

The City Record

Official Publication of the City of Cleveland

March the Twenty-Fifth, Nineteen Hundred and Ninety-Eight

Mayor	
Michael R. White	
President of Council	
Jay Westbrook	
Clerk of Council	
Artha Woods	
Ward	Name
1	Joseph T. Jones
2	Robert J. White
3	Odelia V. Robinson
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	William W. Patmon
9	Craig E. Willis
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Merle R. Gordon
16	Larry Moran
17	Timothy J. Melena
18	Jay Westbrook
19	Joseph J. Zone
20	Martin J. Sweeney
21	Michael A. Dolan

Containing	PAGE
City Council	3
The Calendar	13
Board of Control	19
Civil Service	22
Board of Zoning Appeals	22
Board of Building Standards and Building Appeals	23
Public Notices	24
Public Hearings	24
City of Cleveland Bids	24
Adopted Resolutions and Ordinances	26
Committee Meetings	27
Index	28

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones	15601 Lotus Drive	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	1428 Fairfield Avenue	44113
14	Nelson Cintron, Jr.	3032 Vega Avenue	44113
15	Merle R. Gordon	1813 Tampa Avenue	44109
16	Larry Moran	3584 West 46th Street	44102
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

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

DEPT. OF FINANCE - Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit
DIVISIONS - Accounts - Gayle Goodwin Smith, Commissioner, Room 19
 City Treasury - Mary Christine Jackman, Treasurer, Room 115
 Assessments and Licenses - Robert J. Schneider, Commissioner, Room 122
 Purchases and Supplies - William A. Moon, Commissioner, Room 128
 Printing and Reproduction - James D. Smith, Commissioner, 1735 Lakeside Avenue
 Taxation - Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue
 Financial Reporting and Control - _____, Controller, Room 18
 Information Systems Services - Hamid Manteghi, 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, Acting Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;
 Cleveland Hopkins International Airport - Stephen Sheehan, Commissioner
 Burke Lakefront Airport - Michael C. Barth, Commissioner

DEPT. OF PUBLIC SERVICE - Henry Guzmán, Director, Room 113
DIVISIONS - Waste Collection and Disposal - Larry Hines, Commissioner, 5600 Carnegie Avenue.
 Streets - Randall T. Scott, Commissioner, Room 25
 Engineering and Construction - JoMarie Wasik, Acting Commissioner, Room 518
 Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards
 Architecture - Kenneth Nobilio, Commissioner, Room 517

DEPT. OF PUBLIC HEALTH - Robert O. Staib, Director, Mural Building, 1925 St. Clair Avenue.
DIVISIONS - Health - Joyce Atwell-Joyce, Commissioner, Mural Building, 1925 St. Clair Avenue
 Environment - Eric Myles, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
 Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 Northfield Road

DEPT. OF PUBLIC SAFETY - William M. Denihan, Director, Room 230.
DIVISIONS - Police - Rocco Pollutro, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street
 Fire - Kevin G. Gerrity, Chief, 1645 Superior Avenue
 Traffic Engineering & Parking - David Ritz, Commissioner, 2001 Payne Ave.
 Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street
 Emergency Medical Service - Bruce Shade, Commissioner, 1708 South Pointe Drive

DEPT. OF PARKS, RECREATION & PROPERTIES - Oliver B. Spellman, Jr., 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 - Vernon Robinson, Commissioner, E. 49th & Harvard

Parking Facilities - Alfred T. Miller, Jr., Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
 Park Maintenance and Properties - Richard L. Silva, Acting Commissioner, Public Auditorium - E. 6th & Lakeside.
 Recreation - Michael Cox, Acting Commissioner, Room 8
 Research, Planning & Development - Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT - Terri Hamilton, Director, 3rd Floor, City Hall.
DIVISIONS - Administrative Services - Terrence Ross, Commissioner.
 Neighborhood Services - Louise V. Jackson, Commissioner.
 Neighborhood Development - Terri Hamilton, Commissioner.
 Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.

DEPT. OF PERSONNEL AND HUMAN RESOURCES - Joseph Nolan, Director, Room 121

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

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

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

CIVIL SERVICE COMMISSION - Room 119, Freddie J. Fenderson, President; Timothy J. Cosgrove, Vice President; Cynthia Sullivan, Secretary; Margaret Hopkins, Member, Earl Preston, Member.

SINKING FUND COMMISSION - Michael R. White, President; Betsy Hruby, Asst. Sec'y; _____, Director; President of Council Jay Westbrook.

BOARD OF ZONING APPEALS - Room 516, Carol Johnson, Chairman; Members; Chris Carmody, Anna Chatman, 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 Sylvester Summers, Jr., President; Finance Director Martin L. Carmody, Jr., Secretary; Council President Jay Westbrook.

BOARD OF SIDEWALK APPEALS - Service Director Henry Guzmán; Law Director Sylvester Summers, Jr.; Councilman Roosevelt Coats.

BOARD OF REVIEW - (Municipal Income Tax) - Law Director Sylvester Summers, Jr.; Utilities Director Michael Konicek; Council President Jay Westbrook.

CITY PLANNING COMMISSION - Room 501 - Hunter Morrison, Director; Rev. Albert T. Rowan, Chairman; _____, Vice Chairman, David Bowen, Anthony J. Coyne, Lawrence A. Lumpkin, Gloria Jean Pinkney, Councilman Edward W. Rybka.

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

MORAL CLAIMS COMMISSION - Law Director Sylvester Summers, Jr.; Chairman; Finance Director Martin L. Carmody, Jr.; Council President Jay Westbrook.

BOARD OF EXAMINERS OF ELECTRICIANS - Raymond Ossovicki, Chairman; _____, Anton J. Eichmuller, Samuel Montfort J. Gilbert Steele, Laszlo V. Kemes, Secretary.

BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chrm.; Earl S. Bumgarner, _____, Jozef Valencik, Martin Gallagher, Laszlo V. Kemes, Secretary.

CLEVELAND LANDMARKS COMMISSION - Room 519, _____, Director; R. Schanfarber, Chairman; Paul Volpe, Vice Chairman; Robert Keiser, Secretary; Judge Lillian Burke, James Gibans, Hunter Morrison, Kenneth Nobilio, Theodore Sande, Randall Shorr, Shirley Thompson, Councilman Craig E. Willis.

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

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

Earle B. Turner - Clerk of Courts, John J. O'Toole-Court Administrator, Robert C. Townsend, II-Bailiff; Kenneth Thomas-Chief Probation Officer, Michelle L. Paris-Chief Magistrate

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 85

WEDNESDAY, MARCH 25, 1998

No. 4398

CITY COUNCIL

MONDAY, MARCH 23, 1998

The City Record

Published weekly under authority of the Charter of the City of Cleveland
Subscription (by mail) \$75.00 a year
January 1 to December 31
Interim subscriptions prorated \$6.00 per month
Address all communications to

ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY—Alternating

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

9:30 A.M.—**Public Health Committee:** Gordon, Chairman; Britt, Vice Chairman; Cimperman, Cintron, Jackson, Melena, Robinson.

MONDAY—Alternating

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

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

MONDAY

2:00 P.M.—**Finance Committee:** Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Melena, Patmon, Polensek, Robinson, Rybka, Sweeney, Zone.

TUESDAY

10:00 A.M.—**Community and Economic Development Committee:** Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Zone.

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Patmon, Chairman; Coats, Vice Chairman; Britt, Cintron, Dolan, Jones, Lewis, Moran, Polensek.

1:30 P.M.—**City Planning Committee:** Rybka, Chairman; Robinson, Vice Chairman; Cimperman, Jackson, White, Willis, Zone.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio March 23, 1998.
The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

Councilmen present: Britt, Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, Melena, Moran, Patmon, Polensek, Robinson, Rybka, Sweeney, Westbrook, Zone.

Also present were Mayor White and Directors Summers, Carmody, Konicek, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Axelrod, Warren, Morrison and Acting Directors Sheffield-McClain, Carter.

Pursuant to Ordinance No. 2926-76, the Council meeting was opened with a prayer offered by, Rev. Ric Wilberg, Pastor of Denison Avenue United Church of Christ, located in Ward 18. 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.

COMMUNICATIONS

File No. 1746-97-B.
Objections to Estimated Assessments for the Cleveland Theatre District.

The following entities sent letters: Victory Properties re: Parcel No. 101-36-023

Todd W. Sleggs & Associates re: Parcel No. 101-37-007

The Glickman Organization Real Property re: Parcel No. 103-01-36 Received.

File No. 487-98.
From the Division of Purchases and Supplies re: Excess Property - Reference No. 005-98. Received.

File No. 488-98.
From the Department of Port Control re: Notification of "Set Aside" Req. #'s 098981 and 098982. Received.

File No. 489-98.
From the Department of Health re: Cleveland Area Monthly HIV District Statistical Report for the month of February 1998. Received.

File No. 490-98.

From the Department of Purchases and Supplies re: Emergency Requisition (RE-16436). Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 491-98.

Re: New Application - 88651590005 - 3459 West 54th Street Inc. dba Alexs Deli, 3459 West 54th Street. (Ward 17). Received.

File No. 492-98.

Re: Transfer of Ownership Application - 0147890 - Altar Boy Inc., 2120 East 4th Street. (Ward 13). Received.

File No. 493-98.

Re: Transfer of Ownership Application - 0098540 - Albert & Patty's Little Keg Inc. dba Little Keg, 4690 West 130th Street. (Ward 20). Received.

File No. 494-98.

Re: Transfer of Ownership Application - 8458622 - Squid Inc. dba Lola Bistro & Wine Bar, 900 Literary Road, first floor and basement. (Ward 13). Received.

File No. 495-98.

Re: Transfer of Ownership and Location Application - 1914774 - Danczak Enterprises Inc., 1275 West Main Avenue, second floor. (Ward 13). Received.

File No. 496-98.

Re: Transfer of Ownership and Location Application - 0598188 - Bellaire Beverage Inc. dba Bellaire Beverage, 12208 Bellaire Road. (Ward 19). Received.

File No. 497-98.

Re: Stock Transfer Application - 4255501 - Jay Bridge Foods, Inc. dba Gateway Food Market, 1822-26 West 25th Street. (Ward 14). Received.

COMMUNICATIONS

File No. 498-98. March 16, 1998

The Honorable Jay Westbrook
President, Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Mr. John Banno for appointment to the Community Relations Board as a labor representative. This appointment will commence on March 31, 1998 and will expire on March 31, 2002.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 499-98. March 16, 1998

The Honorable Jay Westbrook
President, Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Mr. Ziad Hajj for appointment to the Community Relations Board as a public representative. This appointment is effective upon approval by Council and will expire on March 31, 1999.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 500-98. March 16, 1998

The Honorable Jay Westbrook
President, Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Ms. Kathryn Hall for appointment to the Community Relations Board as a public representative. This appointment will commence on March 31, 1998 and will expire on March 31, 2002.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 501-98. March 16, 1998

The Honorable Jay Westbrook
President, Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Mr. Raymond Negron for appointment to the Community Relations Board as a public representative. This appointment will commence on March 31, 1998 and will expire on March 31, 2002.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 502-98. March 16, 1998

The Honorable Jay Westbrook
President, Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Ms. Mary Adele Springman for appointment to the Community Relations

Board as an industry representative. This appointment will commence on March 31, 1998 and will expire on March 31, 2002.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 503-98. March 19, 1998

The Honorable Jay Westbrook
President, Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Mr. Ricardo Teamor for appointment to the Cleveland-Cuyahoga County Port Authority. This appointment would expire on January 28, 2002.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 504-98. February 26, 1998

The Honorable Jay Westbrook
President, Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Mr. Anthony E. Smith for appointment to the Gateway Economic Development Corporation of Greater Cleveland. This appointment will expire on March 31, 2002.

City Council's approval of this appointment would be greatly appreciated. Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 505-98. March 17, 1998

The Honorable Jay Westbrook
President, Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Ms. Patricia Swansinger for appointment to the Fair Housing Board. This appointment will commence on March 31, 1998 and will expire on March 31, 2000.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 534-98.

COMMITTEE ON MAYOR'S APPOINTMENTS

The Chair appointed Councilman Roosevelt Coats as Chairman and Councilmen Joseph J. Zone, Odella V. Robinson, Martin J. Sweeney and Patricia J. Britt to consider the Mayor's Appointments.

CONDOLENCE RESOLUTIONS

The rules were suspended and the following Resolution were adopted by a rising vote.

Res. No. 525-98. Louise Spiro.
Res. No. 526-98. Loulene Elizabeth Yarbrough.

Res. No. 527-98. 'Commander Ray' Herzberger, Jr.

CONGRATULATORY RESOLUTIONS

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

Res. No. 528-98. Agnes (Chaloupka) Haltuch.

Res. No. 529-98. Augustina Douda.

Res. No. 530-98. Roy Kowallek.

Res. No. 531-98. Thomas McLeary.

Res. No. 532-98. Commander Ronald Reynolds.

RECOGNITION RESOLUTION

The rules were suspended and the following Resolution was adopted without objection.

Res. No. 533-98. Judith W. Young.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 506-98.

By Mayor White.

An emergency ordinance authorizing the Mayor, or his designee, to accept registration fees, enter into contract for the provision of facilities and purchase course supplies and refreshments, in connection with Phase I and II of the James H. Walker Construction Management Training Course to be conducted by the Minority Business Development Center, Office of Equal Opportunity.

Whereas, the Office of Equal Opportunity is required, pursuant to Section 123.08 of the Codified Ordinances of Cleveland, Ohio, 1976, and the MBE/FBE Code contained in Chapter 187 thereof, to hold periodic training seminars to assist minority and female business firms; and

Whereas, from April 14, 1998 through June 18, 1998, the Office of Equal Opportunity through the Minority Business Development Center, will be sponsoring Phase I of the James H. Walker Construction Management Training Course, and will be sponsoring Phase II of the course from September 15, 1998 through October 27, 1998; and

Whereas, the Council of the City of Cleveland has determined that collection of fees and provision of facilities, course supplies, refreshments and a graduation dinner in connection with said training courses constitute a public purpose; 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 Mayor, or his designee, is hereby authorized to accept a registration fee of Two Hundred Dollars (\$200.00) from

every registrant attending Phase I of the James H. Walker Construction Management Training Course, being held April 14, 1998 through June 18, 1998, the Office of Equal Opportunity through the Minority Business Development Center; and will be accepting a registration fee of Two Hundred Dollars (\$200.00) for every registrant attending Phase II of the James H. Walker Construction Management Training Course beginning September 15, 1998 through October 27, 1998; to enter into contract with Case Western Reserve University for seminar facilities for both phases; and to purchase course supplies, refreshments and food required for the both phases of training courses and graduation dinners. Such facilities, services and food shall be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Minority Business Development Center, Office of Equal Opportunity, using fees collected for registration of both phases, and paid from Fund No. 13 SF 057, Request No. 23753.

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 Office of Equal Opportunity, Finance, Law; Committee on Finance.

Ord. No. 507-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of unarmed uniformed security guards, for the various divisions of City government, for a period not to exceed two years.

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

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

Section 1. That the Director of Finance is hereby authorized and directed 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 (2) years for the necessary items of unarmed uniformed security guard services in the estimated sum of \$400,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent

purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22993)

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

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 508-98.

By Councilmen Patmon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to establish an outdoor residential lighting program, and authorizing the purchase of equipment, labor and materials, and services necessary to implement the program, for the Division of Cleveland Public Power, Department of Public Utilities.

Whereas, the provision of affordable outdoor residential lighting by Cleveland Public Power will promote the safety and security of the City's residents, and enhance the aesthetics of the City's neighborhoods; and

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to establish the Decorative/Safety Lighting Program ("the Lighting Program"), the purpose of which shall be to provide reliable, affordable outdoor residential lighting to the citizens of the City. The Lighting Program shall be administered by Cleveland Public Power, which is hereby authorized to sell the outdoor lighting equipment directly to City residents and/or to arrange for the sale of such lighting equipment to the residents by a contractor, as provided in sections 2 and 3 of this ordinance, respectively.

Section 2. That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements of the Lighting Program for the period of two years for the following items: outdoor residential lighting equipment, installation, maintenance, mailing, printing, billing, customer service, advertising and promotional services, 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 a manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed advisable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

Section 3. That the Director of Public Utilities is hereby authorized and directed to make a written contract in accordance with the Charter and Codified Ordinances of Cleveland, Ohio, 1976, with a contractor who shall, by contracts directly with the residents of the City containing reasonable terms and conditions approved by the City, offer to sell, install, and maintain outdoor lighting equipment meeting the specifications of the Lighting Program, and pay the City a promotional fee of five percent of gross revenue, in exchange for the right to place materials promoting the Lighting Program in the bills of City-owned utilities. Said contract shall be awarded to the lowest and best bidder, which shall be determined based on the installed unit cost to residents quoted by the bidders for the estimated quantities contained in the specifications. The term of said contract shall not exceed two years.

Section 4. That the rates and charges for outdoor lighting sold by Cleveland Public Power shall be as set forth in Section 523.061 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 5. That the cost of contracts authorized by section 2 of this ordinance shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, 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 20486)

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

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

Ord. No. 509-98.

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

An emergency ordinance determining the method of making the public improvement of replacing the storm water sewers on East 123rd Street, and authorizing the Director of Water Pollution Control to enter into contract for the making of such improvement; and to repeal Ordinance No. 1273-91, passed August 21, 1991.

Whereas, this ordinance constitutes an emergency measure providing for 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 replacing the storm water sewers on East 123rd Street, for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Utilities is hereby authorized and directed to enter into contract

for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23023.

Section 4. That Ordinance No. 1273-91, passed August 21, 1991, is hereby repealed.

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

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

Ord. No. 510-98.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 523.061 thereof, relating to rates, rules and regulations for outdoor residential lighting provided by the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the rates, rules and regulations relating to the operation of the Division of Cleveland Public Power, Department of Public Utilities, for outdoor residential lighting, fixed by Board of Control Resolution No. _____, adopted on _____, be and the same are hereby approved.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 523.061 thereof to read as follows:

Section 523.061 Charge for Outdoor Residential Lighting

The charge for outdoor residential lighting equipment provided by Cleveland Public Power shall be established in accordance with the cost of service as computed by the division. The division may allow a customer to pay such charges under a payment plan through installments included in the customer's bill, provided such customer has a good account history, as determined by the division.

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, Legislation, Finance.

Ord. No. 511-98.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a thirteenth amendment to Lease Agreement No. 35620 to extend the term of the existing Lease Agreement for the rental of Broadway YMCA facilities at 11300 Miles Avenue.

Whereas, pursuant to Ordinance No. 1759-85, passed June 24, 1985, the Director of Parks, Recreation and Properties entered into Lease Agreement No. 35620 with the Young Men's Christian Association for the rental of the Broadway YMCA facilities located at 11300 Miles Avenue for the purpose of providing recreational facilities and activities for the City's youth; and

Whereas, pursuant to Ordinance No. 1165-86, passed June 16, 1986, Ordinance No. 1255-87, passed June 8, 1987, Ordinance No. 1052-88, passed June 6, 1988, Ordinance No. 1037-89, passed September 11, 1989, Ordinance No. 1112-90, passed June 18, 1990, Ordinance No. 1368-91, passed June 17, 1991, Ordinance No. 1657-92, passed November 9, 1992, Ordinance No. 1309-93, passed June 14, 1993, Ordinance No. 373-94, passed April 18, 1994, Ordinance No. 260-95, passed March 27, 1995, Ordinance No. 490-96, passed May 6, 1996, and 813-97, passed June 7, 1997, the term of said agreement was extended for respective one-year periods; and

Whereas, the City wishes to further extend said agreement until December 31, 1998, for an additional fee of \$55,000.00; and

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into a thirteenth amendment to Lease Agreement No. 35620 with the Young Men's Christian Association ("YMCA") for the continued rental of the Broadway YMCA facilities located at 11300 Miles Avenue, Cleveland, Ohio 44105 for the purpose of providing recreational facilities and activities for the City's youth.

Section 2. That said thirteenth amendment shall extend the term of the agreement for one year to December 31, 1998, and shall increase the rent due under the Lease Agreement by \$55,000, for a total rental for the term, as extended, of \$730,000. Said extension shall be paid from Fund No. 01-70-04-0380, Request No. 21421.

Section 3. That said thirteenth amendment shall be prepared and approved by the Director of Law and shall contain such provisions as the Director of Law shall deem necessary to protect the public interest.

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

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

Ord. No. 512-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of signs and banners for the West Side Market, including installation if necessary, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized and directed 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: signs and banners for the West Side Market, including installation if necessary, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 20 SF 191, Request No. 20566.

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

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

Ord. No. 513-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of swimming pool chemicals, for the Division of Recreation, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized and directed 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 swimming pool chemicals in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases

and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21124)

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

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

Ord. No. 514-98.
By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to enter into contract with the Cleveland Municipal Football Association to conduct a City-wide football program.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized and directed to enter into contract with the Cleveland Municipal Football Association to conduct a City-wide football program, in an amount not to exceed \$43,000, payable from Fund No. 01-70-04-0380, Request No. 21429.

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. 515-98.
By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a contract with the National Junior Tennis League of Cleveland to provide a summer tennis program.

Whereas, the City does not provide a summer recreational centers, but desires to support such a program; and

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into a

contract during June through August, 1998 with the National Junior Tennis League of Cleveland to provide youth tennis services.

Section 2. That the cost of such contract, not to exceed \$25,000, shall be paid from Fund No. 01-70-04-0380, Request No. 21422.

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

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

Ord. No. 516-98.
By Councilmen Cintron, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Bulkey Holdings Incorporated to provide economic development assistance to partially finance the acquisition and renovation of real estate located at 4204 Detroit Avenue, Cleveland, Ohio 44102.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Bulkey Holdings Incorporated to provide economic development assistance to partially finance the acquisition and renovation of real estate located at 4204 Detroit Avenue, Cleveland, Ohio, 44102.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 516-98-A.

Section 3. That the costs of said contract shall not exceed Seventy Thousand Dollars (\$70,000), and shall be paid from Fund No. 17 SF 008, Request No. 24271.

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

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

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

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

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

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

Ord. No. 517-98.
By Councilmen Melena, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Carotech, Inc. to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to assist T.H. Martin Duct Systems, Inc. to relocate and expand its operation to Walworth Run Industrial Park located in the Cleveland Area Enterprise Zone.

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

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

Whereas, Carotech, Inc. (the "Enterprise") has proposed to assist T.H. Martin Duct Systems, Inc. to relocate and expand its operation to Walworth Run Industrial Park in the City of Cleveland; and

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

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

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

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

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with Carotech, Inc. to provide for a ten (10) year abate-

ment for certain tangible personal property and real estate taxes as an incentive to assist T.H. Martin Duct Systems, Inc. to relocate and expand its operation to Walworth Run Industrial Park in Cleveland Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 517-98-A.

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

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

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

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

Ord. No. 518-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Laird Wynn to provide economic development assistance to partially finance the acquisition and renovation of real estate located at 7806 Union Avenue, Cleveland, Ohio 44105.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Laird Wynn to provide economic development assistance to partially finance the acquisition and renovation of real estate located at 7806 Union Avenue, Cleveland, Ohio, 44105.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 518-98-A.

Section 3. That the costs of said contract shall not exceed Twenty Three Thousand Two Hundred Dollars (\$23,200), and shall be paid from Fund No. 17 SF 008, Request No. 24272.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any securi-

ty instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

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

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

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

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

Ord. No. 519-98.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for development of a corporate office park north of Interstate 480 and west of Grayton Road for the Department of Economic Development; and authorizing the Commissioner of Purchases and Supplies to convey said property to Emerald Research Park, Ltd.

Whereas, the Director of Economic Development has requested the purchase of property, which is located north of Interstate 480 and north of Grayton Road, for development of a corporate office park; and

Whereas, the Director of Economic Development has requested the sale of said property to Emerald Research Park, Ltd. for the public purpose of developing said property; and

Whereas, Emerald Research Park, Ltd. has submitted a proposal which the Director of Economic Development has determined to be a satisfactory means of achieving development of said property; and

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

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

Section 1. That notwithstanding and as an exception to the provision of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of developing a corporate office park:

P.P.N.: 029-02-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of

Original Rockport Township Section 4 and bounded and described as follows:

Beginning on the centerline of Hillside Road, a private road, (20 feet wide) distant North 82° 37' 06" East measured along said centerline 30.37 feet from a stone monument at its intersection with the Westerly line of land conveyed to Katy Leoblein by deed dated February 27, 1913 and recorded in Volume 1444, Page 376 of Cuyahoga County Deed Records;

Thence North 1° 35' 36" East and parallel with the Westerly line of land conveyed to said Katy Leoblein 300 feet to a point;

Thence North 82° 37' 06" East 101.24 feet to a point;

Thence South 1° 35' 36" West and parallel with the Westerly line of land so conveyed to said Katy Leoblein 295.13 feet to a point on the centerline of Hillside Road;

Thence South 70° 29' 06" West along the said centerline 22.87 feet to an angle point;

Thence South 82° 37' 06" West continuing along the centerline of Hillside Road 79.63 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 029-05-005
Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original Rockport Township Section No. 4 and more fully described as follows:

Beginning at the Northeastly corner of land conveyed to the Horvitz Company by Dorothy Hutchinson, by deed dated May 19, 1964 and recorded in Volume 11140, Page 397, Cuyahoga County Records, said point being on the centerline of Hillside Road, 20 feet wide, proposed;

Thence Easterly along the Southerly line of land so conveyed to the Horvitz Company as aforesaid, South 84° 12' 40" East, 43.61 feet to an angle point in the Westerly line of land conveyed to Dorothy Hutchinson by deed dated October 22, 1954 and recorded in Volume 8213, Page 281, Cuyahoga County Deed Records;

Thence along the Westerly line of land so conveyed South 01° 28' 16" West, 63.96 feet to a point at the Northeastly corner of land conveyed to Dorothy Hutchinson by deed dated May 19, 1964 and recorded in Volume 11140, Page 399, Cuyahoga County Deed Records;

Thence Westerly along the Northerly line of land so conveyed, South 89° 39' 51" West, 20.06 feet to the Northwestly corner thereof;

Thence Southerly along the Westerly line of land so conveyed, South 01° 28' 16" West, 216.28 feet to a point;

Thence along the edge of the ravine the following courses and distances:

South 56° 30' 55" West, 42.78 feet;
South 52° 05' 18" West, 27.99 feet;
South 81° 56' 53" West, 18.00 feet;
South 55° 43' 56" West, 30.48 feet;
North 65° 34' 00" West, 23.72 feet;
North 64° 07' 43" West, 26.38 feet;
North 70° 04' 16" West, 30.93 feet;
North 83° 58' 29" West, 20.78 feet;
to a tree imbedded with wire at the North edge of a ravine;

Thence Northeastly North 30° 00' 50" East, 261.34 feet to a point;

Thence North 04° 30' 10" East, 80.69 feet to the centerline of Hillside Road, 20 feet wide, proposed;

Thence Easterly along said centerline of Hillside Road, proposed, North 84° 09' 11" East, 42.88 feet to the place of beginning, according to a survey by John E. Dailey, Registered Surveyor No. 5151, be the same more or less, but subject to all legal highways.

Easterly Part of Permanent

Parcel No. 029-05-003

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 4 and bounded and described as follows:

Beginning on the Northerly line of land conveyed to Dorothy Hutchinson by deed dated October 22, 1954 and recorded in Volume 8213, Page 281 of Cuyahoga County Records, at a point distant 84.92 feet Westerly measured along said Northerly line from the Northeasterly corner thereof;

Thence South 83° 17' 15" West, along the Northerly line of land so conveyed to Dorothy Hutchinson, which is also along the centerline of Hillside Road, a private road, (20 feet wide), 102.62 feet to the Easterly line of land conveyed to The Horvitz Company by deed dated May 5, 1964 and recorded in Volume 11140, Page 397 of Cuyahoga County Records;

Thence South 00° 16' 40" West along the Easterly boundary line of land so conveyed to The Horvitz Company and along the Westerly boundary line of land so conveyed to Dorothy Hutchinson, as aforesaid, 630.19 feet to the Northerly line of land conveyed to Albert Dunham by deed dated March 11, 1871 and recorded in Volume 188, Page 486a of Cuyahoga County Records;

Thence North 89° 44' 18" East along the Northerly line of land so conveyed to Albert Dunham, 103.07 feet to its intersection with a line drawn Southerly and parallel with the Westerly line of land conveyed to Crown Construction Corporation by deed dated June 30, 1954 and recorded in Volume 8066, Page 532 of Cuyahoga County Records from the place of beginning;

Thence North 00° 10' 12" East along said parallel line, 641.71 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Westerly Part of Permanent

Parcel No. 029-05-003

Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 4, and bounded and described as follows:

Beginning on the Northerly line of Sublot No. 43 in Alex Fodor Realty Company's-Unis Subdivision, as shown by the recorded plat in Volume 174 of Maps, Page 18 of Cuyahoga County Records at the Southwesterly corner of land conveyed to Dorothy Hutchinson by deed dated October 22, 1954 and recorded in Volume 8213, Page 281 of Cuyahoga County Records;

Thence North 00° 16' 40" East along the Westerly line of land so conveyed to Dorothy Hutchinson, 555.74 feet to a point which is distant 63.96 feet Southerly measured along said Westerly line from an angle therein;

Thence North 89° 43' 20" West at right angles to the Westerly line of land so conveyed to Dorothy Hutchinson, 20.00 feet to a point;

Thence South 00° 16' 40" West and parallel with the Westerly line of land so conveyed to Dorothy Hutchinson, 555.93 feet to the Northerly line of said Sublot No. 43;

Thence North 89° 44' 18" East along the Northerly line of said Sublot No. 43, 20.00 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

Section 3. That all costs of acquisition of land shall be paid from Fund No. 17 SF 652, Request No. 24270.

Section 4. That notwithstanding and as an exception to the provisions of Title V of the Community Development Code in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Economic Development may enter into and execute a project agreement for an on behalf of the City of Cleveland with Emerald Research Park, Ltd. for the acquisition, disposition and private development for the property which is described in Section 1.

Section 5. That this Council finds that the conveyance to Emerald Research Park, Ltd. constitutes a public use of said property for the purposes of redevelopment.

Section 6. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the described property in Section 1 to the Emerald Research Park, Ltd., at a price not less than fair market value of the property taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed or deeds of conveyances.

Section 7. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such necessary provisions (including such restrictive reversionary interests as may be specified by the Board of Control or Director of Law) which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 467-A-98 (as substitute for Ordinance No. 467-98.

By Councilman Johnson (by departmental request).

An emergency ordinance to authorize the Director of Finance to obtain a substitute credit enhancement or liquidity facility for the City's Subordinated Income Tax Variable Rate Refundable Bonds, Series 1994, to authorize agreements in connection therewith, and to authorize amendments to the Indenture of Trust in connection therewith and to permit the conversion of the Bonds to a tax-exempt interest rate mode.

Whereas, pursuant to Ordinance No. 367-94 passed on March 14, 1994 (the Bond Legislation), the City of Cleveland, Ohio (the Issuer) issued its Subordinated Income Tax Variable Rate Refunding Bonds, Series 1994, dated June 2, 1994 (the Bonds) which are currently outstanding in the aggregate principal amount of \$72,800,000; and

Whereas, pursuant to the Bond Legislation and the Certificate of Award authorized therein, the Bonds were issued initially as variable rate obligations bearing interest at a Unit Pricing Rate, all as set forth and provided in the Indenture of Trust dated as of May 15, 1994 (the Indenture) between the Issuer and Star Bank, National Association, as trustee, a copy of which is on file with the Clerk of Council in File No. 467-A-98-A.

Whereas, pursuant to the Bond Legislation, the Director of Finance obtained a credit facility from Union Bank of Switzerland, New York Branch and Credit Suisse, New York Branch to enhance the credit and liquidity of the Bonds and, in connection therewith, entered into a letter of credit and reimbursement agreement; and

Whereas, the credit facility has a stated expiration date which precedes the final maturity of the Bonds, and it is therefore necessary to extend or replace the credit facility in order to continue to provide the necessary liquidity and credit enhancement of the Bonds; and

Whereas, the Indenture permits the Issuer to replace an existing credit or liquidity facility with a substitute credit facility upon the satisfaction of certain conditions; and

Whereas, a substitute credit or liquidity facility may be obtained on more favorable terms than the existing credit or liquidity facility; and

Whereas, it was anticipated at the time of passage of the Bond Legislation that, upon the resolution of certain federal income tax issues raised in litigation to which the City is not a party, an opinion of bond counsel could be obtained to the effect that the interest on the Bonds is excluded from gross income for federal income tax purposes, and it appears that those issues may be resolved in the near future; and

Whereas, in order to obtain the aforesaid opinion of bond counsel and for the Bonds to be marketable as tax-exempt obligations it may be necessary to amend certain provisions of the Indenture; and

Whereas, it is necessary to authorize the Director of Finance to obtain a substitute credit facility as soon as possible in order to provide for the delivery of such substitute

credit facility not less than five business days prior to the expiration date of the current credit facility and further to provide for the conversion of the Bonds to a tax-exempt interest rate mode at the earliest opportunity, and thereby to enable the Issuer to achieve the desired debt service savings on the Bonds, and, as a result, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health and safety and for the usual and daily operation of a municipal department;

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

Section 1. Substitute Credit or Liquidity Facilities.

If the Director of Finance, based upon the written advice and recommendation of the Issuer's financial advisor, determines that it is in the best interest of the Issuer to obtain a substitute credit and/or liquidity facility for the Bonds, then the Director of Finance is authorized to obtain a substitute credit enhancement and/or liquidity facility for the Bonds in accordance with such recommendation and to execute, deliver and perform any items or agreements in connection therewith, after the same shall have been approved as to form and correctness by the Director of Law, which agreements may provide for the payment of the fees and expenses related to obtaining such substitute credit and/or liquidity facility and the reimbursement of the provider thereof for amounts drawn thereunder from the Pledged Revenues, as defined in the Bond Legislation, and the Director of Finance is authorized to have prepared, and the Mayor and the Director of Finance are authorized to sign and deliver, such amendments to the Indenture as may be necessary to accommodate the requirements of the provider of any such substitute credit and/or liquidity facility, after the same shall have been approved as to form and correctness by the Director of Law, provided that no such agreement or amendment may purport to entitle the credit or liquidity facility provider to payment or reimbursement from any source other than the Pledged Revenues, and provided further that, notwithstanding any provision to the contrary contained in the Bond Legislation, no such agreement or amendment shall entitle the provider of any such credit or liquidity facility to be paid interest at a rate higher than the maximum rate on the Bonds permitted under the Bond Legislation or to have the principal amount of any Bonds for which such credit or liquidity facility provider has made payment retired more rapidly than would be called for by the Indenture, the provisions of which Indenture are hereby ratified and approved. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and such other officers of the Issuer as may be appropriate are authorized and directed to furnish, execute and deliver such documents, certifications and instruments as may be necessary or appropriate to consummate the transactions contemplated in such agreements and amendments.

Section 2. Conversion to Tax-Exempt Interest Rate Mode.

The Director of Finance is authorized to have prepared such amendments to the Indenture as are nec-

essary or appropriate to provide for the conversion of the Bonds to a tax-exempt interest mode upon receipt of an opinion of nationally recognized bond counsel to the effect that interest on the Bonds is excluded from gross income for federal income tax purposes, and as are not materially adverse to the interests of the City. Those amendments shall specify, among other matters, the method and procedure by which the tax-exempt rate or rates of interest on the Bonds shall be determined, including variable rates, if the Director of Finance determines, based upon the advice of the financial advisor of the Issuer, that the Issuer's best interests will be served by causing the Bonds to bear interest at a variable rate. Those amendments may also provide for revised redemption provisions and a revised Principal Retirement Schedule to be effective upon such conversion if the Director of Finance determines, based upon the advice of the financial advisor of the Issuer, that those revised redemption provisions and Principal Retirement Schedule are to the financial advantage of and in the best interests of the City, provided that the final maturity date of the Bonds shall not be later than the final maturity date provided in the Bond Legislation. The Mayor and the Director of Finance are authorized to sign and deliver such amendments to the Indenture after the same shall have been approved as to form and correctness by the Director of Law. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and such other officers of the Issuer as may be appropriate are authorized and directed to furnish, execute and deliver such documents, certifications and instruments as may from time to time be necessary or appropriate to consummate the transactions contemplated in such amendments.

Section 3. Tax Covenants.

Upon the occurrence of the conversion of the Bonds to a tax-exempt interest mode, the Issuer covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that the interest on the Bonds will be excluded from gross income for federal income tax purposes.

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

The Director of Finance, or any other officer of the Issuer having responsibility for issuance of the Bonds, is hereby authorized (a) to

make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the Issuer with respect to the Bonds as the Issuer is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the Issuer, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the Issuer setting forth the reasonable expectations of the Issuer regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

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

Section 4. Open Meeting Determination.

It is found and determined that all formal actions of this Council concerning and relating to the passage 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 law.

Section 5. Recitals.

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

Section 6. Emergency Measure.

For the reasons set forth in the preamble hereto, which are made a part hereof, this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Without objection, substitute Ordinance agreed to. Ordinance No. 467-98 laid on the table.

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. 520-98.**By Councilman Patmon.**

An emergency ordinance consenting and approving the issuance of a permit for the Prayer Vigil on April 5, 1998, sponsored by Pilgrim Church of Christ.

Whereas, this ordinance constitutes an emergency measure providing for 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 Prayer Vigil, sponsored by Pilgrim Church of Christ, on April 5, 1998, at which time the congregation from churches in the Glenville Community will step from their particular places of worship to form a chain from East 105th and St. Clair Avenue to East 105th and Grantwood, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinance 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. 524-98.**By Councilman Cimperman.**

An emergency ordinance to amend Section 1 of Ordinance No. 372-98, passed March 2, 1998, relating the issuance of a permit for the Cleveland Indians Run sponsored by the 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 Section 1 of Ordinance No. 372-98, passed by the

Council of the City of Cleveland on March 2, 1998, is hereby amended to read as follows:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of the City of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cleveland Indians Run, sponsored by Hermes Race Systems, on April 5, 1998, starting on Ontario heading southerly to Hope Memorial Bridge to W. 25th Street to Veterans Memorial Bridge to Huron to Ontario to finish in front of Jacobs Field Plaza, 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 existing Section 1 of Ordinance No. 372-98, passed March 2, 1998, is hereby repealed.

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

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. 521-98.**By Councilman Moran.**

An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit to 4519 Bush Ave., and repealing Res. No. 1532-97, objecting to said renewal.

Whereas, this Council objected to the renewal of a C1 Liquor Permit to 4519 Bush Ave., by Res. No. 1532-97, adopted August 13, 1997; 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 C1 Liquor Permit to 4519 Bush Ave., 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. 522-98.**By Councilman Lewis.**

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 9200 Wade Park Avenue, and repealing Res. No. 908-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 9200 Wade Park Avenue, by Res. No. 908-97, adopted May 19, 1997; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 9200 Wade Park Avenue, be and the same is hereby withdrawn, pursuant to the terms of the cooperation agreement executed between the permit holder and Councilman Lewis, and Res. No. 908-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

Res. No. 523-98.**By Councilman Polensek.**

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 17318 Lakeshore Blvd., and repealing Res. No. 179-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 17318 Lakeshore Blvd., by Res. No. 179-97, adopted February 3, 1997; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 17318 Lakeshore Blvd., be and the same is hereby withdrawn, pursuant to the terms of the cooperation agreement executed between the permit holder and Councilman Polensek, and Res. No. 179-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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

SECOND READING EMERGENCY ORDINANCES

Ord. No. 146-98.

By Councilman Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to AT&T Communications of Ohio, Inc. to encroach into the public right-of-way at East 7th Street and Huron Road with a Man-hole which will provide fiber-optic access to AT&T Equipment by outside vendors.

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

Ord. No. 156-98.

By Councilman Cimperman.

An emergency ordinance to vacate a portion of East 36th Place hereinafter described.

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

Ord. No. 290-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of commercial gases, for the various divisions of City government, for a period not to exceed two years.

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

Ord. No. 422-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the payment of membership dues of the City of Cleveland in various professional organizations for the years 1998 and 1999.

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

SECOND READING EMERGENCY ORDINANCE PASSED

Ord. No. 423-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of one high performance production printer, for the Division of Printing and Reproduction, Department of Finance.

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

1. In the title, line 3, strike "purchase by contract" and insert in lieu thereof the following: "Director of Finance to enter into contract for the lease or rental".

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

"Section 1. That the Director of Finance is authorized and directed to make a written contract with the lowest and best bidder upon a unit

basis, in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the lease or rental for a term not to exceed five years of one (1) high performance production printer with minimum production of 135 ppm for 8 1/2" x 11" paper and 58 ppm for 11" x 17" paper, to be procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Printing, Department of Finance."

Amendments 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.

SECOND READING EMERGENCY RESOLUTION

Res. No. 87-98.

By Councilman Britt (by departmental request).

An emergency resolution declaring the intention to vacate a portion of East 84th Place.

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

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 195-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Mayor to apply for, and the Director of Community Development to accept, a XXIV year grant pursuant to Title I of the Housing and Community Development Act of 1974; and authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development for the 1998 Federal HOME Grant Program, and 1998 Emergency Shelter Program, and the Housing Opportunities for Persons with AIDS Program.

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

Ord. No. 286-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of lumber, for the various divisions of City government, for a period not to exceed two years.

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

Ord. No. 287-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with the Legal Aid Society of Cleveland 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.

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

Ord. No. 288-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of office supplies, for the various divisions of City government, for a period of one year, with one option to renew for one additional year.

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

Ord. No. 289-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to pay the cost of extraction of 1996 Ohio income tax master file data.

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

Ord. No. 291-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of standard wire, for the various divisions of City government, for a period not to exceed two years.

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

Ord. No. 292-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of typewriter maintenance and repair, for the various divisions of City government, for a period not to exceed two years.

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

Ord. No. 293-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of pole painting, for the various divisions of City government, for a period not to exceed two years.

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

LAI D ON THE TABLE

Ord. No. 315-95.

By Councilmen Lewis, Pianka, Rybka, and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8120, 8116, 8112 and 8108 Sowinski Avenue to Hough Area Partners in Progress.

Ord. No. 316-95.

By Councilmen Lewis, Pianka, Rybka, and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7508 Superior Avenue, rear of 7508 Superior Avenue, 7502 Superior Avenue, rear of 7502 Superior Avenue, 7510 Superior Avenue, 7516 Superior Avenue, 1320 East 76 Place, 1316 East 76 Place, 1314 East 76 Place, 1311 East 76 Place, 1317 East 76 Place, 1321 East 76 Place to Hough Areas Partners in Progress.

Without objection, Ordinance No. 315-95 and Ordinance No. 316-95 were tabled, pursuant to the Rules of Council.

MOTION

By Councilman Coats, seconded by Councilman Polensek and unanimously carried that the absence of Councilman Robert White and Councilman Craig E. Willis be and is hereby authorized.

The Council adjourned at 8:05 p.m. to meet on Monday, March 30, 1998 at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

ORDINANCES

Ord. No. 194-98.

By Councilman Johnson (by departmental request).

An emergency ordinance to make appropriations for the current expenses and other expenditures of the City of Cleveland for the year 1998.

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

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

Section 1. That to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 1998, the following sums be and they are hereby appropriated viz:

The sum of Four hundred eleven million six hundred thirty four thousand four hundred fifty five dollars (\$411,634,455) from the General Fund;

The sum of **Fifty three million four hundred sixteen thousand eight hundred thirty one dollars (\$53,416,831)** from the Special Revenue Funds;

The sum of Twenty three million four hundred three thousand four hundred seventy two dollars (\$23,403,472) from the Internal Service Funds;

The sum of Four hundred forty one million seven hundred thirteen thousand four hundred eighty three dollars (\$441,713,483) from the Enterprise Funds;

The sum of Six million four hundred sixty two thousand three hundred seventy four dollars (\$6,462,374) from the Trust and Agency Funds;

The sum of Forty two million nine hundred thirty six thousand six hundred ninety nine dollars (\$42,936,699) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified as File No. 194-98-A in the aggregate amount for each department as follows:

APPROPRIATION FOR THE YEAR 1998

GENERAL FUND

Legislative Branch		\$4,134,046
Municipal Court		21,657,163
Executive Branch		
Office of the Mayor		1,536,065
Department of Public Safety		240,770,246
Community Relations Board		904,861
Department of Public Service		31,777,390
Department of Parks, Recreation & Properties		35,523,790
Boxing & Wrestling Commission		8,242
Urban Planning & Development		10,160,980
Department of Public Health		10,871,050
Department of Aging		276,133
Support Functions		29,290,011
Transfers to Other Funds		24,724,478
TOTAL EXECUTIVE BRANCH		\$385,893,246
TOTAL GENERAL FUND		\$411,634,455
Special Revenue Funds		\$53,416,831
Internal Service Funds		23,403,472
Enterprise Funds		441,713,483
Trust and Agency Funds		6,462,374
Debt Service Funds		42,936,699
TOTAL APPROPRIATIONS FOR 1998		\$979,567,314

GENERAL GOVERNMENT

LEGISLATIVE BRANCH

Council and Clerk of Council		\$4,134,046
I. Personnel and Related Expenses	\$2,791,219	
II. Other Expenses	1,342,827	
TOTAL LEGISLATIVE BRANCH	\$4,134,046	\$4,134,046

MUNICIPAL COURT

Municipal Court - Judicial Division		\$12,730,744
I. Personnel and Related Expenses	\$11,156,356	
II. Other Expenses	1,574,388	
Municipal Court - Housing Division		\$1,744,170
I. Personnel and Related Expenses	\$1,660,300	
II. Other Expenses	83,870	

Municipal Court - Clerk's Division		\$7,182,249
I. Personnel and Related Expenses	\$ 5,260,921	
II. Other Expenses	1,921,328	
TOTAL MUNICIPAL COURT	\$21,657,163	\$21,657,163
EXECUTIVE BRANCH		
Office of the Mayor		\$1,536,065
I. Personnel and Related Expenses	\$1,260,706	
II. Other Expenses	275,359	
TOTAL EXECUTIVE BRANCH	\$1,536,065	\$1,536,065
DEPARTMENT OF PUBLIC SAFETY		
Public Safety Administration		\$9,943,484
I. Personnel and Related Expenses	\$9,126,267	
II. Other Expenses	817,217	
Division of Police		\$145,974,571
I. Personnel and Related Expenses	\$134,830,901	
II. Other Expenses	11,143,670	
Division of Fire		\$65,820,884
I. Personnel and Related Expenses	\$63,220,859	
II. Other Expenses	2,600,025	
Division of Emergency Medical Services		\$14,933,960
I. Personnel and Related Expenses	\$13,815,383	
II. Other Expenses	1,118,577	
Division of Traffic Engineering		\$3,404,931
I. Personnel and Related Expenses	\$2,637,987	
II. Other Expenses	766,944	
Division of Dog Pound		\$692,416
I. Personnel and Related Expenses	\$550,982	
II. Other Expenses	141,434	
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$240,770,246	\$240,770,246
COMMUNITY RELATIONS BOARD		
Community Relations Board		\$904,861
I. Personnel and Related Expenses	\$799,940	
II. Other Expenses	104,921	
TOTAL COMMUNITY RELATIONS BOARD	\$904,861	\$904,861
DEPARTMENT OF PUBLIC SERVICE		
Public Service Administration		\$334,035
I. Personnel and Related Expenses	\$315,799	
II. Other Expenses	18,236	
Division of Architecture		\$557,287
I. Personnel and Related Expenses	\$521,073	
II. Other Expenses	36,214	
Division of Waste Collection and Disposal		\$26,259,041
I. Personnel and Related Expenses	\$14,702,668	
II. Other Expenses	11,556,373	
Division of Engineering and Construction		\$4,627,027
I. Personnel and Related Expenses	\$4,158,673	
II. Other Expenses	468,354	
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$31,777,390	\$31,777,390
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Parks, Recreation, and Properties Administration		\$764,323
I. Personnel and Related Expenses	\$578,415	
II. Other Expenses	185,908	

Division of Research, Planning, and Development		\$673,683
I. Personnel and Related Expenses	\$595,450	
II. Other Expenses	78,233	
Division of Recreation		\$10,006,278
I. Personnel and Related Expenses	\$7,183,414	
II. Other Expenses	2,822,864	
Division of Parking Facilities-On Street		\$881,054
I. Personnel and Related Expenses	\$838,790	
II. Other Expenses	42,264	
Division of Property Management		\$10,851,094
I. Personnel and Related Expenses	\$8,307,581	
II. Other Expenses	2,543,513	
Division of Park Maintenance and Properties		\$12,347,358
I. Personnel and Related Expenses	\$8,370,513	
II. Other Expenses	3,976,845	
TOTAL PARKS, RECREATION, AND PROPERTIES	\$35,523,790	\$35,523,790

BOXING AND WRESTLING COMMISSION

Boxing and Wrestling Commission		\$8,242
I. Personnel and Related Expenses	\$8,242	
II. Other Expenses	0	
TOTAL BOXING AND WRESTLING COMMISSION	\$8,242	\$8,242

URBAN PLANNING AND DEVELOPMENT

DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Administrative Services		\$85,933
I. Personnel and Related Expenses	\$85,933	
Division of Building and Housing		\$5,859,327
I. Personnel and Related Expenses	\$5,325,905	
II. Other Expenses	533,422	
Director's Office		\$104,740
I. Personnel and Related Expenses	\$104,740	
Division of Neighborhood Development		\$321,767
I. Personnel and Related Expenses	\$129,767	
II. Other Expenses	192,000	
Division of Neighborhood Services		\$69,529
I. Personnel and Related Expenses	\$69,529	
TOTAL COMMUNITY DEVELOPMENT	\$6,441,296	\$6,441,296

REGULATORY BOARDS AND COMMISSIONS

Landmarks Commission		\$90,936
I. Personnel and Related Expenses	\$81,920	
II. Other Expenses	9,016	
Board of Building Standards and Appeals		\$87,624
I. Personnel and Related Expenses	\$74,391	
II. Other Expenses	13,233	
Board of Zoning Appeals		\$246,194
I. Personnel and Related Expenses	\$225,210	
II. Other Expenses	20,984	
Board of Examiners of Plumbers and Electricians		\$89,709
I. Personnel and Related Expenses	\$85,541	
II. Other Expenses	4,168	
Fair Campaign Finance Commission		\$9,519
II. Other Expenses	9,519	
Total Regulatory Boards	\$523,982	\$523,982

DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$1,256,632
I. Personnel and Related Expenses	\$1,164,353	
II. Other Expenses	92,279	
Total Department of Economic Development	\$1,256,632	\$1,256,632
Office of Equal Opportunity		\$624,490
I. Personnel and Related Expenses	\$542,464	
II. Other Expenses	82,026	
City Planning Commission		\$1,255,434
I. Personnel and Related Expenses	1,192,343	
II. Other Expenses	63,091	
Division of Harbors		\$59,146
I. Personnel and Related Expenses	59,146	
II. Other Expenses	0	
TOTAL URBAN PLANNING AND DEVELOPMENT	\$10,160,980	\$10,160,980

DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$257,520
I. Personnel and Related Expenses	\$148,687	
II. Other Expenses	108,833	
Division of Correction		\$5,249,769
I. Personnel and Related Expenses	\$4,256,886	
II. Other Expenses	992,883	
Division of Health		\$3,071,014
I. Personnel and Related Expenses	\$2,405,526	
II. Other Expenses	665,488	
Division of Environment		\$2,292,747
I. Personnel and Related Expenses	\$2,039,348	
II. Other Expenses	253,399	
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$10,871,050	\$10,871,050

DEPARTMENT OF AGING

DEPARTMENT OF AGING		\$276,133
I. Personnel and Related Expenses	\$203,494	
II. Other Expenses	72,639	
TOTAL DEPARTMENT OF AGING	\$276,133	\$276,133

SUPPORT FUNCTIONS

FINANCIAL AND LEGAL ADMINISTRATION

DEPARTMENT OF FINANCE

Finance Administration		\$303,269
I. Personnel and Related Expenses	\$254,710	
II. Other Expenses	48,559	
Division of Accounts		\$1,136,817
I. Personnel and Related Expenses	\$750,404	
II. Other Expenses	386,413	
Division of Assessments and Licenses		\$1,001,796
I. Personnel and Related Expenses	\$846,880	
II. Other Expenses	154,916	
Division of Treasury		\$419,180
I. Personnel and Related Expenses	\$345,987	
II. Other Expenses	73,193	

Division of Purchases and Supplies		\$659,562
I. Personnel and Related Expenses	\$542,817	
II. Other Expenses	116,745	
Bureau of Internal Audit		\$515,588
I. Personnel and Related Expenses	\$182,466	
II. Other Expenses	333,122	
Division of Financial Reporting and Control		\$943,719
I. Personnel and Related Expenses	\$877,222	
II. Other Expenses	66,497	
TOTAL DEPARTMENT OF FINANCE	\$4,979,931	\$4,979,931
Office of Budget & Management-Budget Admin.		\$472,504
I. Personnel and Related Expenses	\$412,319	
II. Other Expenses	60,185	
Department Law		\$7,392,862
I. Personnel and Related Expenses	\$5,046,399	
II. Other Expenses	2,346,463	
TOTAL FINANCE AND LEGAL ADMINISTRATION	\$12,845,297	\$12,845,297
PERSONNEL ADMINISTRATION		
Office of Personnel		\$1,307,975
I. Personnel and Related Expenses	\$951,998	
II. Other Expenses	355,977	
Civil Service Commission		\$1,083,943
I. Personnel and Related Expenses	\$610,229	
II. Other Expenses	473,714	
TOTAL PERSONNEL ADMINISTRATION	\$2,391,918	\$2,391,918
NONDEPARTMENTAL		
County Auditor Deductions		\$906,000
II. Other Expenses	\$906,000	
OTHER ADMINISTRATIVE		\$13,146,796
II. Other Expenses	\$13,146,796	
TOTAL NONDEPARTMENTAL	\$14,052,796	\$14,052,796
TOTAL SUPPORT FUNCTIONS	\$29,290,011	\$29,290,011
TRANSFERS TO OTHER FUNDS		\$24,724,478
II. Other Expenses	\$24,724,478	
TOTAL GENERAL FUND	\$411,634,455	\$411,634,455
SPECIAL REVENUE FUND		
Restricted Income Tax Fund		\$28,688,442
I. Capital	\$16,938,442	
II. Debt Service	11,750,000	
Street Construction, Maintenance & Repair Fund		\$22,728,389
I. Personnel and Related Expenses	\$13,048,389	
II. Other Expenses	9,680,000	
Schools Recreation & Cultural Activities Fund		\$2,000,000
II. Other Expenses	\$2,000,000	
TOTAL SPECIAL REVENUE FUNDS	\$53,416,831	\$53,416,831
INTERNAL SERVICE FUND		
Information Systems Services-Telephone Exchange		\$3,717,850
I. Personnel and Related Expenses	\$313,142	
II. Other Expenses	3,404,708	

Information Systems Services		\$2,619,342
I. Personnel and Related Expenses	\$1,365,704	
II. Other Expenses	1,253,638	
Division of Motor Vehicle Maintenance		\$15,204,870
I. Personnel and Related Expenses	\$4,381,216	
II. Other Expenses	10,823,654	
Division of Printing and Reproduction		\$1,073,837
I. Personnel and Related Expenses	\$541,942	
II. Other Expenses	531,895	
City Storeroom and Central Warehouse		\$787,573
I. Personnel and Related Expenses	\$49,228	
II. Other Expenses	738,345	
TOTAL INTERNAL SERVICE FUNDS	\$23,403,472	\$23,403,472

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$1,040,474
I. Personnel and Related Expenses	\$770,586	
II. Other Expenses	269,888	
Radio		\$1,709,491
I. Personnel and Related Expenses	\$87,795	
II. Other Expenses	1,621,696	
Division of Fiscal Control		\$1,722,900
I. Personnel and Related Expenses	\$1,601,446	
II. Other Expenses	121,454	
Division of Water		\$216,201,000
I. Personnel and Related Expenses	\$62,436,299	
II. Other Expenses	153,764,701	
Division of Water Pollution Control		\$19,803,522
I. Personnel and Related Expenses	\$7,272,063	
II. Other Expenses	12,531,459	
Division of Cleveland Public Power		\$112,991,900
I. Personnel and Related Expenses	\$23,026,017	
II. Other Expenses	89,965,883	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$353,469,287	\$353,469,287

DEPARTMENT OF PORT CONTROL

Divisions of Cleveland Hopkins & Burke Lakefront Airports - Operations		\$68,769,909
I. Personnel and Related Expenses	19,013,553	
II. Other Expenses	\$49,756,356	
Airport Development Fund		\$60,000
II. Other Expenses	60,000	
TOTAL DEPARTMENT OF PORT CONTROL	\$68,829,909	\$68,829,909

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$2,058,079
I. Personnel and Related Expenses	\$1,463,864	
II. Other Expenses	594,215	
Golf Course Fund		\$2,565,857
I. Personnel and Related Expenses	\$918,373	
II. Other Expenses	1,647,484	
Division of Parking Facilities-Off Street Parking		\$6,803,578
I. Personnel and Related Expenses	\$826,738	
II. Other Expenses	5,976,840	

Division of Convention Center & Stadium-Convention Center		\$6,583,398
I. Personnel and Related Expenses	\$1,953,059	
II. Other Expenses	4,630,339	
Division of Convention Center & Stadium-Market		\$1,185,876
I. Personnel and Related Expenses	\$330,558	
II. Other Expenses	855,318	
Division of Property Management - East Side Market		\$217,499
I. Personnel and Related Expenses	\$43,901	
II. Other Expenses	173,598	
TOTAL PARKS, RECREATION, & PROPERTIES	\$19,414,287	\$19,414,287
TOTAL ENTERPRISE FUNDS	\$441,713,483	\$441,713,483
AGENCY FUND		
Central Collection Agency		\$6,462,374
I. Personnel and Related Expenses	\$3,835,997	
II. Other Expenses	2,626,377	
TOTAL AGENCY FUND	\$6,462,374	\$6,462,374
DEBT SERVICE FUND		
Sinking Fund Commission		\$42,036,699
I. Personnel and Related Expenses	\$110,646	
II. Other Expenses	382,309	
III. Debt Service	41,543,744	
Stadium Bond Fund		\$900,000
III. Debt Service	\$900,000	
TOTAL DEBT SERVICE FUNDS	\$42,936,699	\$42,936,699

Section 2. That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate File No. 194-98-A, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in said detail. Any unencumbered balance in an appropriation fund at the close of the year 1997 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 1998 or prior years. The Mayor's Estimate File No. 194-98-A, as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 1998 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. - Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

Section 3. That the Commissioner of Accounts is hereby authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

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

Ord. No. 146-98.
By Councilman Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to AT&T Communications of Ohio, Inc. to encroach into the public right-of-way at East 7th Street and Huron Road with a Man-hole which will provide fiber-optic access to AT&T Equipment by outside vendors.

Ord. No. 156-98.
By Councilman Cimperman.
An emergency ordinance to vacate a portion of East 36th Place hereinafter described.

Ord. No. 290-98.
By Councilman Johnson (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of commercial gases, for the various divisions of City government, for a period not to exceed two years.

Ord. No. 422-98.
By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the payment of membership dues of the City of Cleveland in various professional organizations for the years 1998 and 1999.

RESOLUTION

Res. No. 87-98.
By Councilman Britt (by departmental request).

An emergency resolution declaring the intention to vacate a portion of East 84th Place.

BOARD OF CONTROL

March 18, 1998

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, March 18, 1998, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Absent: Director Nolan.
Others: William A. Moon, Commissioner, Purchases and Supplies, Laura A. Williams, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 172-98.
By Director Carmody.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of February, 1998 in the amount of

\$2,106.53, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

Resolution No. 173-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Cook Paving and Construction Co., Inc. for an estimated quantity of pavement installation and/or repair, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 5th day of February 1998, pursuant to the authority of Ordinance No. 2015-97, passed December 15, 1997 on the basis of the estimated quantity would amount to Thirty Nine Thousand Eight Hundred Twenty-five and no/100 Dollars (\$39,825.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 10729

which shall be certified against such contract in the sum of Two Thousand and no/100 Dollars (\$2,000.00).

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 Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

Resolution No. 174-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Hewlett-Packard Company for the following: inductively coupled plasma spectrometer and accessories for the Division of Water, Department of Public Utilities, received on the 18th day of February, 1998, pursuant to the authority of Section 129.23 of the Codified Ordinance of Cleveland Ohio, 1976 which on the basis of the order quantities would amount to One Hundred Sixty Four Thousand Two Hundred Seventy-Three Dollars (\$164,273.00), is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

Resolution No. 175-98.

By Acting Director Sheffield-McClain.

Resolved by the Board of Control of the City of Cleveland that the bid of State Barricading, Inc. for the following: One (1) Mobile Sign Unit for the various divisions of the Department of Port Control, received on the 5th day of December, 1997, pursuant to the authority of Ordinance No. 1271-97, passed September 22, 1997, which on the basis of the order quantity would amount to \$28,800.00 is hereby approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into contract for such items.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

Resolution No. 176-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Wise International Trucks of Ohio for an estimated quantity of one (1) cab and chassis with flat bed body/boom and additional equipment (item #1) (alternate #1) for various Divisions of City Government, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on February 6, 1998, pursuant to the authority of Ordinance No. 1113-97, passed July 16, 1997, which on the basis of the estimated quantity would amount to approximately One Hundred Ten Thousand Seven Hundred Fourteen and no/100 Dollars (\$110,714.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19481

which shall be certified against such contract in the sum of One Hundred Ten Thousand Seven Hundred Fourteen and no/100 Dollars (\$110,714.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Wise International Trucks of Ohio, for the purchase of one (1) cab and chassis with flat bed body/boom and additional equipment, (item #1), (alternate #1), is hereby approved:

Independent Brokers
MBE — \$700.00/unit

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

Resolution No. 177-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of West Shore Ford New Holland, Inc. for an estimated quantity of one (1) backhoe/loader and additional equipment (all items) (including option two (2)) for various divisions of City Government, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on February 6, 1998, pursuant to the authority of Ordinance No. 1113-97, passed July 16, 1997, which on the basis of the estimated quantity would amount to approximately Fifty Five Thousand Four and no/100 Dollars (\$55,004.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19482

which shall be certified against such contract in the sum of Fifty Five Thousand Four and no/100 Dollars (\$55,004.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by West Shore Ford New Holland, Inc. for the purchase of one (1) backhoe/loader and additional equipment (all items), (including option two (2)), is hereby approved:

Logical Services
MBE — \$1,100.00

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

Resolution No. 178-98.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland, that all bids received on February 25, 1997 for solid waste disposal service and the processing of recycling material (all items) for the Division of Waste Collection and Disposal, Department of Public Service, pursuant to the authority of Ordinance No. 256-97, passed by the Council of the City of Cleveland on May 5, 1997 be and the same are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

Resolution No. 179-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Best Truck Equipment, Inc. for an estimated quantity of various

equipment and accessories to outfit vehicles (items 1, 2, 3, 19 thru 24) for various Divisions of City Government, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on February 20, 1998, pursuant to the authority of Ordinance No. 1113-97, passed July 16, 1997, which on the basis of the estimated quantity would amount to approximately Sixty Two Thousand Two Hundred Twenty Four and no/100 Dollars (\$62,224.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19517 \$12,782.00
19518 \$ 8,919.00

which shall be certified against such contract in the sum of Twenty One Thousand Seven Hundred One and no/100 Dollars (\$21,701.00).

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 Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

Resolution No. 180-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Valley Ford Truck Sales, Inc. for an estimated quantity of various equipment and accessories to outfit vehicles (items 4, 6 and 7) for various Divisions of City Government, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on February 20, 1998, pursuant to the authority of Ordinance No. 1113-97, passed July 16, 1997, which on the basis of the estimated quantity would amount to approximately Five Thousand Nine Hundred Fifty and no/100 Dollars (\$5,950.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19519

which shall be certified against such contract in the sum of Five Thousand Nine Hundred Fifty and no/100 Dollars (\$5,950.00).

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 Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman,

Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

Resolution No. 181-98.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland, that all bids received on February 20, 1998 for various equipment and accessories to outfit vehicles (items 5, 8 thru 18, 25 and 26) for various Divisions of City Government, Department of Public Service, pursuant to the authority of Ordinance No. 1113-97, passed by the Council of the City of Cleveland on July 16, 1997, be and the same are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

Resolution No. 182-98.

By Director Hamilton.

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. 119-14-055 located at 2034 East 82nd Street in Ward 6; 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, East-West Properties, Incorporated, 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 6 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with East-West Properties, Incorporated for the sale and development of Permanent Parcel No. 119-14-055 located at 2034 East 82nd 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 \$1,050.00, 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 Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

Resolution No. 183-98.

By Director Hamilton.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 712-97, passed by the Council of the City of Cleveland on June 9, 1997, Integrity Escrow & Title Agency, Inc. is hereby selected upon the nomination of the Director of Community Development from a list of qualified firms to provide professional title services for the Division of Neighborhood Services for the Department of Community Development.

Be it further resolved, that the Director of Community Development is hereby authorized to enter into a written contract with Integrity Escrow & Title Agency, Inc. for such title services based upon its proposal dated October 9, 1997, which contract shall be prepared by the Director of Law. The fee for such title services shall be an amount not to exceed Fifty Thousand and no/100 dollars (\$50,000).

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

Resolution No. 184-98.

By Director Spellman and Director Nolan.

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to Ordinance No. 2104-97, passed by the Council of the City of Cleveland on February 9, 1998, the firm of Snider-Blake Personnel Service, Inc. is hereby selected upon nomination of the Director of Parks, Recreation, and Properties and the Director of Personnel and Human Resources from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Parks, Recreation and Properties and the Director of Personnel and Human Resources as one of the temporary employment agencies ("Agency") to be employed by contract 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 supply temporary and seasonal personnel for the seasonal programs of the Department of Parks, Recreation and Properties.

Be it further resolved that the Director of Parks, Recreation and Properties and the Director of Personnel and Human Resources hereby are authorized to enter into a written contract with the Agency for a one (1) year term based on its proposal submitted March 9, 1998, which contract shall be prepared by the Director of Law and shall include such additional provisions as deemed necessary to benefit and protect the public interest.

The fees for services to be performed under the contract authorized hereby shall be as stated in the Agency's proposal and shall be as follows, including a charge for drug testing:

Project Clean Workers
\$7.01 an hour

Park Maintenance Aides
\$7.01 an hour

Park Rangers
\$8.28 an hour

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

Resolution No. 185-98.

By Acting Director Sheffield-McClain.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 561-97, passed by the Council of the City on June 2, 1997, APCOA/ETNA is hereby selected upon nomination by the Director of Port Control after full and complete canvass of qualified management firms, to provide for the operation and maintenance of a shuttle bus system for rental car customers between the terminal building at Cleveland Hopkins International Airport and the consolidated rental car facility.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written agreement with APCOA/ETNA, based upon its proposal dated January 27, 1998. The term of the agreement shall be for five years, with an option in the City to renew the term for an additional five years. The management fees and operating expenses for the five year term shall be at a rate determined by the Director of Port Control, but in no event shall the total of management fees and operating expenses for the five year term exceed Fourteen Million, Six Hundred-Ninety Five Thousand One Hundred and Six and no/100 dollars (\$14,695,106). Said agreement shall be prepared by the Director of Law and shall contain such other terms and conditions as said Director deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of B.F. Management Consulting, Inc. by APCOA/ETNA for the management agreement authorized above hereby is approved.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

Resolution No. 186-98.

By Acting Director Sheffield-McClain.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of G. R. Osterland Company for the public improvement of final paving for the Consolidated Car Rental Facility (add alternates 6, 7, and 8) for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on March 6, 1998, pursuant to the authority of Ordinance No. 561-97, passed June 2, 1997, for a gross price for the improvement in the aggregate amount of One Million Six Hundred Ninety-Eight Thousand and no/100 (\$1,698,000.00) Dollars, is

hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by G.R. Osterland Company for the final paving for the Consolidated Rental Car Facility for the Division of Cleveland Hopkins International Airport, Department of Port Control is hereby approved:

**SUBCONTRACTOR
SERVICE & SUPPLIES**

Cook Paving and Construction
(MBE - 30%)

Paving, excavation,
and drainage

Able Contracting Group
(FBE - 10%)

Fence Work
signs

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

Resolution No. 187-98.

By Director Spellman.

Whereas, pursuant to the authority of Ordinance No. 304-96, passed by the Council of the City of Cleveland on March 8, 1996, and Resolution Nos. 408-96 and 27-98, adopted by this Board of Control on June 12, 1996 and January 14, 1998 respectively, the City, through its Director of Parks, Recreation and Properties entered into City Contract No. 49912 and a First Modification thereto with Hellmuth, Obata and Kassabaum Inc. ("Architect") for the professional architectural services necessary for the construction of the new Cleveland Browns NFL Stadium; and

Whereas, the City has determined to modify the scope of work to include the additional professional services necessary for the revision and redesign of certain areas of the project; and

Whereas, Architect has proposed, by Additional Services Proposal numbers 67, 74a, 82a and 83 dated October 31, 1997, January 21, 1998 and January 27, 1998 respectively, to perform the professional services necessary; and

Whereas, the City finds Architect's proposal acceptable and desires to modify City Contract No. 49912 on the basis of the City's and the Architect's additional services proposals; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Parks, Recreation and Properties is hereby authorized to enter into a Second Modification to City Contract No. 49912 with Hellmuth, Obata and Kassabaum, Inc., based upon its Additional Services Proposal Nos. 67, 74a, 82a and 83 dated October 31, 1997, January 21, 1998 and January 27, 1998 respectively, to perform the professional services necessary to revise and redesign certain areas of the stadium project. The compensation for additional services authorized hereby shall not exceed Seventy-nine thousand eight hundred thirty-two dollars (\$79,832.00) thereby increas-

ing the total contract amount to not exceed \$14,703,261.00.

Be it further resolved that all other terms and provisions of City Contract No. 49912 not expressly modified hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Balraj, Directors Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Warren, Axelrod and Acting Director Torres.

Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

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

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

FREDDIE J. FENDERSON,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, APRIL 6, 1998

9:30 A.M.

Calendar No. 98-42: 9901 Broadway Road

John P. Papouras, owner, and Sprintcom Telecommunications, lessee c/o Nora Stern and Linderlake Corporation Technologist c/o Jonathan Kurlander, appeal to erect a 100' high telecommunications monopole on a irregular shaped lot located in a One-Family District at 9901 Broadway; said use being contrary to the exceptions to height regulations of Section 353.06(1) of the Codified Ordinances. (Filed 2-26-98)

Calendar No. 98-43: 3114 Clark Avenue

Wael Saleh and Hani Ziadeh, owners, appeal to erect an 80' x 70' one story concrete masonry retail food store building on a 70' x 246' irregular shaped lot located in a General Retail Business District on the northeast corner of W. 32nd Street and Clark Avenue, at 3114

Clark Avenue, 27 parking spaces are proposed instead of the 38 parking spaces required, said use being contrary to the off-street parking requirements of Section 349.04(f) of the Codified Ordinances. (Filed 2-26-98)

Calendar No. 98-46: 3908-10 Lorain Avenue

Simon Fixler, owner, appeals to change use of an existing 74' x 80' 3-story masonry furniture store building 2nd and 3rd floors to 5 dwelling units on an 86' x 216' irregular shaped lot located in a Local Retail District on the northerly side of Lorain Avenue, at 3908-10 Lorain Avenue; the east and west interior side yards are proposed at 2' instead of the 8' required side yard, contrary to the required interior side yards of Section 357.09(b)(2)(C) of the Codified Ordinances. (Filed 3-9-98)

Calendar No. 98-47: 1600 East 45th Street

Juan A. Claudio, owner, appeals to erect a 23' x 20' "L" shaped 1-story wood frame open front porch addition to an existing 2-family dwelling house located in a Multi-Family District on a 40' x 134' lot on the westerly side of E. 45th Street at 1600 East 45th Street; said proposed porch will be 3' from R.O.W. line instead of 10' as required by Section 357.13(b)(4), the existing interior side yard at the north property line being 1' instead of 3' as required by Section 357.09(b)(2)B, and the proposed porch to be contrary to the expansion limitations of Section 359.01(a) of the Codified Ordinances. (Filed 3-9-98)

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 23, 1998

At the Meeting of the Board of Zoning Appeals on Monday, March 16, 1998, the following appeals were heard by the Board, and, on Monday, March 23, 1998 were decided by the Board.

The following appeals were **Granted**:

Calendar No. 98-28: 4015 Gifford Avenue

Sarah A. Sova, owner, appealed to change a use to a group home for 6 residents (females 50-80 years of age) and 3-5 staff members, the two-story frame single family dwelling house.

Calendar No. 98-32: 6000 Memphis Avenue

Frankenberg Properties Inc. c/o Ken Frankenberg, owner, and Frankenberg Management Inc. dba Burger King, c/o Ken Frankenberg, lessee appealed, to erect a 42' x 96' one-story restaurant building, parking areas, and other accessory structures and uses. (conditional grant)

The following appeals were **Postponed**:

Calendar No. 98-34: 15828 Industrial Parkway heard on March 16, 1998 has been postponed to April 13, 1998.

Calendar No. 98-10: 12914 Union Avenue

The following appeal that was postponed to April 13, 1998 has been rescheduled to be heard on April 6, 1998.

Calendar No. 98-39: 5205 Behrwald Avenue, S.W. heard on March 23, 1998 has been postponed to April 20, 1998.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
March 18, 1998

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 the subject meeting is given for publication in the City Record:

* * *

Docket A-9-98.

RE: Appeal of Associated Estates, Owner of the Property located on the premises known as 9001 Hough Avenue from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated December 12, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-9-98 has been POSTPONED; to be rescheduled for a later date.

* * *

Dockets A-10-98.

RE: Appeal of Associated Estates, Owner of the Property located on the premises known as 9110 Hough Avenue from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated December 12, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-10-98 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-11-98.

RE: Appeal of Associated Estates, Owner of the Property located on the premises known as 9220 Hough Avenue from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated December 12, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-11-98 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-12-98.

RE: Appeal of Associated Estates, Owner of the Property located on the premises known as 9201 Hough

Avenue from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated December 12, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-12-98 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-13-98.

RE: Appeal of Associated Estates, Owner of the Property located on the premises known as 9231 Hough Avenue from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated December 12, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-13-98 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-14-98.

RE: Appeal of Associated Estates, Owner of the Property located on the premises known as 9241 Hough Avenue from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated December 12, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-14-98 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-15-98.

RE: Appeal of Associated Estates, Owner of the Property located on the premises known as 9251 Hough Avenue from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated December 12, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-15-98 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-16-98.

RE: Appeal of Associated Estates, Owner of the Property located on the premises known as 9211 Hough Avenue from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated December 12, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-16-98 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-19-98.

RE: Appeal of Judith Kirsh, Owner of the Property located on the premises known as 6510 Juniata

Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire dated December 17, 1997, 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 DENY the Appellant's request for an "Extension of Time" in which to abate the violations, and to REMAND the property located at 6510 Juniata Avenue to the Division of Fire for further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-20-98.

RE: Appeal of Miracle Construction, Inc., Owner of the Property located on the premises known as 6816 Superior Avenue from a VACATE/CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated December 16, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's VACATE/CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant four months (4 mos.) in which to obtain permits and abate the violations. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the VACATE/CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by August 1, 1998. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Williams.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-23-98.

RE: Appeal of Connie Cameron, Owner of the Residential Property located on the premises known as 3860 West 40th Street from a VACATE/CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated January 15, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's VACATE/CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to remove the junk cars on the property within two weeks (2 wks.) and to obtain electrical permits within thirty days (30 das.), and to grant the Appellant three months (3 mos.) in which to complete abatement of the violations, the property must be boarded and secured and the grounds debris free during that period of time; the

property may be occupied with the approval of the inspector. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the VACATE/CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by August 1, 1998. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Williams.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-26-98.

RE: Appeal of Wilson A. Leece II, Owner of the Property located on the premises known as 9846 Lorain Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire dated January 8, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-26-98 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-28-98.

RE: Appeal of Lula M. Barnes, Owner of the Property located on the premises known as 9916 St. Clair Avenue from a VACATE ORDER of the Commissioner of the Division of Building and Housing dated March 5, 1998, 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 ORDER TO VACATE by permitting the Appellant to remain in the units as they are at this time, to continue to work on the adjacent fire damaged units with the provision that the fire damaged units may either remain boarded and unoccupied until such time that they are approved by the City for occupancy. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-32-98.

RE: Appeal of Robert Oulds, Owner of the Residential Property located on the premises known as 7722 Rawlings Avenue from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated February 4, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant four months (4 mos.) months in which to dispose of the property; the property must remain boarded and secured and the grounds debris free during that period of time; the property is REMAND-

ED at this time to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Saunders and seconded by Mr. Williams for Approval and Adoption of the Resolution 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-400-97—Paula Moscalink
A-5-98—Margaret L. White
A-7-98—First Bank National Association
A-17-98—Cicero Lamar
A-24-98—Epp Marsh
A-35-98—Cleveland Hopkins Airport

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Absent: Mr. Sullivan.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Saunders and seconded by Mr. Bowes for Approval of the Minutes as presented by the Secretary respectively, subject to the Codified Ordinances of the City of Cleveland:

March 4, 1998

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Absent: Mr. Sullivan.

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

The following are in violation of C.O. 623.14:

Richard Alt, last known address, 1742 West 29th Street, Cleveland, Ohio 44113.

Richard Norris, last known address, 10127 South Blvd., Apartment 2, Cleveland, Ohio 44108.

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to

the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, APRIL 2, 1998

Interior Renovation at the Third District Police Station Building (17-90D), for the Department of Public Safety, as authorized by Ordinance No. 1278-92, 2053-91 and 2189-97, passed by the Council of the City of Cleveland, July 22, 1992, February 24, 1992 and February 9, 1998, respectively.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) 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 (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON MONDAY, MARCH 16, 1998, 10:00 A.M. AT THE THIRD DISTRICT POLICE STATION BUILDING, 2001 PAYNE AVENUE, 2ND FLOOR OLD COURTROOM.

March 4, 1998, March 11, 1998, March 18, 1998 and March 25, 1998

WEDNESDAY, APRIL 1, 1998

Consolidated Car Rental Facility — Site Landscaping Package, for the Department of Port Control, as authorized by Ordinance No. 561-97, passed by the Council of the City of Cleveland, June 2, 1997.

A NON-REFUNDABLE FEE OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, MARCH 26, 1998, 10:00 A.M. IN THE SHERATON HOTEL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, CLEVELAND, OHIO 44114.

March 18, 1998 and March 25, 1998

THURSDAY, APRIL 2, 1998

Towel and Linen Service, for the various divisions of the City Government, Department of Finance, as authorized by Ordinance No. 1743-97, passed by the Council of the City of Cleveland, October 13, 1997.

March 18, 1998 and March 25, 1998

FRIDAY, APRIL 3, 1998

Frame Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 147-98, passed by the Council of the City of Cleveland.

Case Equipment Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 149-98, passed by the Council of the City of Cleveland.

Caterpillar Equipment Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 149-98, passed by the Council of the City of Cleveland.

Gradall Equipment Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 149-98, passed by the Council of the City of Cleveland.

Antifreeze, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 152-98, passed by the Council of the City of Cleveland.

March 18, 1998 and March 25, 1998

WEDNESDAY, APRIL 8, 1998

Installing an HVAC Unit and Associated Appurtenances, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 545-96, passed by the Council of the City of Cleveland, May 6, 1998.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, MARCH 31, 1998, 10:30 A.M. IN THE BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135-3193. WHILE THIS MEETING IS NOT MANDATORY, BIDDERS ARE CAUTIONED THAT QUESTIONS, CLARIFICATIONS AND INFORMATION MAY RESULT FROM THIS MEETING WHICH COULD SIGNIFICANTLY AFFECT YOUR BID. IN ADDITION, BY CITY POLICY, THIS WILL BE THE ONLY OPPORTUNITY FOR BIDDERS TO TALK DIRECTLY TO DEPARTMENT OF PORT CONTROL PERSONNEL PRIOR TO AWARD OF CONTRACT.

Service Fittings, 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.

Stop Cock 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.

Various Equipment and Accessories to Outfit Vehicles, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

March 18, 1998 and March 25, 1998

TUESDAY, APRIL 14, 1998

Continental Airlines, Bid Package 7 — Concourse D Shell, Core and Finishes, for the Department of Port Control.

PLANS AND SPECIFICATIONS ARE AVAILABLE FROM MORSE DIESEL INTERNATIONAL INC., 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135 FOR THE REFUNDABLE FEE OF TWO HUNDRED AND FIFTY DOLLARS (\$250.00). PLEASE CALL (216) 265-4880.

A PRE-BID MEETING IS SCHEDULED FOR TUESDAY, MARCH 31, 1998, 10:00 A.M. IN THE CTC BUILDING, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135.

BIDS ARE DUE APRIL 14, 1998 BY 3:00 P.M. AND WILL BE RECEIVED AT THE CONTINENTAL AIRLINES, INC., CTC BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO, ATTENTION: BILL FRASER.

March 18, 1998 and March 25, 1998

WEDNESDAY, APRIL 8, 1998

Five (5) Insulated Food Distribution Carts, for the Division of Correction, Department of Public Health, as authorized by Ordinance No. 2042-97, passed by the Council of the City of Cleveland, December 15, 1997.

Mobile Transformer/Generator, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of the City of Cleveland, 1976.

Ford Truck Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 151-98, passed by the Council of the City of Cleveland, March 9, 1998.

Crane Carrier Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 149-98, passed by the Council of the City of Cleveland, March 9, 1998.

Solid Waste Disposal and Recyclable Processing, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 256-97, passed by the Council of the City of Cleveland, May 9, 1997.

March 25, 1998 and April 1, 1998

THURSDAY, APRIL 16, 1998

General Office Renovation for Cleveland City Hall, for the Division of

Architecture, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1282-96, passed by the Council of the City of Cleveland.

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

A PRE-BID MEETING WILL BE HELD ON THURSDAY, APRIL 2, 1998, 10:00 A.M. AT CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE, ROOM 517.

March 25, 1998 and April 1, 1998

FRIDAY, APRIL 17, 1998

New Cleveland Browns NFL Football Stadium — Bid Package No. 8D — Suite Electrical Work, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

BIDS DOCUMENTS MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, FOR THE **NON-REFUNDABLE** COST OF ONE HUNDRED FIFTY DOLLARS (\$150.00) CERTIFIED OR CASHIER'S CHECK ONLY.

A **MANDATORY** PRE-BID MEETING WILL BE HELD ON FRIDAY, APRIL 6, 1998, 10:00 A.M. IN ROOM 211 OF THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO.

Cab and Chassis with Body and Crew Cab and Chassis with Dump Body (15,000 GVW), for various divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

Cab and Chassis with Chip Dump Body/Bucket and Cab and Chassis with Body/Bucket, for the various divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

March 25, 1998 and April 1, 1998

WEDNESDAY, APRIL 22, 1998

Veterans Memorial Bridge Ductline Extension C-16, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1071-93, passed by the Council of the City of Cleveland, June 7, 1993.

A **MANDATORY** PRE-BID MEETING WILL BE HELD ON WEDNESDAY, APRIL 8, 1998, 10:00 A.M. AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO.

March 25, 1998 and April 1, 1998

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 435-98.

By Councilmen Johnson and Zone.

An emergency resolution urging the Ohio State legislature to adopt legislation that will permit judges in the Housing Court Division of Municipal Court to refer certain criminal cases to magistrates.

Whereas, in 1997 the City of Cleveland filed over 6500 new criminal code violation cases in Cleveland Housing Court, all of which were assigned to the single Housing Division Judge; and

Whereas, the 1997 filings of 6500 cases is an increase of 1000+ over the cases filed in 1996, which represents an 18% increase; and

Whereas, since violations of the Cleveland Housing Code are criminal cases, each case involves arraignment, adjudication, and sentencing, and many cases involve criminal trials; and

Whereas, because it is a goal of the Cleveland Housing Court to obtain compliance by the criminal defendants in its court, many cases are not resolved in a single hearing but are continued after the need for and the benefits of compliance are explained to the defendant; and

Whereas, the ever-increasing misdemeanor caseload in Cleveland Municipal Court, particularly in the Housing Division, makes it difficult for a judge to give cases the individualized attention they deserve; and court dockets, which last four to five hours, disrupt the normal work schedules of inspectors and require criminal defendants, many of whom are employed, to be in court for several hours; and

Whereas, the Housing Court currently employs magistrates to assist with the civil docket; and

Whereas, magistrates are experienced, licensed attorneys who review case files, conduct trials, and recommend decisions to the judge; and

Whereas, the judge must approve each magistrate recommendation before the recommendation becomes the final decision of the court; and

Whereas, the magistrates in the Housing Court currently by law have a very limited ability to participate in the criminal cases before the court; and

Whereas, in many courts in other municipalities, judges assign greater responsibility to the magistrates for standard criminal matters, thereby freeing up the judges to address more complex matters and cases having greater community impact; and

Whereas, in all cases, the judge will be the party responsible making the decision whether or not to refer a matter to magistrate; and

Whereas, the state legislature is currently considering legislation that would enable magistrates to provide judges with more assistance in criminal cases such as permitting them to conduct the arraignment, trial and sentencing, with all decisions of the magistrates becoming final only upon review and approval by the judge;

Now, therefore, be it resolved by the Council of the City of Cleveland:

Section 1. That the Council of the City of Cleveland, for the reasons stated in the preambles to this Resolution, supports passage of state legislation empowering the Judge of the Housing Division of the Cleve-

land Municipal Court to refer criminal cases to the Housing Division magistrates for arraignment, trial and sentencing, with the decision whether to refer a matter to a magistrate still resting with the Judge, and with all decisions of the magistrates becoming final only upon review and approval by the Judge of the Housing Division.

Section 2. That the Clerk of Council transmit copies of this resolution to members of the Ohio legislature representing the City of Cleveland.

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

Adopted March 16, 1998.

Awaiting approval or disapproval of the Mayor.

Res. No. 481-98.

By Councilman Dolan.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 15239 Triskett Ave., and repealing Res. No. 1521-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 15239 Triskett Ave., by Res. No. 1521-97, adopted August 13, 1997; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 15239 Triskett Ave., be and the same is hereby withdrawn and Res. No. 1521-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer 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 March 16, 1998.

Awaiting approval or disapproval of the Mayor.

Res. No. 482-98.

By Councilman Robinson.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 11703 Union Ave.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit, to Permit No. 9154910, Union Discount Inc., DBA Union Discount, 11703 Union Ave., 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 is not conformed to the building, safety or health requirements of the governing body of this County or City; and

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit, to Permit No. 9154910, Union Discount Inc., DBA Union Discount, 11703 Union Ave., 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 March 16, 1998.

Awaiting approval or disapproval of the Mayor.

Ord. No. 479-98.

By Councilman Jackson.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (John Nichols/Nation of Islam)

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council,

expressed by ordinance, is a prerequisite to peddle upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 5: John Nichols/Nation of Islam.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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 March 16, 1998.

Awaiting approval or disapproval of the Mayor.

REPRINT

Ord. No. 437-98.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Walk for Diabetes (Walktoberfest) on October 4, 1998, sponsored by the American Diabetes Association.

Whereas, this ordinance constitutes an emergency measure providing for 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 Walk for Diabetes (Walktoberfest), sponsored by the American Diabetes Association, on October 4, 1998, starting at Nuatica Stage/Power House, West Banks of the Flats, west on Main Ave. to Center St., east on Center St. to Columbus Rd., east on Columbus Rd. to Merwin Ave., north on Merwin Ave. to W. Superior Ave., east on W. Superior to Public Square, south on Public Square to Ontario Ave., south on Ontario Ave. to Huron Rd., east on Huron Rd. to Prospect to E. 14 St., north on E. 19th St. to Euclid Ave., west on Euclid Ave. to E. 9, north on E. 9th to Erieside Ave., west on Erieside Ave. to W. 3rd St., south on W. 3rd St. to Lakeside Ave., west on Lakeside Ave. to W. 9th St., north on W.

9th St. to Front Ave., west on Front Ave. to Old River Rd., south on Old River Rd. to Merwin Center St., south on Merwin to Columbus Rd., west on Columbus Rd. to Center Rd., west on Center Rd. to Main Ave., east on Main Ave. to the Boardwalk, east on the Boardwalk and back to the Nuatica Stage/Power House, 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 or 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 March 9, 1998.

Effective March 16, 1998.

COUNCIL COMMITTEE MEETINGS

Thursday, March 12, 1998

Finance Committee (Budget Hearings): 9:30 A.M. — Present: Johnson, Chairman; Westbrook, Vice Chairman; Coats, Melena, Patmon, Polensek, Rybka, Sweeney, Zone. Excused: Lewis, Robinson.

Monday, March 16, 1998

Finance Committee: 2:00 P.M. — Present: Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Melena, Patmon, Polensek, Rybka, Sweeney, Zone. Excused: Robinson.

Tuesday, March 17, 1998

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

Wednesday, March 18, 1998

Aviation and Transportation Committee (Public Hearing joint with Public Safety Committee): 1:00 P.M. — Present: Westbrook, Chairman; Sweeney, Vice Chairman; Cimperman, Dolan, Patmon, White, Willis.

Public Safety Committee (Public Hearing joint with Aviation and Transportation Committee): 1:00 P.M. — Present: Coats, Chairman; Zone, Vice Chairman; Gordon, Jackson, Jones, Melena, White, Willis. Excused: Moran.

Index to Council Proceedings

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
 Bold type in sections indicates amendments

Appropriations

Appropriations for current expenses and other expenditures of the City
 of Cleveland — for the year 1998. (O 194-98) 401

Block Grants

Block Grant — \$30,248,000 — apply for and accept; U. S. Dept. of Hud — \$9,239,000 —
 implement 1998 Federal Home Grant Program — 1998 Emergency Shelter Program —
 Housing Opportunities for Persons with AIDS Program. (O 195-98)..... 400

Bonds

Authorize - Director of Finance - obtain substitute credit enhancement or liquidity
 facility - City's subordinated income tax variable rate refunding bonds - series 1994
 - execute agreements (O 467-98)..... **399-T**

Authorize — Director of Finance — obtain substitute credit enhancement or liquidity
 facility — City's subordinated income tax variable rate refunding bonds — series
 1994 — execute agreements (O 467-A-98) 397

Broadway YMCA

Authorizing - Director of Parks, Recreation and Properties - enter into a thirteenth
 amendment to Lease Agreement No. 35620 - extend term of existing Lease Agreement -
 rental of Broadway YMCA - 11300 Miles Avenue (O 511-98)..... 394

Budget

Appropriations for current expenses and other expenditures of the City of Cleveland —
 for the year 1998. (O 194-98)..... 401

City Council

Coats, Roosevelt, Chairman, Councilmen Joseph Zone, Odelia Robinson, Martin J. Sweeney,
 Patricia Britt — committee to review Mayor's Appointments. (F 534-98)..... 392

Cleveland Municipal Court

Authorizing and Directing - Director of Finance - on behalf of Cleveland Municipal Court
 - enter into contract with Legal Aid Society of Cleveland - legal services necessary
 to defend indigents charged with violation of City ordinances. (O 287-98)..... 400

Urging Ohio State Legislature - to adopt legislation that will permit judges in the
 Housing Court Division - Municipal Court - refer certain criminal cases
 to magistrates. (R 435-98) 414

Cleveland Public Power

Authorizing - Director of Public Utilities - to establish an outdoor residential lighting
 program - and the purchase of equipment, labor and materials - for the Division of
 Cleveland Public Power (O 508-98)..... 393

Supplement - Codified Ordinances - enacting new Section 523.061 - relating to rates, rules
 and regulations for outdoor residential lighting - provided by Division of Cleveland
 Public Power (O 510-98)..... 394

Cleveland-Cuyahoga County Port Authority

Cleveland-Cuyahoga County Port Authority — Ricardo Teamor — appoint — expire — January
 28, 2002. (F 503-98)..... 392

Communications

Cleveland Area Monthly HIV District Statistical Report for February, 1998 from the
 Department of Health. (F 489-98) 391

Emergency Requisition (RE-16436) — Department of Purchases and Supplies
 (F 490-98) 391

Excess Property — Reference No. 005-98 — Division of Purchases and Supplies
 (F 487-98) 391

Objections to Estimated Assessments for the Cleveland Theatre District. (F 1746-97-B)..... 391

Set Aside Notification Requisition Nos. 098981 and 098982 from the Department of Port
 Control (F 488-98)..... 391

Community Development

Urging Ohio State Legislature - to adopt legislation that will permit judges in the Housing Court Division - Municipal Court - refer certain criminal cases to magistrates. (R 435-98) 414

Community Development Block Grant Program

Block Grant — \$30,248,000 — apply for and accept; U. S. Dept. of Hud — \$9,239,000 — implement 1998 Federal Home Grant Program — 1998 Emergency Shelter Program — Housing Opportunities for Persons with AIDS Program. (O 195-98)..... 400

Community Relations Board

Community Relations Board — John Banno — appoint — expire March 31, 2002 (F 498-98) 391
 Community Relations Board — Kathryn Hall — appoint — expire March 31, 2002. (F 500-98) 392
 Community Relations Board — Mary Adele Springman — appoint — expire March 31, 2002. (F 502-98) 392
 Community Relations Board — Raymond Negron — appoint — expire March 31, 2002. (F 501-98) 392
 Community Relations Board — Ziad Hajj — appoint — expire March 31, 1999 (F 499-98) 392

Condolences

Herzberger, "Commander Ray, Jr." (R 527-98) 392
 Spiro, Louise (R 525-98) 392
 Yarbrough, Loulene Elizabeth (R 526-98) 392

Congratulations

Douda, Augustina (R 529-98)..... 392
 Haltuch, Agnes (Chaloupka) (R 528-98) 392
 Kowallek, Roy (R 530-98)..... 392
 McLeary, Thomas (R 531-98) 392
 Reynolds, Commander Ronald (R 532-98) 392

Convention Center and Stadium Division

Authorizing and Directing - purchase by contract signs and banners - West Side Market - Division of Convention Center and Stadium (O 512-98) 394

Economic Development Department

Authorizing - Commissioner of Purchases and Supplies - purchase site for development of corporate office park - authorizing Commissioner - to convey said property to Emerald Research Park, Ltd. (O 519-98)..... 396
 Authorizing - Director of Economic Development - enter into contract with Laird Wynn - provide economic development assistance - partially finance - acquisition and renovation of real estate - 7806 Union Avenue (O 518-98)..... 396
 Authorizing - Director of Economic Development - enter into contract - Bulkley Holdings Incorporated - provide economic development assistance - acquisition and renovation of real estate - 4204 Detroit Avenue (O 516-98) 395
 Authorizing - Director of Economic Development - enter into an Enterprise Zone Agreement with Carotech, Inc. - for a ten year abatement - to assist T.H. Martin Duct Systems, Inc. to relocate and expand - Walworth Run Industrial Park (O 517-98) 395

Emergency Shelter Grant Program

Block Grant — \$30,248,000 — apply for and accept; U. S. Dept. of Hud — \$9,239,000 — implement 1998 Federal Home Grant Program — 1998 Emergency Shelter Program — Housing Opportunities for Persons with AIDS Program. (O 195-98)..... 400

Equal Opportunity Office

Authorizing the Mayor - enter into contract - provision of facilities - purchase course supplies and refreshments - Phase I and II - James H. Walker Construction Management Training Course - Minority Business Development Center (O 506-98) 392

Fair Housing

Fair Housing Board — Patricia Swansinger —appoint — expire March 31, 2000. (F 505-98) 392

Federal Home Grant Program

Block Grant — \$30,248,000 — apply for and accept; U. S. Dept. of Hud — \$9,239,000 — implement 1998 Federal Home Grant Program — 1998 Emergency Shelter Program — Housing Opportunities for Persons with AIDS Program. (O 195-98)..... 400

Finance Department

Authorize - Director of Finance - obtain substitute credit enhancement or liquidity facility - City's subordinated income tax variable rate refunding bonds - series 1994 - execute agreements (O 467-98)..... **399-T**

Authorize — Director of Finance — obtain substitute credit enhancement or liquidity facility — City's subordinated income tax variable rate refunding bonds — series 1994 — execute agreements (O 467-A-98) 397

Authorizing and Directing - Director of Finance - on behalf of Cleveland Municipal Court - enter into contract with Legal Aid Society of Cleveland - legal services necessary to defend indigents charged with violation of City ordinances. (O 287-98)..... 400

Authorizing and Directing - Director of Finance- pay cost of extraction -1996 Ohio income tax master file data. (O 289-98)..... 400

Authorizing and Directing - payment of membership dues - City of Cleveland - various professional organizations - for the years 1998 and 1999. (O 422-98)..... 400-407

Authorizing and Directing - purchase by contract - one high performance production printer - for the Division of Printing and Reproduction - Department of Finance. (O 423-98) 400

Authorizing and Directing - purchase by requirement contract - pole painting - various divisions - not to exceed two years. (O 293-98)..... 400

Authorizing and Directing - purchase by requirement contract - unarmed uniformed security guards - various divisions of City government (O 507-98)..... 393

Authorizing and Directing - purchase by requirement contract of office supplies - various divisions of City government - period of one year with one option to renew for two consecutive years. (O 288-98) 400

Authorizing and Directing - purchase by requirement contract - typewriter maintenance and repair - various divisions - not to exceed two years. (O 292-98)..... 400

Authorizing and Directing - purchase by requirement contract - standard wire - various divisions - not to exceed two years. (O 291-98)..... 400

Authorizing and Directing - purchase by requirement contract - commercial gases - various divisions - not to exceed two years. (O 290-98) 400-407

Authorizing and Directing — purchase by requirement contract of lumber — various divisions of City government — not to exceed years (O 286-98)..... 400

Gateway Economic Development Corporation

Gateway Economic Development Corporation of Greater Cleveland — Anthony E. Smith — appoint — expire May 31, 2002, (F 504-98)..... 392

Housing Court

Urging Ohio State Legislature - to adopt legislation that will permit judges in the Housing Court Division - Municipal Court - refer certain criminal cases to magistrates. (R 435-98) 414

Housing Opportunities for Persons with AIDS Program

Block Grant — \$30,248,000 — apply for and accept; U. S. Dept. of Hud — \$9,239,000 — implement 1998 Federal Home Grant Program — 1998 Emergency Shelter Program — Housing Opportunities for Persons with AIDS Program. (O 195-98)..... 400

Land Reutilization Program

Sowinski Avenue, 8120, 8116, 8112, 8108 — Hough Area Partners in Progress (O 315-95)..... **400-T**

Superior Avenue, 7508 and rear; 7502 and rear; 7510; 7516 — East 76 Place, 1320, 1316, 1314, 1311, 1317, 1321 — Hough Area Partners In Progress (O 316-95) **400-T**

Legal Aid Society

Authorizing and Directing - Director of Finance - on behalf of Cleveland Municipal Court - enter into contract with Legal Aid Society of Cleveland - legal services necessary to defend indigents charged with violation of City ordinances. (O 287-98)..... 400

Liquor Permits

11703 Union Avenue - Objecting (R 482-98)..... 414

15239 Triskett Avenue - Withdrawing objection - repealing Res. No. 1521-97 (R 481-98) 414

Bellaire Road, 12208 (Ward 19) — Transfer of Ownership and Location Application — Bellaire Beverage Inc. dba Bellaire Beverage (F 496-98) 391

Bush Avenue, 4519 (Ward 16) — withdraw objection — repeal Res. No. 1532-97 (R 521-98) 399

East 4th Street (Ward 13) — Transfer of Ownership Application — Altar Boy Inc., (F 492-98) 391

Lakeshore Boulevard, 17318 (Ward 19) — withdraw objection — repeal Res. No. 179-97. (R 523-98) 399

Literary Road, 900, first floor and basement, (Ward 13) — Transfer of Ownership Application — Squid Inc., dba Lola Bistro & Wine Bar (F 494-98) 391

Wade Park Avenue, 9200 (Ward 7) — withdraw objection — repeal Res. No. 908-97 (R 522-98) 399

West 130th Street, 4690 (Ward 20) — Transfer of Ownership Application — Albert & Patty's Little Keg Inc., dba Little Keg (F 493-98)..... 391

West 25th Street, 1822-26 (Ward 14) — Stock Transfer Application — Jay Bridge Foods, Inc., dba Gateway Food Market (F 497-98) 391

West 54th Street, 3459 (Ward 17) — new application — 3459 West 54th Street Inc., dba Alexis Deli (F 491-98)..... 391

West Main Avenue, 1275 second floor, Ward 13 — Transfer of Ownership and Location Application — Danczak Enterprises, Inc. (F 495-98)..... 391

Mayor's Appointments

Cleveland-Cuyahoga County Port Authority — Ricardo Teamor — appoint — expire — January 28, 2002. (F 503-98) 392

Coats, Roosevelt, Chairman, Councilmen Joseph Zone, Odelia Robinson, Martin J. Sweeney, Patricia Britt — committee to review Mayor's Appointments. (F 534-98)..... 392

Community Relations Board — John Banno — appoint — expire March 31, 2002 (F 498-98) 391

Community Relations Board — Kathryn Hall — appoint — expire March 31, 2002. (F 500-98) 392

Community Relations Board — Mary Adele Springman — appoint — expire March 31, 2002. (F 502-98) 392

Community Relations Board — Raymond Negron — appoint — expire March 31, 2002. (F 501-98) 392

Community Relations Board — Ziad Hajj — appoint — expire March 31, 1999 (F 499-98) 392

Fair Housing Board — Patricia Swansinger —appoint — expire March 31, 2000. (F 505-98) 392

Gateway Economic Development Corporation of Greater Cleveland — Anthony E. Smith — appoint — expire May 31, 2002, (F 504-98) 392

Minority Business Development Center

Authorizing the Mayor - enter into contract - provision of facilities - purchase course supplies and refreshments - Phase I and II - James H. Walker Construction Management Training Course - Minority Business Development Center (O 506-98) 392

National Jr. Tennis League of Cleveland

Authorizing - Director of Parks, Recreation and Properties - enter into a contract - National Junior Tennis League of Cleveland - summer tennis program (O 515-98) 395

Parks, Recreation and Properties Department

Authorizing - Director of Parks, Recreation and Properties - enter into a thirteenth amendment to Lease Agreement No. 35620 - extend term of existing Lease Agreement - rental of Broadway YMCA - 11300 Miles Avenue (O 511-98)..... 394

Authorizing - Director of Parks, Recreation and Properties - enter into a contract - National Junior Tennis League of Cleveland - summer tennis program (O 515-98) 395

Authorizing and Directing - Director of Parks, Recreation and Properties - enter into contract - Cleveland Municipal Football Association - conduct a City-wide football program (O 514-98)..... 395

Authorizing and Directing - purchase by contract signs and banners - West Side Market - Division of Convention Center and Stadium (O 512-98) 394

Authorizing and Directing - purchase by requirement contract - swimming pool chemicals - Division of Recreation (O 513-98)..... 394

Peddlers

Engage in peddling in Ward 5 - John Nichols/Nation of Islam (O 479-98) 415

Permits

Cleveland Indians Run — permit —Amend Section 1 of Ord. No. 372-98 relating to the issuance of permit. (O 524-98)..... 399

Consenting and approving - issuance of permit - Walk for Diabetes (Walktoberfest) on October 4, 1998 - sponsored by the American Diabetes Association. (O 437-98) **415-R**

Prayer vigil — consent and approve on April 5, 1998 — sponsored by Pilgrim Church of Christ (O 520-98) 399

Port Control Department

Set Aside Notification Requisition Nos. 098981 and 098982 from the Department of Port Control (F 488-98)..... 391

Public Health Department

Cleveland Area Monthly HIV District Statistical Report for February, 1998 from the Department of Health. (F 489-98) 391

Purchases and Supplies Department

Emergency Requisition (RE-16436) — Department of Purchases and Supplies (F 490-98) 391
Excess Property — Reference No. 005-98 — Division of Purchases and Supplies (F 487-98) 391

Purchases/Contracts

Authorizing and Directing - purchase by contract - one high performance production printer - for the Division of Printing and Reproduction - Department of Finance. (O 423-98) 400

Recognitions

Young, Judith W. (R 533-98) 392

Recreation Division

Authorizing and Directing - purchase by requirement contract - swimming pool chemicals - Division of Recreation (O 513-98)..... 394

Service Department

Permit - AT&T Communications of Ohio, Inc. - encroach into public right-of-way - East 7th Street and Huron Road - Service Department. (O 146-98) 400-407

Streets - Vacation

East 36th Place (Ward 14) — vacate a portion. (O 156-98) 400-407
East 84th Place — intention to vacate a portion. (R 87-98)..... 400-407

Tabled Legislation

Authorize - Director of Finance - obtain substitute credit enhancement or liquidity facility - City's subordinated income tax variable rate refunding bonds - series 1994 - execute agreements (O 467-98)..... **399-T**
Sowinski Avenue, 8120, 8116, 8112, 8108 — Hough Area Partners in Progress (O 315-95)..... **400-T**
Superior Avenue, 7508 and rear; 7502 and rear; 7510; 7516 — East 76 Place, 1320, 1316, 1314, 1311, 1317, 1321 — Hough Area Partners In Progress (O 316-95) **400-T**

Utilities Department

Authorizing - Director of Public Utilities - to establish an outdoor residential lighting program - and the purchase of equipment, labor and materials - for the Division of Cleveland Public Power (O 508-98)..... 393
Determining method of making public improvement - replacing storm water sewers - East 123rd Street - authorizing the Director - Water Pollution Control - enter into contract - repeal Ordinance No. 1273-91 (O 509-98)..... 393
Supplement - Codified Ordinances - enacting new Section 523.061 - relating to rates, rules and regulations for outdoor residential lighting - provided by Division of Cleveland Public Power (O 510-98)..... 394

Water Pollution Control Division

Determining method of making public improvement - replacing storm water sewers - East 123rd Street - authorizing the Director - Water Pollution Control - enter into contract - repeal Ordinance No. 1273-91 (O 509-98)..... 393

West Side Market

Authorizing and Directing - purchase by contract signs and banners - West Side Market - Division of Convention Center and Stadium (O 512-98) 394