANDATORY.

Two (2) X-Ray Fluorescent Lead Analyzers, for the Department of Community Development, as authorized by Ordinance No. 1210-2000, passed by the Council of the City of Cleveland, August 7, 2000.

November 8, 2000 and November 15, 2000

WEDNESDAY, NOVEMBER 29, 2000

Flooring for the Halloran Park Skating Facility, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1748-99, passed by the Council of the City of Cleveland, April 17, 2000.

Gerber Edge Computer System with Upgrades, for the Division of Traffic Engineering, Department of Public Safety, as authorized by Ordinance No. 1005-2000, passed by the Council of the City of Cleveland, July 17, 2000.

Service and Maintenance of Elevators, for the Department of Public Safety, as authorized by Ordinance No. 834-2000, passed by the Council of the City of Cleveland, June 12, 2000.

Electronic Risk Analysis Management System, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1656-99, passed by the Council of the City of Cleveland, December 14, 2000.

Pneumococcal Vaccine, for the Division of Health, Department of Public Health, as authorized by Ordinance No. 646-2000, passed by the Council of the City of Cleveland, June 12, 2000.

November 8, 2000 and November 15, 2000

THURSDAY, NOVEMBER 30, 2000

Snyder Avenue Area Sewer Replacement, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 2157-99.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE RE-

FUNDED 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 MONDAY, NOVEMBER 20, 2000, AT THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

Maintenance and Repair of Elevators, for the Department of Public Health, as authorized by Ordinance No. 1683-2000.

November 8, 2000 and November 15, 2000

FRIDAY, DECEMBER 1, 2000

Biological and Chemical Testing Supplies, Apparatus and Appurtenances — Item 1 (Secondary Turbidity Standards), 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.

One Hammer Truck Flatbed Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 904-2000, passed by the Council of the City of Cleveland, August 7, 2000.

Five (5) Dump Bodies, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1058-99, passed by the Council of the City of Cleveland, June 14, 1999.

One (1) Cab and Chassis with 30' Aerial Tower Platform/Utility Line Construction Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 904-2000, passed by the Council of the City of Cleveland, August 7, 2000.

November 8, 2000 and November 15, 2000

Request for Qualifications (RFQ): WBS No. M246 — Electrical Vaults 5 and 7 Project

Interested firms may obtain Qualification Packages beginning November 10, 2000 by going to:

www.clevelandairport.com

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

proposal@clevelandairport.com

SUBMITTAL DUE DATE:

THURSDAY, DECEMBER 7, 2000
AT 12:00 O'CLOCK NOON

PRE-QUALIFICATION MEETING:

THURSDAY, NOVEMBER 16, 2000
10:00 a.m.
Program Management
Team Office
19501 Five Points Road
Cleveland, Ohio 44135

For Further Information Contact:

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

November 8, 2000 and November 15, 2000

Request for Qualifications (RFQ)

The City of Cleveland is requesting qualifications from noise monitoring firms interested in providing professional services for the implementation of the Residential Sound Insulation Program. The program involves modification of structures surrounding Cleveland Hopkins International Airport. The primary role of the selected consultant will be to measure interior sound levels in the project residences prior to construction and post construction.

Sealed responses to Request for Qualifications will be received by the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3193 until 4:00 p.m. local time **November 27, 2000**.

Request for Qualifications documents may be obtained on or after November 3, 2000 at the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3193.

Pre-Qualification Meeting:
Wednesday, November 15, 2000
at 8:30 a.m.

Department of Port Control
Main Conference Room, 2nd Floor
5300 Riverside Drive
Cleveland, Ohio 44135

Interviews: Optional

The City of Cleveland reserves the right to accept or reject any or all submissions and waive any informality or irregularities in any qualifications should the City consider this to be in its best interest.

Request for Qualifications may not be withdrawn for a period of 90 days after submittal.

November 8, 2000 and November 15, 2000

Request for Qualifications (RFQ)

The City of Cleveland is requesting qualifications from Architectural/Engineering firms interested in providing professional services for the implementation of the Residential Sound Insulation Program. The program involves modification of structures surrounding Cleveland Hopkins International Airport. The primary role of the selected consultant will be to provide treatment recommendations, design and construction phase services for the specific purpose of reduction of noise levels inside these structures.

Sealed responses to Request for Qualifications will be received by the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3193 until 4:00 p.m. local time **November 21, 2000**.

Request for Qualifications documents may be obtained on or after November 3, 2000 at the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3193.

Pre-Qualification Meeting:
Wednesday, November 15, 2000
at 2:00 p.m.

Location: TBA

Interviews: December 1, 2000

The City of Cleveland reserves the right to accept or reject any or all submissions and waive any informality or irregularities in any qualifications should the City consider this to be in its best interest.

Request for Qualifications may not be withdrawn for a period of 90 days after submittal.

November 8, 2000 and November 15, 2000

Request for Qualifications (RFQ)

The City of Cleveland is requesting qualifications from Architectural/Engineering firms interested in providing professional services for the implementation of the Residential Sound Insulation Program. The program involves modification of structures surrounding Cleveland Hopkins International Airport. The primary role of the selected consultant will be to provide treatment recommendations, design and construction phase services for the specific purpose of reduction of noise levels inside these structures.

Sealed responses to Request for Qualifications will be received by the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3193 until 4:00 p.m. local time **November 21, 2000**.

Request for Qualifications documents may be obtained on or after November 3, 2000 at the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3193.

The City of Cleveland reserves the right to accept or reject any or all submissions and waive any informality or irregularities in any qualifications should the City consider this to be in its best interest.

Request for Qualifications may not be withdrawn for a period of 90 days after submittal.

November 8, 2000 and November 15, 2000

WEDNESDAY, DECEMBER 6, 2000

Chevrolet Medium Duty Truck Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 270-2000, passed by the Council of the City of Cleveland, May 1, 2000.

Various Automotive and Truck Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1264-99, passed by the Council of the City of Cleveland, August 11, 1999.

Purchase of AutoCAD Software, Installation, Support and Training, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1833-96, passed by the Council of the City of Cleveland, December 2, 1996.

November 15, 2000 and November 22, 2000

WEDNESDAY, DECEMBER 13, 2000

Nottingham Filter Rehabilitation Project, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 818-2000, passed by the Council of the City of Cleveland, October 9, 2000. A NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK, BANK CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER FOR BID DOCU-

MENTS. OUT OF AREA BIDDERS — PLEASE PROVIDE FEDERAL EXPRESS, UPS OR OTHER ACCOUNT INFORMATION FOR SHIPMENT. PACKAGE/FEE INCLUDES PLANS, TECHNICAL SPECIFICATIONS AND CONTRACTUAL REQUIREMENTS AND ANY ADDENDA.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, NOVEMBER 29, 2000, 10:00 A.M., AT THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, AUDITORIUM. THOUGH NOT MANDATORY, ATTENDANCE IS STRONGLY RECOMMENDED. ALL QUESTIONS PRIOR TO AND/OR SUBSEQUENT TO THE PRE-BID MEETING MUST BE SUBMITTED IN WRITING VIA FACSIMILE TO MITCHELL BROOKS IN THE DIVISION OF PURCHASES AND SUPPLIES (FAX 216-664-2611). A COPY MUST ALSO BE FORWARDED TO DAVE ROSSETTI, PROGRAM MANAGEMENT CONSULTANT (FAX 216-623-2683). QUESTIONS WILL BE RECEIVED UNTIL **5:00 P.M., WEDNESDAY, DECEMBER 6, 2000.**

PROJECT SCOPE INCLUDES, BUT IS NOT LIMITED TO: SIX (6) OF TWENTY-FOUR (24) RAPID SAND FILTERS WILL BE REMOVED FROM SERVICE AND RELATED EQUIPMENT DEMOLISHED. THE CAPACITY OF THE EIGHTEEN (18) REMAINING FILTERS WILL BE INCREASED BY PROCESS AND MECHANICAL REHABILITATION TO COMPENSATE FOR THE FILTERS THAT ARE TO BE REMOVED FROM SERVICE. ALSO AS PART OF THIS PROJECT, ARCHITECTURAL/STRUCTURAL RENOVATION AND MODIFICATION OF THE FILTER BUILDING, LOW VOLTAGE ELECTRICAL, PIPING, VALVES AND HVAC RENOVATION, AND UPGRADING FILTER INSTRUMENTATION AND CONTROL IS PLANNED.

November 15, 2000, November 22, 2000 and November 29, 2000

FRIDAY, DECEMBER 15, 2000

Nottingham Blower Building Project, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 818-2000, passed by the Council of the City of Cleveland, October 9, 2000.

A NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK, BANK CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER FOR BID DOCUMENTS. OUT OF AREA BIDDERS — PLEASE PROVIDE FEDERAL EXPRESS, UPS OR OTHER ACCOUNT INFORMATION FOR SHIPMENT. PACKAGE/FEE INCLUDES PLANS, TECHNICAL SPECIFICATIONS AND CONTRACTUAL REQUIREMENTS AND ANY ADDENDA.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, NOVEMBER 29, 2000, 10:00 A.M., AT THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, AUDITORIUM. THOUGH NOT MANDATORY, ATTENDANCE IS STRONGLY RECOMMENDED. ALL QUESTIONS PRIOR TO AND/OR SUBSEQUENT TO THE PRE-BID MEETING MUST BE SUBMITTED IN WRITING VIA FACSIMILE TO MITCHELL BROOKS IN THE DIVISION OF PURCHASES AND SUPPLIES (FAX 216-664-2611). A COPY MUST ALSO BE FORWARDED TO DAVE ROSSETTI, PROGRAM MANAGEMENT CONSULTANT (FAX 216-623-2683). QUESTIONS WILL BE RECEIVED UNTIL **5:00 P.M., WEDNESDAY, DECEMBER 6, 2000.**

PROJECT SCOPE INCLUDES, BUT IS NOT LIMITED TO: CONSTRUCTION OF A NEW AIR SCOUR BUILDING, BLOWER MECHANICAL EQUIPMENT, VALVES AND ASSOCIATED PIPING. CIVIL/ARCHITECTURAL WORK AS WELL AS HVAC, ELECTRICAL, AND PLUMBING/FIRE PROTECTION WILL BE INCLUDED. ALSO AS PART OF THIS PROJECT, A NEW GUARDHOUSE AND SITE FENCING WILL BE CONSTRUCTED TO ENHANCE PLANT SECURITY CONTROL.

November 15, 2000, November 22, 2000 and November 29, 2000

Request for Proposal (RFP)

The City of Cleveland is requesting proposals from qualified historic preservation consultants interested in providing professional services for the implementation of the Residential Sound Insulation Program. The program involves modification of structures surrounding Cleveland Hopkins International Airport. The primary role of the selected consultant will be to ensure compliance with Section 106 of the National Historic Preservation Act and the programmatic agreement for the City of Cleveland's Residential Sound Insulation Program (RSIP).

Sealed responses to Request for Proposals will be received by the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3192 until 4:00 p.m. local time December 11, 2000.

Request for Proposal documents may be obtained on or after November 17, 2000 at the Department of Port Control, Cleveland Hopkins International Airport, Cleveland, Ohio 44135-3193.

The City of Cleveland reserves the right to accept or reject any or all submissions and waive any informality or irregularities in any qualifications should the City consider this to be in its best interest.

Request for Qualifications may not be withdrawn for a period of 90 days after submittal.

November 15, 2000 and November 22, 2000

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1730-2000.

By Councilman Lewis.

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

Whereas, Benjamin Davis High School, also known as Aviation High School, has not been utilized by the Cleveland Municipal School District since 1995 due to the school system's continuing financial crises; and

Whereas, the 99th Fighter Squadron, today known as the Tuskegee Airmen, fought with distinction during World War II through the Mediterranean and European theaters; and

Whereas, the successors of these distinguished pilots can provide the support and resources necessary to restore Aviation High School as a source of aviation training for Cleveland school children; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that a restored Aviation High School can be a source of valuable training and future jobs for Cleveland's youth; now, therefore,

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

Section 1. That this Council urges the Cleveland Municipal School District, its Chief Executive Officer and Mayor White to reopen Aviation High School and to work with the Tuskegee Airmen to utilize the school solely for aviation training and support services.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the Cleveland Municipal School District, its Chief Executive Officer and to the members of the Board of Education of the Cleveland public schools.

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

Adopted October 30, 2000.

Effective November 7, 2000.

Res. No. 1979-2000.

By Councilman Brady.

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

Whereas, this Council objected to the renewal of a C1, C2 and D6 Liquor Permit to 11026 Lorain Avenue by Res. No. 1324-2000 adopted by Council on July 28, 2000; and

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

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

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

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

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

Adopted October 30, 2000.

Effective November 7, 2000.

Res. No. 1980-2000.

By Councilman Cimperman.

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

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

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

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

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

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

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

Adopted October 30, 2000.

Effective November 7, 2000.

Res. No. 1981-2000.

By Councilman Dolan.

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

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

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

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

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

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

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

Adopted October 30, 2000.

Effective November 7, 2000.

Res. No. 1982-2000.

By Councilman Johnson.

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

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 13130 Shaker Blvd. by Res. No. 1537-2000 adopted by Council on August 28, 2000; and

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

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

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

Section 1. That objection to the issuance of a C1 Liquor Permit to 13130 Shaker Blvd., be and the same is hereby withdrawn and Res. No. 1537-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

Adopted October 30, 2000.

Effective November 7, 2000.

Res. No. 1983-2000.

By Councilman Rybka.

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

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 3876 East 65th

Street, 1st Fl. & Bsmt. by Res. No. 1703-2000 adopted by Council on September 25, 2000; and

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

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

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

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

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

Adopted October 30, 2000.

Effective November 7, 2000.

Res. No. 1984-2000.

By Councilman Sweeney.

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

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 3274905; Jerome J. Gorczyca, DBA Puritas Shell, 14930 Puritas Avenue, Cleveland, Ohio 44135; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code.

Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

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

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

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

Adopted October 30, 2000.

Effective November 7, 2000.

Ord. No. 2040-99.

By Mayor White.

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

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

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

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 173.15, as amended by Ordinance No. 1298-84, passed June 11, 1984,

Sections 173.16, 173.17, 173.18 and 173.19 as amended by Ordinance No. 1759-A-76, passed January 31, 1977,

Section 173.65, as amended by Ordinance No. 846-77, passed May 2, 1977

are hereby amended to read, respectively, as follows:

Section 173.15 Civil Service Commission

The salaries of the members of the Civil Service Commission shall be seven thousand eight hundred twenty dollars (\$7,820.00) per annum, except that the member designated by the Commission as President shall receive additional compensation of five hundred seventy-five dollars (\$575.00) per annum. The member designated by the Mayor as the Secretary of the Commission shall receive additional compensation in an amount to be determined by the Mayor within the schedule of compensation established by the Council for that position.

Section 173.16 Board of Zoning Appeals

The salaries of the members of the Board of Zoning Appeals shall be seven thousand eight hundred twenty dollars (\$7,820.00) per annum, except that the member appointed by the Mayor as Chairman shall receive additional compensation of five hundred seventy-five dollars (\$575.00) per annum.

Section 173.17 Board of Building Standards and Building Appeals

(a) Each member of the Board of Building Standards and Building Appeals shall be compensated one hundred forty-five dollars (\$145.00) per diem for each official Board meeting attended. The Chairman shall be compensated one hundred seventy-five dollars (\$175.00) per diem for each official Board meeting attended. The alternate members shall be compensated forty-one dollars (\$41.00) per diem for each official Board meeting attended as an alternate, except that an alternate who is not a City resident at the time of attending a meeting shall not be entitled to any compensation.

(b) In no instance shall the aggregate amount paid to any member exceed seven thousand eight hundred twenty dollars (\$7,820.00) per year, that of the Chairman nine thousand five hundred forty-five dollars (\$9,545.00) per year and that of any alternate member exceed two thousand four hundred fifteen dollars (\$2,415.00) per year exclusive of the compensation received when serving in the place of a Board member.

Section 173.18 Board of Examiners of Electricians

Each member of the Board of Examiners of Electricians provided for in Section 3107.24, other than the Chief Electrical Inspector, shall receive compensation of two hundred five dollars (\$205.00) for each official Board meeting attended, payable monthly. In no instance shall the aggregate amount paid exceed four thousand eight hundred thirty dollars (\$4,830.00) per year. The Board shall hold at least two meetings per month.

Section 173.19 Board of Examiners of Plumbers

Each member of the Board of Examiners of Plumbers provided for in Section 3107.30, other than the Chief Plumbing Inspector, shall receive compensation of two hundred dollars (\$200.00) for each official Board meeting attended, payable monthly. In no instance shall the aggregate amount paid exceed four thousand eight hundred thirty dollars (\$4,830.00) per year. The Board shall hold at least two meetings per month.

Section 173.65 City Planning Commission

Each member of the City Planning Commission, except the member of Council serving thereon, shall receive compensation of seven thousand eight hundred twenty dollars (\$7,820.00) per annum, payable monthly.

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

Section 173.15, as amended by Ordinance No. 1298-84, passed June 11, 1984,

Sections 173.16, 173.17, 173.18 and 173.19 as amended by Ordinance No. 1759-A-76, passed January 31, 1977,

Section 173.65, as amended by Ordinance No. 846-77, passed May 2, 1977

are hereby repealed.

Section 3. That, pursuant to Charter Section 191, the salaries of any current officer or member of a board or commission shall not be increased during the term for which he or she was elected or appointed and those current officers or members shall continue to be paid at the rate established when they were elected or appointed.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 173.13 and 173.14 thereof to read, respectively, as follows:

Section 173.13 Landmarks Commission

The salaries of the members of the Landmarks Commission shall be six thousand five hundred dollars (\$6,500.00) per annum, except that the member designated by the Mayor as Chairman shall receive additional compensation of five hundred and seventy-five dollars (\$575.00) per annum.

Section 173.14 Community Relations Board

The salaries of the members of the Community Relations Board shall be four thousand five hundred dollars (\$4,500.00) per annum, except that the member designated by the Mayor as Chairman shall receive additional compensation of five hundred and seventy-five dollars (\$575.00) per annum.

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

Passed October 30, 2000.

Effective November 7, 2000.

Ord. No. 744-2000.

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

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

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 571.021 thereof, to read as follows:

Section 571.021 Service Providers at Cleveland Hopkins International Airport

All entities, including Scheduled Airlines that provide services to other Scheduled Airlines, other than those airlines that are signatories, or majority-owned subsidiaries of signatories, to the Agreement and

Lease authorized by Ordinance No. 1585-A-76, passed August 16, 1976, or signatories of a lease, lease by way of concession or other agreement that exempts them from such fees, that provide services at Cleveland Hopkins International Airport, including, but not limited to services related to ground handling, cargo handling, fueling aircraft, fueling ground equipment, aircraft maintenance, ground vehicle maintenance, interior and exterior aircraft cleaning, catering, deicing, and laboratory services for aircraft, shall pay Cleveland Hopkins International Airport a fee of seven percent (7%) of gross revenues derived from providing those services for the privilege of providing such services at Cleveland Hopkins International Airport.

The Director may, at any time, increase or decrease the percentage fee authorized herein, subject to prior authorization of Cleveland City Council.

Section 2. That the provisions of Section 571.021 shall be in force and effect sixty days after passage 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 October 30, 2000.

Effective November 7, 2000.

Ord. No. 1199-2000.
By Councilman Dolan.
An emergency ordinance to enact Section 551.082 of the Codified Ordinances of Cleveland, Ohio, 1976; and amend Section 551.99 thereof, relating to scavenging of solid waste and the penalty therefor.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 551.082 thereof to read as follows:

Section 551.082 Scavenging of Solid Waste

(a) No person shall remove or cause the removal of, pick-up, collect, sort or handle solid waste set out on a public street or alley for collection by the City or its contractor between the hours of 8:00 p.m. or sunset, whichever is later, sunset and 7:00 a.m.

(b) The provisions of this section shall not apply to an employee, contractor, or agent of the City who is engaged in the City's waste collection and disposal services or to the owner of, or the person who originally discarded, the solid waste material.

Section 2. That Section 551.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 221-92, passed February 8, 1993, is hereby amended to read as follows:

Section 551.99 Penalty

(a) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be fined twenty-five dollars (\$25.00) for the first offense and fifty dollars (\$50.00) for each subsequent offense.

(b) Whoever violates any provision of Sections 551.04, 551.081 or 551.082 shall be fined not more than one hundred dollars (\$100.00). The above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(c) Whoever violates any provision of Sections 551.18, 551.24 or 551.25 shall be fined fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each subsequent offense.

(d) Whoever violates any provision of Section 551.19 shall be fined one thousand dollars (\$1,000.00).

(e) Whoever violates any provision of division (c) of Section 551.16, Sections 551.22 or 551.31 shall be fined two hundred fifty dollars (\$250.00) or imprisoned for up to thirty days, or both, for the first offense, and five hundred dollars (\$500.00) or imprisoned for up to sixty days, or both, for each subsequent offense.

(f) Whoever violates any provision of Sections 551.12 or 551.27 shall be fined one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$250.00) or imprisoned for up to thirty days, or both, for each subsequent offense.

(g) Whoever violates any provision of division (b) of Section 551.26 shall be fined one thousand dollars (\$1,000.00) and shall be imprisoned for not less than sixty days and not more than six months.

(h) Whoever violates any provision of division (c) of Section 551.26 shall be fined not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months, or both.

(i) Notwithstanding any other provision of these Codified Ordinances, no part of a penalty imposed under this section shall in any case be suspended or otherwise reduced.

Section 3. That existing 551.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 221-92, passed February 8, 1993, is hereby repealed.

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

Passed October 30, 2000.

Effective November 7, 2000.

Ord. No. 1578-2000.
By Councilman Patmon (by departmental request).

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

Whereas, this ordinance constitutes an emergency measure providing for 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 two years of the necessary items of labor and materials necessary for window washing services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 3063)

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

Passed October 30, 2000.

Effective November 7, 2000.

Ord. No. 1685-2000.
By Councilmen Polensek and Patmon (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various on-road vehicles and off-road equipment, including labor and materials necessary for vehicle rehabilitation, excluding the Divisions of Police, Fire, Emergency Medical

Service, and Traffic Engineering, Department of Public Safety, as such vehicles and equipment are described in File No. 1685-2000-A, in the estimated sum of \$11,791,220.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government, excluding the Divisions of Police, Fire, Emergency Medical Service, and Traffic Engineering, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 1465)

Section 3. That pursuant to Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to effectuate such cooperative efforts and may enter into contract with the vendors selected through that cooperative process.

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

Passed October 30, 2000.

Effective November 7, 2000.

Ord. No. 1808-2000.
By Councilmen Robinson, Johnson, Britt, Melena, Cimperman and Patmon (by departmental request).
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Cleveland New Homes L.P.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-33-102 as more fully described in Section 2 below, to Cleveland New Homes L.P.

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

P. P. No. 121-33-102

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 48 in Ingersoll Heights Subdivision of part of Original East Cleveland Township Lots Nos. 418 and 419 as shown by the recorded plat in Volume 32 of Maps, Page 11 of Cuyahoga County Records and being 35 feet front on the Northerly side of Mt. Carmel Road, S.E., and extending back 167.63 feet on the Easterly line, 172.84 feet on the Westerly line and having a real line of 35.38 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-33-103 as more fully described in Section 4 below, to Cleveland New Homes L.P.

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

P. P. No. 121-33-103

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 45 in Ingersoll Heights Subdivision of Original One Hundred Acre Lots Nos. 418 and 419, as shown by the recorded plat in Volume 32 of Maps, Page 11 of Cuyahoga County Records, and being 35 feet on the Northeasterly side of Mt. Carmel Road, and extending back of equal width 105 feet deep, 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 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-16-033 as more fully described in Section 6 below, to Cleveland New Homes L.P.

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

P. P. No. 126-16-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 86 in the R. Yeakel and W.W. Orwig Allotment of part of Original One Hundred Acre Lots Nos. 417 and 418, as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-16-035 as more fully described in Section 8 below, to Cleveland New Homes L.P.

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

P. P. No. 126-16-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 84 in the Yeakel and Orwig Allotment of part of Original One Hundred Acre Lots Nos. 417 and 418, as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Cumberland Avenue, S.E. (formerly Charles Street) 132 feet, 7 inches deep on the Westerly line, 132 feet, 1-1/2 inches deep on the Easterly line, and 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 126-16-053 as more fully described in Section 10 below, to Cleveland New Homes L.P.

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

P. P. No. 126-16-053

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. 417, bounded and described as follows:

Beginning on the Northerly line of Kennedy Avenue, S.E., (50 feet wide) distant 183.16 feet Westerly from the Westerly line of Woodhill Road (80 feet wide); thence Westerly along the Westerly line of Kennedy Avenue, S.E., 40 feet; thence Northerly at right angles with said Kennedy Avenue, S.E., 125 feet; thence Easterly parallel with the Northerly line of Kennedy Avenue, S.E., 40 feet; thence Southerly 125 feet to the place of beginning and being further known as Sublot No. 25 in Richard Morrow's Proposed Subdivision of part of Original One Hundred Acre Lot No. 417, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-16-055 as more fully described in Section 12 below, to Cleveland New Homes L.P.

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

P. P. No. 126-16-055

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. 417 and bounded and described as follows:

Beginning on the Northerly line of Kennedy Avenue, S.E., at a point 84 33/100 feet Easterly from the Easterly line of Yeakel and Orwig's Allotment, as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records; thence Easterly along the Northerly line of Kennedy Avenue, S.E., 40 feet; thence Northerly at right angles with Kennedy Avenue, S.E., 135 feet to an alley; thence Westerly along the Southerly line of said alley; 40 feet to a point, 84 33/100 feet Easterly from the Easterly line of said Yeakel and Orwig's Allotment; thence Southerly at right angles with above described alley, 135 feet to the place of beginning, and being further known as the Easterly 40 feet of Sublot No. 12 in Richard Morrow's Proposed Subdivision, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-16-067 as more fully described in Section 14 below, to Cleveland New Homes L.P.

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

P. P. No. 126-16-067

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 34 in Yeakel and Orwig's Subdivision of part of Original One Hundred Acre Lot No. 417 as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records. Said Sublot No. 34 has a frontage of 40 feet on the Northerly side of Kennedy Avenue, S.E., (formerly Kennedy Street) and extends back between parallel lines, 135 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 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-16-080 as more fully described in Section 16 below, to Cleveland New Homes L.P.

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

P. P. No. 126-16-080

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 80 in the Allotment made by R. Yeakel and W.W. Orwig of part of Original Newburgh Township Lots Nos. 417 and 418, recorded in Volume 5 of Maps, Page 17 of Maps, and Subdivision in Cuyahoga County Records. Sublot No. 80 has a 40 feet frontage on the South side of Kennedy Street (formerly Penn Street) and extends back in a Southerly direction between parallel lines 130 feet to an alley, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the

Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-17-056 as more fully described in Section 18 below, to Cleveland New Homes L.P.

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

P. P. No. 126-17-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 34 feet of the Southerly 54 feet, 2 inches of Sublot No. 124 in R. Yeakel's Subdivision of part of Original One Hundred Acre Lots Nos. 417 and 425, as shown by the recorded plat in Volume 10 of Maps, Page 25 of Cuyahoga County Records.

Also subject to all zoning ordinances, if any.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-17-057 as more fully described in Section 20 below, to Cleveland New Homes L.P.

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

P. P. No. 126-17-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 65 feet 10 inches of Sublot No. 124 in Reuben Yeakel's Subdivision, of part of Original One Hundred Acre Lots Nos. 417 and 425, as shown by the recorded plat in Volume 10 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Cumberland Avenue, S.E., and extending back of equal width 65 feet 10 inches along the Easterly side of East 96 Street, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-17-063 as more fully described in Section 22 below, to Cleveland New Homes L.P.

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

P. P. No. 126-17-063

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. One Hundred Thirty (130) in Reuben Yeakel's Subdivision of part of Original One Hundred Acre Lots Nos. 417 and 425, as shown by the recorded plat in Volume 10 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Cumberland Avenue, S.E. (Formerly Charles Street) and extending back between parallel lines 120 feet deep, as appears by said plat, excepting therefrom a strip of 10 feet in even width off the Westerly side of said Sublot.

Subject to Zoning Ordinances, if any.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 128-01-047 as more fully described in Section 24 below, to Cleveland New Homes L.P.

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

P. P. No. 128-01-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lots Nos. 418 and 426 and bounded and described as follows:

Beginning on the Southerly line of Hulda Avenue, S.E. (45 feet wide) on said Southerly line 340 feet Easterly from its intersection with the Southeasterly line of Woodhill Road, S.E.; thence Southerly at right angles to Hulda Avenue, S.E., 108 feet to the Northerly line of land deeded to Waller, March 1, 1866; thence Easterly along said line of land deed to Waller 40 feet to a stake; thence Northerly at right angles to said line of land deeded to Waller, 108 feet to the Southerly line of Hulda Avenue, S.E.; thence Westerly along said line of Hulda Avenue, S.E., 40 feet to the place of beginning, being Sublot No. 9 in H.H. Johnson's proposed Subdivision of Original One Hundred Acre Lots Nos. 481, 425, and 426, be the same more or less, but subject to all legal highways.

Also subject to all zoning, ordinances, if any

Section 25. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-02-060 as more fully described in Section 26 below, to Cleveland New Homes L.P.

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

P. P. No. 128-02-060

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 116 in the Luna Heights Subdivision of part of Original One Hundred Acre Lots Nos. 417 and 418, as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records and being 35 feet front on the Southerly side of Crestwood Avenue, S.E., and extending back of equal width 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 27. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-02-154 as more fully described in Section 28 below, to Cleveland New Homes L.P.

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

P. P. No. 128-02-154

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lots Nos. 418 and 426 and bounded and described as follows:

Beginning on the Southerly line of Hulda Avenue, S.E. (said Southerly line being parallel to and distant 108 feet Northerly measured at right angles from the Northerly line of

land conveyed to W.W. Waller by deed dated March 1, 1866 and recorded in Volume 138, Page 243 of Cuyahoga County Records, at a point 1260 feet Easterly measured along said Southerly line) from its point of intersection with the Easterly line of Woodhill Road, S.E.; thence Easterly along said Southerly line of Hulda Avenue, S.E., 40 feet; thence Southerly on a line at right angles to said Southerly line of Hulda Avenue, S.E., 108 feet to said Northerly line of land conveyed to W.W. Waller, as aforesaid; thence Westerly along said Northerly line conveyed to W.W. Waller, 40 feet; thence Northerly 108 feet to the place of beginning, and being further known as Sublot No. 32 in Henry H. Johnson's proposed Subdivision of part of Original One Hundred Acre Lots Nos. 417, 418, 425 and 426, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 29. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-06-013 as more fully described in Section 30 below, to Cleveland New Homes L.P.

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

P. P. No. 128-06-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 38 in Bigelow's Allotment of a part of Original One Hundred Acre Lots Nos. 425 and 426 as shown by the recorded plat in Volume 9 of Maps, Page 15 of Cuyahoga County Records, and being 50 feet front on the Southerly side of Shale Avenue, S.E., and extending back of equal width, 126 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 31. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-13-050 as more fully described in Section 32 below, to Cleveland New Homes L.P.

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

P. P. No. 128-13-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 39 in Issac H. Marshall's Allotment of part of Original One Hundred Acre Lots Nos. 425 and 426, as shown by the recorded plat in Volume 7 of Maps, Page 20 of Cuyahoga County Records and being 50 feet front on the Southerly side of Stoughton Avenue, S.E., and extending back of equal width 136 feet, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 33. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-17-004 as more fully described in Section

34 below, to Cleveland New Homes L.P.

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

P. P. No. 128-17-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bounded and described as follows, to wit: And known as being Sublot No. 20 in the Johnson Realty Company's Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat in Volume 46 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Parkview Avenue (formerly Ledgewood Avenue) and extending back of equal width 150 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 35. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-17-070 as more fully described in Section 36 below, to Cleveland New Homes L.P.

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

P. P. No. 128-17-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 139 in the Cleveland Realty and Investment Company's Woodland Heights Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat in Volume 56 of Maps, Page 4 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Manor Avenue, and extending back of equal width 138 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 37. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-17-075 as more fully described in Section 38 below, to Cleveland New Homes L.P.

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

P. P. No. 128-17-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 134 in Woodland Heights Subdivision of a part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat in Volume 56 of Maps, Page 4 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Subject to restriction recited in Volume 1433, place of beginning 126 of Cuyahoga County Records, filed January 7, 1913.

Also subject to all zoning ordinances, if any.

Section 39. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 128-17-083 as more fully described in Section 40 below, to Cleveland New Homes L.P.

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

P. P. No. 128-17-083

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 126 in the Cleveland Realty and Investment Company's Woodland Heights Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat in Volume 56 of Maps, Page 4 of Cuyahoga County Records, as appears by said plat.

Section 41. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-18-026 as more fully described in Section 42 below, to Cleveland New Homes L.P.

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

P. P. No. 128-18-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 245 in Cleveland Realty Investment Company's Woodland Heights Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434 as shown by the recorded plat in Volume 56 of Maps, Page 4 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Mt. Auburn Avenue, and extending back 138.22 feet on the Westerly line, 138.21 feet on the Easterly line, and having a rear line of 35 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

All subject to all zoning ordinances, if any.

Section 43. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-18-028 as more fully described in Section 44 below, to Cleveland New Homes L.P.

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

P. P. No. 128-18-028

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 243 and 244 in Woodland Heights Subdivision of a part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat or said Subdivision in Volume 56 of Maps, Page 4 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northerly line of Mount Auburn, S.E., at the Southeast corner of said Sublot No. 243; thence Westerly along said Northerly line of Mount Auburn Avenue, S.E., 35 feet to the Southwesterly corner of said Sublot No. 243; thence in a Northerly direction about 138.37 feet to at point in the Northerly line of said Sublot No. 243 distant 5 feet Easterly (measured along said Northerly line) from the Northwesterly corner of said Sublot No. 243, thence Easterly along, the

Northerly line of said Sublot Nos. 243 and 244, 35 feet to a point distant 5 feet Easterly (measured along said Northerly line) from the Northwest corner of said Sublot No. 244; thence in a Southerly direction about 138.37 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 45. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-18-086 as more fully described in Section 46 below, to Cleveland New Homes L.P.

Section 46. That the real property to be sold pursuant to Section 45 of this Ordinance is more fully described as follows:

P. P. No. 128-18-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 103 in the Cleveland Realty Investment Company's Woodland Heights Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat in Volume 56 of Maps, Page 4 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Manor Avenue, and extending back of equal width 139 feet, as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 47. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-18-097 as more fully described in Section 48 below, to Cleveland New Homes L.P.

Section 48. That the real property to be sold pursuant to Section 47 of this Ordinance is more fully described as follows:

P. P. No. 128-18-097

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bounded and described as follows, to wit: And known as being Sublot No. 114 in Woodland Heights Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat of said Subdivision in Volume 56 of Maps, Page 4 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 49. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-19-038 as more fully described in Section 50 below, to Cleveland New Homes L.P.

Section 50. That the real property to be sold pursuant to Section 49 of this Ordinance is more fully described as follows:

P. P. No. 128-19-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 255 in Woodland Heights Subdivision Original One Hundred Acre Lots Nos. 433 and 434 as shown by the recorded plat in Volume 56 of Maps, Page 4 of Cuyahoga County Records and being 35 feet front on the Northerly side of Mount Auburn

Avenue, S.E., and extending back 138.17 feet on the Easterly line, 138.18 on the Westerly line and having a rear line of 35 feet, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 51. Reserved.

Section 52. Reserved.

Section 53. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 129-14-050 as more fully described in Section 54 below, to Cleveland New Homes L.P.

Section 54. That the real property to be sold pursuant to Section 53 of this Ordinance is more fully described as follows:

P. P. No. 129-14-050

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. 428, and bounded and described as follows:

Beginning on the Westerly line of East 119th Street (formerly Jefferson Street, 50 feet wide), at a point 796 59/100 feet Northerly, measured along said Westerly line of East 119th Street, from its point of intersection with the Northerly line of Buckeye Road, S.E., (formerly South Woodland Road); thence Westerly parallel with the Northerly line of land conveyed to Joseph Halle and Joshua E. Hall, by Deed dated April 6, 1872 and recorded in Volume 201, Page 178 of Cuyahoga County Records, 116 feet; thence Northerly on a line parallel with the Westerly line of East 119th Street, 40 feet; thence Easterly parallel with the Northerly line of land so conveyed to Halle and Hall, 116 feet to said Westerly line of East 119th Street; thence Southerly along said Westerly line of East 119th Street, 40 feet to the place of beginning, and being further known as Sublot No. 129 in the South Woodland Rice Avenue Proposed Allotment of part of Original One Hundred Acre Lots Nos. 428 and 429, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 55. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 129-19-113 as more fully described in Section 56 below, to Cleveland New Homes L.P.

Section 56. That the real property to be sold pursuant to Section 55 of this Ordinance is more fully described as follows:

P. P. No. 129-19-113

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 18 in the L.H. Wain Company's Rice Heights Allotment of part of Original One Hundred Acre Lots Nos. 428, 429 and 437 as shown by the recorded plat in Volume 45 of Maps, Page 8 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 57. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No. 129-23-087 as more fully described in Section 58 below, to Cleveland New Homes L.P.

Section 58. That the real property to be sold pursuant to Section 57 of this Ordinance is more fully described as follows:

P. P. No. 129-23-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 153, 154 and 155 in the L.W. Wain Land Company's Rice Heights Allotment of part of Original One Hundred Acre Lots Nos. 428 and 429, 436 and 437, as shown by the recorded plat in Volume 45 of Maps, Page 8 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northerly line of Griffing Avenue, S.W., (50 feet wide) at a point of intersection with the Westerly line of East 123rd Street (50 feet wide); thence Northerly along the Westerly line of East 123rd Street 80 feet to a point; thence Westerly parallel with the Northerly line of Sublot No. Sublot Nos. 153, 154 and 155 in said Allotment 70.24 feet to a point; thence Southerly parallel with the Westerly line of said Sublot No. 153 in said Allotment 80 feet to a point in the Northerly line of Griffing Avenue, S.E.; thence Easterly along said Northerly line of Griffing Avenue, S.E., 70.80 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 59. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 129-30-069 as more fully described in Section 60 below, to Cleveland New Homes L.P.

Section 60. That the real property to be sold pursuant to Section 59 of this Ordinance is more fully described as follows:

P. P. No. 129-30-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 68 in the Lorenz-Sanda Subdivision No. 2 of part of Original One Hundred Acre Lots Nos. 437 and 438 as shown by the recorded plat in Volume 47 of Maps, Page 21 of Cuyahoga County Records and being 35 feet front on the Southerly side of Lorenzo Avenue, S.E., and extending back of equal width 113 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 61. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 129-23-083 as more fully described in Section 62 below, to Cleveland New Homes L.P.

Section 62. That the real property to be sold pursuant to Section 61 of this Ordinance is more fully described as follows:

P. P. No. 129-23-083

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 117 in the Henry Prochask and Frank Kysela Rice Avenue Allotment of part of Original One Hun-

dred Acre Lot No. 436, as shown by the recorded plat in Volume 39 of Maps, Page 16 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Griffing Avenue, S.E. (50 feet wide), and extending back 122.97 feet on the Easterly line, 123.28 feet on the Westerly line and being 35.01 feet side in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 63. 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. 130-07-084 as more fully described in Section 64 below, to Cleveland New Homes L.P.

Section 64. That the real property to be sold pursuant to Section 63 of this Ordinance is more fully described as follows:

P. P. No. 130-07-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 15 feet of Sublot No. 33 and the Southerly 20 feet to Sublot No. 34 in the Kinsman Heights Allotment of part of Original One Hundred Acre Lot No. 446, as shown by the recorded plat of said Allotment in Volume 44 of Maps, Page 26 of Cuyahoga County Records, said parcel of land has a frontage of 35 feet on the Westerly side of East 132nd Street and a rear line of 35 feet as appears by said plat and extends back about 105.41 feet on the Southerly line, and about 105.38 feet on the Northerly line, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 65. 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. 130-08-127 as more fully described in Section 66 below, to Cleveland New Homes L.P.

Section 66. That the real property to be sold pursuant to Section 65 of this Ordinance is more fully described as follows:

P. P. No. 130-08-127

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 181 in Walton Brothers' Mount Pleasant Allotment of part of Original One Hundred Acre Lot No. 445, as shown by the recorded plat in Volume 14 of Maps, Page 6 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 130th Street (formerly Germania Avenue), and extending back of equal width 150 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 67. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-20-073 as more fully described in Section 68 below, to Cleveland New Homes L.P.

Section 68. That the real property to be sold pursuant to Section 67 of this Ordinance is more fully described as follows:

P. P. No. 128-20-073

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

Ohio, and known as being Sublot No. 141 in the Helper Woodland Hills Park Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat in Volume 42 of Maps, Page 26 and 27 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Dickens Avenue S.E., (formerly Earlington Avenue, S.E.) and extending back of equal width 130 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 69. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-03-114 as more fully described in Section 70 below, to Cleveland New Homes L.P.

Section 70. That the real property to be sold pursuant to Section 69 of this Ordinance is more fully described as follows:

P. P. No. 128-03-114

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 26 in Barbara and A. Stastny's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 32 of Maps, Page 24 of Cuyahoga County Records, and being 40.40 feet front on the Westerly side of East 111th Street, and extending back 125 feet on the Northerly line, 125 feet on the Southerly line, and having a rear line of 40.37 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 71. 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. 126-17-055 as more fully described in Section 72 below, to Cleveland New Homes L.P.

Section 72. That the real property to be sold pursuant to Section 71 of this Ordinance is more fully described as follows:

P. P. No. 126-17-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Subdivision Nos. 123 and 124 in H. Yeakels Subdivision of a part of Original One Hundred Acre Lots Nos. 417 and 425 in said City, and bounded and described as follows:

Beginning on the Easterly line of East 96th Street, (formerly Orwig Street) and 99 feet 6 inches distant North from the corner of Yeakel Street, S.E., (formerly Yeakel Avenue) and said East 96th Street, thence East and parallel with said Yeakel Avenue, S.E., to the East line of Sublot Nos. 123 and 124, 40 feet; thence North and along the Easterly line of said Sublot Nos. 123 and 124, 36 feet 6 inches; thence West and parallel with the South line of Cumberland Avenue, S.E., (formerly Cumberland Street) to the East line of said East 96th Street 40 feet; thence South and along the Easterly line of said East 96th Street, 36 feet 6 inches to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 73. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-03-073 as more fully described in Section 74 below, to Cleveland New Homes L.P.

Section 74. That the real property to be sold pursuant to Section 73 of this Ordinance is more fully described as follows:

P. P. No. 128-03-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 65 in Albert and Mary Statney's Allotment of a part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 32 of Maps, Page 24 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 75. 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. 126-16-032 as more fully described in Section 76 below, to Cleveland New Homes L.P.

Section 76. That the real property to be sold pursuant to Section 75 of this Ordinance is more fully described as follows:

P. P. No. 126-16-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 87, all in the Yeakel and Orwig Subdivision of part of Original Township Lot No. 417 as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records. Said Sublot has a frontage of 40.00 feet on Cumberland as appears by said plat, be the same more or less, but subject to all legal highways.

Section 77. 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 78. 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 79. 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 80. That this ordinance is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed October 30, 2000.

Effective November 7, 2000.

Ord. No. 1973-2000.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Turkey Trot Race on November 23, 2000, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Turkey Trot Race sponsored by Hermes Race Systems on November 23, 2000, beginning with a 1 mile fun walk starting inside Burke Lakefront Airport Driveway, exits the entrance driveway and proceeds eastbound on the North Marginal to just before the curve and turns around to go westbound on the North Marginal where it re-enters where it came out. The 5K run steps off from airport driveway and leaves through the entrance drive proceeding westbound on the North Marginal down Erieside around the stadium, southbound on W. 3rd Rd. to Lakeside, westbound on Lakeside down under the bridge to W. 9th where it turns onto Front Street and goes to W. 10th, turning southbound to St. Clair, runners turn up the St. Clair hill and proceed eastbound on St. Clair to W. 3rd where they turn northbound onto W. 3rd and go to Lakeside where they turn eastbound and go down Lakeside to E. 9th, runners turn northbound onto E. 9th, staying in the west curb lane and go to the exit ramp (curb lane-coned off) and wrap around the Amtrak Station and then proceed eastbound on to the South Marginal. At E. 26th, they cross over the freeway and then proceed westbound onto the North Marginal where they finish inside the Airport, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and provided it receives the

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

Passed October 30, 2000.

Effective November 7, 2000.

Ord. No. 1974-2000.

By Councilman Dolan.

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

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

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

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

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

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

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

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

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

Passed October 30, 2000.

Effective November 7, 2000.

Ord. No. 1975-2000.

By Councilman Dolan.

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

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore

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

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Kamm's Corners Development Corporation, 17407 Lorain Avenue, Suite 207, Cleveland, Ohio 44111-4022, to install, use and maintain nineteen (19) Holiday Wreath Decorations to be hung on Cleveland Public Power utility poles, (by separate permission), and twenty-four (24) Holiday Wreath Decorations to be hung on First Energy utility poles (by separate permission), celebrating the holiday season for the period of November 30, 2000 to January 3, 2001, inclusive, and which Holiday Wreath Decorations are to be hung at the following pole locations and on the following pole numbers: C.P.P. poles: at LORAIN AVENUE - NORTH SIDE: 1st pole E. of Rocky River Drive, Pole #ET-14-2; 3rd Pole E. of Rocky River Drive, Pole #ET-14-4; @ Goodwill Store, Pole #ET 14-6; @ Kathleen's, Pole #ET-14-8; Opposite U-Haul entrance drive, Pole #ET 14-10; @ Nationwide, Pole #ET-14-12; LORAIN AVENUE - NORTH SIDE: 1st Pole W. of West Park Road, Pole #ET-14-33; 3rd Pole E. of Triskett Road, Pole #ET-14-37; NW Corner of Warren Road, Pole #ET-14-47; 2nd Pole W. of W. 140th Street, Pole #ET-13-27; LORAIN AVENUE - SOUTH SIDE: SW Corner of Rocky River Drive, Pole #ET-31-1; 2nd Pole E. of Rocky River Drive, Pole #ET-31-2; @ Hastings Home, Pole #ET-31-4; @ Walgreen's, Pole #ET-31-6; SW Corner of West 168th Street, Pole #ET-31-8; 1st Pole W. of U-Haul entrance drive, Pole #ET-31-10; @ U-Haul sign, Pole #ET-31-11; SW Corner of West 165th Street, Pole #ET-31-13; SW Corner of West 150th Street, Pole #ET-31-44; and First Energy poles: at LORAIN AVENUE: Pole #530186; Pole #528911; Pole #NPN at W. 179th Street, west; Pole #NPN at W. 179th Street, east; Pole #625904; Pole #625905; Pole #625906; Pole # NPN at W. 176th Street, SW; Pole # 314860; Pole # 642897; Pole #542898; Pole #542899; Pole #301777; Pole # NPN at Shell northeast entry; Pole #NPN at west of YMCA drive; Pole #NPN at east of YMCA drive; Pole #NPN at Lorain and W. 150th Street, NE Corner; Pole #NPN at Lorain and W. 150th Street, traffic signal pole; Pole #397785; Pole #203462; Pole #NPN at Lorain and

W. 140th, SW Corner; ROCKY RIVER DRIVE: Pole #518400; Pole #518401; Pole #NPN across from Pole #518401; Pole #537656, and which Holiday Wreaths locations shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a wreath will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said Wreaths, and said Wreaths shall be removed promptly upon the expiration of said permit.

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

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

Passed October 30, 2000.

Effective November 7, 2000.

Ord. No. 1976-2000.

By Councilman Lewis.

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

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

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

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

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

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

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

Passed October 30, 2000.

Effective November 7, 2000.

Ord. No. 1977-2000.

By Councilman Polensek.

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

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

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

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

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

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

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

Passed October 30, 2000.

Effective November 7, 2000, without the signature of the Mayor.

Ord. No. 1978-2000.

By Councilman Sweeney.

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

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

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

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

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

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

Passed October 30, 2000.

Effective November 7, 2000.

COUNCIL COMMITTEE MEETINGS

Monday, November 13, 2000

Public Parks, Recreation and Properties Committee: 10:00 a.m.—Present: Rybka, Chairman; Brady, Britt, Johnson, Sweeney. Excused: Dolan, Vice Chairman, White.

Legislation Committee (Joint with Finance Committee): 1:30 p.m.—Present: Lewis, Chairman; Jones, Vice Chairman; Brady, Coats, Gordon, Johnson, Westbrook.

Finance Committee (Joint with Legislation Committee): 1:30 p.m.—Present: Patmon, Chairman; Rybka, Vice Chairman; Dolan, Johnson, Lewis, Melena, O'Malley, Robinson, Sweeney. Excused: Cintron, Polensek.

Finance Committee: 2:00 p.m.—Present: Patmon, Chairman; Rybka, Vice Chairman; Dolan, Johnson, Lewis, Melena, O'Malley, Robinson, Sweeney. Excused: Cintron, Polensek.

Tuesday, November 14, 2000

Community & Economic Development Committee: 9:30 a.m.—Present: Melena, Chairman; Lewis, Vice Chairman, Cimperman, Jackson, Jones, Robinson, Willis. Excused: Brady, Cintron.

Public Health Committee: 1:00 p.m.—Present: Gordon, Chairman; Robinson, Vice Chairman; Brady, Cimperman, Westbrook, Willis. Excused: Jackson.

Wednesday, November 15, 2000

City Planning Committee: 10:00 a.m.—Present: Cimperman, Chairman; Dolan, Jackson, O'Malley, White. Excused: Rybka, Vice Chairman; Robinson.

Public Utilities Committee: 1:00 p.m.—Present: O'Malley, Chairman; Britt, Coats, Dolan, Melena, Willis. Excused: Patmon, Vice Chairman; Polensek, Westbrook.

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O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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