

# The City Record

Official Publication of the City of Cleveland

October the Fourth, Two Thousand

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL—LEGISLATIVE

President of Council—Michael D. Polensek

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

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

**DEPT. OF LAW** – Cornell P. Carter, Director, Pinky Carr, Chief Counsel, Room 106  
 Lauren Moore, Chief City Prosecutor; Criminal Branch – Justice Center 8th Floor, Court Towers, 1200 Ontario Street  
 Karen E. Martinez, Law Librarian, Room 100

**DEPT. OF FINANCE** – Ronald E. Brooks, Director, Room 104;  
 Frank Badalamenti, Manager, Internal Audit  
**DIVISIONS** – Accounts – Marilyn Henderson, Commissioner, Room 19  
 City Treasury – Algeron Walker, Treasurer, Room 115  
 Assessments and Licenses – Robert C. Brown, Commissioner, Room 122  
 Purchases and Supplies – Myrana Branche, Commissioner, Room 128  
 Printing and Reproduction – Diane Fritzgerald, Acting Commissioner, 1735 Lakeside Avenue  
 Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue  
 Financial Reporting and Control – Robert Dolan, Controller, Room 18  
 Information Systems Services – Daniel Jarvis, Commissioner, 1404 E. 9th St.

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

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

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

**DEPT. OF PUBLIC HEALTH** – Michele C. Whitlow, Director, Mural Building 1925 St. Clair Avenue  
**DIVISIONS** – Health – Cheri Hahn, Commissioner, Mural Building, 1925 St. Clair Avenue  
 Environment – Donald Culp, Commissioner, Mural Building, 1925 St. Clair Avenue  
 Correction – Thomas Hardin, Commissioner, Cleveland House of Corrections, 4041 Northfield Road

**DEPT. OF PUBLIC SAFETY** – Henry Guzmán, Director, Room 230.  
**DIVISIONS** – Police – Martin L. Flask, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street  
 Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue  
 Traffic Engineering & Parking – Lt. Richard Petrencsik, Commissioner, 4150 East 49th Street, Building #1  
 Dog Pound – John Baird, Chief Dog Warden, 2690 W. 7th Street  
 Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive

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

Parking Facilities – Dennis Donahue, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.  
 Park Maintenance and Properties – Richard L. Silva, Commissioner, Public Auditorium – E. 6th & Lakeside.

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

**DEPT. OF COMMUNITY DEVELOPMENT** – Linda M. Hudecek, Director, 3rd Floor, City Hall.  
**DIVISIONS** – Administrative Services – Terrence Ross, Commissioner.  
 Neighborhood Services – Louise V. Jackson, Commissioner.  
 Neighborhood Development – Donald T. Moss, Commissioner.  
 Building & Housing – Robert Vilkas, Commissioner, 5th Floor, City Hall.

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

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

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

**COMMUNITY RELATIONS BOARD** – Room 11, Dennis D. Dove, Director; Mayor Michael R. White, Chairman EX-Officio; Mary Adele Springman, Vice-Chairman; Councilman Dona Brady, Councilman Joe Cimperman, City Council Representatives; Rev. Bruce Goode, Paula Castleberry, Charles E. McBee, Mary Adele Springman, Esq., Terez E. Woods, Emmett Saunders, John Banno, Mary Jane Buckshot, Kathryn M. Hall, Raymond Negron, Evangeline Hardaway, Edna Fuentes-Casiano, Janet Gankura, 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, Margreat Hopkins, Ozell Dobbins, Tony Petkovsek, Eugene Cranford, Jr., Secretary.

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 87

WEDNESDAY, OCTOBER 4, 2000

No. 4530

## CITY COUNCIL

MONDAY, OCTOBER 2, 2000

### The City Record

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Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL

1998-2001

#### MONDAY

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 2, 2000.

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

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

Also present were Chief of Staff Zimomra and Directors Brooks, Konicek, Whitlow, Guzman, Jackson, Hudecek, Patterson, Warren, Morrison, and Acting Director Langhenry and Balraj.

Absent: Mayor White and Directors Carter and Sheffield-McClain.

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

#### MOTION

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

#### COMMUNICATIONS

**File No. 1705-2000.**  
From the Glenville Development Corporation re: Annual Report 1999. Received.

**File No. 1729-2000-A.**  
Cablevision of Cleveland, L.P., Franchise Transfer Ordinance Acceptance. Received.

**File No. 1729-2000-B.**  
Cable Guarantee Agreement. Received.

**File No. 1729-2000-C.**  
Cable Network Design. Received.

#### STATEMENT OF WORK ACCEPTED

**File No. 1706-2000.**  
From the Department of Port Control re: Contract No. 53875, (17-98) Visitors Information Center at Cleveland Hopkins International Airport.

#### FROM DEPARTMENT OF LIQUOR CONTROL

**File No. 1707-2000.**  
Re: Transfer of Ownership Application - 6524789 - Oilcan, Inc. 2391-99 West 11th Street. (Ward 13). Received.

**File No. 1708-2000.**  
Re: Transfer of Ownership Application - 89958620235 - TOPS, Inc., d.b.a. TOPS, 18501 Neff Road. (Ward 11). Received.

**File No. 1709-2000.**  
Re: Transfer of Ownership and Location Application - 6277604 - N.S.A., Inc., 3203 West 25th Street. (Ward 14). Received.

**File No. 1710-2000.**  
Re: Transfer of Ownership and Location Application - 0628397 - Nick Berardi, d.b.a. Piazza Pizza, 9800 Detroit Avenue. (Ward 18). Received.

**File No. 1711-2000.**  
Re: Transfer of Ownership and Location Application - 43836120005 - Joseph Beth Cafe LLC, 13217 Shaker Square. (Ward 4). Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 1712-2000**—William Moore, Sr.

**Res. No. 1713-2000**—Clarence Taylor.

#### CONGRATULATION RESOLUTIONS

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

**Res. No. 1714-2000**—The Zone Family.

**Res. No. 1715-2000**—Lillian B. Miller.

**Res. No. 1716-2000**—Hap Gray.

**Res. No. 1717-2000**—Retired and Senior Volunteer Program of Greater Cleveland, Inc.

**Res. No. 1718-2000**—Disability Services and Disability Ministries of Catholic Charities Services.

**RECOGNITION RESOLUTIONS**

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

**Res. No. 1719-2000**—Lowell Harris.  
**Res. No. 1720-2000**—Jimmy Bivins.

**APPRECIATION RESOLUTIONS**

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

**Res. No. 1721-2000**—Rev. E.H. Jones.  
**Res. No. 1722-2000**—Rev. Georgina Thornton.

**FIRST READING EMERGENCY ORDINANCES REFERRED****Ord. No. 1723-2000.**

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

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and replace various water, sewer and gas lines and labor and materials necessary to make plumbing repairs to various buildings, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to repair and replace various water, sewer and gas lines and labor and materials necessary to make plumbing repairs to various buildings, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall

determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 31514)

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

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

**Ord. No. 1724-2000.**

**By Councilmen Gordon and Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2001 Immunization Action Plan Program.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$132,451.00, and from other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2001 Immunization Action Plan Program, for the purposes set forth in the executive summary and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the executive summary for said grant.

**Section 2.** That the executive summary for said grant, File No. 1724-

2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

**Ord. No. 1725-2000.**

**By Councilmen Gordon and Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2001 STD Control Program.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$91,516.00, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2001 STD Control Program, for the purposes set forth in the executive summary and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the executive summary for said grant.

**Section 2.** That the executive summary for said grant, File No. 1725-2000-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

**Ord. No. 1726-2000.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to assess and collect rent for the use of space at the West Side Market.**

Whereas, Section 133.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1027-2000, passed by the Council of the City of Cleveland on June 5, 2000, directs the Director of Parks, Recreation and Properties to establish a schedule of prices for all various parts and sections of the West Side Market as consideration for rental of spaces or of grant of right to use the same and to present such schedule, in the form of legislation, to Council for review, approval, and modification, if necessary; and

Whereas, Section 1 of Ordinance No. 1126-2000, passed by the Council of the City of Cleveland on June 19, 2000, requires the Director of Parks, Recreation and Properties to submit a proposed equalized rent structure for all interior tenants of the West Side Market, in the form of legislation, to Council for review, approval and modification, if necessary; and

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

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

**Section 1.** That the Director of Parks, Recreation and Properties shall assess and collect rent for the use of space at the West Side Market in accordance with the following schedule:

**Inside Stands (Total 99 stands)**

| Number of Stands | Square Feet | Monthly Rent Per Stand For Year of 2001 |
|------------------|-------------|---|
| 4                | 57          | \$ 243.00                               |
| 4                | 70          | 298.00                                  |
| 1                | 94          | 400.00                                  |
| 17               | 99          | 422.00                                  |
| 1                | 109         | 464.00                                  |
| 63               | 116         | 494.00                                  |
| 2                | 128         | 545.00                                  |
| 1                | 153         | 652.00                                  |
| 1                | 193         | 822.00                                  |
| 2                | 199         | 848.00                                  |
| 1                | 225         | 958.00                                  |
| 1                | 744         | 3,169.00                                |
| 1                | 1,266       | 5,393.00                                |

**Outside Stands (Total 82 stands)**

| Number of Stands | Square Feet | Monthly Rent Per Stand For Year of 2001 |
|------------------|-------------|---|
| 1                | 33          | \$ 70.00                                |
| 1                | 40          | 85.00                                   |
| 1                | 81          | 173.00                                  |
| 1                | 82          | 175.00                                  |
| 6                | 88          | 187.00                                  |
| 2                | 92          | 196.00                                  |
| 10               | 101         | 215.00                                  |
| 3                | 103         | 219.00                                  |
| 39               | 104         | 222.00                                  |
| 18               | 115         | 245.00                                  |

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

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

**Ord. No. 1727-2000.**

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

**An emergency ordinance determining the method of making the public improvement of constructing entryway improvements to the Rockefeller Park Greenhouse; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; and authorizing said director to employ one or more professional consultants to design the improvement.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing entryway improvements to the Rockefeller Park Greenhouse, for the Division of Park Maintenance, Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

**Section 2.** That, provided the City of Cleveland sells the general obligation bonds of the City of Cleveland authorized by Ordinance No. 897-2000, passed June 19, 2000, the Direc-

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

**Section 3.** That, provided the City of Cleveland sells the general obligation bonds of the City of Cleveland authorized by Ordinance No. 897-2000, passed June 19, 2000, the Director of Parks, Recreation and Properties is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the public improvement authorized above.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Parks, Recreation and Properties from a

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

**Section 4.** That the cost of said improvement and professional services hereby authorized shall be paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds of the City of Cleveland issued for this purpose and authorized by Ordinance No. 897-2000, passed June 19, 2000, Request No. 5074.

**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 Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, City Planning, Finance.

**Ord. No. 1728-2000.**

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

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving certain City-owned parks, playgrounds, and recreational facilities including site improvements and appurtenances, and Highland Park and Seneca golf courses; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; authorizing said director to employ one or more professional consultants to design the improvement; authorizing the purchase by contract of furniture, supplies, materials and equipment necessary for the improvement, including any rentals, and playground equipment for three Cleveland Board of Education playgrounds; and authorizing the direct employment of the necessary labor for areas not otherwise improved; for the Department of Parks, Recreation and Properties.

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving certain City-owned recreation facilities, including all site improvements and appurtenances necessary and incidental thereto, for the Division of Recreation, Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

**Section 2.** That, provided the City of Cleveland sells the general obligation bonds of the City of Cleveland authorized by Ordinance No. 898-2000, passed June 19, 2000, the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement provided however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

**Section 3.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving certain City-owned parks and playgrounds, Highland Park and Seneca golf courses, including all site improvements and appurtenances necessary and incidental thereto, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, by contract duly let

to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 4.** That, provided the City of Cleveland sells the general obligation bonds of the City of Cleveland authorized by Ordinance No. 898-2000, passed June 19, 2000, the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement provided however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

**Section 5.** That, provided the City of Cleveland sells the general obligation bonds of the City of Cleveland authorized by Ordinance No. 898-2000, passed June 19, 2000, the Director of Parks, Recreation and Properties is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary design the public improvement authorized above.

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

**Section 6.** That, provided the City of Cleveland sells the general obligation bonds of the City of Cleveland authorized by Ordinance No. 898-2000, passed June 19, 2000, the Director of Parks, Recreation and Properties is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furniture, supplies, materials and equipment necessary for the above mentioned public improvements, including the rental of necessary equipment if necessary, and for playground equipment for three Cleveland Board of Education playgrounds which are the subject of a joint use agreement between the City and the Cleveland Board of Education to be open to the public, to be purchased or procured by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Parks, Recreation and Properties.

**Section 7.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of renovating, rehabilitating and otherwise improving recreation facilities not otherwise improved pursuant to this ordinance, for the Division of Property Management, Department of Parks, Recreation

and Properties, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of such improvement, with a separate accounting as to each improvement so made.

**Section 8.** That the cost of said improvements, professional services, purchases and procurements hereby authorized shall be paid from Fund Nos. 20 SF 323, 20 SF 330, 20 SF 343, 20 SF 354, 20 SF 361 and from the fund or funds to which are credited the proceeds of the sale of general obligation bonds of the City of Cleveland issued for this purpose and authorized by Ordinance No. 898-2000, passed June 19, 2000, Request No. 5073.

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

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

**FIRST READING  
ORDINANCE REFERRED**

**Ord. No. 1729-2000.**

By Councilmen O'Malley, Polensek, Patmon and Cintron.

An ordinance conditionally approving the request to consent to transfer the cable franchise from Cablevision of Cleveland, L.P. to Adelpia Cleveland LLC and approving the extension of the franchise.

Whereas, Cablevision of Cleveland, L.P., an indirect wholly-owned subsidiary of Cablevision Systems Corp., (collectively, "Cablevision") has the right to own, operate and maintain a cable system in the City of Cleveland, Ohio pursuant to a Franchise Agreement, effective on or about September 16, 1986 (the "Franchise Agreement"), as amended by the Amendment to Franchise Agreement approved by this Council by Ordinance No. 305-94, effective March 9, 1994 (the "1994 Amendment," and together with the Franchise Agreement and this Ordinance, the "Franchise"), which Franchise expires by its own terms on or about September 15, 2001; and

Whereas, Adelpia Communications Corporation and Cablevision entered into a Purchase Agreement dated as of December 8, 1999 (the "Purchase Agreement"), whereby Adelpia Communications Corporation shall acquire Cablevision of Cleveland, L.P. (the "Transaction") resulting in the transfer of the Franchise from Cablevision to Adelpia Communications Corporation (the "Transfer"), which Purchase Agreement provides that subsequent to the Transfer from Cablevision, Adelpia Cleveland LLC, a wholly-owned subsidiary of Adelpia Communications Corporation (collectively, "Adelpia"), will hold the Franchise and operate the cable system in the City; and

Whereas, in February 2000, Cablevision and Adelpia submitted an FCC Form 394 dated February 4, 2000 to the City, which described the

Purchase Agreement and Transfer and requested that the City consent to the proposed Transfer; and

Whereas, after reviewing the FCC Form 394 and other information submitted by Cablevision and Adelphia, the City determined that the FCC Form 394 was incomplete and requested additional information from Cablevision and Adelphia, which information was provided, in order for City Council to perform its due diligence review of the technical, legal and financial ability of Adelphia to perform the obligations of the Franchise and consider the effect of the proposed Transfer on the health, safety and welfare of the citizens of the City of Cleveland; and

Whereas, after extensive review of Cablevision's compliance with the Franchise and Adelphia's technical, legal and financial ability to perform the obligations of the Franchise, which review included public hearings, this Council entered into negotiations with Cablevision and Adelphia to address the issues raised by the proposed Transfer; and

Whereas, City Council, pursuant to Section 617 of the federal Cable Act [47 U.S.C., 537], was required to act on the request to approve the Transfer of the Franchise within one hundred twenty (120) days of receiving a complete FCC Form 394, which time period was to expire on August 8, 2000, or the Council would lose its rights with respect to the proposed Transfer, because the Transfer would have been deemed approved if no action was taken prior to said date of August 8, 2000; and

Whereas, despite negotiations by representatives of City Council, Adelphia and Cablevision, the parties were unable to reach agreement prior to August 8, 2000 on relevant issues raised by the proposed Transfer including terms and conditions to address issues of non-compliance by Cablevision and the ability of Adelphia to perform under this Franchise; and

Whereas, in order to preserve its rights under federal law by acting on Cablevision's and Adelphia's request within the time period allowed by the Cable Act, this Council determined, pursuant to Ordinance No. 1219-2000, passed July 17, 2000, that it was in the best interests of the residents and Subscribers of Cleveland, to disapprove the Transfer of the Franchise from Cablevision to Adelphia; and

Whereas, after continued negotiations with Cablevision and Adelphia to address the relevant issues raised by the proposed Transfer, this Council has determined that it is in the best interests of the residents and Subscribers of Cleveland to approve the Transfer of the Franchise from Cablevision to Adelphia provided that Cablevision and Adelphia are willing to accept certain terms and conditions of the Transfer as set forth in this Ordinance, and to execute the Franchise Transfer Ordinance Acceptances (the "Acceptances") attached as File No. 1729-2000-A; and

Whereas, Cablevision and Adelphia have agreed to accept such terms and conditions and to execute the Acceptances; Adelphia has agreed to execute the Guaranty attached as File No. 1729-2000-B; and the parties have agreed to extend the date of the expiration of the

Franchise Agreement from September 15, 2001 to September 15, 2006; now, therefore,

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

**Section 1.** That notwithstanding any provisions of the Codified Ordinances of the City of Cleveland, Ohio, 1976, to the contrary, the City of Cleveland hereby consents to and approves the Transfer of the Franchise from Cablevision of Cleveland, L.P. to Adelphia Cleveland LLC, subject to the following conditions:

A. Payments. Within thirty (30) days of the effective date of this Ordinance, Cablevision shall pay the City Nine Hundred Eighty-Nine Thousand, Three Hundred Seventy-Seven Dollars (\$989,377) as payment in full of past Franchise Fees owed to the City by Cablevision, which amount neither Cablevision nor Adelphia shall pass through, directly or indirectly, to Subscribers. Payment of this amount shall constitute complete fulfillment of all obligations for past due Franchise Fees through December 31, 1999 and any accrued interest on such fees.

B. Franchise Fee Payments. Pursuant to City Council's desire to limit the Franchise Fees paid by Subscribers, commencing January 1, 2000, neither Cablevision nor Adelphia shall include franchise fees collected from Subscribers in the calculation of its Gross Revenues on which it pays Franchise Fees to the City.

C. Special Funding for Neighborhood Telecommunication Needs.

(1) Within sixty (60) days of the effective date of this Ordinance, Adelphia shall donate Three Million Dollars (\$3,000,000) to a fund to be held by the Cleveland Foundation and to be restricted to and used for the sole purpose of promoting the use of various types of modern telecommunications and computer equipment and services, including but not limited to, high speed cable modem equipment and services and cable equipment, programming, and services, by and for residents of the City of Cleveland through, among other things, training such residents in the use of such equipment and services and making equipment, programming, and services accessible in the neighborhoods of the City.

(2) Within the sixty (60) day period described in paragraph C(1) above, representatives of Cleveland City Council designated by the Council President and representatives of Adelphia shall meet with authorized representatives of the Cleveland Foundation to establish an advisory board or committee that shall consist of three (3) members appointed by the Council President, three (3) members appointed by Adelphia and one (1) member appointed by the executive director of the Cleveland Foundation, which board or committee shall determine the projects, programs and entities to be funded from the monies in the fund for the purposes described in paragraph C(1) above.

D. Cleveland Television Network.  
(1) Within sixty (60) days of the effective date of this Ordinance, Adelphia shall donate One Million Five Hundred Thousand Dollars (\$1,500,000) to the permanent endowment fund created by the Agreement dated February 16, 1994, which was authorized by Ordinance No. 305-94, and is held by the Cleveland Foundation for the purpose of funding the operations and programs of

the minority cable channel known as the Cleveland Television Network ("WCTN"); and

(2) Adelphia shall enter into an agreement with the Cleveland Television Network ("WCTN") to:

(a) assist WCTN to increase the types and quantity of its programming, including local programming and other quality educational, cultural and news programming and for the purpose of cablecasting WCTN in other Adelphia franchise areas in the Greater Cleveland area;

(b) work with WCTN to develop and produce new local programming that shall be part of expanded new offerings of WCTN. The new local programming may be a mixture of on-going monthly programs, a series of programs or one time "special" programs; and

(c) Adelphia shall provide a reasonable level of in-kind services and use of equipment including, but not limited to, consultation with programming staff and technicians, use of a mobile production unit when available, training assistance, access to programming via satellite, access to the main studio and production facility, cross-promotion of insertion spots and program listings, inclusion of WCTN program schedule as a bill stuffer on a reasonable basis and other reasonable use of equipment of Adelphia.

(3) Adelphia shall cablecast WCTN on the basic tier until the completion of the extension of the WCTN broadcast area to the entire Adelphia Greater Cleveland system, at which time the WCTN channel shall be moved from the basic tier up one tier to what is now termed by the FCC as the "cable programming service tier" ("CPST").

(4) Within thirty (30) days of the conclusion of the Transfer, Adelphia shall pay WCTN \$0.04 per subscriber per month for each subscriber in any of Adelphia's franchise areas receiving WCTN's cablecast.

(5) Within one hundred eighty (180) days of the conclusion of the Transfer, Adelphia shall begin cablecasting WCTN on the basic tier in the following franchise areas: Euclid, Shaker Heights, Garfield Heights, Warrensville Heights, Maple Heights, South Euclid, Bedford, Bedford Heights, Lyndhurst, Mayfield Heights, Richmond Heights, Highland Heights, University Heights, Oakwood, Northfield Village, North Randall, Newburgh Heights, Highland Hills and Woodmere. Within thirty-two (32) months of the conclusion of the Transfer, Adelphia shall expand WCTN's viewership to all other Adelphia franchise areas in the Greater Cleveland area which were part of Cablevision's systems in the Greater Cleveland area prior to the Transfer.

E. Institutional Network. On or before October 31, 2000, Cablevision and/or Adelphia shall complete construction of the Institutional Network in accordance with the specifications agreed to by the City's Division of Information Systems Services.

F. Cable Drops. Cablevision shall install a cable line and provide free video service to the Aircraft Rescue and Firefighters Station, Cleveland Hopkins International Airport, 5300 Riverside Drive.

G. System Upgrade.

(1) Adelphia shall complete an upgrade of the Cable System in the City to a minimum of 860 MHz with-

in thirty-two (32) months of the completion of the Transfer or June 1, 2003, whichever occurs first, in accordance with the design features and the timetable set forth in File No. 1729-2000-C on file with the Clerk of Council (the "System Upgrade"). Timely completion of the System Upgrade shall be considered a material term of the Franchise Agreement.

(2) The System Upgrade shall be constructed in such a manner that as sections of the upgraded System are completed, such sections shall be activated and new services provided to Subscribers over the upgraded section of the System.

(3) Within sixty (60) days of the effective date of this Ordinance, Adelphia shall make a presentation to City Council reporting its progress in developing its plan of construction. Within one hundred twenty (120) days of the effective date of this Ordinance, Adelphia shall provide City Council with a full and complete design report and construction schedule, including the implementation of new services, of the System Upgrade ("Design Report"), which Design Report shall be subject to the review and approval by Resolution of City Council within thirty (30) days of receipt of the Design Report by City Council. The determination of whether to grant such approval shall be based on the location, sequence and schedule of the planned upgrade. Upon City Council's approval of the Design Report, which approval shall not be unreasonably withheld, the Design Report shall be deemed an amendment to this Ordinance and the Franchise.

(4) Beginning April 1, 2001, Adelphia shall provide City Council with a quarterly report on the progress of the construction of the System Upgrade according to the Design Report, including compliance with the construction schedule. Each report shall contain the following information to the extent known at the time of submission of the report:

- (a) details and locations of construction in the previous ninety (90) days,
- (b) details and anticipated locations of construction in the forthcoming ninety (90) days,
- (c) notification of selection of node locations,
- (d) node service boundaries,
- (e) notification of node activation,
- (f) notification of areas in which upgraded services are available,
- (g) number of dwelling units passed by cable in each upgraded node service area, and
- (h) construction maps detailing the above information.

(5) Within thirty (30) days of completion of the Transfer, Adelphia shall provide the City with a construction completion bond, from a surety subject to the reasonable approval of City Council, in the amount of Two Million Dollars (\$2,000,000), which construction completion bond shall guarantee Adelphia's completion of the System Upgrade as required by this Ordinance and indemnify the City against any losses or costs the City may suffer or incur if the System Upgrade is not timely completed as required by this Ordinance, including but not limited to, any cost or expense incurred by the City in completing the System Upgrade (the "Construction Bond"). The Construction Bond shall be fully prepaid and

shall name the City as the obligee. The City may only collect the lesser of (i) the costs necessary to complete the System Upgrade; or (ii) the face amount of the Construction Bond. All rights and remedies provided to the City by the Construction Bond shall be in addition to, not in substitution of, all other rights the City may have pursuant to the Franchise Agreement or any law.

(6) In the event the System Upgrade is not completed within thirty-two (32) months of the completion of the Transfer or by June 1, 2003 (the "Completion Date"), subject to the Force Majeure provisions of the Franchise Agreement, Adelphia shall pay liquidated damages to the City as follows:

(a) Twenty-Five Thousand Dollars (\$25,000) per month for each of the first six (6) months past the Completion Date;

(b) Fifty Thousand Dollars (\$50,000) per month for each additional month beyond the first six (6) months past the Completion Date.

(7) No provision of this Ordinance shall relieve Cablevision and/or Adelphia from the obligation to obtain any and all other authorizations, permits and or agreements required by law with regard to the construction of the System Upgrade.

#### H. Cable Modem Service.

(1) Within one hundred twenty (120) days of completing and activating portions of the System Upgrade such that Subscribers receive Services over the upgraded system, Adelphia shall offer cable modem service to such Subscribers.

(2) Adelphia shall install and provide, free of charge, one (1) cable modem and service to that modem for each current and future primary and secondary state-accredited school building and at least one neighborhood computer center or public library in each City Ward (the location of which is to be determined by City Council), within one hundred twenty (120) days of completing, activating and providing upgraded Services in those portions of the System Upgrade in which such buildings are located. Adelphia shall provide at a volume discount cable modems, installation thereof and monthly cable modem service to all City, public library, neighborhood computer center, and primary and secondary state-accredited school buildings if service beyond that provided without charge is desired. "Volume discount" shall mean at cost, as reasonably demonstrated by Adelphia.

(3) In the event Adelphia opens its cable modem platform to any other non-affiliated Internet Service Provider ("ISP") in any other cable system, Adelphia shall also open its cable modem platform in the City to non-affiliated ISPs.

I. Cable Discount. Pursuant to Section 7.7 of the Franchise Agreement, Adelphia shall offer a ten percent (10%) discount on the basic tier and the cable programming service tier to qualified head of household senior citizens age sixty-five (65) and over and to qualified head of household handicapped persons as defined under state law.

J. Employment of City Residents. Pursuant to Paragraph 6 of the Amendment to the Franchise Agreement, Adelphia agrees to the following: Its local origination production facilities, including the mobile production van, and customer service offices shall remain perma-

nently located in Cleveland to serve the Subscribers in Cleveland. Additionally, to the extent that Adelphia consolidates operations in the City with the current operations of its affiliates serving Cuyahoga, Medina, Lake, Summit, Lorain, and Geauga Counties, there shall be no fewer jobs located within Cleveland than are currently provided by the Cablevision operations. Further, Adelphia together with its affiliates will continue to employ Cleveland residents at least at the number and job levels currently employed by Cablevision and Adelphia's affiliates, and will use its best efforts, as permitted by applicable law, to assure that the total number of employees employed by Adelphia and vendors retained by Adelphia proportionally represent the minority population of the area served. Adelphia and its affiliates shall not engage in any contractual relationships for the purpose of unfairly competing with bona fide minority enterprises as defined in Chapter 187 of the Cleveland Codified Ordinances. Upon request, Adelphia shall annually furnish to the City Council evidence of Adelphia's compliance with this paragraph.

K. Local Board Representation. Adelphia shall maintain minority representation of at least one-third (1/3) on the Board of Directors of Adelphia Cleveland LLC. City Council may make recommendations to Adelphia regarding the membership of the Board of Directors of Adelphia Cleveland LLC.

L. Living Wage. Adelphia shall comply with the City's "Cleveland Fair Employment Law" as required by Chapter 189 of the Codified Ordinances of Cleveland, Ohio, as applicable.

#### M. Insurance.

(1) Prior to completion of the Transfer, Adelphia shall obtain, pay all premiums for, and file with City Council, an insurance certificate(s) meeting the requirements of Sections 9.1 and 9.5 of the Franchise Agreement, except that the coverage amounts shall be increased to:

Commercial General Liability: \$5,000,000 each occurrence;  
Business Automobile Liability: 1,000,000 each accident; and  
Excess Liability (Umbrella) \$15,000,000 each occurrence.

(2) Adelphia shall provide insurance coverage for any contractor or subcontractor involved in the System Upgrade by either obtaining the necessary endorsements to its insurance policies or requiring such contractor or subcontractor to obtain appropriate insurance coverage consistent with Section 9.1 of the Franchise Agreement and appropriate to the extent of its involvement in the construction of the System Upgrade. The City shall be named as an additional insured.

N. Performance Bond and Letter of Credit Requirements. On or before the completion of the Transfer, Adelphia shall provide the City with a Performance Bond in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000), as required by Section 9.1(c) of the Franchise Agreement, and with a Letter of Credit in the amount of Two Hundred Fifty Thousand Dollars (\$250,000), as required by Section 9.1(d) of the Franchise Agreement. The Performance Bond and Letter of Credit shall also comply with Section 9.5 of the Franchise Agreement.



O. Authority to do Business in Ohio. Prior to completion of the Transfer, Adelphia shall provide the City with a Good Standing Certificate To Do Business In The State of Ohio for Adelphia Cleveland LLC, or such other entity that will hold the franchise.

P. City Costs. Cablevision shall reimburse the City for its actual costs and expenses incurred in connection with the proposed Transfer of the Franchise, within thirty (30) days of receiving an invoice from the City.

Q. Guaranty. Prior to completion of the Transfer, Adelphia, as guarantor, shall execute and deliver to City Council the Guaranty Agreement attached to this Ordinance as File No. 1729-2000-B.

R. Assumption of Obligations and Liabilities. Adelphia shall assume all continuing obligations of the Franchise with respect to any liabilities and obligations incurred by Cablevision prior to the Transfer. The City agrees not to have any noncompliance by Cablevision held against Adelphia in any renewal proceeding pursuant to Section 626(c) of the Cable Act (47 U.S.C. § 546(c)), except to the extent that Adelphia continues, after notice and an opportunity to cure, Cablevision's noncompliance with respect to requirements of the Franchise.

No costs or obligations set forth in this Ordinance shall constitute a franchise fee or be offset against any franchise fees required to be paid pursuant to the Franchise.

S. Continued Compliance. Adelphia shall comply with all provisions of the Franchise Agreement, the 1994 Amendment, and the conditions contained in this Ordinance, until a new franchise agreement between Adelphia and the City becomes effective.

T. Franchise Term. The term of the Franchise Agreement, as amended by the 1994 Amendment and this Ordinance, shall be extended through September 15, 2006.

U. Transfer Information. Adelphia and/or Cablevision shall certify to the City, within three (3) business days of the completion of the Transfer, that there has been no material change in the information disclosed to the City pursuant to the request to consent to the Transfer as provided in the FCC Form 394 dated February 4, 2000.

V. Completion of Transfer. Wherever in this document the term "Transfer" is used, it shall refer to the transfer of the franchise from Cablevision to Adelphia. Adelphia and/or Cablevision shall certify in writing to the City that the Transfer has been completed within three (3) business days of such completion. The Transfer of the Franchise must be completed before January 1, 2001.

W. Acceptance of Ordinance. Adelphia and Cablevision shall execute the Acceptance within three (3) business days of the effective date of this Ordinance.

**Section 2.** That if any of the conditions specified in Section 1 of this Ordinance are not agreed to, accepted by and satisfied by Cablevision and Adelphia as each condition shall apply to them, the City's consent to the Transfer of the Franchise from Cablevision to Adelphia continues to be denied.

**Section 3.** That this Ordinance constitutes an amendment to the Franchise, and any failure to comply

with the terms of this Ordinance shall be considered a breach, subject to all remedies available to the City pursuant to the Franchise or any law.

**Section 4.** That unless otherwise defined in this Ordinance, all terms shall have the meanings given to them in the Franchise Agreement or the 1994 Amendment.

**Section 5.** That the Clerk of Council is hereby requested to forward a certified copy of this Ordinance by certified mail upon Cablevision and Adelphia.

**Section 6.** That the Director of Finance shall establish within the General Fund of the City a fund into which shall be deposited those monies collected in accordance with Section 1, Paragraph A, to be used for public, educational and government access and other public telecommunications and cable services to be allocated by ordinance by Cleveland City Council.

**Section 7.** That it is found and determined that all formal actions by the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**Section 8.** That this ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

#### FIRST READING EMERGENCY RESOLUTION REFERRED

##### 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.

Referred to Director of Law; Committee on Legislation.

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

##### Ord. No. 1731-2000.

By Councilman Brady.

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Westown Community Development Corporation in order to carry out the public purpose of improving and promoting the Westown local retail business district by implementing the Westown CDC's holiday lighting program through the use of Ward 19 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 Westown Community Development Corporation in order to carry out the public purpose of improving and promoting the Westown local retail business district by implementing the Westown CDC's holiday lighting program through the use of Ward 19 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$50,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1732-2000.**  
**By Councilman Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for a Footrace on October 28, 2000, sponsored by Hermes Race Systems.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of a Footrace sponsored by Hermes Race Systems on October 28, 2000, starting at Burke Lakefront Airport and proceed to Erieside to West 3rd Street, West 3rd Street to Lakeside Avenue, Lakeside to West 9th Street, West 9th Street to St. Clair Avenue, St. Clair Avenue to West 3rd Street, West 3rd Street to Erieside, Erieside to North Marginal, North Marginal to East 26th Street turn around and return to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1733-2000.**  
**By Councilman Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Smith-Barney 15K on October 22, 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 Smith-Barney 5K Walk and Run sponsored by Hermes Race Systems on October 22, 2000, starting at East 9th and Superior, East 9th to Erieside, Erieside to West 3rd, West 3rd to Lakeside, Lakeside to Main Avenue, Main Avenue to Old River Road, Old River Road to St. Clair, St. Clair to West 3rd, West 3rd and Erieside, Erieside to North Marginal, North Marginal to East 26th, East 26th turn around and go North Marginal to Erieside, Erieside to West 3rd, West 3rd to St. Clair, St.

Clair to East 12th, East 12th to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1734-2000.**  
**By Councilman Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Smith-Barney 5K Walk and Run on October 22, 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 Smith-Barney 5K Walk and Run sponsored by Hermes Race Systems on October 22, 2000, starting at East 9th and Superior, East 9th to Erieside, Erieside to West 3rd, West 3rd to Lakeside, Lakeside to Main Avenue, Main Avenue to Old River Road, Old River Road to St. Clair, St. Clair to East 12th Street to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1735-2000.**  
**By Councilman Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for the 23rd Annual Walk-A-Thon on October 7, 2000, sponsored by the Catholic Charities Services Corp.**

Whereas, this ordinance constitutes an emergency measure providing for 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 23rd Annual Walk-A-Thon sponsored by the Catholic Charities Services Corp. on October 7, 2000, leaving OLA/St. Joseph Center Parking lot on Kenilworth, head (east) on Kenilworth to West 11th St., turn right circle Lincoln Park 2 times, return to West 11th/Kenilworth, intersection, turn left onto West 11th Avenue walk to University Rd., turn right onto University Rd. walk to West 10th St., turn right onto West 10th St. walk to stop sign, veer left onto Professor Avenue (stay on right side of street), walk to Jefferson, turn right onto Jefferson walk to Starkweather (cross West 14th St. to west side of West 14th St.), turn left on West 14th St. walk (south) to Clark Ave., turn right onto Clark Ave. & walk across bridge (over highway) to Scranton Rd., turn right onto Scranton Rd. walk to Kenilworth, turn right onto Kenilworth, return to OLA/St. Joseph Center (on your left on other side of highway overpass), **5K Walkers Stop Here**, 10K walkers continue walking on Kenilworth to West 11th St., turn left onto West 11th St. walk to Abbey Rd., turn left onto Abbey Ave. (cross street to north side of Abbey), cross Abbey Ave. Bridge to West 20th St., (enjoy the view of Downtown), cross street to south side of Abbey Ave., turn left and return across Abbey Ave. Bridge (enjoy the view of the industrial side of the Flats), walk to West 11th St., turn left to University Rd., walk to West 10th St., turn right onto West 10th St. walk to Literary (right side of street), turn right onto Literary walk to Kenilworth (veer left & cross street), turn right onto Kenilworth, return to OLA/St. Joseph Center and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1736-2000.**  
**By Councilman Cintron, Mayor White and Councilman Polensek.**

**An emergency ordinance to change the name of Detroit-West 25th Street Park to Jimmy Bivins Park and authorizing the Director of Parks, Recreation and Properties to effectuate such change.**

Whereas, this ordinance constitutes an emergency measure providing for 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 name of Detroit-West 25th Street Park, located at the corner of Detroit Avenue and West 25th Street, is hereby changed to Jimmy Bivins Park.

**Section 2.** That the Director of Parks, Recreation and Properties is authorized and directed to give effect to this ordinance by the placement of appropriate signs, nameplates and plaques and altering the references to the park to reflect the change of name.

**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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1737-2000.**  
**By Councilman Dolan.**

**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Kamms Corners Development Corporation to further the public purpose creating or preserving jobs and employment opportunities to preserve the economic welfare of the State, by eradicating blight within the Kamms Corners Business Revitalization District through the use of Ward 21 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 Kamms Corners Development Corporation using Ward 21 Neighborhood Equity Funds, for the acquisition of certain property which is determined by this Council to further the public purpose of creating or preserving jobs and employment opportunities to preserve the economic welfare of the State, by eradicating blight within the Kamms Corners Business Revitalization District.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$275,000 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1738-2000.**  
**By Councilman Lewis.**

**An emergency ordinance authorizing and directing the sale of real property as part of the Land Reutilization Program and located at 1787 and 1789 East 86th Street to Cleveland Housing Network Limited Partnership XVII.**

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 Nos. 119-05-108 and 119-05-109 to Cleveland Housing Network Limited Partnership XVII.

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

P. P. No. 119-05-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 24 in Crumb Baslington and Oviatt's Allotment of part of Original One Hundred Acre Lot No. 400 as shown by the recorded plat in Volume 5 of Maps, Page 49 of Cuyahoga County Records part of Sublot No. 17 in Heisel and Stewart's Allotment of part of Original One Hundred Acre Lots Nos. 391 and 393 and Re-Allotment of part of said Sublot No. 24 in Crumb, Baslington and Oviatt's Allotment as aforesaid, as shown by the recorded plat of said Allotment and a Re-Allotment in Volume 13 of Maps, Page 20 of Cuyahoga County Records and part of Sublot No. 18 in Henrietta E. Weatherhead's Sub-

division of part of Original One Hundred Acre Lots Nos. 391 and 399, 400 and Re-Subdivision of part of said Sublot No. 24 in Crumb, Baslington and Oviatt's Allotment as aforesaid etc., as shown by the recorded plat of said Subdivision and Re-Subdivision in Volume 33 of Maps, Page 13 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 86th Street at a point 40.22 feet Northerly measured along said Easterly line from the Southwesterly corner of said Sublot No. 18 in Henrietta E. Weatherhead's Subdivision said beginning point being also the Northwesterly corner of land conveyed to Lena C. Albinger and others by deed dated August 25, 1909 and recorded in Volume 1199, Page 615 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to Lena C. Albinger and others 45 feet to the Easterly line of Henrietta E. Weatherhead's Subdivision as aforesaid; thence Northerly along said Easterly line 0.20 feet to the Northerly line of the parcel conveyed to Lena C. Albinger and others as aforesaid; thence Easterly along said Northerly line 58.00 feet to the Northeastly corner of a parcel of land conveyed to Phil M. Marquard by deed dated June 28, 1909 and recorded in Volume 1206, Page 205 of Cuyahoga County Records;

P. P. No. 119-05-109

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 24 in Crumb, Baslington and Oviatt's Subdivision of part of Original One Hundred Acre Lot No. 400 as shown by the recorded plat in Volume 5 of Maps, Page 49 of Cuyahoga County Records, and part of Sublots Nos. 15, 16, 17 and 19 in Heisel and Stewart's Allotment of part of Original One Hundred Acre Lots Nos. 391, 392 and 400 as shown by the recorded plat in Volume 13 of Maps, Page 20 of Cuyahoga County Records and part of Sublot No. 18 in Henrietta E. Weatherhead's Subdivision of part of Original One Hundred Acre Lots Nos. 391, 392, 399 and 400, as shown by the recorded plat in Volume 33 of Maps, Page 13 of Cuyahoga County Records and part of Original One Hundred Acre Lot No. 400 and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 86th Street at the Northwesterly corner of land conveyed to Katherine G. McCurdy by deed dated March 25, 1921, and recorded in Volume 2382, Page 632 of Cuyahoga County Records; thence Northerly along the Easterly line of East 86th Street to an angle; thence Northwesterly along the Northeastly line of East 80th Street to the most Southerly corner of land conveyed to the Library Board of the City District of the City of Cleveland by deed dated October 1, 1909 and recorded in Volume 1238, Page 387 of Cuyahoga County Records; thence Northeastly along the Southeastly line of land conveyed to the Library Board of the City School District of the City of Cleveland to the Easterly line of said Sublot No. 19; thence Southerly

along said Easterly line of Sublot No. 19 to the Northwesterly corner of said Sublot No. 15; thence Easterly along the Northerly line of said Sublot No. 15 to the Northwesterly corner of land conveyed to John A. Parshall by deed dated March 13, 1891, and recorded in Volume 515, Page 512 of Cuyahoga County Records, thence Southerly along the Westerly line of land conveyed to John A. Parshall and along the Westerly line conveyed to Swen Emil Swanbeck and Marie J. Swanbeck by deed dated November 28, 1906, recorded in Volume 1074, Page 323 of Cuyahoga County Records to the Southerly line of said Sublot No. 16; thence Westerly along said Southerly line of said Sublot No. 16 to the Northwesterly corner of land conveyed to Elizabeth Miller by deed dated April 2, 1908, and recorded in Volume 1144, Page 601 of Cuyahoga County Records, thence Southerly along the Westerly line of land so conveyed to Elizabeth Miller to the Northeastly corner of land conveyed to Katherine G. McCurdy as aforesaid; thence Westerly along the Northerly line of land so conveyed to Katherine G. McCurdy 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 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcels 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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1739-2000.**

**By Councilman Patmon.**

**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with A Cultural Exchange for their family literacy programs in Ward 8 elementary schools in order to carry out the public purpose of promoting and developing basic reading skills for children and families through the use of Ward 8 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with A Cultural Exchange for their family literacy programs in Ward 8 elementary schools in order to carry out the public purpose of promoting and developing basic reading skills for children and families, through the use of Ward 8 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be for services rendered by the grantee on or after October 1, 2000, in an amount not to exceed \$15,000 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1740-2000.**

**By Councilman Polensek (by departmental request).**

**An emergency ordinance to amend the title, the fourth whereas clause and Section 1 of Ordinance No. 962-2000, passed June 5, 2000, relating to contract for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the Cleveland Municipal Court.**

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

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

**Section 1.** That the title, the fourth whereas clause and Section 1 of Ordinance No. 962-2000, passed June 5, 2000, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal

Court, to enter into contract with **The Legal Aid Society of Cleveland and/or** the Cuyahoga County Public Defender Commission for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the Cleveland Municipal Court, for a period of one year, with four three-month options to renew.

Whereas, it is the recommendation of the Cleveland Municipal Court, the district of which encompasses Bratenahl and the City of Cleveland, that such indigent defense should be provided by **The Legal Aid Society of Cleveland and/or** the Cuyahoga County Public Defender Commission contracting to the Legal Aid Society of Cleveland, to provide these services; and

Section 1. That, the Director of Finance, on behalf of the Cleveland Municipal Court, is hereby authorized to enter into contract with **The Legal Aid Society of Cleveland and/or** the Cuyahoga County Public Defender Commission contracting to the **Legal Aid Society of Cleveland, at the option of the Presiding Judge of the Cleveland Municipal Court,** for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the period of one year beginning January 1, 2000, with four (4) options, exercisable by the Director of Finance, to renew for an additional three (3)-month term, and cancellable upon thirty days' written notice by said Director, at the estimated cost of \$1,000,000, payable from Fund No. 01-011502-632000, Request No. 19254.

**Section 2.** That the existing title, the fourth whereas clause and Section 1 of Ordinance No. 962-2000, passed June 5, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1741-2000.**

**By Councilman Westbrook.**

**An emergency ordinance to amend the Title and Sections 1 and 2 of Ordinance No. 1248-2000, passed July 17, 2000, relating to a grant agreement with Cudell Improvement Inc., for support for the Midwest Housing Partnership, in order to carry out the public purpose of promoting and providing assistance for safe, decent and affordable housing through the use of Wards 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.** That the Title and Sections 1 and 2 of Ordinance No. 1248-2000, 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 support for the Midwest Housing **Partnership, in order to carry out the public purpose of promoting and providing assistance for safe, decent and affordable housing**, 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 support for the Midwest Housing Partnership, in order to carry out the public purpose of promoting and providing assistance for safe, decent and affordable housing**, through the use of Ward 18 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed **\$137,575** and shall be paid from Fund No. 10, SF 166.

**Section 2.** That the existing Title and Sections 1 and 2 of Ordinance No. 1248-2000, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

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

**Res. No. 1742-2000.**

**By Councilman Brady.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit to 3353 West 117th Street, 1st Fl., and repealing Res. No. 1327-2000 objecting to said renewal.**

Whereas, this Council objected to the renewal of a D1, D2, D3 and D3A Liquor Permit to 3353 West 117th Street, 1st Fl. by Res. No. 1327-2000 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 3353 West 117th Street, 1st Fl., be and the same is hereby withdrawn and Res. No. 1327-

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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 1743-2000.**

**By Councilmen Cimperman and Rybka.**

**An emergency resolution endorsing the Corridor Management Plan for the Ohio & Erie National Heritage Corridor, and recognizing the significance of preserving, enhancing and promoting the resources along the Corridor.**

Whereas, in 1996, Congress enacted the Ohio & Erie National Heritage Corridor Act establishing a National Heritage Corridor in Northeast Ohio, incorporating the general areas along the Ohio & Erie Canal, running from Cleveland, Ohio to Dover/New Philadelphia, Ohio; and

Whereas, that legislation recognizes the Ohio & Erie Canal Association as the management entity for the Heritage Corridor and further requires the preparation of a Corridor Management Plan; and

Whereas, the Ohio & Erie Canal Association has prepared a Corridor Management Plan, with the assistance of widespread public improvement; and

Whereas, the Ohio & Erie Canal National Heritage Corridor Committee and the regional and federal offices of the National Park Service have reviewed and approved the Corridor Management Plan; and

Whereas, the Corridor Management Plan has been submitted to the U.S. Secretary of the Interior for approval; and

Whereas, the Corridor Management Plan provides the framework for development of the Ohio & Erie Canal Heritage Corridor and does the following:

1. establishes the boundary for the National Heritage Corridor, which is 110 miles in length and follows the course of the historic Ohio & Erie Canal and Cuyahoga Valley Line Railroad, crossing 4 counties and multiple communities; and

2. supports regional environmental and water quality goals by promoting resource stewardship practices, including the protection, preservation, enhancement and management of natural, cultural, and historic resources within the corridor for future generations; and

3. promotes a network of alternative means of transportation, including a series of trails that connect to the Towpath Trail, the Cuyahoga Valley Scenic Railroad, and the Canal Way Ohio National Scenic Byway; and

4. facilitates public-private partnerships for fulfilling the goals outlined in the Corridor Management Plan; and

5. provides no additional regulations for land use and/or zoning; and

6. adds to the quality of life of Northeast Ohio through support of educational, cultural, community and economic development programs; and

Whereas, the National Heritage Corridor Act specifies that, "No privately owned property shall be included in the corridor unless the municipality in which the property is located agrees to be so included and submits notification to the Secretary of the Interior;" and

Whereas, the Ohio & Erie Canal Association is authorized to request and receive up to \$10 million on projects and programs within the Corridor boundary that meet the purposes of the Heritage Corridor Act and the Corridor Management Plan; and

Whereas, the Management Plan has received recommendations from NOACA, the Cleveland Metroparks, Greater Cleveland Growth Association and numerous other organizations and political subdivisions; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health and safety since preservation of the waterway is in the best interest of our citizens; now, therefore,

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

**Section 1.** That this Council of the City of Cleveland endorses the Corridor Management Plan for the Ohio & Erie National Heritage Corridor, and recognizes the significance of preserving, enhancing and promoting the resources along the Corridor.

**Section 2.** That this Council endorses the boundary alignment and agrees to be included in the boundary of the Ohio & Erie Canal National Heritage Corridor as defined in the Corridor Management Plan.

**Section 3.** That this Council recognizes the importance of a northern anchor park (Canal Way Center) and the potential development of other destination sites along the Cuyahoga River (Journey Gateways) and will help explore development of these areas.

**Section 4.** That the Clerk of Council is hereby requested to forward a copy of this Resolution to Bruce Babbitt, U.S. Secretary to the Interior and to the President of the Ohio & Erie Canal Association.

**Section 5.** 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**SECOND READING  
EMERGENCY ORDINANCES**

**Ord. No. 319-99.**

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 551.111, 551.112 and 551.113 thereof, relating to charges for the Division of Waste Collection.

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

1. In Section 1, at Section 551.111, line 6, after "\$165.00." add the following: **"This charge shall only be assessed after issuance of a citation and an investigation by the Commissioner of Waste Collection or his designee. In all such instances, garbage shall be collected within twenty-four (24) hours after all of the tenant's legal rights to such items have expired."**

2. In Section 1, at Section 551.112, line 2, delete "may" and insert in lieu thereof **"shall"**.

3. In Section 1, at Section 551.112, add a line 12 to read as follows:

**"However, the Director of Public Service shall reduce the above-authorized fees by five percent (5%) when a dumpster is rented by a City of Cleveland resident for non-commercial purposes."**

4. In Section 1, at Section 551.113, line 4, after "into agreements" insert the following: **"following express legislative approval by Cleveland City Council authorizing such agreements."**

Amendments agreed to.

**Ord. No. 818-2000.**

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

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

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

1. In Section 1, line 5, strike the following: "turbidity and particle meters,"

Amendment agreed to.

**Ord. No. 819-2000.**

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

An emergency ordinance determining the method of making the

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

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

1. In Section 1, line 5, strike the following: "turbidity and particle meters,"

Amendment agreed to.

**Ord. No. 856-2000.**

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

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

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

**Ord. No. 901-2000.**

By Councilman Coats.

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

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

1. In the title, lines 4 and 5, and in Section 1, line 2, strike "Chapter 686A" and insert in lieu thereof the following: **"Sections 686A.01, 686A.02, 686A.03 and 686A.99"**; and strike lines 3, 4, 5, 6 and 7 in their entirety.

2. In Section 1, at Section 686A.02, lines 2 and 3 strike "a period of less than twenty-four hours" and insert in lieu thereof the following: **"any increment other than a twenty-four (24) hour increment"**.

3. In Section 1, insert a new Section 686A.03, to read as follows:

**"Section 686A.03 Late Charges  
No provision of this Chapter shall prohibit a hotel from assessing late charges or similar charges to patrons who fail to check out in accordance with posted check out times or procedures."**

4. Insert new Section 2 to read as follows:

**"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."**

Amendments agreed to.

**Ord. No. 1061-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2531 East 83rd Street to Greater Cleveland Habitat for Humanity.

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

**Ord. No. 1064-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9800 St. Clair Avenue aka 782 East 99th Street to Evening Star Missionary Baptist Church.

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

**Ord. No. 1106-2000.**

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

An emergency ordinance authorizing the Director of Public Utilities to make alterations and modifications in Contract No. 53947, for Phase II of the Erieside and West 3rd Street Area Pump Station Project, with Nerone & Sons, for the Division of Water Pollution Control, Department of Public Utilities.

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

**Ord. No. 1111-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on north side of Central Avenue to Fairfax Renaissance Development Corporation or designee.

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

**Ord. No. 1112-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 82nd Street to Fairfax Renaissance Development Corporation or designee.

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

1. In Section 15 at the end, add the following: **"That the project to be implemented after the conveyance**

of the above-mentioned properties shall be reviewed and approved by the Mayor's Streetscape Advisory Committee for compliance with applicable provisions of the Codified Ordinances of Cleveland, Ohio, 1976, pertaining to City standards for parking lots."

Amendment agreed to.

**Ord. No. 1115-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8720 Meridian Avenue to Curly Mae Jelks.

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

**Ord. No. 1206-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 12009-11 Cromwell Avenue to Cleveland Housing Network, Inc.

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

**Ord. No. 1207-2000.**

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 2368 East 40 Street to Pilgrim Missionary Baptist Church.

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

1. Insert new Sections 3 and 4 to read, respectively, as follows:

"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 a part of Permanent Parcel No. 103-31-017, as more fully described in Section 4 below, to Pilgrim Missionary Baptist Church.

Section 4. That the real property to be sold pursuant to Section 3 of this ordinance is more fully described as follows:

**Part of P. P. No. 103-31-017**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the northerly 18 feet of Sublot No. 260 in Leonard Case's Subdivision of part of Original Ten Acre Lots Nos. 44, 45, 46, 47, as shown by the recorded plat in Volume 8 of Maps, Page 36 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

2. Renumber existing Sections 3, 4, 5, and 6, respectively, to new "Sec-

tion 5", "Section 6", "Section 7" and "Section 8".

Amendments agreed to.

**Ord. No. 1388-2000.**

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

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain, repair, replace and upgrade various security systems, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

1. In Section 2, line 7, after "Finance," insert the following: "All expenditures under the contract authorized herein shall not exceed \$400,000.00."

Amendment agreed to.

**Ord. No. 1391-2000.**

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

An emergency ordinance authorizing the purchase by contract of one mobile transformer and auxiliary equipment, 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. 1403-2000.**

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

An emergency ordinance to amend Section 5 of Ordinance No. 1578-90, passed February 24, 1992, relating to making the public improvement of renovating and rehabilitating the headquarters building of the Division of Police, and authorizing contracts relative thereto.

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

**Ord. No. 1488-2000.**

By Councilman Polensek.

An emergency ordinance to renumber Chapter 686 as enacted by Ordinance No. 672-97, passed June 19, 2000, relating to used motor vehicle storage places to new Chapter 686C; and to number the inclusive Sections 686.01 to 686.10 and 686.99 to new Sections 686C.01 to 686C.10 and 686C.99.

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

In the title, at the end, strike the period and insert in lieu thereof: "; and to amend Sections 686.04, 686.05, 686.06 and 686.99 of said codified ordinances relating to used motor vehicle storage places."

2. Insert new Sections 3 and 4 to read, respectively, as follows:

"Section 3. That Sections 686.04, 686.05, 686.06 and 686.99 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to used motor vehicle storage places, as enacted by Ordinance No. 672-97, passed June 19, 2000, and renumbered by this ordinance, are hereby amended to read, respectively, as follows;

**Section 686C.04 Application, Plans and Fees**

(a) License Application. Any person or firm operating or proposing to operate a used motor vehicle storage place shall submit a license application to the Commissioner of Assessments and Licenses on a form provided by the Commissioner, in accordance with the following provisions:

(1) Submission Date. For used motor vehicle storage places in operation prior to the initial effective date of this chapter, the required license application shall be submitted by October 31, 2000, for issuance by December 31, 2000. Thereafter, applications for license renewal shall be submitted by October 31 of each year for issuance by December 31 of that year. For used motor vehicle storage places established on or after the initial effective date of this chapter, the required license application shall be submitted at least two (2) months prior to the requested start of operation.

(2) Application Contents. License applications shall provide the following information and any other information which the Commissioner deems necessary to determine compliance with the provisions of this chapter:

A. the address, telephone number and name, if any, of the used motor vehicle storage place and a map showing and identifying, by permanent parcel number, the parcels of land which are occupied by such use;

B. name, address, telephone number, and each social security number of each operator of the used motor vehicle storage place, each partner in the case of a partnership, and each officer and Director in the case of a corporation;

C. a copy of the current Certificate of Occupancy for the premises, indicating that the use has been legally established under applicable provisions of the Zoning and Building Codes;

D. a list of temporary license plates issued by the used motor vehicle sales place in the previous twelve (12) months.

(3) License Fee. Each application for issuance or renewal of a license shall be accompanied by a fee of one hundred dollars (\$100.00), submitted to the Commissioner of Assessments and Licenses (made payable to the "City of Cleveland").

(b) Improvement Plans. In the case of a proposal to establish a used motor vehicle storage place or to expand or enlarge the motor vehicle storage area of such place, and in the case of any existing used motor vehicle storage place for which compliance with the fencing and landscaping requirements of Section 686C.07 is due during the current licensing year, the operator of such place shall submit plans to the Commissioner of Assessments and Licenses for approval by Director of the City Planning Commission, demonstrating compliance with those requirements. Such plans shall be prepared and submitted in accordance with the following provisions:

(1) Submission Date. For used motor vehicle storage places in operation and legally established prior to the initial effective date of this

chapter, the required improvement plans shall be submitted no later than February 28, 2001. In all other cases, the required plan shall be submitted with the license application required in division (a) of this section.

(2) **Plan Contents.** In addition to listing the address of the used motor vehicle storage place and the name, address and telephone number of the operator, the submission of improvement plans shall include the following:

A. an accurately scaled and dimensioned site plan and elevation drawing showing all existing and proposed fencing, landscaping, yard areas, vehicle storage areas, customer and employee parking areas, sidewalks, treelawns, curbs, driveways, wheelstops, guardrails, buildings, signs, and lot lines;

B. specifications for all proposed fencing and landscaping, indicating the type, color, material and gauge of fencing; the type, height and number of landscape materials, and a description of proposed ground cover and landscape curbing.

(3) **Plan Fee.** Each plan submission shall be accompanied by a fee of one hundred dollars (\$100.00). Such Plan Fee shall be in addition to any License Fee and shall be submitted to the Commissioner of Assessments and Licenses (made payable to the "City of Cleveland").

#### Section 686C.05 License Approval and Issuance

(a) Referral to Commissioner of Building and Housing. Upon receipt of a complete license application and accompanying fee, the Commissioner of Assessments and Licenses shall transmit the application to the Commissioner of Building and Housing for a determination of compliance with the provisions of this chapter, except as provided in division (b) for the determination of initial compliance with the requirements of fencing and landscaping.

(b) Referral to City Planning Director. In the case of a license application for which initial compliance with the fencing and landscaping requirements of Section 686C.07 was required during the current licensing year, the Commissioner of Assessments and Licenses shall transmit a copy of the application to the Director of the City Planning Commission for a determination of compliance with such requirements.

(c) **Issuance of License.** For used motor vehicle storage places which are in compliance with the provisions of this chapter, the Commissioner of Assessments and Licenses shall issue a license not later than December 31 of each year or not later than two (2) months after receipt of a complete application, whichever date occurs later.

(d) **Effective Period.** Licenses, generally, shall be in effect for a period of one (1) year, from January 1 to December 31. For a used motor vehicle storage place established through licensing or re-licensing on a date other than January 1, the license shall be in effect for the remainder of the regular licensing year. For a license issued after September 1 but prior to December 31, the license shall be in effect until December 31 of the following calendar year.

#### Section 686C.06 Storage of Vehicles for Sale

(a) **Storage.** Motor vehicles stored for sale shall be kept off of public sidewalks and public streets. Such vehicles shall be contained on private property by means of the ornamental metal fencing and/or landscape strips as required in Section 686C.07. In the case of a used motor vehicle storage place for which installation of such fencing or landscaping is not yet required, stored vehicles shall be kept off of the public right-of-way by maintenance of setback areas required by zoning regulations and/or by anchored concrete or plastic wheelstops, concrete or asphalt curbing, wooden bollards or black-painted posts and metal chains/cables, or black-painted guard rails or pipe rail. Chain link or wooden fencing shall not be used to contain stored vehicles on private property, except that retention of such fencing, if in good repair, shall be permitted until installation of ornamental metal fencing or landscaping is required by the provisions of Section 686C.07.

(b) **Use.** If the operator of a motor vehicle sales place permits customers to test drive vehicles offered for sale, the operator shall provide to each such customer, immediately prior to the test drive, a written notice stating that the vehicle shall be operated in accordance with all applicable traffic laws, and, more specifically, shall not be operated in a manner that produces excessive and unusual levels of noise or fumes. To facilitate compliance with this notice, an employee of the used motor vehicle sales place shall accompany any customer test-driving a vehicle being offered for sale. Repeated violations of the provision of this section will be considered cause for suspension or revocation of a license.

#### Section 686C.99 Penalty

Whoever violates any of the provisions of Sections 686C.03, 686C.04, 686C.06, 686C.07, or 686C.08 shall be guilty of a minor misdemeanor and fined not more than one hundred dollars (\$100.00). In addition to any other method of enforcement provided for in this chapter, these minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Whoever violates any of the provisions of these sections, having previously been convicted of a violation of any of these sections within five (5) years, shall be guilty of a misdemeanor of the fourth degree.

Section 4. That existing Sections 686.04, 686.05, 686.06 and 686.99 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to used motor vehicle storage places, as enacted by Ordinance No. 672-97, passed June 19, 2000, and renumbered by this ordinance, are hereby repealed."

3. That Section 3 is hereby renumbered to new "Section 6".

Amendments agreed to.

#### Ord. No. 1579-2000.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the payment of membership dues of the City of Cleveland in various professional organizations.

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

#### Ord. No. 1597-2000.

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 862-2000, passed June 19, 2000, relating to contracts with various agencies to provide social service programs.

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

#### Ord. No. 1601-2000.

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

An emergency ordinance authorizing the Director of Personnel and Human Resources to lease property at 1468 East 55th Street from Northeast Ohio Neighborhood Health Services, Inc. for a term not to exceed three years, with seven one-year options to renew, for the public purpose of operating the One Stop Job Center.

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

#### Ord. No. 1602-2000.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Recovery Resources to provide services relating to the Employee Assistance Program.

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

### SECOND READING EMERGENCY ORDINANCES PASSED

#### Ord. No. 1390-2000.

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

An emergency ordinance to enact Section 129.331 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to contracts for the provision of retail electric aggregation services and power supply.

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

1. In Section 1, at line 10, after "supply," delete "as needed," and insert in lieu thereof the following: "**following express legislative approval by Cleveland City Council authorizing such contract or contracts.**"

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. 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. 1407-2000.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 79th Street to Frederick Johnson and Anne Marie Johnson.



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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1408-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 79th Street to Steven Williams and Rebecca Williams.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1487-2000.**

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

An emergency ordinance to amend Section 42 of Ordinance No. 434-2000, passed March 20, 2000, relating to compensation for various classifications.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

**SECOND READING  
EMERGENCY RESOLUTIONS**

**Res. No. 1416-2000.**

By Councilman Coats.

An emergency resolution urging the President of the United States and the United States Congress to take certain actions and make necessary changes to improve the quality of life in the United States.

Approved by Director of Law; Recommended by Committee on Legislation; when amended as follows:

1. Insert new Section 2 to read as follows:

**"Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the President of the United States and to the Speaker of the House."**

2. Renumber existing Section 2 to new **"Section 3"**.  
Amendments agreed to.

**Res. No. 1418-2000.**

By Councilmen Polensek, Patmon and Britt.

An emergency resolution declaring this Council's endorsement of the Million Family March scheduled for Monday, October 16, 2000 in Washington, D.C.

Approved by Director of Law; Recommended by Committee on Legislation.

**THIRD READING EMERGENCY  
ORDINANCES PASSED**

**Ord. No. 1068-2000.**

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

An emergency ordinance to amend the title, the third whereas clause and Section 2 of Ordinance No. 530-93, passed June 14, 1993, relating to an Enterprise Zone Agreement with R.S.I. Company, or its designee.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 1386-2000.**

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

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to test and dispose of PCB oils and contaminate materials and to retro-fill or filter contaminated transformers, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 1392-2000.**

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

An emergency ordinance authorizing the Mayor to apply for and accept a Water Supply Revolving Loan Account loan to finance the construction of the Parma Reservoir renovation project.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 1393-2000.**

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

An emergency ordinance to amend Section 3 of Ordinance No. 1743-99,

passed June 19, 2000, relating to rates, rules and regulations for water service provided by the Division of Water, Department of Public Utilities.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 1591-2000.**

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2001 State Childhood Lead Poisoning Prevention Program.

Read third time. Passed. Yeas 19. Nays 0.

**THIRD READING  
ORDINANCES PASSED**

**Ord. No. 1217-2000.**

By Councilman Patmon (by departmental request).

An ordinance to assess the cost and expense of construction and repairing of sidewalks and curbing. (East Side)

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 1218-2000.**

By Councilman Patmon (by departmental request).

An ordinance to assess the cost and expense of construction and repairing of sidewalks and curbing. (West Side)

Read third time. Passed. Yeas 19. Nays 0.

Councilman Jones entered the meeting.

**MOTION**

By Councilman Britt, and seconded by Councilman Sweeney, and unanimously carried that the absence of Councilman Kenneth L. Johnson be and is hereby authorized.

**MOTION**

The Council adjourned at 8:45 p.m. to meet on Monday, October 9, 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. 319-99.**

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 551.111, 551.112 and 551.113 thereof, relating to charges for the Division of Waste Collection.

Whereas, this ordinance constitutes an emergency measure providing for 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 Sections 551.111, 551.112 and 551.113 thereof, to read, respectively, as follows:

**Section 551.111 Waste Removal Charge for Evictions**

The owner or other person having the right of possession of residential property who evicts someone from the property shall be charged by the Director of Public Service for a portion of the increased waste disposal costs

in the sum of one hundred and sixty-five dollars (\$165.00). **This charge shall only be assessed after issuance of a citation and an investigation by the Commissioner of Waste Collection or his designee. In all such instances, garbage shall be collected within twenty-four (24) hours after all of the tenant's legal rights to such items have expired.**

**Section 551.112 Dumpster Rentals**

The Director of Public Service shall charge the following fees for the rental of dumpsters from the inventory of the Department of Public Service:

|                  |          |
|------------------|----------|
| 2 yard dumpster  | \$ 13.10 |
| 4 yard dumpster  | 16.95    |
| 6 yard dumpster  | 20.80    |
| 8 yard dumpster  | 24.35    |
| 20 yard dumpster | 245.00   |
| 30 yard dumpster | 310.00   |
| 40 yard dumpster | 370.00   |

**However, the Director of Public Service shall reduce the above-authorized fees by five percent (5%) when a dumpster is rented by a City of Cleveland resident for non-commercial purposes.**

**Section 551.113 Agreements for the Use of the Ridge Road Transfer Station**

The Director of Public Service is authorized to enter into agreements, **following express legislative approval by Cleveland City Council authorizing such agreements**, with other governmental entities and with private concerns for the use of the City's Ridge Road transfer station for the disposal of solid waste. The Director shall establish the tipping fee for each such user of the transfer station in an amount not less than the cost to the City of disposing of the waste, including the unit price paid by the City for its disposal and an additional amount for operational and administrative costs. Any agreement made pursuant to this section shall contain such provisions as are necessary in the opinion of the Director of Law to protect the interests of the City of Cleveland.

**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.

**Ord. No. 818-2000.**

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

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

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of filter rehabilitation, water treatment and monitoring improvements for the Nottingham Water Treatment Plant, including, but not limited to, piping, valves, media and underdrains, structural and architectural improvements, instrumentation and control systems, and operator training, for the Division of Water, Department of Public Utilities, by contract duly let to the low-

est responsible bidder after competitive bidding for a gross price for the improvement.

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

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

**Section 4.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby autho-

rized to purchase, lease or otherwise acquire easements, fee interests, licenses, permits and other rights or interests in real property necessary for the public improvement authorized by this ordinance.

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

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

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

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

**Section 9.** That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

**Ord. No. 819-2000.**

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

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

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

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

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

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

**Section 3.** That the Director of Public Utilities is hereby authorized to make written standard purchase and requirement contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the necessary items of labor and/or materials needed in conjunction with the making of the public improvement authorized by this ordinance, to be purchased by

the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine.

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

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

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

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

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

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

**Ord. No. 856-2000.**

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

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

**Ord. No. 901-2000.**

By Councilman Coats.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new **Sections 686A.01, 686A.02, 686A.03 and 686A.99** relating to hotels.

Whereas, this ordinance constitutes an emergency measure providing for 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 **Sections 686A.01, 686A.02, 686A.03 and 686A.99**, to read as follows:

**Section 686A.01 Definitions**

As used in this chapter "hotel" shall have the same definition as found in Section 363.08 of the Codified Ordinances of the City of Cleveland, Ohio, 1976.

**Section 686A.02 Room Rental**

No person, business or corporation shall offer a room for hire or rent in a hotel for **any increment other than a twenty-four (24) hour increment**. This provision shall not apply, however, to meeting, dining and banquet rooms located in hotels.

**Section 686A.03 Late Charges**

**No provision of this Chapter shall prohibit a hotel from assessing late charges or similar charges to patrons who fail to check out in accordance with posted check out times or procedures.**

**Section 686A.99 Penalty**

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

**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.**

**Ord. No. 1061-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2531 East 83rd Street to Greater Cleveland Habitat for Humanity.

**Ord. No. 1064-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9800 St. Clair Avenue aka 782 East 99th Street to Evening Star Missionary Baptist Church.

**Ord. No. 1106-2000.**

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

An emergency ordinance authorizing the Director of Public Utilities to make alterations and modifications in Contract No. 53947, for Phase II of the Eriesside and West 3rd Street Area Pump Station Project, with Nerone & Sons, for the Division of Water Pollution Control, Department of Public Utilities.

**Ord. No. 1111-2000.**

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

An emergency ordinance authorizing the sale of real property as part

of the Land Reutilization Program and located on north side of Central Avenue to Fairfax Renaissance Development Corporation or designee.

**Ord. No. 1112-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 82nd Street to Fairfax Renaissance Development Corporation or designee.

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. 119-14-048, as more fully described in Section 2 below, to Fairfax Renaissance 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. 119-14-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 38 feet, front and rear, of Sublot No. 12, and the Southerly 2 feet, front and rear, of Sublot No. 11 in Vantine and Chadwick's Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat of said Subdivision in Volume 20 of Maps, Page 7 of Cuyahoga County Records. Said parts of Sublot Nos. 12 and 11 together form a parcel of land having a frontage of 40 feet on the Westerly side of East 82nd Street (formerly South Genesee Avenue), and extending back about 99-80/100 feet on the Southerly line and extending back about 99-73/100 feet on the Northerly line, having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 3.** That 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. 119-14-049 as more fully described in Section 4 below, to Fairfax Renaissance Development Corporation or designee.

**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. 119-14-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 38 feet front and rear of Sublot No. 11 in Vantine and Chadwick's Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 20 of Maps, Page 7 of Cuyahoga County Records, and being 38 feet front on the Westerly side of East 82nd Street (formerly Genesee Avenue) and extending back 99.67 feet on Northerly line, about 99.73 on the Southerly line, and has a rear line of 38 feet, as appears by said plat.

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. 119-14-050 as more fully described in Section 6 below, to Fairfax Renaissance Development Corporation or designee.

**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. 119-14-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 10 in Van Tine and Chadwick's Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 20 of Maps, Page 7 of Cuyahoga County Records and being 40 feet front on the Westerly line of East 82nd Street and extending back 99.60 feet deep on the Northerly line, 99.67 feet deep on the Southerly line and being 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 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. 119-14-051 as more fully described in Section 8 below, to Fairfax Renaissance Development Corporation or designee.

**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. 119-14-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in Vantine and Chadwick Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 20 of Maps, Page 7 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 82nd Street (formerly South Genesee Avenue) and extending 99.54 feet on the Northerly line, 99.60 feet on the Southerly line, and having a rear line of 40 feet, as appears by said plat.

**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. 119-14-053 as more fully described in Section 10 below, to Fairfax Renaissance Development Corporation or designee.

**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. 119-14-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 7 in Van Tine and Chadwick's Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 20 of Maps, Page 7 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 82nd Street (formerly South Genesee Avenue) and extending back 99.41 feet deep on the Northerly line, 99.47 feet deep on the Southerly line and being 40 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to 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. 119-14-059 as more fully described in Section 12 below, to Fairfax Renaissance Development Corporation or designee.

**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. 119-14-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 24 in Van Tine and Chadwick's Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 20 of Maps, Page 7 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 82nd Street (formerly South Genesee Avenue) 110.71 feet deep on the Northerly line, 110.59 feet deep on the Southerly line and 40 feet wide in the rear, as appears by said plat.

Subject to the Midtown Community Development Plan recorded in Volume 87-6720, Page 47.

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. 119-14-061 as more fully described in Section 14 below, to Fairfax Renaissance Development Corporation or designee.

**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. 119-14-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being known as the Southerly 20 feet front and rear of Sublot No. 22 and the Northerly 30 feet front and rear of Sublot No. 21 in Vantine and Chadwick's Subdivision of part of Original One

Hundred Acre Lot No. 339 as shown by the recorded plat in Volume 20 of Maps, Page 7 of Cuyahoga County Records and together forming a parcel of land 50 feet front on the Easterly side of East 82nd Street about 110.41 feet deep on the Northerly line, about 110.26 feet deep on the Southerly line and 50 feet in the rear, as appears by said plat.

Subject to zoning ordinances, if any.

**Section 15.** 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. **That the project to be implemented after the conveyance of the above-mentioned properties shall be reviewed and approved by the Mayor's Streetscape Advisory Committee for compliance with applicable provisions of the Codified Ordinances of Cleveland, Ohio, 1976, pertaining to City standards for parking lots.**

**Section 16.** 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 15.** 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 16.** 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 17.** 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 18.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**Ord. No. 1115-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8720 Meridian Avenue to Curly Mae Jelks.

**Ord. No. 1206-2000.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 12009-11 Cromwell Avenue to Cleveland Housing Network, Inc.

**Ord. No. 1207-2000.**

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 2368 East 40 Street to Pilgrim Missionary Baptist Church.

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-31-016, as more fully described in Section 2 below, to Pilgrim Missionary Baptist Church.

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

P. P. No. 103-31-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 261 in Leonard Case Subdivision of part of Original 10 Acre Lots Nos. 44, 45, 46, and 47 as shown by the recorded plat in Volume 8 of Maps, Page 30 of Cuyahoga County Records and being 50 feet front on the Westerly line of East 40th Street and extending back of equal width, 150 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

**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 a part of Permanent Parcel No. 103-31-

**017, as more fully described in Section 4 below, to Pilgrim Missionary Baptist Church.**

**Section 4.** That the real property to be sold pursuant to Section 3 of this ordinance is more fully described as follows:

**Part of P. P. No. 103-31-017**  
**Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the northerly 18 feet of Sublot No. 260 in Leonard Case's Subdivision of part of Original Ten Acre Lots Nos. 44, 45, 46, 47, as shown by the recorded plat in Volume 8 of Maps, Page 36 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 5.** 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 6.** 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 7.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

**Ord. No. 1388-2000.**

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

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain, repair, replace and upgrade various security systems, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of

labor and materials necessary to maintain, repair, replace and upgrade various security systems, in the estimated sum of \$400,000.00 to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. **All expenditures under the contract authorized herein shall not exceed \$400,000.00.** (RL 23733)

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

**Ord. No. 1391-2000.**

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

An emergency ordinance authorizing the purchase by contract of one mobile transformer and auxiliary equipment, for the Division of Cleveland Public Power, Department of Public Utilities.

**Ord. No. 1403-2000.**

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

An emergency ordinance to amend Section 5 of Ordinance No. 1578-90, passed February 24, 1992, relating to making the public improvement of renovating and rehabilitating the headquarters building of the Division of Police, and authorizing contracts relative thereto.

**Ord. No. 1488-2000.**

By Councilman Polensek.

An emergency ordinance to renumber Chapter 686 as enacted by Ordinance No. 672-97, passed June 19, 2000, relating to used motor vehicle storage places to new Chapter 686C; and to number the inclusive Sections 686.01 to 686.10 and 686.99 to new Sections 686C.01 to 686C.10 and 686C.99; and to amend Sections 686.04, 686.05, 686.06 and 686.99 of said codified ordinances relating to used motor vehicle storage places.

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

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

**Section 1.** That Chapter 686 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 672-97, passed June 19, 2000, entitled, "Used Motor Vehicle Storage Places" is hereby renumbered to "Chapter 686C".

**Section 2.** That Sections 686.01 to 686.10 and 686.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 672-97, passed June 19, 2000, relating to "Used Motor Vehicle Storage Places" are hereby renumbered, respectively, to new "Section 686C.01", "686C.02", "686C.03", "686C.04", "686C.05", "686C.06", "686C.07", "686C.08", "686C.09", "686C.10" and "686C.99".

**Section 3.** That Sections 686.04, 686.05, 686.06 and 686.99 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to used motor vehicle storage places, as enacted by Ordinance No. 672-97, passed June 19, 2000, and renumbered by this ordinance, are hereby amended to read, respectively, as follows:

**Section 686C.04 Application, Plans and Fees**

(a) License Application. Any person or firm operating or proposing to operate a used motor vehicle storage place shall submit a license application to the Commissioner of Assessments and Licenses on a form provided by the Commissioner, in accordance with the following provisions:

(1) Submission Date. For used motor vehicle storage places in operation prior to the initial effective date of this chapter, the required license application shall be submitted by October 31, 2000, for issuance by December 31, 2000. Thereafter, applications for license renewal shall be submitted by October 31 of each year for issuance by December 31 of that year. For used motor vehicle storage places established on or after the initial effective date of this chapter, the required license application shall be submitted at least two (2) months prior to the requested start of operation.

(2) Application Contents. License applications shall provide the following information and any other information which the Commissioner deems necessary to determine compliance with the provisions of this chapter:

A. the address, telephone number and name, if any, of the used motor vehicle storage place and a map showing and identifying, by permanent parcel number, the parcels of land which are occupied by such use;

B. name, address, telephone number, and each social security number of each operator of the used motor vehicle storage place, each partner in the case of a partnership, and each officer and Director in the case of a corporation;

C. a copy of the current Certificate of Occupancy for the premises, indicating that the use has been legally established under applicable provisions of the Zoning and Building Codes;

D. a list of temporary license plates issued by the used motor vehicle sales place in the previous twelve (12) months.

(3) License Fee. Each application for issuance or renewal of a license shall be accompanied by a fee of one hundred dollars (\$100.00), sub-

mitted to the Commissioner of Assessments and Licenses (made payable to the "City of Cleveland").

(b) Improvement Plans. In the case of a proposal to establish a used motor vehicle storage place or to expand or enlarge the motor vehicle storage area of such place, and in the case of any existing used motor vehicle storage place for which compliance with the fencing and landscaping requirements of Section 686C.07 is due during the current licensing year, the operator of such place shall submit plans to the Commissioner of Assessments and Licenses for approval by Director of the City Planning Commission, demonstrating compliance with those requirements. Such plans shall be prepared and submitted in accordance with the following provisions:

(1) Submission Date. For used motor vehicle storage places in operation and legally established prior to the initial effective date of this chapter, the required improvement plans shall be submitted no later than February 28, 2001. In all other cases, the required plan shall be submitted with the license application required in division (a) of this section.

(2) Plan Contents. In addition to listing the address of the used motor vehicle storage place and the name, address and telephone number of the operator, the submission of improvement plans shall include the following:

A. an accurately scaled and dimensioned site plan and elevation drawing showing all existing and proposed fencing, landscaping, yard areas, vehicle storage areas, customer and employee parking areas, sidewalks, treelawns, curbs, driveways, wheelstops, guardrails, buildings, signs, and lot lines;

B. specifications for all proposed fencing and landscaping, indicating the type, color, material and gauge of fencing; the type, height and number of landscape materials, and a description of proposed ground cover and landscape curbing.

(3) Plan Fee. Each plan submission shall be accompanied by a fee of one hundred dollars (\$100.00). Such Plan Fee shall be in addition to any License Fee and shall be submitted to the Commissioner of Assessments and Licenses (made payable to the "City of Cleveland").

**Section 686C.05 License Approval and Issuance**

(a) Referral to Commissioner of Building and Housing. Upon receipt of a complete license application and accompanying fee, the Commissioner of Assessments and Licenses shall transmit the application to the Commissioner of Building and Housing for a determination of compliance with the provisions of this chapter, except as provided in division (b) for the determination of initial compliance with the requirements of fencing and landscaping.

(b) Referral to City Planning Director. In the case of a license application for which initial compliance with the fencing and landscaping requirements of Section 686C.07 was required during the current licensing year, the Commissioner of Assessments and Licenses shall transmit a copy of the application to the Director of the City Planning Commission for a determi-

nation of compliance with such requirements.

(c) **Issuance of License.** For used motor vehicle storage places which are in compliance with the provisions of this chapter, the Commissioner of Assessments and Licenses shall issue a license not later than December 31 of each year or not later than two (2) months after receipt of a complete application, whichever date occurs later.

(d) **Effective Period.** Licenses, generally, shall be in effect for a period of one (1) year, from January 1 to December 31. For a used motor vehicle storage place established through licensing or re-licensing on a date other than January 1, the license shall be in effect for the remainder of the regular licensing year. For a license issued after September 1 but prior to December 31, the license shall be in effect until December 31 of the following calendar year.

**Section 686C.06 Storage of Vehicles for Sale**

(a) **Storage.** Motor vehicles stored for sale shall be kept off of public sidewalks and public streets. Such vehicles shall be contained on private property by means of the ornamental metal fencing and/or landscape strips as required in Section 686C.07. In the case of a used motor vehicle storage place for which installation of such fencing or landscaping is not yet required, stored vehicles shall be kept off of the public right-of-way by maintenance of setback areas required by zoning regulations and/or by anchored concrete or plastic wheelstops, concrete or asphalt curbing, wooden bollards or black-painted posts and metal chains/cables, or black-painted guard rails or pipe rail. Chain link or wooden fencing shall not be used to contain stored vehicles on private property, except that retention of such fencing, if in good repair, shall be permitted until installation of ornamental metal fencing or landscaping is required by the provisions of Section 686C.07.

(b) **Use.** If the operator of a motor vehicle sales place permits customers to test drive vehicles offered for sale, the operator shall provide to each such customer, immediately prior to the test drive, a written notice stating that the vehicle shall be operated in accordance with all applicable traffic laws, and, more specifically, shall not be operated in a manner that produces excessive and unusual levels of noise or fumes. To facilitate compliance with this notice, an employee of the used motor vehicle sales place shall accompany any customer test-driving a vehicle being offered for sale. Repeated violations of the provision of this section will be considered cause for suspension or revocation of a license.

**Section 686C.99 Penalty**

Whoever violates any of the provisions of Sections 686C.03, 686C.04, 686C.06, 686C.07, or 686C.08 shall be guilty of a minor misdemeanor and fined not more than one hundred dollars (\$100.00). In addition to any other method of enforcement provided for in this chapter, these minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of

the Ohio Rules of Criminal Procedures. Whoever violates any of the provisions of these sections, having previously been convicted of a violation of any of these sections within five (5) years, shall be guilty of a misdemeanor of the fourth degree.

**Section 4. That existing Sections 686.04, 686.05, 686.06 and 686.99 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to used motor vehicle storage places, as enacted by Ordinance No. 672-97, passed June 19, 2000, and renumbered by this ordinance, are hereby repealed.**

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

**Ord. No. 1579-2000.**

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the payment of membership dues of the City of Cleveland in various professional organizations.

**Ord. No. 1597-2000.**

By Councilmen Melena and Patmon (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 862-2000, passed June 19, 2000, relating to contracts with various agencies to provide social service programs.

**Ord. No. 1601-2000.**

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

An emergency ordinance authorizing the Director of Personnel and Human Resources to lease property at 1468 East 55th Street from Northeast Ohio Neighborhood Health Services, Inc. for a term not to exceed three years, with seven one-year options to renew, for the public purpose of operating the One Stop Job Center.

**Ord. No. 1602-2000.**

By Councilmen White and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Recovery Resources to provide services relating to the Employee Assistance Program.

**RESOLUTIONS**

**Res. No. 1416-2000.**

By Councilman Coats.

An emergency resolution urging the President of the United States and the United States Congress to take certain actions and make necessary changes to improve the quality of life in the United States.

Whereas, this Council recognizes that there are some communities in the United States where certain basic needs are not met and the quality of life is substandard; and

Whereas, the federal government has an obligation to ensure that all United States citizens receive adequate health care, education, job training and safe housing; and

Whereas, the federal government, in carrying out this obligation, must seek solutions to the inequities within the system, including providing funding for social service and economic development programs; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety in that United States citizens who are poor, destitute, or underprivileged have a right to a decent quality of life, now, therefore,

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

**Section 1.** That the President of the United States and the United States Congress are hereby called upon to do the following in order to improve the quality of life in our nation:

Eliminate "minimum wage" and replace it with "living wage."

Provide more funding for the homeless and for homelessness.

Provide more funding for seniors for health care and prescription medicine.

Provide economic development programs in Empowerment Zones in all impoverished communities throughout the United States.

Investigate hospital closings in poor communities and provide additional funding to keep hospitals open in those communities.

Stop the infiltration of crack cocaine and other illegal drugs into the United States.

Provide funding for federal trade programs and home economics classes within the public schools.

Encourage educational television programming on basic networks especially during prime time and after school.

Regulate telephone companies and long distance telephone companies that serve state and federal prisons.

Refuse to condone the use of the Confederate flag by any government agency or department.

Work to ensure fairness in the justice system.

Conduct special investigations into Truth in Lending practices, especially credit card companies' billing fees and fees charged to obtain a credit card.

Investigate predatory practices of lending institutions and home repair companies targeted toward senior citizens and low-income citizens living in impoverished areas.

**Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the President of the United States and to the Speaker of the House.**

**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.

**Res. No. 1418-2000.**

By Councilmen Polensek, Patmon and Britt.

An emergency resolution declaring this Council's endorsement of the Million Family March scheduled for Monday, October 16, 2000 in Washington, D.C.

**BOARD OF CONTROL**

September 27, 2000

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 27, 2000, at 11:00 a.m. with Mayor White presiding.

Present: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Absent: None.

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

On motion, the following resolutions were adopted.

**Resolution No. 650-00.**

By Director Brooks.

Whereas, pursuant to the authority of Ordinance Nos. 1744-97 and 521-99, passed by the Council of the City of Cleveland on October 20, 1997 and March 29, 1999, respectively, and Board of Control Resolution No. 298-00, adopted April 20, 2000, the City through its Director of Finance entered into City Contract No. 56166 with Carrera-MAXIMUS, Inc. ("Consultant") for professional services including but not limited to implementation of the PeopleSoft Financial System Public Sector product into Y2K compliance; and

Whereas, the City requires additional professional services to implement updates, fixes and other support in connection with the implementation of the upgrade of the PeopleSoft Financial Accounting Software to version 7.5; and

Whereas, Carerra-MAXIMUS has proposed by its September 26, 2000 letter to perform such professional services, now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Finance is hereby authorized to enter into a first modification to said contract No. 56166 with Carerra-MAXIMUS, Inc., to perform the additional professional services necessary to implement the upgrade of the PeopleSoft Financial Accounting Software to version 7.5. The compensation to be paid for said additional services shall not exceed \$3,754,575, thereby increasing the total contract amount to not more than \$5,298,075.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 651-00.**

By Director Brooks.

Whereas, by Resolution No. 640-00, adopted September 20, 2000, pursuant to the authority of Ordinance No. 620-00, passed by the Cleveland City Council May 17, 1999, this Board of Control approved the bid of Woodhill Supply, Inc., as the lowest and best bid for the purchase of Hand Tools and Hand-Held Power Tools, items 1, 2, 3, 4 and 8; and

Whereas, amended Resolution 640-00 deleted item I from the list of items to be awarded, incorrectly stated the Authorizing Ordinance No.; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 640-00, adopted September 20, 2000, amending Resolution No. 620-00, adopted September 13, 2000, is hereby amended by substituting Ordinance No. 708-99 for Ordinance No. 620-00 where appearing.

Be it further resolved that all other provisions of said resolution not expressly amended hereby shall remain in full force and effect.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 652-00.**

By Director Brooks.

Resolved, by the Board of Control of the City of Cleveland that the bid of Easton Telecom Services, Inc. for an estimated quantity of Long Distance Telephone Service (all items) for the Division of Information Systems Services, Department of Finance, for the period three (3) years beginning with the date of execution of a contract, received on August 3, 2000, pursuant to the authority of Ordinance No. 2042-99, passed December 13, 1999, which on the basis of the estimated quantity would amount to Two Hundred Forty Thousand Eight Hundred Sixty-Four and 00/100 Dollars (\$240,864.00) (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. #07890 which shall be certified against such contract in the sum of Twelve Thousand Fifty and 00/100 Dollars (\$12,050.00).

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

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 653-00.**

By Director Konicek.

Be it resolved by the Board of Control Resolution No. 334-00, adopted May 17, 2000, approving a requirement contract to J.J. Turner Equipment, d.b.a. Turner Equipment Co. for various equipment and appurtenances for vac-all catch basin cleaners, for the Division of Water Pollution Control, Department of Public Utilities, is hereby rescinded.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 654-00.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 590-00, adopted August 30, 2000, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, acknowledging the name change of Sensus Technologies, Inc. to Invensys Metering Systems-North American Water, Inc. is hereby amended deleting "Invensys Metering Sytems-North American Water, Inc." in paragraph 3 line 4 and adding "Invensys Metering Systems-North American Water, Inc."

Be it further resolved that all other provisions of said Resolution No. 590-00 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 655-00.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 591-00, adopted August 30, 2000, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, acknowledging the name change of Sensus Technologies, Inc. to Invensys Metering Systems-North American Water, Inc. is hereby amended by deleting "Contract No. 55234" in paragraph 1 line 5 and paragraph 4 line 3 and adding "Contract No. 55294" and by deleting "Invensys Metering Sytems-North American Water, Inc. in paragraph 3 line 4 and adding "Invensys Metering Systems-North American Water, Inc."

Be it further resolved that all other provisions of said Resolution No. 591-00 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 656-00.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Vancuran Services, Inc. for an estimated quantity of tree trimming around wires and streetlights, item nos. 1 and 2, 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 August 17, 2000, pursuant to the authority of Ordinance No. 1326-97, passed March 29, 1999, on the basis of the estimated quantity would amount to One Hundred Fifty Thousand and no/100 Dollars (\$150,000.00) (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. 31507**

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

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

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 657-00.**

By Director Sheffield-McClain.

Whereas, pursuant to the authority of Ordinance No. 469-98, passed by the Council of the City of Cleveland on May 18, 1998, Board of Control Resolution No. 32-99, adopted on January 20, 1999, the Director of Port Control to entered into City Contract No. 54305 with C&S Engineers Inc. (Consultant) to provide professional services for phase 2 Continuation of the Residential Sound Insulation Program, for the Division of Cleveland Hopkins International Airport, Department of Port Control; and

Whereas, by Resolution No. 373-00 adopted June 7, 2000, this Board of Control approved a first amendment to said Contract No. 54305 with C & S Engineers Inc. to extend the term and modify the scope of services; and

Whereas, in said Resolution No. 373-00, Consultant's name was incorrectly stated as C & S Engineers Inc. and Consultant's proposal was incorrectly dated February 3, 2000; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 373-00, adopted June 7, 2000, authorizing the Director of Port Control to enter into a first modification to the Agreement with C & S Engineers, Inc. (Consultant) for architectural design related to the Residential Sound Insulation Program (RSIP) is hereby amended by changing the Consultant's name to "C & S Engineers of Ohio, Inc.", where appearing, and by changing the proposal date to January 24, 2000.

Be it further resolved that all other terms of said Resolution No. 373-00 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 658-00.**

By Director Whitlow.

Be it resolved by the Board of Control of the City of Cleveland that Base Bid #1, #2, #3 and #4, including Alternates 1b, 1c, 1d, 2b,

2c, 2d, 2e, 2g, 3d, 3i, 3k, 3L, and 3m of Wiggins Interiors, for the Various Improvements at City of Cleveland Health Centers (Rebid) for the Department of Public Health, received on August 31, 2000, pursuant to the authority of Ordinance No. 1964-99, passed February 7, 2000, for a gross price for the improvement in the aggregate amount of Nine Eight Thousand Three Hundred Dollars and No/100 Dollars (\$98,300.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Health is hereby authorized to enter into contract for said improvement with said bidder.

Yeas: None.

Nays: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Absent: None.

**Resolution No. 659-00.**

By Director Whitlow.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of M-A Building & Maintenance Company for Base Bid, for the public improvement of the City of Cleveland Tremont Health Center Masonry Restoration for the Division of Health, Department of Public Health, received on September 20, 2000, pursuant to the authority of Ordinance No. 1964-99, passed February 7, 2000, for a gross price for the improvement in the aggregate amount of Eighty One Thousand Nine Hundred and No/100 Dollars (\$81,900.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Health is hereby authorized to enter into contract for said improvement with said bidder.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 660-00.**

By Director Whitlow.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Wiggins Interiors for Base Bids #1, #2, #3 and #4, and Alternates 1b, 1c, 1d, 2b, 2c, 2d, 2e, 2g, 3d, 3i, 3k, and 3m, for the public improvement of Various City of Cleveland Health Centers for the Division of Health, Department of Public Health, received on August 31, 2000, pursuant to the authority of Ordinance No. 1964-99, passed February 7, 2000, for a gross price for the improvement in the aggregate amount of Eighty Nine Thousand Seven Hundred Eighty Eight and No/100 Dollars (\$89,788.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Health is hereby authorized to enter into contract for said improvement with said bidder.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 661-00.**

By Director Jackson.

Whereas, pursuant to the authority of Ordinance No. 1056-99, passed by the Council of the City of Cleveland on June 14, 1999, and Resolution No. 599-99, adopted by this Board on September 8, 1999, the City, through its Director of Parks, Recreation and Properties entered into City Contract No. 55264 with GSI Architects, Inc. ("Architect") to provide the professional services necessary for the Renovation of the West Side and East Side Markets, and for the streetscape improvements to the West Side Market, and

Whereas, the City has decided to add by Ordinance No. 134-2000, passed June 19, 2000, certain improvements at the West and East Side Markets; and

Whereas, Architect has proposed by its letter dated July 17, 2000, to perform such additional services; and

Whereas, the City finds the Architect's proposal acceptable and desires to modify its agreement with the Architect on the basis of such proposal to provide for the performance of and payment for such additional services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Parks, Recreation and Properties hereby is authorized to enter into a first modification to City Contract No. 55264 with GSI Architects, Inc. on the basis of Architect's letter dated July 17, 2000, to include the aforementioned additional professional services and to increase the fees for all services by Forty Nine Thousand Five Hundred and No/100 Dollars (\$49,500.00), and to increase Reimbursable expenses by Six Thousand Five Hundred (\$6,500.00), for a total contract cost not to exceed Six Hundred Eleven Thousand and No/100 Dollars (\$611,000.00).

Be it further resolved, that the employment of the following consultants by GSI Architects, Inc. is hereby approved:

RALPH TYLER COMPANIES  
MBE — 22%

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 662-00.**

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 109-13-037 located at 10729 Amor Avenue in Ward 8; and

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

Whereas, Victor Valentine Perez, Jr., abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Victor Valentine Perez, Jr. for the sale and development of Permanent Parcel No. 109-13-037 located at 10729 Amor Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 663-00.**

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 108-07-140 located at 710 East 95th Street in Ward 8; and

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

Whereas, Lori El-Amin, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases

and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Lori El-Amin for the sale and development of Permanent Parcel No. 108-07-140 located at 710 East 95th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program. Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 664-00.**

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 108-24-086 located at 10112 Flora Avenue in Ward 8; and

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

Whereas, Nancy P. Williams, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Nancy P. Williams for the sale and development of Permanent Parcel No. 108-24-086 located at 10112 Flora Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag,

Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 665-00.**

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 108-13-147 located at 10552 Glenville Avenue in Ward 8; and

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

Whereas, Leonard J. Robinson and Louise Robinson, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Leonard J. Robinson and Louise Robinson for the sale and development of Permanent Parcel No. 108-13-147 located at 10552 Glenville Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 666-00.**

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 002-08-093 located at 1231 (rear) West 69th Street in Ward 17; and

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

Whereas, David A. Marion and Christine L. Marion, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 17 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with David A. Marion and Christine L. Marion for the sale and development of Permanent Parcel No. 002-08-093 located at 1231 (rear) West 69th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 667-00.**

By Director Hudecek.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to the authority of Ordinance No. 1744-97 as amended by Ordinance 521-99, passed by the Council of the City of Cleveland on October 29, 1997, and March 29, 1999, Prime Systems Incorporated is selected by the Director of Community Development as the firm to be employed by contract, to provide professional services necessary for the implementation of the ACES system, for the Department of Community Development.

Be it further resolved that the Director of Community Development hereby is requested to enter into a contract with Prime Systems Incorporated, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services upon execution of a contract for an aggregate fee not in excess of \$128,340.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 668-00.**

By Director Sheffield-McClain.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 914-2000, passed by the Cleveland City Council on August 7, 2000, Camp Dresser & McKee ("Consultant") is hereby selected upon the nomination of the Director of Port Control from a list of qualified consultants available for such employment and determined after a full and completed canvass by said Director as the engineering firm to be employed by contract for the purpose of providing professional engineering services for the design and preparation of plans for the centralized deicing facility and related glycol collection facility at Cleveland Hopkins International Airport.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with Camp Dresser & McKee for Stage I services in an amount not to exceed Seven Hundred and Forty Thousand Dollars (\$740,000), with an option exercisable by the Director of Port Control in writing for Camp Dresser & McKee to perform Stage II services in an amount not to exceed One Million Nine Hundred Twenty-Nine Thousand Nine Hundred and Twenty-One Dollars (\$1,929,921) on the basis of their proposal dated July 6, 1999, as supplemented by letter dated November 16, 1999. The contract authorized hereby shall be prepared by the Director of Law and shall contain such other provisions, as said Director deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-contractors by Camp Dresser & McKee for the above mentioned contract is hereby approved:

SUBCONTRACTOR

SERVICES

|   |   |
|---|---|
| Central Engineering, Inc.<br>(MBE)                  | Field survey,<br>design and<br>plan preparation   |
| Dodson-Stilson<br>(MBE)                             | Geotechnical and<br>environmental assessment<br>testing, sampling and<br>remediation services |
| KS Associates<br>(FBE)                              | Surveying   |
| Water Resources and<br>Coastal Engineering<br>(FBE) | Design and<br>plan preparation<br>support   |
| R.W. Armstrong                                      | Design and plan<br>preparation support  |

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting

Director Huth and Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 669-00.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Great Lakes Power Service Co., for an estimated quantity of Replacement of the Power System for the Watercraft "Delaney", 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 14, 2000, pursuant to the authority of Ordinance No. 182-99, passed June 7, 1999, which on the basis of the estimated quantity would amount to One Hundred Forty Seven Thousand, Eight Hundred Forty and 00/100 Dollars (\$147,840.00) 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. 23287

Item one as specified which shall be certified against such contract in the sum of One Hundred Forty Seven Thousand, Eight Hundred Forty and 00/100 Dollars (\$147,840.00)

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

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 670-00.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Image Ware Systems, Inc., for an estimated quantity of Electronic Mugshot System, item nos. 1-2, item nos. 4-7, and one year maintenance, 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 14, 2000, pursuant to the authority of Ordinance No. 182-99, which was passed on June 7, 1999, on the basis of the estimated quantity would amount to Ninety Eight Thousand, Nine Hundred Twenty Eight and 13/100 Dollars (\$98,928.13) (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. 15270

Items as specified which shall be certified against such contract in the sum of Ninety Eight Thousand, Nine Hundred

Twenty Eight and 13/100 Dollars (\$98,928.13).

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 that in accordance with Section 181.25(a) of the Codified Ordinances of Cleveland, Ohio, 1976, the informality and irregularity of the insufficiency of the bid check submitted by Image Ware System, Inc. in the amount of \$4,938.08, which is less than ten percent (10%) of the required amount under the provision of Section 181.24 C.O., is hereby waived for the reason that such waiver is in the public interest.

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 671-00.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the conditional bid of FLIR Systems, Inc. for an estimated quantity of Dual Sensor Digital Imaging Systems, 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. 182-99, which was passed by Cleveland City Council on June 7, 1999, which on the basis of the estimated quantity would amount to Four Hundred Twenty Five Thousand, Thirty and 00/100 Dollars (\$425,030.00), 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. 23288

Item No. 1, as specified which shall be certified against such contract in the sum of Two Hundred Twelve Thousand, Five Hundred Fifteen and 00/100 Dollars (\$212,515.00).

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

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

**Resolution No. 672-00.**

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 1574-2000, passed by the Council of the City of Cleveland on September 25, 2000, the Commissioner of Purchases and Supplies and the Director of Community

Development, as appropriate, are authorized on behalf of the City, to execute and deliver a Contract for Sale with the U.S. Department of Housing and Urban Development to purchase certain real property and improvements thereon including a Housing Assistance Payment ("HAP") contract, tenant leases and the other personal property related thereto, commonly referred to as Longwood Apartments (collectively, the "Property") which is further identified as Permanent Parcel Numbers 122-08-003, 122-08-009, 103-32-001, 103-32-004, 122-08-013, 122-07-011, 122-08-014, and 122-07-009; and

Whereas, New Longwood Associates L.P., (the "Developer"), has offered to purchase the Property from the City and to redevelop a portion of the Property into a multi-family housing complex containing 629 affordable living units, together with related and supporting facilities, at an estimated total development cost of approximately \$110,000,000; and

Whereas, said Ordinance No. 1574-2000, authorized the disposition of the Property by negotiation to the Developer, subject to the approval of the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1574-2000, passed by the Council of the City of Cleveland on September 25, 2000, the Board of Control hereby approves the negotiation for the disposition of the Property to the Developer, or its designated successors or assigns, for the consideration of Ten Dollars (\$10.00).

Yeas: Mayor White, Directors Carter, Brooks, Konicek, Sheffield-McClain, Acting Directors Sonntag, Harrison, Directors Guzman, Jackson, Hudecek, Patterson, Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

LISA A. MEHRINGER,  
Acting 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

2430

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, OCTOBER 9, 2000**

**9:30 A.M.**

**Calendar No. 00-264:** Appeal of Kenneth W. Sundermeier (Ward 16)

Kenneth W. Sundermeier appeals under Section 76-6 and the Charter of the City of Cleveland under ordinance 674.04 of the Codified Ordinances from the refusal of a Handgun Registration on June 15, 2000 upon the recommendation of Martin L. Flask, Chief of Police, City of Cleveland.

**Calendar No. 00-268:** 2189 West 6th Street (Ward 13)

Bridge Avenue Development Ltd., owner, appeals to construct a 19' x 40' three-story one family dwelling unit and a 20' x 20' detached garage situated on a 25' x 100' parcel and located in a B-1 Multi-Family District on the easterly side of West 6th Street at 2189 West 6th Street, said construction being contrary to the Area Requirements Regulations of Section 355.04 where a one family dwelling unit in a B-1 Multi-Family District requires 40' minimum street frontage and 25' is proposed the maximum gross floor area cannot exceed one-half of the total lot area and 2,736 sq. ft. is proposed and 1,250 sq. ft. is permitted and contrary to the Yards and Courts Requirements where interior side yards totaling 10' and 3' minimum must be provided and 7' and 1-1/2' interior side yards are proposed and no building may be constructed less than 10' from a main building on an adjoining lot as stated in Section 357.09 of the Codified Ordinances.

**Calendar No. 00-269:** 2193 West 6th Street (Ward 13)

Bridge Avenue Development Ltd., owner, appeals to construct a 19' x 40' three-story one family dwelling unit and a 20' x 20' detached garage situated on a 25' x 100' parcel and located in a B-1 Multi-Family District on the easterly side of West 6th Street at 2193 West 6th Street; said construction being contrary to the Area Requirements Regulations of Section 355.04 where a one family dwelling unit in a B-1 Multi-Family District requires 40' minimum street frontage and 25' is proposed the maximum gross floor area cannot exceed one-half of the total lot area and 2,736 sq. ft. is proposed and 1,250 sq. ft. is permitted and contrary to the Yards and Courts Requirements where interior side yards totaling 10' and 3' minimum must be provided and 7' and 1-1/2' interior side yards are proposed and no building may be constructed less than 10' from a main building on an adjoining lot as stated in Section 357.09 of the Codified Ordinances.

**Calendar No. 00-270:** 2199 West 6th Street (Ward 13)

Bridge Avenue Development Ltd., owner, appeals to construct a 19' x 40' three-story one family dwelling unit and a 20' x 20' detached garage situated on a 25' x 100' parcel and located in a B-1 Multi-Family District on the easterly side of West 6th Street at 2199 West 6th

Street; said construction being contrary to the Area Requirements Regulations of Section 355.04 where a one family dwelling unit in a B-1 Multi-Family District requires 40' minimum street frontage and 25' is proposed the maximum gross floor area cannot exceed one-half of the total lot area and 2,736 sq. ft. is proposed and 1,250 sq. ft. is permitted and contrary to the Yards and Courts Requirements where interior side yards totaling 10' and 3' minimum must be provided and 7' and 1-1/2' interior side yards are proposed and no building may be constructed less than 10' from a main building on an adjoining lot as stated in Section 357.09 of the Codified Ordinances.

**Calendar No. 00-271:** 613 Literary Road (Ward 13)

Bridge Avenue Development Ltd., owner, appeals to construct a 19' x 40' three-story one family dwelling unit and a 20' x 20' detached garage situated on a 25' x 100' parcel and located in a B-1 Multi-Family District on the southerly side of Literary Road at 613 Literary Road; said construction being contrary to the Area Requirements Regulations of Section 355.04 where a one family dwelling unit in a B-1 Multi-Family District requires 40' minimum street frontage and 25' is proposed the maximum gross floor area cannot exceed one-half of the total lot area and 2,736 sq. ft. is proposed and 1,250 sq. ft. is permitted and contrary to the Yards and Courts Requirements where interior side yards totaling 10' and 3' minimum must be provided and 7' and 1-1/2' interior side yards are proposed and no building may be constructed less than 10' from a main building on an adjoining lot as stated in Section 357.09 of the Codified Ordinances.

**Calendar No. 00-272:** 1265 Parkwood Drive (Ward 9)

Wilbro B. Hamilton, owner, appeals to install approximately 87 linear feet of 6' high chain link fencing and approximately 17 linear feet of 4'-6" chain link fencing to the southwest of a 17'-6" x 104' parcel located in a Multi-Family District on the east side of Parkwood Drive at 1265 Parkwood Drive; said installation being contrary to the Residential District Requirements where the proposed 6' high fence is located less than 6' away from an adjoining residence and is required to be located 6' away from an adjoining residence as stated in Section 337.23(a)(6) of the Codified Ordinances.

**Calendar No. 00-273:** 2177 West 41st Street (Ward 14)

Alan and Michelle Yitzhaki, owners, appeal to install approximately 56 linear feet of 6' high wood privacy fencing with gate and approximately 70 linear feet of 4'-6" high wood picket fencing with gate to the southerly and westerly sides of a 33' x 113' parcel located in a Two-Family District on the easterly side of West 41st Street at 2177 West 41st Street, said installation being contrary to the Yards and Courts Requirements where the proposed fencing is 6' high and the maximum height of fencing permitted at the corner lot along Orchard Place is 4'-6" as stated in Section 357.13(b)(3) of the Codified Ordinances.

**Calendar No. 00-274:** 4404 West 47th Street (Ward 16)

Charles, Jack and Jessie Sayage, owners, appeal to expand the hours of an existing 2-story frame, legal non-conforming restaurant situated on a 35' x 105' parcel and located in a Two-Family District; beyond the hours as limited by the Board of Zoning Appeals Resolution in Calendar No. 98-91 indicating that the restaurant will be carryout only with hours from 4:00 PM to 10:00 PM, Monday through Friday, and 4:00 PM through 11:00 PM on Saturday with no operation on Sunday; said appeal being contrary to the expansion of non-conforming use limitations of Section 359.01 of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, OCTOBER 2, 2000**

At the meeting of the Board of Zoning Appeals on Monday, October 2, 2000, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 00-255:** 3249 Perkins Avenue

Cecilia B. Jufko, owner, and Paula Lyons, her guardian, appealed from a refused lot split of a 130' x 120' parcel in a Semi-Industry District.

**Calendar No. 00-239:** 2352 East 40th Street

Pilgrim Baptist Church, owner c/o Phillip Hatcher, agent, appealed to expand an existing parking lot with 37 spaces to 46 spaces in a Multi-Family District.

**Calendar No. 00-243:** 3132 West 41st Street

Tim Smith, owner, appealed to change the use of the first floor and second floor of an existing two-story frame tavern building into a day care facility in a Multi-Family District.

**Calendar No. 00-244:** 13000 St. Clair Avenue

Barger Management Group Inc., owners, and Crown Castle GT Company, tenant c/o Donald Graves, Esq., appealed to increase an existing 186' tall lattice type antenna tower to 196' in height and construct a one-story pre-fab radio equipment building in a General Retail Business District.

The following appeals were **Denied**:

**Calendar No. 00-252:** 16011 Talford Avenue

Rameana Foster, owner, appealed to install 160 linear feet of 6' high wooden fence around the rear of a corner parcel in a One-Family District.

**Calendar No. 00-254:** 4019 Bailey Avenue

Bailey Orchard Development Ltd., owners, appealed to install 222 linear feet of 6' high wooden fencing at the south and west perimeters of

a corner parcel in a Two-Family District.

The following appeals were **Postponed**:

**Calendar No. 00-253:** 3981 Rocky River Drive postponed to October 16, 2000.

**Calendar No. 00-256:** 5007-5009 Fleet Avenue postponed to November 6, 2000.

**Calendar No. 00-257:** 1820 Belvoir Boulevard postponed to October 23, 2000.

**On Monday, September 25, 2000, in Executive Session:**

The following appeals were heard on Monday, September 25, 2000 and said decisions were approved and adopted by the Board on October 2, 2000.

The following appeals were **Approved**:

**Calendar No. 00-249:** 12408 Union Avenue

Enea Properties Inc. and Sprint Properties c/o Courtney Schmidt, owners, and SureSite Consulting Group, agent, appealed to install a telecommunications facility in an existing one-story building at the rear of an existing 160' x 100' one-story stores building and a 110'-6" high monopole tower on a 192' x 354' parcel in split zoning between General Retail and Two-Family Districts.

**Calendar No. 00-250:** 3382 East 149th Street

Cresthaven Development Corporation, owner c/o George Dedic, appealed to construct a one-story living room, bathroom and garage addition to the front of an existing one and one half dwelling unit in a Two-Family District.

**Calendar No. 00-258:** 719 East 99th Street

Cresthaven Development Corporation, owner c/o George Dedic, appealed to construct a two-story single family dwelling in a Two-Family District.

**Calendar No. 00-259:** 7670 Broadway Avenue

Joshua Simon, owner, and Allegheny Child Care Academy, tenant, appealed to establish a 60' x 136' one-story masonry building as a day care center in a Semi-Industry District.

**Calendar No. 00-215:** 3237-3239 Scranton Road

Hector Colon, Sr., owner, appealed to change the use of an existing one-story masonry service station building into an auto repair garage in a Multi-Family District.

The following appeal was **Denied**:

**Calendar No. 00-230:** 10327 Lorain Avenue

Joken Inc., owner, and McHearns Inc., d.b.a. McKenna's Pub, tenant, appealed from the disapproval of an application for a coin operated amusement device license.

The following appeal was heard on Monday, August 7, 2000, and said decision was approved and adopted by the Board on October 2, 2000:

The following appeal was **Approved**:

**Calendar No. 00-206:** 1726-1730 East 27th Street  
Mary Coyne Investment LLC, owner, and Brinks, Inc. appealed to establish a parking lot for 34 spaces in a Semi-Industry District.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD  
OF BUILDING STANDARDS  
AND BUILDING APPEALS**

Re: Report of the Meeting of  
September 27, 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 L-18-00.**

RE: Appeal of Timothy Laidley (d.b.a. Jeannie Electric), appeals from a LETTER OF DENIAL FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated August 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 permit Mr. Laidley to renew his ELECTRICAL CONTRACTOR LICENSE without re-taking the test and without payment of the late filing fees. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Absent: Mr. Saunders.

\* \* \*

**Docket A-112-00.**

RE: Appeal of Charles E. Carter, Owner of the One Dwelling Unit and Store Two & One-half Story Masonry & Wood Property located on the premises known as 2764 East 79th Street from a 7 DAY VACATE ORDER of the Commissioner of the Division of Building and Housing dated June 29, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-112-00 has been WITHDRAWN, at the request of the Appellant.

\* \* \*

**Docket A-115-00.**

RE: Appeal of Iglesia Del Salvador, Owner of the One Story Masonry Assembly Property located on the premises known as 4801 Franklin Boulevard (a.k.a. 1776 West 48th Street) from a 14 DAY VACATE ORDER/PLUMBING/HVAC/ELECTRICAL/ILLEGAL USE of the Commissioner of the Division of Building and Housing dated June 9, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-115-00 has been POSTPONED; to be rescheduled for October 11, 2000.

\* \* \*

**Docket A-119-00.**

RE: Appeal of Maliga Properties Limited Partnership, Owner of the Fifty-eight Dwelling Units Four Story Masonry Property located on the premises known as 8602 Wade Park Avenue (a.k.a. 8602-28 Wade Park Avenue) from a 30 DAY FIRE DAMAGE REPAIR/MS/ELECTRICAL/PLUMBING/HVAC/C OF O INSPECTION of the Commissioner of the Division of Building and Housing dated June 26, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-119-00 has been POSTPONED; to be rescheduled for October 11, 2000.

\* \* \*

**Docket A-120-00.**

RE: Appeal of Forest Wiley, Owner of the One Dwelling Unit Two Story Wood Frame Residential Property located on the premises known as 1448 East 123rd Street from a 30 DAY CONDEMNATION ORDER/MS of the Commissioner of the Division of Building and Housing dated June 14, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 1448 East 123rd Street to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Williams.

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Absent: Mr. Saunders.

\* \* \*

**Docket A-122-00.**

RE: Appeal of Bankers Trust Company of California, N.A., Mortgagee of the Two & One-half Story Frame Residential Property located on the premises known as 1017-19 East 148th Street from a 30 DAY VACATE ORDER/30 DAY CONDEMNATION/MS/EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated June 22, 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 1017-19 East 148th Street to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Absent: Mr. Saunders.

\* \* \*

**Docket A-132-00.**

RE: Appeal of Market Square CUP, Ltd., Owner of the Property located on the premises known as 1939-41 West 25th Street from a NOTICE OF VIOLATION/FIRE CODE of the Chief of the Division of Fire dated July 7, 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 Appellant to continue to maintain the building with an inoperative, but not to remove the sprinkler system pending future plans for the building; the conditions under which this can occur is that the building remain secured, vacant, and broom swept during that period of time and that plans be submitted to the Division of Fire before occupancy is resumed. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Absent: Mr. Saunders.

\* \* \*

**Docket A-136-00.**

RE: Appeal of Firststar Bank, N.A., Mortgagee of the Two Dwelling Units Two Story Frame Residential Property located on the premises known as 3359 West 31st Street from a 30 DAY CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated June 15, 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 CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant two (2) weeks in which to obtain permits and three (3) months in which to 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 CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition of abatement of the violations is not completed by January 11, 2001.

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Absent: Mr. Saunders.

\* \* \*

**Docket A-137-00.**

RE: Appeal of 2888 Detroit, LLC, Owner of the Property located on the premises known as 2860-2888 Detroit Avenue from a NOTICE OF VIOLATION/ELEVATOR CODE of the Commissioner of the Division of Building and Housing dated June 21, 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 (Elevator Code A.17.1 Rule 100.5) and permit the windows to remain in the elevator hoistway, with the addition of appropriate warning signage to be coordinated between the owner and the Fire Prevention Bureau. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Absent: Mr. Saunders.

**Docket A-139-00.**

RE: Appeal of John DeNardy, Owner of the Two & One-half Story Frame Residential Property located on the premises known as 3558 Trent Avenue from a NOTICE OF VIOLATION/ILLEGAL USE/FAILURE TO ABATE of the Commissioner of the Division of Building and Housing dated June 22, 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 3558 Trent Avenue to 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. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Absent: Mr. Saunders.

\* \* \*

**Docket A-146-00.**

RE: Appeal of PEP — Positive Education Program, Owner of the Property located on the premises known as 3134 Euclid Avenue from a NOTICE OF VIOLATION/ELEVATOR CODE of the Commissioner of the Division of Building and Housing dated August 28, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance (Elevator Code A.17.1 300.8g) and permit the elevator to remain with the 30 inch clearance and without the hoistway venting, but to require the addition of a yellow and black sign indicating that the clearance is reduced to 30 inches and with the installation of a light duty warning chain, as suggested, to physically warn the inspector. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Williams.

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Absent: Mr. Saunders.

\* \* \*

**Docket A-160-00.**

RE: Appeal of The Salvation Army, Owner of the Homeless Shelter located on the premises known as 2100 Lakeside Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated September 15, 2000, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action taken on Docket A-160-00 this date; the docket will be rescheduled for October 11, 2000.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Williams and seconded by Mr. Bowes, for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the

Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

- A-244-00—William E. Hawkins II & Nancy K. Hawkins.
- L-17-00—Jamie W. Eicholz.
- A-74-00—Pamela Ruff.
- A-82-00—Meng Hong Wong.
- A-95-00—Pamela Ruff.
- A-140-00—Clarence D. Thompson.

Yeas: Denk, Bowes, Williams  
Nays: None. Not Voting: Mr. Sullivan.  
Absent: Mr. Saunders.

\* \* \*

**APPROVAL OF MINUTES:**

Separate motions were entered by Mr. Williams and seconded by Mr. Bowes, 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):

September 13, 2000

Yeas: Denk, Bowes, Williams.  
Nays: None. Not Voting: Mr. Sullivan.  
Absent: Mr. Saunders.

JOSEPH F. DENK,  
CHAIRMAN

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

**Notice of Public Hearing  
By the Council Committee  
On City Planning**

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Monday, October 16, 2000  
1:30 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, October 16, 2000, at 1:30 P.M., to consider the following ordinance now pending in the Council:

**Ord. No. 1307-2000.**

By Councilman O'Malley.  
An ordinance to change the Use and Height Districts on the north side of Melber Avenue, S.W. and the east side of Ridge Road, S.W. (Map Change No. 2016, Sheet No. 2)

All interested persons are urged to be present or to be represented at the above time and place.

JOSEPH C. CIMPERMAN,  
Chairman  
Committee on City Planning

October 4, 2000 and October 11, 2000

**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, OCTOBER 18, 2000**

**Centralized Deicing Facility Project,** for the Department of Port Control. BEGINNING FRIDAY, SEPTEMBER 27, 2000, AN ALL INCLUSIVE BID PACKAGE MAY BE PURCHASED FROM THE DIVISION OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO, 44114. FOR THE NON-REFUNDABLE COST OF TWO HUNDRED DOLLARS (\$200.00) **CERTIFIED CHECK OR MONEY ORDER ONLY.** 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 NUMBER FOR SHIPMENT.

**A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, OCTOBER 4, 2000, FROM APPROXIMATELY 10:00 A.M. TO 12:00 P.M., IN THE PROGRAM MANAGEMENT TEAM OFFICE CONFERENCE ROOM, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135 (LOCATED AT THE SE CORNER OF CARGO ROAD AND FIVE POINTS ROAD). QUESTIONS MAY BE DIRECTED TO THE ATTENTION OF DEBORAH MIDGETT VIA FACSIMILE AT (216) 664-2177 UNTIL THE CLOSE OF BUSINESS ON TUESDAY, OCTOBER 10, 2000.**

PROJECT DETAILS: CONSTRUCT AN UNDERGROUND CONVEYANCE SYSTEM FOR COLLECTING AIRPLANE DEICER (GLYCOL) RUN-OFF. SYSTEM WILL INCLUDE 2 MILLION GALLON AND 50,000 GALLON STORAGE TANKS, PUMP STATION, ELECTRICAL AND PUMP HOUSING FACILITY, WET WELL AND OTHER ASSOCIATED APPURTENANCES. ENGINEER'S ESTIMATED CONSTRUCTION COST IS \$4 MILLION DOLLARS.

September 27, 2000 and October 4, 2000

**THURSDAY, OCTOBER 19, 2000**

**Self-Contained Breathing Apparatus**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1005-2000, passed by the Council of the City of Cleveland, July 17, 2000.

**9 MM Pistols**, for the Division of Police, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976.

September 27, 2000 and October 4, 2000

**WEDNESDAY, OCTOBER 25, 2000**

**Adjustable Valve Boxes**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

A PRE-BID MEETING WILL BE HELD ON **FRIDAY, OCTOBER 13, 2000, 10:30 A.M.** AT THE DISTRIBUTION MAINTENANCE FACILITY, TRAINING ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105. ATTENDANCE IS MANDATORY.

**Computer Related Hardware Equipment**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 362-2000, passed by the Council of the City of Cleveland, April 17, 2000.

A PRE-BID MEETING WILL BE HELD ON **WEDNESDAY, OCTOBER 11, 2000, 1:00 P.M.** IN THE CONFERENCE ROOM OF THE DIVISION OF INFORMATION TECHNOLOGIES, 1404 EAST 9TH STREET — SUITE 400. THOUGH NOT MANDATORY, ATTENDANCE IS STRONGLY ENCOURAGED, AS THIS WILL BE THE ONLY OPPORTUNITY TO INTERFACE DIRECTLY WITH THE DIVISION OF INFORMATION TECHNOLOGY PERSONNEL. AFTER THE PRE-BID MEETING, QUESTIONS MUST BE DIRECTED TO THE ATTENTION OF MITCHELL BROOKS, BUYER, IN THE DIVISION OF PURCHASES AND SUPPLIES VIA FACSIMILE AT (216) 664-2177.

September 27, 2000 and October 4, 2000

**THURSDAY, OCTOBER 19, 2000**

**Automotive Paint**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 711-99, passed by the Council of the City of Cleveland, May 17, 1999.

October 4, 2000 and October 11, 2000

**FRIDAY, OCTOBER 20, 2000**

**Three (3) Natural Gas Overhead Heaters**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1198-2000, passed by the Council of the City of Cleveland, August 7, 2000.

**Overhead Doors**, for the Various Divisions of City Government, Department of Finance.

October 4, 2000 and October 11, 2000

**WEDNESDAY, OCTOBER 25, 2000**

**Sheldon Road 30" Water Supply Main**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 964-93, passed by the Council of the City of Cleveland, June 14, 1993.

A DEPOSIT OF TWO HUNDRED DOLLARS (\$200.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON OCTOBER 16, 2000, 10:00 A.M. IN ROOM 101 AT THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44144. ATTENDANCE IS NOT MANDATORY.

**Refurbishment of Front End Loaders and Roll Off Containers**, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 725-2000, passed by the Council of the City of Cleveland, May 22, 2000.

October 4, 2000 and October 11, 2000

**FRIDAY, OCTOBER 27, 2000**

**Three (3) 4X4 Cab/Chassis with Dump Body**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 104-2000, passed by the Council of the City of Cleveland, April 17, 2000.

October 4, 2000 and October 11, 2000

**FRIDAY, NOVEMBER 3, 2000**

**Redundant Electrical Source Project**, for the Department of Port Control. BEGINNING FRIDAY, OCTOBER 6, 2000, AN ALL INCLUSIVE BID PACKAGE MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO, 44114, FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED FIFTY DOLLARS (\$150.00) (CERTIFIED CHECK OR MONEY ORDER ONLY). 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 NUMBER FOR SHIPMENT. PACKAGE/FEE INCLUDES PLANS,

TECHNICAL SPECIFICATIONS, GENERAL AND CONTRACTUAL REQUIREMENTS AND ANY ADDENDA.

A PRE-BID MEETING WILL BE HELD ON **THURSDAY, OCTOBER 12, 2000**, IN THE PROGRAM MANAGEMENT TEAM CONFERENCE ROOM, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135 (LOCATED AT THE SE CORNER OF CARGO ROAD AND FIVE POINTS ROAD). THOUGH NOT MANDATORY, ATTENDANCE IS STRONGLY ENCOURAGED, AS THIS WILL BE THE ONLY OPPORTUNITY TO INTERFACE DIRECTLY WITH PORT CONTROL AND CONSULTANTS. ALL QUESTIONS PRIOR TO AND/OR SUBSEQUENT TO THE PRE-BID MEETING MUST BE DIRECTED TO DEBORAH MIDGETT IN THE DIVISION OF PURCHASES AND SUPPLIES VIA FACSIMILE AT (216) 664-2177.

PROJECT DETAILS: PROJECT SCOPE INCLUDES BUT IS NOT LIMITED TO: INSTALLATION, CONSTRUCTION, TESTING, STARTUP AND COMMISSIONING OF A NEW 138Kv SUBSTATION COMPLETE WITH ASSOCIATED SYSTEMS AND AFFILIATED EQUIPMENT, INCLUDING THE CONSTRUCTION OF A NEW SWITCH GEAR BUILDING, HIGH VOLTAGE EQUIPMENT YARD WITH REQUIRED SITE WORK AND RELATED CONSTRUCTION ACTIVITIES. ADDITIONALLY, THE PROJECT INCLUDES CONSTRUCTION WORK AND SERVICES, CONSTRUCTION OF CONCRETE DUCT BANKS, PROVISIONS AND INSTALLATION OF MEDIUM AND LOW VOLTAGE CABLES AND WIRES WHICH MAY INTERFACE WITH EXISTING AIRPORT SYSTEMS. ENGINEER'S COST ESTIMATE IS BETWEEN \$5.2 AND \$5.6 MILLION. THE PROJECT IS SCHEDULED FOR COMPLETION ON OR BEFORE AUGUST 1, 2001.

October 4, 2000 and October 11, 2000

**Request for Qualifications (RFQ) Concourse "C" Overlay Project**

Interested firms may obtain Qualification Packages beginning September 29, 2000 by going to:

[www.clevelandairport.com](http://www.clevelandairport.com)

Submit Questions (prior to the Pre-Qualification meeting) via the website or e-mail at:

[proposal@clevelandairport.com](mailto:proposal@clevelandairport.com)

For Further Information Contact:

Denise Hale, M-F 8 A.M. to 5 P.M.  
(216) 676-9699 x 103  
(216) 676-9778 (fax)

PRE-QUALIFICATION MEETING:

THURSDAY, OCTOBER 5, 2000, 10:00 a.m.  
Program Management  
Team Office  
19501 Five Points Road  
Cleveland, Ohio 44135

SUBMITTAL DUE DATE:

THURSDAY, OCTOBER 19, 2000  
AT 12:00 O'CLOCK NOON

October 4 and October 11, 2000



**ADOPTED RESOLUTIONS  
AND ORDINANCES**

**Res. No. 1648-2000.**

**By Councilman White.**

**An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 4025 East 93rd Street, and repealing Res. No. 1278-2000 objecting to said issuance.**

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 4025 East 93rd Street, by Res. No. 1278-2000 adopted by Council by Council on July 17, 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 renewal of a C1 Liquor Permit to 1278-2000, be and the same is hereby withdrawn and Res. No. 1278-2000 containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted September 18, 2000.  
Effective September 28, 2000.

**Res. No. 1649-2000.**

**By Councilman Brady.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D2, D2X, D3 and D6 Liquor Permit to 11022 Lorain Avenue, 1st Fl. Bsmt., and repealing Res. No. 1031-2000 objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a D2, D2X, D3 and D6 Liquor Permit to 11022 Lorain Avenue, 1st Fl. & Bsmt., by Res. No. 1031-2000 adopted by Council on June 5, 2000; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a D2, D2X, D3 and D6 Liquor Permit to 11022 Lorain Avenue, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1031-2000, 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 September 18, 2000.  
Effective September 28, 2000.

**Res. No. 1650-2000.**

**By Councilman Brady.**

**An emergency resolution urging Vocational Guidance Services to comply with all legal requirements to permit workers to seek union organization and representation.**

Whereas, this Council of the City of Cleveland, through passage of numerous pieces of legislation, has recognized the rights of all workers to seek safe, fair working conditions and to be paid equitably for their work; and

Whereas, this Council has acknowledged the existence and need for federal laws protecting the rights of workers and ensuring their ability to seek union representation, if desired; and

Whereas, with the assistance of Local 47, SEIU, the workers of Vocational Guidance Services have joined together for the purposes of choosing a union to better their wages, benefits and working conditions when performing janitorial services at the Anthony J. Celebrezze Federal Building; and

Whereas, the Council of the City of Cleveland supports the rights of all workers, as provided by the law, to seek union representation and urges Vocational Guidance Services to comply with all laws governing union organization and representation; now therefore,

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

**Section 1.** That this Council of the City of Cleveland urges Vocational Guidance Services to comply with all legal requirements providing workers with a fair, non-confrontational, and expedient method for determining whether they want union representation.

**Section 2.** That the Clerk is hereby requested to transmit a copy of this resolution to Robert Comben, President and CEO of Vocational Guidance Services and Michael Murphy, President Local 47.

**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 September 18, 2000.  
Effective September 28, 2000, without the signature of the Mayor.

**Res. No. 1702-2000.**

**By Councilman Jones.**

**An emergency resolution urging the President of the United States, and the United States Congress, to take emergency action to reduce oil prices.**

Whereas, the price of oil has more than tripled since January 1999 to over \$35.00 per barrel, the highest

price since the Gulf War crisis 10 years ago, and threatens to go even higher over the coming weeks and months; and

Whereas, the high level of oil prices has already led to massive social conflict and economic hardship in western Europe and other parts of the world; and

Whereas, the high level of oil prices threatens severe economic hardship against the citizens of Cleveland this Winter, especially the elderly and those on fixed incomes since home heating oil prices have increased by an average of 50% over the past 12 months, and skyrocketing energy prices could cause a hyper-inflationary explosion throughout the economy; and

Whereas, oil prices have continued to rise despite increased production by OPEC countries, suggesting that other factors, such as speculation in oil price futures and other markets, are to blame for the oil price crisis; and

Whereas, the skyrocketing of oil prices began just weeks after the purchase of AMOCO by British Petroleum in August 1998, and a merger of oil giants Exxon and Mobil in December 1998, leading to suspicion that oil markets are being manipulated upwards, to generate the super-profits needed to pay the massive cost of mergers and acquisitions among multinational corporations; now therefore:

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

**Section 1.** That the Council of the City of Cleveland urges the President of the United States, and the United States Congress, to take emergency action to reduce oil prices, including an investigation of possible market manipulation through speculation or other unfair practices, and the possibility of bypassing the oil multinational corporations completely, by negotiating government-to-government purchasing agreements directly with the oil-producing countries.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution to the President of the United States, the United States Congress and the Mayor of the City of Cleveland, urging them to take emergency action to reduce oil prices, and to investigate the possibility of market manipulation through speculation and other unfair practices.

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

Adopted September 25, 2000.  
Effective October 3, 2000.

**Res. No. 1703-2000.**

**By Councilman Rybka.**

**An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 3876 East 65th Street, 1st Fl. & Bsmt.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Per-

mit from Permit No. 7503002, Ron Mar East 65th Street Inc., DBA Mrs. Lounge, 3876 East 65th Street, 1st Fl. & Bsmt., Cleveland, Ohio 44105, to Permit No. 4173863, JCK Johns Inc., DBA Mrs Lounge, 3876 East 65th Street, 1st Fl. & Bsmt., Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit to Permit No. 7503002, Ron Mar East 65th Street Inc., DBA Mrs. Lounge, 3876 East 65th Street, 1st Fl. & Bsmt., Cleveland, Ohio 44105, to Permit No. 4173863, JCK Johns Inc., DBA Mrs Lounge, 3876 East 65th Street, 1st Fl. & Bsmt., Cleveland, Ohio 44105 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 25, 2000.  
Effective October 3, 2000.

**Res. No. 1704-2000.**

**By Councilman White.**

**An emergency resolution urging the Governor of Ohio to implement a food stamp waiver for Ohio's labor surplus areas to assist working adults.**

Whereas, across the country, families are facing hardships of moving from welfare to work as a result of the welfare reform policy; and

Whereas, in 1999, 40 percent of Ohio families receiving public assistance were from the 19 counties in Northeast Ohio, which makes this region one of the most severely impacted by welfare reform; and

Whereas, changes implemented as a result of welfare reform have caused much confusion about who is eligible for food stamps; and

Whereas, the state of Ohio's food stamp application process is already an intricate one, which is further complicated by the requirement that working individuals must reapply for eligibility every three months; and

Whereas, the length and requirements of the application make it a difficult process for many people, especially the working poor; and

Whereas, a recent nationwide poll of low-income individuals eligible for food stamps showed that 75 percent were not aware of their eligibility; and

Whereas, 80 percent of the food stamp reductions in Cuyahoga County in 1999 were from City of Cleveland residents; and

Whereas, over 60 percent of those receiving food stamps nationally are children or elderly; and

Whereas, four years ago, the food banks in Ohio were successful in having a line item placed into the state budget for \$1.5 million to be distributed annually to Ohio food banks for the purchase of food; and

Whereas it was the position of the Ohio food banks that public dollars formerly being spent on food stamps be made available to food providers; and

Whereas, the Greater Cleveland Committee on Hunger is urging a permanent line item for the Ohio Food Purchase Program; and

Whereas, according to federal legislation, states are given the opportunity to seek waivers of food stamp eligibility for individuals in geographic areas with high unemployment rates or an insufficient number of jobs; and

Whereas, the state of Ohio has been granted such waiver and the Governor of Ohio has declined to implement it; and

Whereas, through the implementation of a food stamp waiver for Ohio's labor surplus areas, Cleveland, which currently qualify as a labor surplus area could provide food stamp benefits for eligible residents; now, therefore

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

**Section 1.** That the Council of the City of Cleveland strongly urges Ohio Governor Robert Taft to implement a food stamp waiver for Ohio's labor surplus areas to assist working adults and provide food stamp benefits to eligible residents.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution to Ohio Governor Robert Taft, urging him to implement a food stamp waiver for Ohio's labor

surplus areas to assist working adults and provide food stamp benefits to eligible residents.

**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 September 25, 2000.  
Effective October 3, 2000.

**Ord. No. 1209-2000.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Whittier, Linwood and Belvidere Avenues to Cuyahoga Metropolitan Housing Authority.**

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. 104-18-033 as more fully described in Section 2 below, to Cuyahoga Metropolitan Housing Authority.

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

P. P. No. 104-18-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 15 in the Midway N.C. Waters Flat and survey of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Linwood Avenue, N.E., (formerly Lena Avenue) and extending back between parallel lines 155 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 3.** That 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. 104-18-034 as more fully described in Section 4 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-18-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in Medway N.C. Water's Guardian of Frank E. and Cora E. Waters, Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat of said Subdivision, in Volume 7 of Maps, Page 13 of the Cuyahoga County Records and being 40 feet front on the Southerly side of Linwood Avenue, N.E., and extending back of equal width 155 feet deep, 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. 104-18-047 as more fully described in Section 6 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-18-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in Sweesy, et al., Re-Allotment of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records and being 40 feet front on the Southerly side of Linwood Avenue, N.E., extending back of equal width about 142.73 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

**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. 104-18-049 as more fully described in Section 8 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-18-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in L.B. Sweesy Re-Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat of Re-Subdivision in Volume 12 of Maps, Page 40 of Cuyahoga County Records and being 40 feet front on the Northerly side of Linwood Avenue, N.E., (formerly Lena Avenue) and extending back of equal width 142.72 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 9.** That pursuant to Section 183.021 of the Codified Ordina-

nances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 104-18-061 as more fully described in Section 10 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-18-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 30 feet of Sublot No. 24 and the Westerly 20 feet of Sublot No. 26 in Lena B. Sweesy and other Allotment of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and together forming a parcel of land 50 feet front on the Southerly side of Whittier Avenue, N.E., and extending back 142.70 feet of equal width, as appears by said plat, be the same more or less, but subject to all legal highways.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 100 feet of the Westerly 6.5 feet of the Easterly 20 feet of Sublot No. 26 in Lena B. Sweesy and others Allotment of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and being 6.5 feet front on the Southerly side of Whittier Avenue, N.E., and extending back of equal width 100 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 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. 104-18-065 as more fully described in Section 12 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-18-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 20 feet of Sublot No. 16 and all of Sublot No. 14 in William C. Sweeney and others's Re-Allotment of R.L. Williard's Allotment and also a Re-Allotment of parts of Luther Moses and M.N.C. Water's Allotment of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat of said Re-Allotment in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and together forming a parcel of land 60 feet front on the Southerly side of Whittier Avenue, N.E., and extending back 142.72 feet deep on the Westerly line and about 142.71 feet deep on the Easterly line, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to 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 Sup-

plies is hereby authorized to sell Permanent Parcel No. 104-19-049 as more fully described in Section 14 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-19-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 27 in Medway N.C. Waters Subdivision of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records and being 40 feet front on the Southerly side of Linwood Avenue, N.E., and extending back of equal width 155 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

**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. 104-19-094 as more fully described in Section 16 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-19-094

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 50 in Sweesy et. al. Re-Allotment of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records and being 40 feet front on the Southerly side of Whittier Avenue, N.E., and extending back of equal width 142.66 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

**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. 104-19-109 as more fully described in Section 18 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-19-109

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 69 in Luther Moses Allotment of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 7, Page 13 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Whittier Avenue, N.E., and extending back of equal width 180 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 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. 104-19-054 as

more fully described in Section 20 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-19-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 37 in Medway N.C. Waters' (Guardian of Frank E. and Cora E. Waters) Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Linwood Avenue, N.E., (formerly Lena Avenue), and extending back of equal width 155 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**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. 104-19-058 as more fully described in Section 22 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-19-058

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 45 in M.N.C. Waters Subdivision of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records and being 40 feet front on the Southerly side of Linwood Avenue, N.E., and extending back of equal width, 155 feet deep, be the same more or less, but subject to all legal highways.

(a) **Subject Easement**

Subject Easement for Common driveway from Louis Gorsetman Bella to Sarah Smith aka Sarah Smith Butler, dated September 21, 1950, filed for record November 17, 1950 at 2:56 p.m., and recorded in Volume 7095, Page 458 of Cuyahoga County Records.

Also subject to all 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 Supplies is hereby authorized to sell Permanent Parcel No. 104-19-085 as more fully described in Section 24 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-19-085

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 32 and part of Sublot No. 30 in Sweesy et al Allotment of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning in the Southerly line of Whittier Avenue, N.E., at the North-easterly corner of said Sublot No. 32; thence Southerly along the Easterly line of said Sublot No. 32, 142.69 feet to the Southeasterly corner thereof; thence Westerly along the Southerly line of said Sublot No. 32 and said Sublot No. 30, 53 feet to a point, thence Northerly parallel with the Easterly line of said Sublot No. 30, 41.50 feet to a point; thence North-easterly in a direct line to a point in the Easterly line of said Sublot No. 30 distant Northerly, measured along said Easterly line, 80 feet from the Southeasterly corner of said Sublot No. 30; thence Northerly along the Easterly line of said Sublot No. 30, 62.29 feet to the Southerly line of Whittier Avenue, N.E.; thence Easterly along the Southerly line of Whittier Avenue, N.E., 40 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 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. 104-19-087 as more fully described in Section 26 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-19-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 36 in William C. Sweesy and Others Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Whittier Avenue, N.E., (formerly known as Sixth Avenue) and extending back of equal width 142.68 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 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. 104-19-091 as more fully described in Section 28 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-19-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 44 in Lena B. Sweesy's and other's Re-Allotment of R.L. Willard's Allotment and portions of Luther Moses' and M.C. Water's Allotment on Original One Hundred Acre Lot No. 340, East Cleveland Township and now in said City of Cleveland. Said Sublot No. 44 has a frontage of 40 feet on the Southerly side of Whittier Avenue and extending back between parallel lines 142.67 feet, as shown by plat of said Re-Allotment

recorded in Volume 12 of Maps, Page 40 of Cuyahoga County Records.

Also subject to all 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. 104-21-116 as more fully described in Section 30 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-21-116

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bounded and described as follows: The Easterly 25 feet of Sublot No. 140 and the Westerly 5 feet of Sublot No. 141 in the Park Realty Company's Re-Allotment of Sublot Nos. 16 to 35 inclusive, and Sublot Nos. 50 to 65, inclusive, in Stone, Johnson and Bates' Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat of said Re-Allotment in Volume 26 of Maps, Page 30 of Cuyahoga County Records, and together being 30 feet front on the Northerly side of Belvidere Avenue, N.E., and extending back of equal width 90 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to covenants and restrictions recorded in Volume 853, Page 186 of Cuyahoga County Records.

Also subject to modification of restrictions recorded in Volume 887, Page 424 of Cuyahoga County Records.

Further subject to easement recorded in Volume 879, Page 382 of Cuyahoga County Records.

In addition, subject to restrictions, terms and conditions recorded in Miscellaneous Volume 111, Page 9 and in Miscellaneous Volume 111, Page 43 of Cuyahoga County Records.

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. 104-21-117 as more fully described in Section 32 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-21-117

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 30 feet of Sublot No. 141 in the Park Realty Company's Re-Allotment of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 26 of Maps, Page 30 of Cuyahoga County Records and being 30 feet front on the Northerly side of Belvidere Avenue, N.E., and extending back of equal width 90 feet deep, as appears by said plat.

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. 104-21-118 as more fully described in Section 34 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-21-118

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 142 in the Park Realty Company's Re-Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 26 of Maps, Page 30 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Belvidere Avenue, N.E., and extending back of equal width 90 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**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. 104-21-130 as more fully described in Section 36 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-21-130

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 117, 118, 119, 122 and all of Sublot Nos. 120 and 121 in The Park Realty Company's Re-Subdivision of Sublot Nos. 16 to 35 and 50 to 65 inclusive, and a part of Sublot No. 36 and 66 in Johnson, Bates and Stone's Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat of said Re-Subdivision in Volume 26 of Maps, Page 30 of the Cuyahoga County Records and bounded and described as follows:

Beginning in the Southerly line of Belvidere Avenue N.E., at the North-easterly corner of said Sublot No. 120; thence Southerly along the Easterly line of said Sublot No. 120 and 119, 99.9 feet to a point distant 100 feet Northerly from the Northerly line of Hough Avenue, N.E., thence Westerly parallel with Hough Avenue, N.E., 95 feet to a point; thence Northerly in a direct line 99.91 feet to a point in the Southerly line of Belvidere Avenue, N.E., distant 95 feet Westerly measured along said Northerly line, from the place of beginning, thence Easterly along the Southerly line of Belvidere Avenue, N.E., 95 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

**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. 104-21-132 as more fully described in Section 38 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-21-132

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 125 and 126 and the Easterly 2 feet of Sublot No. 127 in the Park Realty Company's Re-Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat of said Re-Subdivision in Volume 26 of Maps, Page 30 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 74 feet on the Southerly side of Belvidere Avenue, N.E., and extending back between parallel lines 90 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 39.** 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. 104-21-135 as more fully described in Section 40 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-21-135

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 33 feet of Sublot No. 129 and the Westerly 2 feet of Sublot No. 128 in the Park Realty Company's Re-Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat of said Re-Subdivision in Volume 26 of Maps, Page 30 of Cuyahoga County Records, and together forming a parcel of land 35 feet front on the Southerly side of Belvidere Avenue, N.E., (formerly Belvidere Avenue), and extending back of equal width 90 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**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. 104-21-136 as more fully described in Section 42 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-21-136

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 3 feet of Sublot No. 129 and the Easterly 33 feet of Sublot No. 130 in the Park Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 26 of Maps, Page 30 of Cuyahoga County Records and being 36 feet front on the Southerly side of Belvidere Avenue and extending back of equal width 90.0 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 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. 104-21-137 as more fully described in Section 44 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-21-137

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being in the Easterly 33 feet of Sublot No. 131 and the Westerly 3 feet of Sublot No. 130 in the Park Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 340 and of Sublot No. 16 and 35 and 50 to 65 inclusive and part of Sublots Nos. 36 and 66 in Johnson, Bates and Stone's Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 26 of Maps, Page 30 of Cuyahoga County Records and together forming a parcel of land 36 feet front on the Southerly side of Belvidere Avenue, N.E., and extending back of equal width 90 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**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. 104-21-138 as more fully described in Section 46 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-21-138

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 1 foot of the Westerly 3 feet from front to rear of Sublot No. 131 in the Park Realty Company's Re-Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 26 of Maps, Page 30 of Cuyahoga County Records, said part of Sublot No. 131 has a frontage of 1 foot on the Southerly side of Belvidere Avenue and extends back of equal width 90 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**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. 104-21-139 as more fully described in Section 48 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-21-139

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 2 feet of Sublot No. 131 and the Easterly 34 feet of Sublot No. 132 in

the Park Realty Company's Re-Subdivision of Sublot Nos. 16 to 35, 50 to 65 and part of Sublot Nos. 36 and 66 in Johnson, Bates and Stone's Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat of said Re-Subdivision in Volume 26 of Maps, Page 30 of Cuyahoga County Records. Said part of Sublot Nos. 131 and 132 together form a parcel of land having a frontage of 36 feet on the Southerly side of Belvidere Avenue, N.E., and extending back, between parallel lines, 90 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**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. 104-21-140 as more fully described in Section 50 below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-21-140

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bounded and described as follows: Known as being the Westerly 2 feet of Sublot No. 132 and the Easterly 34 feet of Sublot No. 133 in the Park Realty Company's Re-Subdivision of a part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat of said Re-Subdivision in Volume 26 of Maps, Page 30 of Cuyahoga County Records, and together forming a parcel of land 36 feet front on the Southerly side of Belvidere Avenue, N.E., and extending back of equal width 90 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 51.** 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. 104-21-141 as more fully described in Section 52 below, to Cuyahoga Metropolitan Housing Authority.

**Section 52.** That the real property to be sold pursuant to Section 51 of this Ordinance is more fully described as follows:

P. P. No. 104-21-141

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the most Westerly 2 feet of Sublot No. 133 in the Park Realty Company's Re-Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 26 of Maps, Page 30 of Cuyahoga County Records, said Westerly part of Sublot No. 133 has a frontage of 2 feet on the Southerly side of Belvidere Avenue, and extends back of equal width 90 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**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. 104-21-142 as more fully described in Section 54

below, to Cuyahoga Metropolitan Housing Authority.

**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. 104-21-142

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Subdivision 134 in the Park Realty Company Re-Subdivision of a part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 26 of Maps, Page 30 of Cuyahoga County Records, and being 36 feet front on the Southerly side of Belvidere Avenue, N.E., (formerly Belvidere Avenue) and extending back of equal width, 90 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 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. 104-18-028 as more fully described in Section 54 below, to Cuyahoga Metropolitan Housing Authority.

**Section 56.** That the real property to be sold pursuant to Section 53 of this Ordinance is more fully described as follows:

P. P. No. 104-18-028

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 25 in Medway N.C. Waters Subdivision of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records and being 40 feet front on the Southerly side of Linwood Avenue, N.E., and extending back of equal width 155 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

**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. 104-19-065 as more fully described in Section 54 below, to Cuyahoga Metropolitan Housing Authority.

**Section 58.** That the real property to be sold pursuant to Section 53 of this Ordinance is more fully described as follows:

P. P. No. 104-19-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 63 in Medway N.C. Waters Allotment of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Linwood Avenue, N.E., (formerly Lena Avenue) and extending back between parallel lines 155 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 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. 104-20-035 as more fully described in Section 54 below, to Cuyahoga Metropolitan Housing Authority.

**Section 60.** That the real property to be sold pursuant to Section 53 of this Ordinance is more fully described as follows:

P. P. No. 104-20-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 10 in Johnson, Bates and Stone's Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 8 of Maps, Page 24 of Cuyahoga County Records, bounded and described as follows:

Commencing at a point in the Southerly line of Quimby Avenue, N.E., 60 feet wide, at the Northeast corner of Sublot No. 10. Thence Southerly along the Easterly line of Sublot No. 10, 111.85 feet to a point and the principal place of beginning. Thence Southerly along the Easterly line of Sublot No. 10, 88.13 feet to a point being the Southwesterly corner of Sublot No. 10 and the Northerly line of Belvidere Avenue, N.E. Thence Westerly along the Southerly line of Sublot No. 10 being the Northerly line of Belvidere Avenue 49.99 feet to a point being the Southwesterly corner of Sublot No. 10. Thence Northerly along the Westerly line of Sublot No. 10, 88.14 feet to a point. Thence Easterly parallel with the Southerly line of Quimby Avenue 49.99 feet to the principal place of beginning, be the same more or less, but subject to all legal highways.

Subject to restrictions recorded in Volume 1019, Page 508 of Cuyahoga County Records.

Subject to right of way 10 feet wide (the center line of which is the dividing line between Sublot Nos. 10 and 11) recorded in Volume 997, Page 493 of Cuyahoga County Records.

Common easements recorded in Volume 7092, Page 273 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

**Section 61.** 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 62.** 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 63.** That as one of the terms of conveyance of the parcels identified in this ordinance, Cuyahoga Metropolitan Housing Authority shall use its best efforts within budgetary constraints to maximize the energy efficiency of new housing it constructs on said parcels.

**Section 64.** 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 65.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 September 18, 2000.  
Effective September 28, 2000.

**Ord. No. 1214-2000.  
By Councilman Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of the Community Relations Board to apply for and accept a grant from the Department of Justice Affairs for the 2000 Teen Court Program; and to enter into contract with the YMCA of Greater Cleveland to implement the Program.**

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

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

**Section 1.** That the Director of the Community Relations Board is hereby authorized to apply for and accept a grant in the amount of \$27,603.00, from the Department of Justice Affairs, to conduct the 2000 Teen Court Program, for the purposes set forth in the application and according thereto; that the Director of the Community Relations Board is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 1214-2000-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$9,201.00 from Fund No. 01-010901-639905, is hereby approved in all respects.

**Section 3.** That the Director of the Community Relations Board is hereby authorized to enter into contract with the YMCA of Greater Cleveland to provide implementing services as identified in the above-mentioned file, and that said contract is payable from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance and from the cash matching funds identified in Section 2 of this ordinance.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

Passed September 18, 2000.  
Effective September 28, 2000.

**Ord. No. 1215-2000.  
By Councilman Britt.  
An emergency ordinance to amend Section 343.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2215-96, passed April 7, 1997, relating to general retail business districts.**

Whereas, this ordinance constitutes an emergency measure providing for 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 343.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2215-96, passed April 7, 1997, is hereby amended to read as follows:

**Section 343.11 General Retail Business Districts**

(a) "General retail business" means an enterprise for profit for the convenience and service of, and dealing directly with, and accessible to, the ultimate consumer; neither injurious to adjacent premises or to the occupants thereof by reason of the emission of cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibrations; nor dangerous to life or property. It includes buildings or spaces necessary to a permitted use for making or storing articles to be sold at retail on the premises. Except as provided in division (b) of this section, it does not include any establishment which supplies a retail outlet other than that on the premises, or any building or use specifically mentioned as permitted only in a Semi-Industry or Industry District.

(b) Permitted Buildings and Uses. The following buildings and uses are permitted in a General Retail Business District; and no buildings or premises shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part for other than one or more of the following specified uses:

(1) Except as otherwise provided in this Zoning Code, all uses permitted and as regulated in any Local Retail Business District.

(2) All retail business uses and buildings specified in division (b) of Section 343.01, and uses and buildings to provide for:

A. The sale of food and beverages of all kinds, including sale for consumption on the premises;

B. The sale of general merchandise, including sale in department stores;

C. The sale of apparel of all kinds;

D. The sale of furniture and household goods, including furniture and accessory furniture storage;

E. The sale of other goods or merchandise;

F. Eating places of all types;

G. Service establishments: service establishment permitted in a Local Retail Business District without lim-

itation on the number of persons engaged in such work or business; mortuary or undertaking establishment; printing shop, provided not more than five persons are engaged in such work or business; research laboratory, radio or television station, telephone exchange or transformer station, provided all buildings and structures except fences and barriers are located not less than fifteen feet from a Residence District; hospital, sanitarium, convalescent home, rest home, nursing home, orphanage or home for the infirm or aged, provided that all main buildings are not less than fifteen feet from any adjoining premises in a Residence District not used for a similar purpose; cat and dog hospital or pet shop, provided noise and odors are effectively confined to the premises.

H. Business offices and services: in addition to the uses permitted in Local Retail Districts, office buildings, banks, business colleges, private trade schools.

I. Automotive services: in addition to the uses permitted in Local Retail Districts:

1. Service garage.  
2. Automobile laundry, provided the premises are located not less than 100 feet from a Residence District.

3. Parking lot.  
4. Lot for the sale of new and secondhand motor vehicles or trailers except those of more than two tons net weight provided that all vehicles advertising matter, and all structures, movable or fixed, are kept back of a structurally-sound barrier at least one and one-half feet high located as follows:

a. Where the building line is back of the street line, the barrier shall be located on or back of the setback building line.

b. Where the distance from the street line to the front line's of the nearest buildings at the sides of the premises and within 100 feet of the premises is less than that required by division (I)(4)A.1.a. of this section, the barrier may be erected to a line joining the near front corners of such buildings, or at the average distance of such buildings from the street line.

5. Service station which meets all the requirements and provisions of Section 343.13.

J. House trailer or travel trailer park, as defined in Section 3733.01 of the Revised Code, when approved by the Board of Zoning Appeals after public hearing, and when used and maintained in conformity with any conditions specified in such approval.

K. Signs: signs permitted in accordance with the requirements of Chapter 350.

L. Amusement and recreation: armory, assembly hall, bowling alley, dance hall, video and pinball arcade, pool and billiards theater, skating rink or other social, sport or recreational center operated as a business, all such uses subject to the regulations of Section 347.12 and adult entertainment uses, subject to Section 347.07, provided that the place or building in which any such amusement or recreation use is operated is sufficiently sound-insulated to confine the noise to the premises.

M. Transportation services: railroad station; public service station; bus passenger station; bus terminal,

provided the roadway of the street upon which the bus entrance or exit is located is at least forty-four feet wide between curbs.

N. Office, display or sales space of a wholesale, jobbing or distributing establishment and specifically mentioned as permitted only in a less restricted district, in connection with which not more than twenty-five percent of the floor area of the building or part of the building occupied by the establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise and provided that:

1. Any resulting cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibration is effectively confined to the premises.

2. The ground floor premises facing upon and visible from a major street upon which the premises abut shall be used only for entrances, offices or display.

3. Adequate off-street loading and unloading facilities are provided and so designed that any standing vehicles using them shall be within the property lines and be either not visible from streets within Retail Business, Local Retail Business or Residence District, or not nearer than fifty feet to such streets.

O. Retail poultry business: either as a main use or as an accessory use, including the storing and killing of poultry or game to be sold entirely at retail upon the premises and directly to the ultimate consumer, provided that the enterprise is conducted in strict compliance with all applicable statutes, laws, rules and regulations, including those requiring rat-proofing, and that adjacent premises or the occupants thereof are not injured by reason of the emission of dust, odor, smoke or noise or the accumulation of refuse or offal, and provided further that the buildings in which the killing, storing and selling are done are either detached masonry structures or part of a masonry building used entirely for the handling of poultry and/or game.

1. A detached masonry structure used for slaughtering or for storing of live poultry shall have not less than 100 square feet of floor area and shall be located at least ten feet from any other building or part thereof on the same lot which is used for human habitation, or as a place where other food is prepared, placed, kept or sold.

2. Where the slaughtering room is part of a masonry building used entirely for the handling of poultry and/or game, such slaughtering room shall be separated from the sales or storage room by a solid masonry wall in which there may be only one opening not greater than four square feet in size, located not less than four feet above the floors of both rooms, equipped with either a self-closing window or self-closing door. Such slaughtering room shall be entered only from outside the building.

3. In either case, such slaughtering room shall be used only for killing, flicking and dressing and shall be not less than twenty-five feet from the boundary of the premises upon which it is located. All offal and refuse must be kept in covered containers within such slaughtering room until removed from the premises.

4. Such slaughtering room and every building, room or space used for storage or sale of poultry or game in connection therewith shall be not less than 300 feet from any Residence District, church, school, playground, library or building of Institutional H Occupancy classification.

P. Any other building, use or service similar to the uses herein listed in the type of services or goods sold, in the number of persons or cars to be attracted to the premises or in the effect upon adjacent areas in more restricted use districts.

Q. Any accessory use customarily incident to a use authorized by this section, except that no use specified in divisions (b) and (c) of Section 345.04 as prohibited or permitted only by special permit in a General Industry District shall be permitted as an accessory use.

(3) Hotels.

(4) Motels.

(5) Charitable institutions, including correctional halfway houses, as regulated in Section 347.15; and notwithstanding any Section of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Cuyahoga County Youth Intervention Center, providing temporary detention and shelter for juveniles, to be located at East 93rd Street and Quincy Avenue.

**Section 2.** That existing Section 343.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2215-96, passed April 7, 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.

Passed September 18, 2000.

Effective September 28, 2000, without the signature of the Mayor.

**Ord. No. 1574-2000.**  
**By Councilmen Jackson, Melena, Cimperman and Patmon (by department request).**

**An emergency ordinance authorizing the acquisition and disposition of real property and the improvements located thereon comprising Longwood Apartments, accepting a grant from the United States Department of Housing and Urban Development in connection with the redevelopment of that property, authorizing agreements with the United States Secretary of Housing and Urban Development and with new Longwood Associates L.P. in connection therewith and authorizing and approving related matters.**

Whereas, pursuant to the authority of Section 203 of the Housing and Community Development Amendments of 1978, 12 U.S.C. §1701z-11, as amended by Section 101(b) of the Multifamily Housing Property Disposition Reform Act of 1994 (as so amended, the "Act") and regulations promulgated pursuant thereto (the "Regulations"), the United States Department of Housing and Urban Development, acting by and through the Secretary of Housing and Urban

Development ("HUD"), has determined to dispose of certain real property, the improvements thereon and a Housing Assistance Payments ("HAP") contract, tenant leases and other personal property related thereto, all located in the City of Cleveland (the "City") known as Longwood Apartments (collectively, the "Property"); and

Whereas, pursuant to the Act and the Regulations, HUD has determined that it is necessary and appropriate to make available an up-front grant in an amount presently estimated not to exceed \$25,160,000 in connection with demolition, rebuilding, redevelopment and other related development of the Property; and

Whereas, in order to provide the up-front grant in the most economically efficient manner possible, HUD wishes to convey title to the Property to the City pursuant to a Contract for Sale (the "HUD Contract for Sale") between HUD and the City, and to make the up-front grant available pursuant to an Upfront Grant Agreement (the "Grant Agreement") between HUD and the City, a copy of which is in File No. 1574-2000-A (the "File"); and

Whereas, New Longwood Associates L.P., or its designated successors or assigns (the "Developer") has offered to purchase the Property from the City and to redevelop a portion of the Property into a multifamily housing complex containing 629 affordable living units, together with related and supporting facilities, at an estimated total development cost of approximately \$110,000,000; and

Whereas, this Council believes that the acquisition of the Property from HUD pursuant to the HUD Contract for Sale and the sale of the Property to the Developer by private negotiation and the redevelopment of the Property by the Developer pursuant to a Redevelopment Agreement (the "Redevelopment Agreement") is in the best interest of the City and is the best means of accomplishing the necessary redevelopment of the Property in order to carry out the City's public purpose of providing safe, decent and sanitary affordable housing in the City; and

Whereas, in order to complete the redevelopment of the Property in accordance with the Act, the Regulations and the Redevelopment Agreement, the City intends to loan the proceeds of the up-front grant to the Developer pursuant to the Redevelopment Agreement and upon mutually agreeable terms and conditions as provided in the Redevelopment Agreement; and

Whereas, this Council finds that the proposed acquisition, sale and redevelopment of the Property will improve the welfare of the City and its residents by accomplishing the aforesaid public purpose; now, therefore,

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

**Section 1.** This Council determines that, in order to carry out the City's public purpose of providing safe, decent and sanitary affordable housing in the City, and notwithstanding and as an exception to any provision of the Codified Ordinances of the City, the Commissioner of Purchases and Supplies and the Direc-



tor of Community Development, as appropriate, are hereby authorized to execute and deliver, on behalf of the City, the HUD Contract for Sale and pursuant thereto to accept title to the Property, consisting of Permanent Parcel Numbers 122-08-003, 122-08-009, 103-32-001, 103-32-004, 122-08-013, 122-07-011, 122-08-014, and 122-07-009, as more fully described in the legal descriptions in the File, the improvements thereon, the HAP contract, tenant leases and the other personal property related to the operation and maintenance of the Property.

**Section 2.** This Council determines that, in order to complete the redevelopment of the Property, and notwithstanding and as an exception to any provision of the Codified Ordinances of the City, the Mayor and the Director of Community Development, or either one of them, are hereby authorized to execute and deliver, on behalf of the City, the Grant Agreement and accept the up-front grant on behalf of the City. The grant proceeds are hereby appropriated for the purposes set forth in the Grant Agreement and the Redevelopment Agreement.

**Section 3.** This Council finds and determines that, in order to carry out the City's public purpose of providing safe, decent and sanitary affordable housing in the City, it is necessary and appropriate to sell the Property to the Developer and cause its redevelopment through the demolition, rebuilding, equipping and improvement of the Property to be made by the Developer.

**Section 4.** Notwithstanding and as an exception to any provision of the Codified Ordinances of the City, this Council finds and determines that disposition of the Property by negotiated sale is in the City's best interests; authorizes the disposition of the Property by negotiation, subject to approval by the Board of Control; and approves the Redevelopment Agreement and the conveyance of the Property to the Developer and the loan of the up-front grant proceeds to the Developer upon the terms and conditions set forth in the Redevelopment Agreement. This Council authorizes and directs the Mayor and the Director of Community Development, or either one of them, to execute and deliver, on behalf of the City the Redevelopment Agreement in substantially the form now on file with the Clerk of Council in the File, with such changes or amendments that are not inconsistent with this Ordinance and that are approved by the Director of Community Development as not being substantially adverse to the City, with signing and delivery of the Redevelopment Agreement, or amendments thereto, being conclusive evidence of such approval. This Council authorizes and directs the Commissioner of Purchases and Supplies, the Mayor and the Director of Community Development, as appropriate to execute and deliver to the Developer, upon satisfaction of the applicable conditions precedent set forth in the Redevelopment Agreement, a quit-claim deed (the "Deed") and related assignments, bills of sale or other agreements conveying the Property (including the HAP

contract, the leases and the other personal property related to the operation and maintenance of the Project) to the Developer; provided that Deed shall contain such restrictive covenants, reversionary interests or similar provisions as may, in the judgment of the Director of Community Development, be required to ensure the elimination of blight and deterioration and for the prevention of recurrence of said conditions, and shall specifically contain a provision against the creation of advertising signs or billboards other than permitted identification signs.

The Developer shall be required by the Redevelopment Agreement, Deed or other writing to meet the following terms in addition to all other requirements imposed upon the Developer:

(1) To use best efforts to meet the following Minority Business Enterprise and Female Business Enterprise subcontractor participation goals:

30% MBE; and  
10% FBE.

(2) To use best efforts to meet the following permanent and temporary hiring goals:

33-1/3% minorities and females; and  
50% City of Cleveland residents.

Notwithstanding paragraphs (1) and (2) above, if these hiring goals negatively impact the up-front HUD grant funding, then these goals may be waived or reduced by the Director of Community Development.

(3) To use best efforts to maximize the energy efficiency of the housing units built on the Property.

**Section 5.** The Mayor, the Director of Community Development, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are authorized to provide such information and to execute, certify or furnish such other documents, and do all other things as are necessary for or incidental to carrying out the conveyance of the Property pursuant to the terms of the HUD Contract for Sale and the Redevelopment Agreement. The loan of the HUD up-front grant may be made as one loan in multiple installments or as multiple loans in an aggregate amount not to exceed \$25,160,000 and the obligation of the Developer to repay the loan may be subordinate to the obligations of the Developer under any other financing arrangements for the Property improvements. Notwithstanding and as an exception to any provision of any Codified Ordinance of the City, if determined by the Director of Finance to be advantageous to the financing of the Property improvements, the City may evidence all or a portion of the loan by accepting obligations exempt from federal income tax under Section 103 of the Internal Revenue Code of 1986, as amended, and issued for the purpose of funding the Property improvements. The Mayor, the Director of Community Development, the Director of Finance, the Director of Law and other City officials, as appropriate, are hereby authorized to accept such security instruments

and execute and deliver such agreements as may be necessary to secure repayment of the loans consistent with the provisions of this Ordinance.

**Section 6.** This Council finds and determines the sale of the Property for the consideration provided in the Redevelopment Agreement is satisfactory and proper, and that the redevelopment of the Property with affordable housing units as described in the Redevelopment Agreement will further the City's objective of providing additional safe, decent and sanitary affordable housing in the City and improve the health, safety and economic welfare of the residents of the City, all of which is hereby determined to be substantial additional valuable consideration to the City.

**Section 7.** It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 8.** It is found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 9.** Each section and each part of each section of this Ordinance 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 circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 10.** This ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to assist in the redevelopment of the property and the provision of safe, decent and sanitary affordable housing in the City and, provided this ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed September 25, 2000.  
Effective October 3, 2000.

**Ord. No. 1575-2000.**  
**By Mayor White and Councilman Polensek.**

**An emergency ordinance authorizing the Director of Community Development to expend funds for the operation of the Your Home Program and to enter into contracts under that Program.**

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

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

**Section 1.** That the Director of Community Development is hereby authorized to establish the Your Home Program to enable single parents to purchase their first home in the City with second mortgage assistance and to enter into contracts with potential homeowners under that Program.

**Section 2.** That the funds for the Your Home Program shall come from Fund No. 10 SF 803, RL 20695.

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

**Section 4.** That except for the thirty seven loans that are ready to proceed to closing as identified at the September 25, 2000 Finance Committee, and which may proceed to closing upon enactment of this ordinance, all other loans under this Program shall have the following requirements:

(1) That the first mortgage rate shall not be greater than 2% over the then prevailing first mortgage market rates, as determined by the Director of Community Development; and

(2) That non-profit agencies shall be utilized for the rehabilitation work on the homes that are subject to this Program.

**Section 5.** That six months after the passage of this ordinance the Director of Community Development shall submit a report to the Chairman of the Community Development Committee on the status of the Program and shall also provide a copy to all members of Council.

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

Passed September 25, 2000.  
 Effective October 3, 2000.

**Ord. No. 1603-2000.**  
**By Councilmen Lewis, Melena and Patmon (by departmental request).**

**An emergency ordinance authorizing the Directors of Economic Development and Community Development to enter into contract amendments with Famicos Foundation and Lexington Village Associates Phase I for the refinancing of certain properties known as the Lexington Village project in the Hough area.**

Whereas, pursuant to Ordinance No. 1695-83, passed June 20, 1983, and

Ordinance No. 2763-83, passed December 19, 1983, as amended by Ordinance No. 86-84, passed January 30, 1984, Council authorized the Director of Economic Development to accept an Urban Development Action Grant ("UDAG") from the United States Department of Housing and Urban Development ("HUD") and to enter into a contract (the "UDAG contract") with Famicos Foundation ("Famicos") and Lexington Village Associates Phase I, an Ohio limited partnership, ("Lexington") for the construction of 183 units of moderate income rental housing to be located in the Hough/Linwood area, known as the Lexington Village project; and

Whereas, pursuant to Ordinance No. 409-84, passed May 7, 1984, Council authorized the Directors of Economic Development and Community Development to enter into a Community Development Block Grant contract (the "CDBG contract") with the Famicos Foundation, to partially assist in the construction of the Lexington Village project; and

Whereas, Famicos and Lexington have requested that the City authorize the refinancing of the Lexington Village project to enable them to lower the interest rate of the 1st mortgage, amend the terms of the UDAG contract and the CDBG contract to be coterminous with the new 1st mortgage, to authorize new notes and incorporate HUD required language therein and to execute an intercreditor agreement among the parties; and

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

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

**Section 1.** That the Directors of Economic Development and Community Development are hereby authorized to enter into and execute an amendment to the UDAG contract and the CDBG contract and all collateral associated therewith; to accept new notes for the two contracts and revise the contracts, the notes and other collateral; to incorporate language required by HUD and to enter into intercreditor agreements associated with the refinancing of the Lexington Village project.

**Section 2.** That the UDAG contract amendment, the CDBG contract amendment, and all other revised documents authorized herein shall be in a form approved by the Director of Law and shall contain such terms and conditions as shall be deemed necessary or appropriate to protect the interests of the City.

**Section 3.** That the Mayor, the Director of Economic Development, the Director of Community Development, the Director of Law, and such appropriate City officials are authorized to execute such certifications and documents, and take such other actions as may be necessary or appropriate in connection with carrying out the terms of the amendments.

**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 September 25, 2000.  
 Effective October 3, 2000.

**Ord. No. 1644-2000.**  
**By Councilmen Melena, Westbrook, Brady and Sweeney.**

**An emergency ordinance to amend the Title and Sections 1 and 2 of Ordinance No. 1250-2000, passed July 17, 2000, relating to an agreement with Westside Industrial Retention & Expansion Network (WIRE-Net) for their agency operations, program and administrative support using Wards 17, 18, 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 Title and Sections 1 and 2 of Ordinance No. 1250-2000, passed July 17, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Westside Industrial Retention & Expansion Network (WIRE-Net) for their agency operations, program and administrative support through the use of Wards 17, 18, 19 and 20 Neighborhood Equity Funds.

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Westside Industrial Retention and Expansion Network (WIRE-Net) for their agency operations, program, and administrative support in order to carry out the public purpose of creating or preserving industrial jobs on the west side of Cleveland.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$103,700 and shall be paid from Fund No. 10 SF 166.

**Section 2.** That the existing title and Sections 1 and 2 of Ordinance No. 1250-2000, 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 its approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed September 18, 2000.  
 Effective September 28, 2000.

**Ord. No. 1645-2000.**  
**By Councilman Patmon.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Informing Our Children, Inc (I.O.C.) for their tutoring, prevention education, child advocacy and family mediation services through the use of Ward 8 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Informing Our Children, Inc (I.O.C.) for their tutoring, prevention education, child advocacy and family mediation services, in order to carry out the public purpose of promoting children's health, education and welfare.

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

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

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

Passed September 18, 2000.

Effective September 28, 2000.

**Ord. No. 1646-2000.**

**By Councilman Patmon.**

**An emergency ordinance to amend Section 4 of Ordinance No. 1744-97, passed October 20, 1997, in conjunction with the Year 2000 project.**

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

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

**Section 1.** That Section 4 of Ordinance No. 1744-97, passed October 20, 1997 is hereby amended to read as follows:

Section 4. That the costs for such services herein contemplated shall be paid from Fund Nos. 52 SF 001, 54 SF 001, 57 SF 001, 58 SF 001, 81 SF 001, 60 SF 001, 10 SF 165, 10 SF 006 and 50 SF 001, Request No. 23236, and no such funds shall be certified for the projects authorized herein after the effective date of this legislation.

**Section 2.** That existing Section 4 of Ordinance No. 1744-97, passed October 20, 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.

Passed September 18, 2000.

Effective September 28, 2000, without the signature of the Mayor.

**Ord. No. 1647-2000.**

**By Councilman Robinson.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Muhammad Mosque No. 8 to stretch banners at the intersection of East 144th Street and Kinsman Avenue for the period from September 19, 2000 to October 19, 2000, inclusive, publicizing the Million Family March.**

Whereas, this ordinance constitutes an emergency measure providing for 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 Muhammad Mosque No. 8 to install, maintain and remove banners at the intersection East 144th and Kinsman, (pole no. E-13 77A-6 DFT B 1993 SPN-06-3-55, pole no. CEN Coppers, MO-9-93 SSP-3-55), for the period from September 19, 2000 to October 19, 2000, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed September 18, 2000.

Effective September 28, 2000.

**Ord. No. 1651-2000.**

**By Councilmen Polensek and Patmon (by departmental request).**

**An emergency ordinance to amend the title and Section 1 of Ordinance No. 2161-99, as amended by Ordinance No. 1004-2000, passed June 19, 2000, and to amend Section 1 of Ordinance Nos. 2162-99, 2164-99 and 2165-99, passed February 14, 1999, all as amended by Ordinance No. 1004-2000, passed June 19, 2000, relating to requirement contracts for the Division of Traffic Engineering and Parking, 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 title and Section 1 of Ordinance No. 2161-99, passed February 14, 2000, as amend-

ed by Ordinance No. 1004-2000, passed June 19, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the purchase by requirement contract of traffic paint and labor and materials necessary for line striping services, for the Division of Traffic Engineering and Parking, Department of Public Safety.

**Section 1.** That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of traffic paint and labor and materials necessary for line striping services in an amount not to exceed \$140,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Traffic Engineering and Parking, 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 existing title and Section 1 of Ordinance No. 2161-99, passed February 14, 2000, as amended by Ordinance No. 1004-2000, passed June 10, 2000, are hereby repealed.

**Section 3.** That Section 1 of Ordinance No. 2162-99 passed February 14, 1999, as amended by Ordinance No. 1004-2000, passed June 19, 2000, is hereby amended to read as follows:

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of refurbished aluminum sign blanks in an amount not to exceed \$55,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Traffic Engineering and Parking, 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 4.** That Section 1 of Ordinance No. 2164-99, passed February 14, 1999, as amended by Ordinance No. 1004-2000, passed June 19, 2000, is hereby amended to read as follows:

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of aluminum signs in an amount not to exceed \$230,000, to be purchased by

the Commissioner of Purchases and Supplies upon a unit basis for the Division of Traffic Engineering and Parking, 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 5. That Section 1 of Ordinance No. 2165-99, passed February 14, 1999, as amended by Ordinance No. 1004-2000, passed June 19, 2000, is hereby amended to read as follows:

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various traffic signal equipment in an amount not to exceed \$375,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Traffic Engineering and Parking, 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 6. That Section 1 of Ordinance Nos. 2162-99, 2164-99 and 2165-99, passed February 14, 1999, all as amended by Ordinance No. 1004-2000, passed June 19, 2000, are hereby repealed.

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

Passed September 18, 2000.

Effective September 28, 2000.

**Ord. No. 1652-2000.**

**By Councilman O'Malley.**

**An emergency ordinance determining the method of making the public improvement of constructing turbidity and particle meters at various water treatment plants; and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.**

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby deter-

mined to make the public improvement of constructing turbidity and particle meters at the Garrett A. Morgan Water Treatment Plan, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

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

Section 3. That the cost of said improvement authorized in Section 1 herein shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, and from the fund or subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds and bond anticipation notes issued for the purpose of making the improvement described in Section 1 of this ordinance, Request No. 23398.

Section 4. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing turbidity and particle meters at the Nottingham Water Treatment Plan, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 5. That the Director of Public Utilities is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

Section 6. That the cost of said improvement authorized in Section 4 herein shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, and from the fund or subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds and bond anticipation notes issued for the purpose of making the improvement described in Section 4 of this ordinance, Request No. 23400.

Section 7. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing turbidity and particle meters at the Baldwin Water Treatment Plan, for the Division of Water, Department of Public

Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 8. That the Director of Public Utilities is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

Section 9. That the cost of said improvement authorized in Section 7 herein shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, and from the fund or subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds and bond anticipation notes issued for the purpose of making the improvement described in Section 7 of this ordinance, Request No. 23399.

Section 10. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 September 18, 2000.

Effective September 28, 2000.

**Ord. No. 1691-2000.**

**By Councilman Cimperman.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2978 Nursery Avenue, 4473, 4479, 4481 Douse Avenue, and 3340 East 49th Street to Cleveland Housing Network Limited Partnership XVII.**

Whereas, the City of Cleveland adopted and implemented 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. 123-19-064, as

more fully described in Section 2 below, to Cleveland Housing Network Limited Partnership XVII.

**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. 123-19-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 31 in P.D. and N.P. Glazier's Subdivision of part of Original One Hundred Acre Lot No. 324, as shown by the recorded plat in Volume 4 of Maps, Page 40 of Cuyahoga County Records, and being 33 feet front on the Westerly side of Nursery Street, S.E. (formerly Orchard Street), and extending back of equal width 133 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**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. 123-19-111 as more fully described in Section 4 below, to Cleveland Housing Network Limited Partnership XVII.

**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. 123-19-111

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 30 feet from front to rear of Sublot No. 32 in Thomas S. and Mary L. Douse's Subdivision of part of Original One Hundred Acre Lot No. 82, as shown by the recorded plat in Volume of Maps, Page 28 of Cuyahoga County Records, and being 30 feet front on the Northerly side of Douse Avenue, S.E., and extending back 121.08 feet on the Northeasterly line, about 121.39 feet on the Southwesterly line, and having a rear line of 30 feet, as appears by said plat.

**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. 123-19-112 as more fully described in Section 6 below, to Cleveland Housing Network Limited Partnership XVII.

**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. 123-19-112

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northeasterly half of Sublot No. 31, in Thomas S. and Maty L. Douse's Subdivision of part of Original One Hundred Acre Lot No. 282, as shown by the recorded plat in Volume 8 of Maps, Page 28 of Cuyahoga County Records, and being 20 feet front on the Northwesterly side of Douse Avenue, S.E., and extending back 121.08 feet on the Southwesterly line about 121.39 feet on the Northeasterly line, and having a rear line of 20 feet, as appears by said plat.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southwesterly half of Sublot No. 31 in Thomas S. and Mary L. Douse's Subdivision of part of Original One

Hundred Acre Lot No. 282, as shown by the recorded plat in Volume 8 of Maps, Page 28 of Cuyahoga County Records and being 20 feet front on the Northerly side of Douse Avenue, S.E., and extending back 121.08 feet on the Southwesterly line, 121.35 feet on the Northeasterly line and having a rear line of 20 feet, as appears by said plat.

**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. 123-19-113 as more fully described in Section 8 below, to Cleveland Housing Network Limited Partnership XVII.

**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. 123-19-113

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southwesterly 30 feet of Sublot No. 30 in the Thomas S. and Mary L. Douse's Allotment of part of Original One Hundred Acre Lot No. 282, as shown by the recorded plat in Volume 8 of Maps, Page 28 of Cuyahoga County Records, and being 30 feet front on the Northwesterly side of Douse Avenue, S.E., and extending back 121 feet 7-1/2 inches on the Southwesterly line, about 122 feet 2-1/2 inches on the Northwesterly line, and having a rear line of 30 feet, as appears by said plat.

**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 No. 131-18-020 as more fully described in Section 10 below, to Cleveland Housing Network Limited Partnership XVII.

**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. 131-18-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Sublot No. 15 in Joseph Stanley's Subdivision of part of Original One Hundred Acre Lot No. 284 as shown by the recorded plat in Volume 13 of Maps, Page 14 of Cuyahoga County Records and being a parcel of land 40.00 feet front on the West-erly side of East 49th Street (formerly Petrie Street) and extending back of equal width 149.85 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 11.** 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 12.** 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 13.** 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 14.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 September 25, 2000.  
Effective October 3, 2000.

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**Ord. No. 1692-2000.**

**By Councilman Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for a Footrace on October 21, 2000, sponsored by HMS Sports.**

Whereas, this ordinance constitutes an emergency measure providing for 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 411.66 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of a Footrace sponsored by HMS Sports on October 21, 2000, starting at Burke Lakefront Airport and proceed to Erieside to West 3rd Street, West 3rd Street to Lakeside Avenue, Lakeside to West 9th Street, West 9th Street to St. Clair Avenue, St. Clair Avenue to West 3rd Street, West 3rd Street to Erieside, Erieside to North Marginal, North Marginal to East 26th Street turn around and return to finish, 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 September 25, 2000.  
Effective October 3, 2000.

**Ord. No. 1693-2000.****By Councilman Johnson.**

**An emergency ordinance to amend Section 2 of Ordinance No. 1449-99 passed August 11, 1999, relating to an agreement with Buckeye Area Development Corporation to perform various services and to purchase equipment for the benefit of Ward 4 of the City of Cleveland, using Ward 4 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 Section 2 of Ordinance No. 1449-99, passed August 11, 1999, is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$240,000 and shall be paid from Fund No. 10, SF 166.

**Section 2.** That the existing Section 2 of Ordinance No. 1449-99, passed August 11, 1999 is hereby repealed.

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

Passed September 25, 2000.

Effective October 3, 2000, without the signature of the Mayor.

**Ord. No. 1694-2000.****By Councilman Lewis.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Wade Park Cluster of Churches in order to carry out the public purpose of providing mentoring for troubled youth through the use of Ward 7 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Wade Park Cluster of Churches in order to carry out the public purpose of providing mentoring for troubled youth.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$38,000 and shall be paid from Fund No. 10 SF 166.

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

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

from and after the earliest period allowed by law.

Passed September 25, 2000.

Effective October 3, 2000, without the signature of the Mayor.

**Ord. No. 1695-2000.****By Councilman O'Malley.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Leo's Church to stretch banners at 4940 Broadview Road for the period from October 1, 2000 to November 1, 2000, inclusive, publicizing their annual Octoberfest.**

Whereas, this ordinance constitutes an emergency measure providing for 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 St. Leo's Church to install, maintain and remove banners at 4940 Broadview Road, for the period from October 1, 2000 to November 1, 2000, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed September 25, 2000.

Effective October 3, 2000, without the signature of the Mayor.

**Ord. No. 1696-2000.****By Councilman O'Malley.**

**An emergency ordinance to amend the Title and Sections 1 and 2 of Ordinance No. 189-2000, passed February 7, 2000, relating to economic assistance to Cypress Beverage for the construction of their store using Ward 16 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 Sections 1 and 2 of Ordinance No. 189-2000, passed February 7, 2000, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community

Development to enter into a grant agreement with Cypress Beverage using Ward 16 Neighborhood Equity Funds for the construction of a structure which is determined by this Council to further the public purpose of creating or preserving jobs and employment opportunities to preserve the economic welfare of the State.

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with Cypress Beverage using Ward 16 Neighborhood Equity Funds for the construction of a structure which is determined by this Council to further the public purpose of creating or preserving jobs and employment opportunities to preserve the economic welfare of the State.

**Section 2.** Said grant shall be for reimbursement of costs incurred by the grantee after February 7, 2000 in an amount not to exceed \$10,000 and shall be paid from Fund No. 10, SF 166.

**Section 2.** That the existing Title and Sections 1 and 2 of Ordinance No. 189-2000, passed February 7, 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 September 25, 2000.

Effective October 3, 2000, without the signature of the Mayor.

**Ord. No. 1697-2000.****By Councilman Patmon.**

**An emergency ordinance to amend Section 2 of Ordinance No. 874-2000, passed May 15, 2000, relating to an agreement with Glenville Development Corporation for the Glenville Safezone program and partial support of a youth program, using Ward 8 Neighborhood Equity Funds.**

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

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

**Section 1.** That Section 2 of Ordinance No. 874-2000, passed May 15, 2000, is hereby amended to read as follows:

**Section 2.** That the cost of said contract shall be for work incurred by the grantee after April 24, 2000 and shall be in an amount not to exceed \$5,600 and shall be paid from Fund No. 10, SF 166.

**Section 2.** That the existing Section 2 of Ordinance No. 874-2000, passed May 15, 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 September 25, 2000.

Effective October 3, 2000.

**Ord. No. 1698-2000.****By Councilman Patmon.**

**An emergency ordinance to amend Section 2 of Ordinance No. 1241-2000, passed July 17, 2000, relating to an agreement with Glenville Development Corporation for their Annual Ward 8 Clean-up Drive and Summer Intern Program through the use of Ward 8 Neighborhood Equity Funds.**

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

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

**Section 1.** That Section 2 of Ordinance No. 1241-2000, passed July 17, 2000 is hereby amended to read as follows:

**Section 2.** That the cost of said contract shall be for work completed between May 1, 2000 and September 30, 2000 and shall be in an amount not to exceed \$5,425 and shall be paid from Funds No. 10 SF 166.

**Section 2.** That the existing Section 2 of Ordinance No. 1241-2000, passed July 17, 2000 is hereby repealed.

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

Passed September 25, 2000.  
Effective October 3, 2000.

**Ord. No. 1699-2000.****By Councilman Polensek.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with The Salvation Army, Cleveland Temple in order to carry out the public purpose of providing education to residents by providing G.E.D training with the addition of a teacher and new computer software through the use of Ward 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 Salvation Army, Cleveland Temple in order to carry out the public purpose of providing education to residents by providing G.E.D training with the addition of a teacher and new computer software.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$5,908 and shall be paid from Fund No. 10 SF 166.

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

**Section 4.** That this ordinance is hereby declared to be an emergency

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

Passed September 25, 2000.  
Effective October 3, 2000.

**Ord. No. 1700-2000.****By Councilman Polensek.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Collinwood Community Services Center in order to carry out the public purpose of providing an afterschool program that will develop leadership, teamwork, communication and learning skills through the use of Ward 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 Collinwood Community Services Center in order to carry out the public purpose of providing an afterschool program that will provide an environment that will develop leadership, teamwork, communication and learning skills.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$34,700 and shall be paid from Fund No. 10 SF 166.

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

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

Passed September 25, 2000.  
Effective October 3, 2000.

**Ord. No. 1701-2000.****By Councilman Westbrook.**

**An emergency ordinance to amend Section 3 of Ordinance No. 115-2000, passed January 24, 2000, relating to the public improvement of rehabilitating and improving the baseball diamonds at Jasper Field 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.** That Section 3 of Ordinance No. 115-2000, passed January 24, 2000, is hereby amended to read as follows:

**Section 3.** That an amount not to exceed Three Hundred Fifty-Five Thousand Dollars (\$355,000) for said improvement hereby authorized shall be certified from Fund No. 10, SF 166, with such other costs, if any, to be paid by such funds as identified by the Department of Parks, Recreation and Properties.

**Section 2.** That the existing Section 3 of Ordinance No. 115-2000, passed January 24, 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 September 25, 2000.  
Effective October 3, 2000.

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## COUNCIL COMMITTEE MEETINGS

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**Monday, October 2, 2000**

**Employment, Affirmative Action and Training Committee: 10:00 a.m.**—Present: White, Chairman; Lewis, Vice Chairman; Cintron, Coats, Gordon, Jones. Excused: Johnson.

**Legislation Committee (Joint with Finance Committee): 1:30 p.m.**—Present: Lewis, Chairman; Jones, Vice Chairman; Brady, Coats, Gordon, Westbrook. Excused: Johnson.

**Finance Committee (Joint with Legislation Committee): 1:30 p.m.**—Present: Patmon, Chairman; Rybka, Vice Chairman; Cintron, Dolan, Lewis, Melena, Robinson, Sweeney. Excused: Johnson, O'Malley, Polensek.

**Finance Committee Meeting: 2:00 p.m.**—Present: Patmon, Chairman; Rybka, Vice Chairman; Cintron, Dolan, Lewis, Melena, O'Malley, Polensek, Robinson, Sweeney. Excused: Johnson.

**Tuesday, October 3, 2000**

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

**Aviation and Transportation Committee: 1:00 p.m.**—Present: Dolan, Chairman; O'Malley, Vice Chairman; Robinson, Rybka, Sweeney. Excused: Jones, Patmon.

**Wednesday, October 4, 2000**

**Public Safety Committee: 10:00 a.m.**—Present: Polensek, Chairman; Patmon, Vice Chairman; Britt, Cimperman, Coats, Gordon, Sweeney. Excused: Jackson, Melena.

**City Planning Committee: 1:30 p.m.**—Present: Cimperman, Chairman; Rybka, Vice Chairman; Dolan, O'Malley, White. Excused: Jackson, Robinson.

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O—Ordinance; R—Resolution; F—File  
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