

The City Record

Official Publication of the City of Cleveland

May the Twelfth, Nineteen Hundred and Ninety-Nine

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

Containing	PAGE
City Council	3
The Calendar	12
Board of Control	16
Civil Service	19
Board of Zoning Appeals	20
Board of Building Standards and Building Appeals	21
Public Notices	21
Public Hearings	21
City of Cleveland Bids	21
Adopted Resolutions and Ordinances	22
Committee Meetings	33
Index	34

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

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

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

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

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

DEPT. OF FINANCE - Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit
DIVISIONS - Accounts - Gayle Goodwin Smith, Commissioner, Room 19
City Treasury - 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 - Robert Dolan, 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 - Solomon F. Balraj, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive; Cleveland Hopkins International Airport - Mark D. Vanloh, Commissioner
Burke Lakefront Airport - Michael C. Barth, Commissioner

DEPT. OF PUBLIC SERVICE - Mark Ricchiuto, Director, Room 113
DIVISIONS - Waste Collection and Disposal - Randell T. Scott, Acting Commissioner, 5600 Carnegie Avenue.
Streets - Randell 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 - Paul Burik, Acting Commissioner, Room 517

DEPT. OF PUBLIC HEALTH - Michelle Whitlow, Acting Director, Mural Building, 1925 St. Clair Avenue
DIVISIONS - Health - Cheri Hahn, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
Environment - Robin Puriani-Rogers, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 Northfield Road

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

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

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

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

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

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

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

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

CIVIL SERVICE COMMISSION - Room 119, 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 Cornell P. Carter, President; Finance Director Martin L. Carmody, Jr., Secretary; Council President Jay Westbrook.

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

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WEDNESDAY, MAY 12, 1999

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CITY COUNCIL

MONDAY, MAY 10, 1999

The City Record

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Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, May 10, 1999.

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

Councilmen present: Cimperman, Cintron, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, O'Malley, Patmon, Polensek, Robinson, Rybka, Sweeney, Westbrook, White, Willis, Zone.

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

Absent: Director Guzman.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Dr. Daniel Schur, Rabbi of Heights Jewish Center Synagogue and Chairman of the Orthodox Rabbinical Council.

MOTION

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

COMMUNICATIONS

File No. 829-99.

From the Play House Square Center re: Euclid Corridor Update. Received.

File No. 830-99.

From the Board of Building Standards and Building Appeals re: Agenda for Public Hearing, Wednesday, May 2, 1999. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 831-99.

Re: New Application - 5313863 - Dana Mechelle Love, d.b.a. R. & W. Deli, 15015 Ohio Avenue. (Ward 1). Received.

File No. 832-99.

Re: New Application - 2899257 - Robyn R. Freckleton, 18027 Euclid Avenue. (Ward 10). Received.

File No. 833-99.

Re: Transfer of Ownership Application - 1578220 - Club Vogue, Inc., 2000 Sycamore Street, Number 190. (Ward 14). Received.

File No. 834-99.

Re: Transfer of Ownership Application - 8916303 - 3612 Clark, 3612 Clark Avenue. (Ward 14). Received.

CONDOLENCE RESOLUTIONS

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

Res No. 847-99—Lessie Rice.

Res No. 848-99—Reverend Robert L. Fuller.

Res No. 849-99—Craig Johnson.

Res No. 850-99—Roberto Yanez.

Res No. 851-99—Robert P. Bergman.

Res No. 852-99—Henry J. Glancz.

CONGRATULATORY RESOLUTIONS

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

Res. No. 853-99—Dan and Elizabeth Berry.

Res. No. 854-99—Pastor Rev. George O. Stewart and First Lady Sister Lorraine Stewart.

Res. No. 855-99—Ken Kocab.

Res. No. 856-99—Dontez Gillon.

Res. No. 857-99—Thomas C. and Elizabeth A. Bishop (Post).

Res. No. 858-99—Anthony Miklich.

Res. No. 859-99—David Bergholz.

Res. No. 860-99—Matthew Smith, III.

Res. No. 861-99—Steven Minter.

Res. No. 862-99—Rosa Collier.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 835-99.

By Councilmen Gordon and Johnson (by departmental request).

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

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

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

Section 1. That the Director of Public Health is hereby authorized to enter into an agreement or memorandum of understanding, as appropriate, with the State of Ohio, Department of Education, Division of Early Childhood Education ("ODE") and the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities ("Ohio Association"), under which the ODE, through the Ohio Association, shall provide the City with funds in the estimated amount of eighty thousand dollars (\$80,000.00), for the purpose of the City Department of Public Health's provision of administrative support, maintenance of data and records and payment of fees and expenses for inspection services of day care centers.

Section 2. The Director of Public Health is hereby authorized to enter into contracts with certified inspectors identified on a list provided by the ODE or with any inspectors who are certified by the State of Ohio to perform inspections of day care centers, for the purpose of providing inspections, during the period from July 1, 1999, through June 30, 2000. The Director of Public Health is hereby authorized to receive the funds for this program; and upon acceptance of said funds apportion them for the purposes as identified above and set forth in the agreement or memorandum of understanding.

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

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

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

Ord. No. 836-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into contract with the Alcohol, Drug Addiction and Mental Health Services/Alcohol and Drug Addiction Services Board of Cuyahoga County to provide alcohol and drug treatment services to Medicaid-eligible individuals, for the Division of Health, Department of Public Health.

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

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

Section 1. That the Director of Public Health is hereby authorized to enter into contract with the Alcohol, Drug Addiction and Mental Health Services/Alcohol and Drug Addiction Services Board of Cuyahoga County, under which the City will provide alcohol and drug treatment services to Medicaid-eligible individuals, during the period from July 1, 1999 through June 30, 2000. The contract shall provide that the City will receive compensation for performing such assessments in the estimated sum of \$48,451.00, and the Director of Finance is hereby authorized to receive and accept such compensation on behalf of the City.

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 Public Health, Finance, Law; Committees on Public Health, Finance.

Ord. No. 837-99.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in Block A-3 of the Cleveland Industrial Park at 4545 Johnston Parkway, Cleveland, Ohio, to Scovil-Hanna Realty LLC.

Whereas, the Director of Economic Development has requested the sale of City-owned property no longer needed for public use and located in Block A-3 of the Cleveland Industrial Park at 4545 Johnston Parkway, Cleveland, Ohio; and

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

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

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

**Lee-Seville Industrial Park
Block A-3**

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

Commencing in the centerline of Johnston Parkway, S.E., (60 feet wide), at its intersection with the centerline of East 153rd Street (50 feet wide);

Thence North 84 degrees 23' 18" West along said centerline of Johnston Parkway, S.E., 462.57 feet to an angle point therein;

Thence North 2 degrees 49' 16" East, 30.00 feet to an angle point in the Northerly line of Johnston Parkway, S.E., and the principle place of beginning of the following described parcel;

Thence North 89 degrees 58' 10" West along said Northerly line, 198.12 feet to its intersection with the Southerly prolongation of the Easterly line of Sublot 1 in said Industrial Park;

Thence North 00 degrees 27' 00" West along said Southerly prolongation, 435.96 feet to be Southeastly corner of Sublot 1;

Thence North 89 degrees 34' 05" East along the Easterly prolongation of the Southerly line of said Sublot 1, 321.71 feet to a point therein;

Thence South 00 degrees 09' 18" East and parallel to the line of East 153rd Street, 450.40 feet to a point in the Northerly line of Johnston Parkway, S.E.;

Thence North 84 degrees 23' 18" West along said Northerly line, 121.95 feet to the principle place of beginning.

Containing within said bounds, an area of about 3.2345 Acres of land, be the same more or less, but subject to all legal highways, easements, and restrictions of record.

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

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

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

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

**Ord. No. 863-99.
By Councilmen Lewis, Jackson,
Robinson and Johnson.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1916 East 71st Street to Linda E. Highsmith.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No(s). 118-07-067, as more fully described in Section 2 below, to Linda E. Highsmith.

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

P.P. No. 118-07-067

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 19 feet of Sublot No. 235 and all of Sublot No. 236, in Streater and Adams' Re-Allotment of part of Original One Hundred Acre Lot Nos. 338 and 341, as shown by the recorded plat in Volume 13 of Maps, Pages 6 and 7 of Cuyahoga County Records, and being 59 feet on the Westerly side of East 71st Street (formerly Giddings Avenue), and about 128 feet and 7 inches in depth, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of

Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

**Ord. No. 838-99.
By Councilman Johnson (by departmental request).**

An emergency ordinance approving the collective bargaining agreement with the Cleveland Firefighters, Local 93; and to amend Section 28 of Ordinance No. 520-99, passed March 29, 1999, relating to compensation for various classifications.

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 in accordance with division (B) of Section 4117.10 of the Revised Code, this Council hereby approves a collective bargaining agreement with the Cleveland Firefighters, Local 93 which contains the terms set forth in File No. 838-99-A, for the period from April 1, 1998 through March 31, 2001, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

Increase	Effective Date of Increase
Three percent (3%)	April 1, 1998
Three and one-half percent (3.5%)	April 1, 1999
Three and one-half percent (3.5%)	April 1, 2000

Section 2. That Section 28 of Ordinance No. 520-99, passed March 29, 1999, is hereby amended to read as follows:

Section 28. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Maintenance Supervisor	\$21,019.66	\$41,830.52
2. Airport Safety Supervisor	22,408.01	43,650.95
3. Assistant Chief Building Inspector	17,705.24	41,829.35
4. Assistant Chief Housing Inspector	17,705.24	40,414.83
5. Assistant Custodian	16,559.28	38,264.37
6. Assistant Superintendent of Electrical Generation	21,019.66	44,786.47
7. Bridge Inspector	13,958.10	32,928.96
8. Bureau Manager — Housing	26,797.11	64,862.82
9. Bureau Manager — Demolition	26,797.11	64,862.82
10. Bureau Manager — Building	26,797.11	64,862.82
11. Cable Production Manager	20,410.00	73,481.81
12. Chief Bridge Operator	16,559.28	39,603.62
13. Chief of Electric Meter Bureau	26,274.57	55,906.32
14. Chief Guard	15,764.74	32,747.82
15. Chief Safety Signal System	\$18.60 per hour	\$29.06 per hour
16. Chief Sidewalk Inspector	15,641.78	36,276.04
17. Chief Street Permit Inspector	14,790.48	34,503.43
18. Chief of Traffic Signal Unit	\$18.60 per hour	\$29.06 per hour

19.	Community Development Code Enforcement		
	Inspector Supervisor	34,464.91	44,884.01
20.	Coordinator of Parking Enforcement	18,627.62	41,341.23
21.	Correctional Supervisor	17,543.01	40,415.94
22.	District Forester	31,043.38	46,065.90
23.	Electric Bridge Operator Leader	\$ 8.55 per hour	\$14.33 per hour
24.	Environmental Assistant	17,705.24	40,415.94
25.	Field Operations Forester	32,445.00	47,805.98
26.	General Superintendent Waste Collection	30,473.96	50,347.87
27.	House Sergeant	13,137.29	28,928.93
28.	Instrumentation Supervisor	29,200.50	42,030.72
29.	Parking Meter Foreman	24,679.38	32,552.82
30.	Printing Foreman	28,404.92	41,130.46
31.	Supervisor of Landscape Construction	17,078.47	36,858.25
32.	Supervisor of Parking Enforcement Unit	18,262.21	32,108.72
33.	Supervisor of Markets	14,790.48	35,711.05
34.	Supervisor of Weights and Measures	14,790.48	34,503.43
35.	Survey Party Chief	18,099.87	44,470.78
36.	Tunnel Maintenance Foreman	17,078.47	30,155.23
37.	Tunnel Maintenance Man	15,764.72	27,532.64

Section 3. That existing Section 28 of Ordinance No. 520-99, passed March 29, 1999, is hereby repealed.

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

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

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

Ord. No. 839-99.

By Councilman Melena.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to The La Sagrada Familia Church to stretch banners in front of 7750 Detroit Avenue from June 1, 1999 to June 30, 1999, inclusive, publicizing The La Sagrada Familia Church's Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to The La Sagrada Familia Church to install, maintain and remove banners from in front of 7750 Detroit Avenue for the period from June 1, 1999 to June 30, 1999, inclusive. Said banners shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

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

Ord. No. 840-99.

By Councilman Cimperman.

An emergency ordinance authorizing and directing the Director of Public Service to issue permit to Cuyahoga County Fair to hang one (1) banner, on Cleveland Public Power utility poles (by separate permission) which will encroach into the public right-of-way of Euclid Avenue for the period of July 16, 1999 to August 16, 1999, inclusive, to publicize this event.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Cuyahoga County Fair, 2364 Queenston Road, Cleveland Heights, Ohio 44118, to install, maintain and remove one (1) banner, to be hung on Cleveland Public Power Poles (by separate permission), at 419 Euclid Avenue on the (N) side Pole Number B59-8 and on the (S) side Pole Number B58-8, for the period of July 16, 1999 to August 16, 1999, inclusive to publicize the Cuyahoga County Fair. Said Banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and main-

tained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 841-99.

By Councilman Cimperman.

An emergency ordinance authorizing and directing the Director of Public Service to issue permit to Cleveland Irish Cultural Festival to hang one (1) banner, on Cleveland Public Power utility poles (by separate permission) which will encroach into the public right-of-way of Euclid Avenue for the period of June 26, 1999 to July 26, 1999, inclusive, to publicize this event.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and direct-

ed to issue a permit to the Cleveland Irish Cultural Festival, 2364 Queenston Road, Cleveland Heights, Ohio 44118, to install, maintain and remove one (1) banner, to be hung on Cleveland Public Power Poles (by separate permission), on Euclid Avenue on the 3rd pole East of East 9th Street (S) Pole Number B61-10 and the 4th pole East of East 9th Street (N) Pole Number B60-10, for the period of June 26, 1999 to July 26, 1999, inclusive to publicize the Cleveland Irish Cultural Festival. Said Banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 842-99.

By Councilman Melena.

An emergency ordinance consenting and approving the issuance of a permit for the American Lung Association's bike-a-thon, a short run and a walk on June 13, 1999, sponsored by the American Lung 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 a bike-a-thon, a short run and a walk, sponsored by the American Lung Association on June 13, 1999, the route for the bike tour and the walk will start in the Edgewater State Park. The bike-a-thon will exit Edgewater Park onto Edgewater Drive to Cove Rd. The same route will be followed when they re-enter Cleveland on the return portion of the tour. The route for the short run and walk are as follows: start lower Edgewater Park trail south east side of loop. Head west/clockwise around lower loop one full lap, then up hill on trail to entrance/exit to upper park. Right/west on Cliff Dr. to Edgewater Dr., right/west on Edgewater Dr., to easterly Harborview Dr., turn right on to Harborview Dr. around to Edgewater Dr. to 117th Street. Turn back/around on Edgewater Dr., east on Edgewater Dr. to West

Blvd. Left on West Blvd. to entrance road into park. Take entrance road around to last parking area, just before this area to your right is a sidewalk, turn right onto this sidewalk. Stay on this sidewalk/trail which goes behind upper pavilion to main trail going down hill. Go down hill on main trail, at bottom of hill bear left and go past lower pavilion to finish line, 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.

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 843-99.

By Councilman Coats.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 18027 Euclid 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. 2899257, Robyn R. Freckleton, 18027 Euclid Ave., Cleveland, Ohio 44112; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 2899258, Robyn R. Freckleton, 18027 Euclid Ave., Cleveland, Ohio 44112 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 844-99.

By Councilmen Westbrook and Willis.

An emergency resolution urging the Ohio Legislature to thoroughly review and evaluate the electric deregulation legislation in order to ensure that such policy is fair to all Ohioans.

Whereas, competition in the electric service industry is occurring across the country and is sought by regulators and public officials to begin in Ohio; and

Whereas, such competition will occur only through the deregulation of the electric service industry, which presently operates as a legally mandated monopoly; and

Whereas, deregulation in the electric service industry is being largely encouraged and promoted from large industry, particularly in northern Ohio where rates for electricity are the highest in the State and region; and

Whereas, competition through deregulation is expected to decrease rates, and promote competition in the electric industry; and

Whereas, two electric deregulation bills, HB 5 and SB 3, are presently before the State Legislature, and may pass by June; and

Whereas, many concerned public officials, groups and individuals seek electric deregulation legisla-

tion that will benefit consumers and will have a constructive impact on the environment; and

Whereas, this Council recently held a public hearing at which citizens and organizations provided input and identified many issues, which must be addressed including the following:

(a) Stranded costs recovery, which shifts the burden on consumers to pay the cost for the bad investment decisions made by Ohio's electric utilities.

(b) The impact that deregulation will have on municipal electric utilities and their ability to compete with privately operated electric utilities.

(c) Harmful negative impacts that deregulation could have on the environment.

(d) Potential impact that deregulation may have on low-income assistance programs.

(e) Impact that deregulation will have on the taxing structure of electric utilities that could affect the funding of the school districts and local government funds.

(f) The affect that transition charges could have on electric rates charged to customers in order to pay for expensive electric power plants.

Whereas, this Council believes that it is the responsibility of the Ohio Legislature to thoroughly review and evaluate the electric deregulation legislation in order to ensure that such policy is fair to all Ohioans; now therefore:

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

Section 1. That this Council strongly urges the Ohio Legislature to thoroughly review and evaluate the electric deregulation legislation in order to ensure that it is fair to all Ohioans and provides for the following:

(a) Mandated environmental improvements in the electric power industry with coal burning power plants operating under current pollution control standards.

(b) A substantial percentage of new energy generation must come from environmentally safe and renewable sources such as solar, wind or fuel cells.

(c) Residential and small business customers must receive the same rate relief as larger major business customers.

(d) Citizens must have an active input in decisions regarding the electric power industry.

(e) Maintain the current quality and reliability of electricity to all consumers and customers.

(f) Consumer protection provisions to ensure accessibility to the competitive market and appropriate education for customers.

(g) Promotion of community choice through aggregation with an opt-out provision to ensure consistent services and the lowest competitive price for energy.

Section 2. That the Clerk of Council is directed to transmit a certified copy of this resolution to Governor Robert Taft, and JoAnn Davidson, Speaker of the Ohio House and Richard Finan, President of the Ohio Senate.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

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

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

Res. No. 845-99.

By Councilmen Willis, Patmon, Westbrook, Johnson, Sweeney, Citron, Robinson, White, Cimperman, Zone and Jones.

An emergency resolution congratulating Reverend Jesse Jackson and other members of the religious delegation that secured the peaceful release of the U.S. POWs from Yugoslavia.

Whereas, a delegation of Christian, Muslim and Jewish leaders led by Reverend Jesse Jackson recently succeeded in securing the release of three U.S. Army prisoners of war from Yugoslavian President Slobodan Milosevic; and

Whereas, the United States' POWs had been held captive for 31 days; and

Whereas, the delegation traveled to Belgrade, the capital of Yugoslavia, under dangerous and perilous conditions as the conflict involving approximately 800 NATO aircraft entered into its 39th day of continuous bombings and missile attacks; and

Whereas, Reverend Joan Brown Campbell, General Secretary of the National Council of Churches in New York, and a former resident of Cleveland, was an integral part of the delegation and personally met with President Milosevic along with Reverend Jackson and other members of the delegation; and

Whereas, Father Irines Dobrijevic, a Serbian-American priest from St. Sava Orthodox Cathedral in Parma, Ohio, was also an active and important member of the delegation; and

Whereas, this Council of the City of Cleveland is grateful for the selfless efforts of Reverend Jackson and the members of the delegation in securing the safe release of three American servicemen through peaceful means; now, therefore

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

Section 1. That the Council of the City of Cleveland is proud of the historic accomplishment of the delegation led by Reverend Jesse Jackson and congratulates Reverend Jackson, Reverend Campbell and Father Dobrijevic and all of the religious leaders that traveled to war torn Yugoslavia to secure the release of the U.S. prisoners of war and this Council wishes to express its gratitude for the courageous actions of the delegation.

Section 2. That the Council is hopeful and prayerful that the conflict in Yugoslavia will be resolved quickly and that peace may be returned to the region.

Section 3. That the Clerk of Council is hereby requested to transmit a copy of this resolution to President Clinton; Vice-President Gore; Reverend Jesse Jackson; Reverend Joan Brown Campbell; Father Irines

Dobrijevic; National Council of Churches; Senators Voinovich and DeWine; Congressmembers Kucinich, Tubbs Jones, Brown, LaTourette and Sawyer.

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

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

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

Res. No. 846-99.

By Councilman Patmon.

An emergency resolution expressing Council's congratulations to Rev. Jesse Jackson for securing the release of U.S. servicemen from Kosovo.

Whereas, this Council takes great pride and pleasure in recognizing and congratulating the Honorable Reverend Jesse Lewis Jackson for his heroic efforts in winning the release of the American hostages in Kosovo; and

Whereas, in his capacity as a responsible national and religious leader, Reverend Jackson has shown a tremendous conviction for the safety of the American soldiers as he stepped forward to save the lives of others; and

Whereas, despite the failed attempts of military and political leaders to win the release of the soldiers, the Reverend Jackson was successful in utilizing not a military resolve but a spiritual resolve; and

Whereas, Councilman Patmon from Cleveland's Eighth Ward and the residents of that said Ward are proud to have named a street after the Reverend Jesse Jackson. Cleveland is believed to be the only major American city to name a street after him for dedicating his life for the betterment of mankind and the spiritual growth and development of the world's communities; and

Whereas, the Reverend Jackson is a loving spiritual messenger, father, husband and living legend and role model for our youth; now, therefore.

Be it resolved, that this Council does hereby recognize and congratulate the Honorable Jesse Jackson for all his accomplishments throughout his career, but especially for his most recent accomplishment in securing the release of three young soldiers in a non-violent manner-without the need of guns, bombs and/or tanks.

Be it further resolved, that the Clerk of Council be and she is hereby requested to transmit a copy of this Resolution of Congratulations to Councilman Bill W. Patmon for proper presentation.

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

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

**SECOND READING
EMERGENCY ORDINANCES**

Ord. No. 365-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to provide geotechnical engineering, material testing, environmental assessments and construction inspection seminars for various public improvement projects.

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

1. In the title, line 4 and in Section 1, line 5, after "provide" insert "the requirements of".

2. In the title, at the end, and in the first paragraph of Section 1 at the end, strike the period and insert the following in both places: "for a period not to exceed two years."

3. Insert new Section 2 to read as follows:

"Section 2. That the Chairman of the Public Service Committee shall be notified if the aggregate total of contracts awarded under this ordinance exceeds One Hundred Thousand Dollars (\$100,000.00)."

4. Renumber existing Sections 2 and 3 to new "Section 3" and "Section 4", respectively.

Amendments agreed to.

Ord. No. 452-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide engineering, environmental, safety, remediation and disposal, forensic investigations, and other services needed for the various divisions of the Department of Public Utilities, for a period not to exceed two years.

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

Ord. No. 453-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide assessment, developmental and training services to employees regarding various Federal and State occupational safety and health regulations, for the various divisions of the Department of Public Utilities, for a period not to exceed two years.

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

1. In the title, line 4, and in Section 1, line 5, after "provide" insert "the requirements of".

Amendment agreed to.

Ord. No. 458-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of reclaimer asphalt rejuvenating agent, for the Division of Streets, Department of Public Service.

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

1. Strike the title and Section 1 in their entirety and insert in lieu thereof the following:

"An emergency ordinance authorizing the Director of Public Service to enter into a requirement without competitive bidding with Pavement Technology, Inc., for the purchase of labor and materials necessary to apply reclaimer asphalt rejuvenating agent on various City streets, for the Division of Streets, Department of Public Service."

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Pavement Technology, Inc. Therefore, the Director of Public Service is hereby authorized to make a written requirement contract for the period of one year with said Pavement Technology, Inc. for the labor and materials necessary to apply reclaimer asphalt rejuvenating agent on various City streets, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. That all streets paved under last year's contract with Pavement Technology, Inc. are listed herein in File No. 458-99-A."

Amendment agreed to.

Ord. No. 503-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of anti-freeze, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

Ord. No. 504-99.

By Councilmen Sweeney and Johnson (by departmental request).

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

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

Ord. No. 509-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary for underwater inspection, cleaning, debris removal and occasional minor repair of submerged and water filled facilities, for the Division of Water, Department of Public Utilities.

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

Ord. No. 510-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating chlorine handling systems at various water works plants, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

Ord. No. 511-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into contract with The Cleveland Electric Illuminating Company to provide for the purchase and sale of customer service equipment, for the Division of Cleveland Public Power, Department of Public Utilities.

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

1. In the title, line 6; in the third whereas clause, line 3; in Section 1, line 3, in Section 2, line 5; in Section 3, line 3, line 4, and line 6, before "customer" insert "non-residential".

2. In Section 4, at the end, insert the following new sentence: "That the Director of Public Utilities shall notify the Clerk of Council of any purchase or sale under this agreement which exceeds \$50,000."

Amendments agreed to.

Ord. No. 577-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of the transfer and disposal of municipal solid waste, for the Division of Waste Collection and Disposal, Department of Public Service.

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

1. In Section 2, line 11, strike "by this ordinance".

2. In the title, at the end, strike the period and insert "for a period not to exceed two years."

3. In Section 1, line 4, strike "one year" and insert in lieu thereof "two years"; in line 6, strike "year" and insert "term"; in line 13, strike "a year" and insert in lieu thereof "two years"; and in line 15, strike "year" and insert "term".

Amendments agreed to.

Ord. No. 578-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of the transfer and disposal of bulk waste, for the Division of Waste Collection and Disposal, Department of Public Service.

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

1. In Section 2, line 11, strike "by this ordinance".

2. In the title, at the end, strike the period and insert "for a period not to exceed two years."

3. In Section 1, line 4, strike "one year" and insert in lieu thereof "two years"; in line 6, strike "year" and insert "term"; in line 13, strike "a year" and insert in lieu thereof "two years"; and in line 15, strike "year" and insert "term".

Amendments agreed to.

Ord. No. 579-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of the transfer and disposal of tires, for the Division of Waste Collection and Disposal, Department of Public Service.

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

1. In Section 2, line 11, strike "by this ordinance".

2. In the title, at the end, strike the period and insert "for a period not to exceed two years."

3. In Section 1, line 4, strike "one year" and insert in lieu thereof "two years"; in line 6, strike "year" and insert "term"; in line 13, strike "a year" and insert in lieu thereof "two years"; and in line 15, strike "year" and insert "term".

Amendments agreed to.

Ord. No. 580-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1074-98, passed June 15, 1998, relating to the purchase by requirement contract of various on-road vehicles and off-road equipment, and labor and materials necessary for repair and installation of packer bodies, for the various divisions of City government.

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

Ord. No. 638-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to provide comprehensive maintenance and support services for the CCA/MITIS computer system, for a period of one year, with two one-year options to renew.

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

Ord. No. 705-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of building materials, 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. 706-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of fasteners, 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. 707-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of fleet washing, 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. 708-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of hand tools and hand held power tools, 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. 709-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Jacobson mower parts, 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. 710-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of janitorial supplies, 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. 711-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of paint and paint materials, 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. 712-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of paper and cloth wipers, 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. 713-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of plumbing supplies, 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. 714-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of reproduction and mounting service, 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. 715-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the procurement by requirement contract of the rental and laundry service of work clothing, for the various divisions of City government, for a period of two years.

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

SECOND READING EMERGENCY ORDINANCES PASSED**Ord. No. 105-99.**

By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Jerald A. Schneiberg, attorney at law, to provide workers' compensation administrative hearing services and related comprehensive services for the Department of Personnel and Human Resources.

Approved by Directors of Personnel and Human Resources, Finance, Law; Recommended by Committees on Employment, Affirmative Action and Training, Finance, when amended as follows:

1. Insert a new Section 2 to read as follows:

"Section 2. That the contract authorized by Section 1 shall state that Jerald A. Schneiberg shall, to the greatest extent feasible, hire and employ residents of the City of Cleveland to carry out his obligations under the contract. The contract shall be for a period of no greater than one year."

Amendment agreed to.

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

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

Those voting nay were: Councilman Dolan.

Absent: Councilmen Britt, Coats, Melena.

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

Ord. No. 106-99.

By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Integrated Consulting Services to provide workers' compensation actuarial and auditing services for the Department of Personnel and Human Resources.

Approved by Directors of Personnel and Human Resources, Finance, Law; Recommended by Committees on Employment, Affirmative Action and Training, Finance, when amended as follows:

1. Insert a new Section 2 to read as follows:

"Section 2. That the contract authorized by Section 1 shall state that Integrated Consulting Services shall, to the greatest extent feasible, hire and employ residents of the City of Cleveland to carry out its obligations under the contract. The contract shall be for a period of no greater than one year."

Amendment agreed to.

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

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

Those voting nay were: Councilman Dolan.

Absent: Councilmen Britt, Coats, Melena.

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

Ord. No. 505-99.

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

An emergency ordinance determining the method of making the public improvement of laying and re-laying and repairing sidewalks, handicap ramps, curbing, driveway aprons, median strips, intersections, bridge approaches, utility box adjustments, and/or castings, and miscellaneous appurtenances in the districts of the City and authorizing the Director of Public Service to enter into one or more requirement contracts for the making of said improvements through December 31, 2000.

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

1. In the title, lines 9, 10 and 11, strike "on the eastern, western, northern, southern and downtown districts of" and insert in lieu thereof the following: "in".

2. In Section 1, lines 5 and 6; and in Section 4, lines 5 and 6 strike "the eastern, western, northern, southern and downtown districts of".

3. In the first whereas clause, line 2 after "1997," insert "**and Resolution No. 813-99, adopted May 3, 1999.**"

4. In Section 1, line 6, after "1095-97" insert "**and Resolution No. 813-99**".

5. In Section 2, line 1, after "That" and in Section 5, line 1, after "That" insert the following: "**provided this Council authorizes and the City sells bonds for the purposes authorized herein.**"

6. In Section 7, line 2, after "10 SF 034" insert the following: "**and from the fund to which are credited the proceeds of the sale of general obligation bonds issued for the purpose which include the above improvement**".

Amendments agreed to.

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

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

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 1418-98.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use to the Cleveland Gear Company, or in the alternative to lease said property to Cleveland Gear Company, or a lease with option to purchase located north of Arvina Avenue between East 79th Street and East 81st Street.

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

Ord. No. 2052-98.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the northeast corner of St. Clair Avenue and East 105th Street to Glenville Town Center, Ltd.

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

Ord. No. 97-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Office of Criminal Justice Services for the 1999 Curfew Enforcement Sweeps Program; and to enter into a contract with Partnership for a Safer Cleveland and a contract for the lease of a facility to implement the program.

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

Ord. No. 249-99.

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

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of Harvard Avenue from East 154th Street to the east corporation line; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

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

Ord. No. 250-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to provide architectural, engineering and other related services for the purpose of replacing or repairing roofs at various facilities in the Department of Public Service; determining the method of making the public improvement of replacing or repairing roofs, and authorizing the Director of Public Service to enter into contract for the making of such improvement.

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

Ord. No. 251-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide design services necessary to create a detailed design of the consolidated maintenance facility at Cleveland Hopkins International Airport.

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

Ord. No. 253-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide design or design review services to create a detailed design for the westside cargo ramp at Cleveland Hopkins International Airport.

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

Ord. No. 364-99.

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

An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. 50723 for constructing a parking facility at Cleveland Hopkins International Airport with Choice/Donley, for the Department of Port Control.

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

Ord. No. 367-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of infrastructure cable and riser wire, including associated equipment, for Department of Public Safety.

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

Ord. No. 368-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of breath alcohol machines, for the Division of Police, Department of Public Safety.

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

Ord. No. 460-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Athersys, Inc. to provide economic development assistance to partially finance the acquisition of equipment at its operation located at 11000 Cedar Avenue, Cleveland, Ohio.

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

Ord. No. 516-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Vesper Corporation to provide economic development assistance to partially finance the construction and acquisition of machinery and equipment, located across from 3249 East 80th Street between East 79th and East 80th Streets, north and south of the vacated Arvina Avenue, Cleveland, Ohio.

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

Ord. No. 517-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance to amend Sections 2 and 3 of Ordinance No. 939-97, passed June 16, 1997, relating to economic development assistance contracts with Glenville Development Corporation.

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

Ord. No. 586-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to amend the agreement with the Board of County Commissioners of Cuyahoga County, Ohio,

to dedicate and sell one thousand and fifty additional plots of ground in Highland Park Cemetery and Cleveland Memorial Gardens for the burial of Honorably Discharged Soldiers, Sailors, Marines and Nurses.

Read third time. Passed. Yeas 18. Nays 0

MOTION

By Councilman Jackson, seconded by Councilman Polensek and unanimously carried that the absence of Councilman Patricia J. Britt, Councilman Roosevelt Coats, and Councilman Timothy J. Melena be and is hereby authorized.

The Council adjourned at 8:20 p.m. to meet on Monday, May 17, 1999, at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

ORDINANCES

Ord. No. 365-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to provide the requirements of geotechnical engineering, material testing, environmental assessments and construction inspection seminars for various public improvement project for a period not to exceed two years.

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

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

Section 1. That the Director of Public Service is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide the requirements of professional services necessary to perform geotechnical engineering, material testing, environmental assessments and construction inspection seminars for various public improvement project for a period not to exceed two years.

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

Section 2. That the Chairman of the Public Service Committee shall be notified if the aggregate total of contracts awarded under this ordinance exceeds One Hundred Thousand Dollars (\$100,000.00).

Section 3. That the costs for such services herein contemplated shall be paid from Fund No. 20 SF 353, Request No. 24532.

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.

Ord. No. 452-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide engineering, environmental, safety, remediation and disposal, forensic investigations, and other services needed for the various divisions of the Department of Public Utilities, for a period not to exceed two years.

Ord. No. 453-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide the requirements of assessment, developmental and training services to employees regarding various Federal and State occupational safety and health regulations, for the various divisions of the Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide the requirements of professional services necessary to provide assessment, developmental and training services to employees relating to various Federal and State occupational safety and health regulations and other regulatory requirements, and to provide professional, clerical, and office skills enhancement training, for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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

the Director of Public Utilities, and certified by the Director of Finance.

Section 2. That the costs for such services herein contemplated shall be paid from Fund Nos. 52 SF 001 and 54 SF 001, Request No. 24049.

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

Ord. No. 458-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into a requirement without competitive bidding with Pavement Technology, Inc., for the purchase of labor and materials necessary to apply reclaimer asphalt rejuvenating agent on various City streets, for the Division of Streets, Department of Public Service.

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Pavement Technology, Inc. Therefore, the Director of Public Service is hereby authorized to make a written requirement contract for the period of one year with said Pavement Technology, Inc. for the labor and materials necessary to apply reclaimer asphalt rejuvenating agent on various City streets, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. That all streets paved under last year's contract with Pavement Technology, Inc. are listed herein in File No. 458-99-A.

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 21361)

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

Ord. No. 503-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of anti-freeze, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

Ord. No. 504-99.

By Councilmen Sweeney and Johnson (by departmental request).

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

Ord. No. 509-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary for underwater inspection, cleaning, debris removal and occasional minor repair of submerged and water filled facilities, for the Division of Water, Department of Public Utilities.

Ord. No. 510-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating chlorine handling systems at various water works plants, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

Ord. No. 511-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into contract with The Cleveland Electric Illuminating Company to provide for the purchase and sale of **non-residential** customer service equipment, for the Division of Cleveland Public Power, Department of Public Utilities.

Whereas, as a result of competition between Cleveland Public Power and The Cleveland Electric Illuminating Company ("CEI") for retail customers in the City of Cleveland, each utility presently is required to install new service equipment whenever that utility gains a new customer, and to remove that equipment if the customer subsequently switches electric suppliers; and

Whereas, the installation and removal of such equipment may cause inconvenience to the customers of each utility, and results in costs that are ultimately borne by the utilities' customers; and

Whereas, in order to avoid unnecessary expense and inconvenience to electric service customers, the City and CEI desire to enter into an agreement to transfer ownership of **non-residential** customer service equipment whenever a customer desires to switch electric service providers; 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 it is hereby determined that electric service equipment owned by The Cleveland Electric Illuminating Company ("CEI") and installed to serve a **non-residential** customer who desires to switch to Cleveland Public Power is non-competitive and cannot be secured from any source other than CEI.

Section 2. That notwithstanding and as an exception to the provisions of chapters 181 and 183 of the Codified Ordinances of Cleveland,

Ohio, 1976, it is hereby found and determined that electric service equipment owned by Cleveland Public Power and installed to serve a **non-residential** customer who desires to switch to CEI is no longer needed for a public use.

Section 3. That the Director of Public Utilities is hereby authorized to enter into contract with CEI to provide for the purchase of **non-residential** customer service equipment owned by CEI and installed to serve a **non-residential** customer who desires to switch service to Cleveland Public Power, and the sale of service equipment owned by Cleveland Public Power and installed to serve a **non-residential** customer who desires to switch service to CEI. Such equipment may include, but is not limited to, overhead and underground customer service lines, transformers, poles and switches.

Section 4. That the compensation to be paid for equipment transferred between Cleveland Public Power and CEI shall be not less than fair market value, and shall be determined by the Director of Public Utilities in consultation with the Director of Law. **That the Director of Public Utilities shall notify the Clerk of Council of any purchase or sale under this agreement which exceeds \$50,000.**

Section 5. That the agreement authorized herein shall be prepared by the Director of Law and shall contain such terms and conditions as the Director deems appropriate to benefit and protect the public interest.

Section 6. That the cost of said contract hereby authorized shall be paid from Fund No. 58 SF 001.

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

Ord. No. 577-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of the transfer and disposal of municipal solid waste, for the Division of Waste Collection and Disposal, Department of Public Service **for a period not to exceed two years.**

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of **two years** for the necessary items of the transfer and disposal of municipal solid waste in the approximate amount as purchased during the preceding **term**, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or

by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than **two years** may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire **term**.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution and performance of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached hereto as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That 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 23200)

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.

EXHIBIT A

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the undersigned _____

(Name and Address) as Principal and _____

(Name of Surety) as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Oblige, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Oblige on _____ (date) to undertake the project known as _____

The penal sum referred to herein shall be _____

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW THEREFORE, if the Oblige accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Oblige may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Oblige does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Oblige accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Oblige against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Oblige herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 19____.

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____
Attorney-in-Fact

TITLE: _____

SURETY COMPANY'S ADDRESS: _____

Agency Name _____
Street _____
City _____ State _____ ZIP _____

SURETY AGENT'S ADDRESS: _____
Street _____
City _____ State _____ ZIP _____

Ord. No. 578-99.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of the transfer and disposal of bulk waste, for the Division of Waste Collection and Disposal, Department of Public Service for a period not to exceed two years.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of the transfer and disposal of bulk waste in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution and performance of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached hereto as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That 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 23197)

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.

EXHIBIT A

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the undersigned _____

(Name and Address)
as Principal and _____

(Name of Surety)
as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Oblige, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Oblige on _____ (date) to undertake the project known as _____

The penal sum referred to herein shall be _____

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW THEREFORE, if the Oblige accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Oblige may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Oblige does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Oblige accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Oblige against all damage suffered by failure to

perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 19____.

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____
Attorney-in-Fact

TITLE: _____

SURETY COMPANY'S ADDRESS: _____

Agency Name _____
Street _____
City _____ State _____ ZIP _____

SURETY AGENT'S ADDRESS: _____

Street _____
City _____ State _____ ZIP _____

Ord. No. 579-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of the transfer and disposal of tires, for the Division of Waste Collection and Disposal, Department of Public Service for a period not to exceed two years.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of **two years** for the necessary items of the transfer and disposal of tires in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken

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

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution and performance of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached hereto as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That 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 23174)

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.

EXHIBIT A

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the undersigned _____

(Name and Address) _____ as Principal and _____

(Name of Surety) _____ as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Obligee, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Obligee on _____ (date) to undertake the project known as _____

The penal sum referred to herein shall be _____

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that

whereas the above named Principal has submitted a bid on the above referred project;

NOW THEREFORE, if the Obligee accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Obligee may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Obligee does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Obligee accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Obligee against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 19____.

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____
Attorney-in-Fact

TITLE: _____

SURETY COMPANY'S ADDRESS:

Agency Name _____

Street _____

City _____ State _____ ZIP _____

SURETY AGENT'S ADDRESS:

Street _____

City _____ State _____ ZIP _____

Ord. No. 580-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1074-98, passed June 15, 1998, relating to the purchase by requirement contract of various on-road vehicles and off-road equipment, and labor and materials necessary for repair and installation of packer bodies, for the various divisions of City government.

Ord. No. 638-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to provide comprehensive maintenance and support services for the CCA/MITIS computer system, for a period of one year, with two one-year options to renew.

Ord. No. 705-99.

By Councilman Johnson (by departmental request).

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

Ord. No. 706-99.

By Councilman Johnson (by departmental request).

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

Ord. No. 707-99.

By Councilman Johnson (by departmental request).

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

Ord. No. 708-99.

By Councilman Johnson (by departmental request).

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

Ord. No. 709-99.

By Councilman Johnson (by departmental request).

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

Ord. No. 710-99.

By Councilman Johnson (by departmental request).

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

Ord. No. 711-99.

By Councilman Johnson (by departmental request).

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

Ord. No. 712-99.

By Councilman Johnson (by departmental request).

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

Ord. No. 713-99.

By Councilman Johnson (by departmental request).

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

Ord. No. 714-99.

By Councilman Johnson (by departmental request).

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

Ord. No. 715-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the procurement by requirement contract of the rental and laundry service of work clothing, for the various divisions of City government, for a period of two years.

BOARD OF CONTROL

May 5, 1999

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 5, 1999, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.

Absent: None.

Others: JoAnn Arki, Acting Commissioner Purchases and Supplies, Linda A. Walker, Acting Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 254-99.

By Director Carmody.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of DuPont Flooring Systems, Inc. for the public improvement of Carpeting System for the Department of Finance on behalf of the Cleveland Municipal Clerk of Court, received on April 21, 1999,

pursuant to the authority of Ordinance No. 524-95, passed April 10, 1995, for a gross price for the improvement in the aggregate amount of Twenty Seven Thousand One Hundred Ninety and 00/100 (\$27,190.00) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Finance is hereby authorized to enter into contract for said improvement with said bidder.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 255-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of East Jordan Iron Works, Inc. for an estimated quantity of various sewer maintenance appurtenances-castings for the Division of Water Pollution Control, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 11th day of February 1999, pursuant to the authority of Section 129.27 Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to One Hundred Forty Three Thousand Two Hundred Sixty and 00/100 Dollars (\$143,260.00), 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. 1801 which shall be certified against such contract in the sum of Seventy Five Thousand Dollars (\$75,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 256-99.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on March 31, 1999, for PC Components and Software, for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority Ordinance No. 1071-93, passed by the Council of the City of Cleveland on June 7, 1993, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 257-99.

By Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland that the bid of NEC Business Network Solutions, Inc. for an estimated quantity of network communications equipment, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on March 31, 1999, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993 on the basis of the estimated quantity would amount to Sixty Eight Thousand Ninety Six and no/100 Dollars (\$68,096.00), (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. 0201
which shall be certified against such contract in the sum of Sixty Thousand and no/100 Dollars (\$60,000.00)

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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by NEC Business Network Solutions, Inc., for network communications equipment for the above-mentioned requirement contract is hereby approved:

SUBCONTRACTOR	MBE/FBE
Whites Info. Systems	22% (MBE)

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.
Nays: None.
Absent: None.

Resolution No. 258-99.

By Director Balraj.
Resolved, by the Board of Control of the City of Cleveland that the bid of Grinnel Fire Protection Systems for an estimated quantity of Key-cards and accessories (Item No. A-Option 1) for the Division of Cleveland Hopkins International Airport, Department of Port Control, for the period of two years beginning with the execution of a contract received on the 3rd day of December 1998, pursuant to the authority of Ordinance No. 355-98, passed April 6th 1998, which on the basis of the estimated quantity would amount to (\$50,000.00) Dollars, is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 2311
which shall be certified against such contract in the sum of Ten Thousand (\$10,000.00) Dollars.
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.

rately certified against said contract.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.
Nays: None.
Absent: None.

Resolution No. 259-99.

By Director Balraj.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Koch Corporation, for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, Group "W", for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on April 1, 1999, pursuant to the authority of Ordinance No. 930-95, passed on June 19, 1995 and Ordinance No. 469-98, passed on May 18, 1998, upon a unit basis, for the improvement in the aggregate amount of \$769,964.00 is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into a contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractor by Koch Corporation for the public improvement of the Phase 2 Continuation of the Residential Sound Insulation Program, Group "W", hereby is approved:

Cyngier System Management
(FBE) \$154,718.00

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.
Nays: None.
Absent: None.

Resolution No. 260-99.

By Director Balraj.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Interstate Design & Construction Company, for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, Group "Z", for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on April 1, 1999, pursuant to the authority of Ordinance No. 930-95, passed on June 19, 1995 and Ordinance No. 469-98, passed on May 18, 1998, upon a unit basis for the improvement, in the aggregate amount of \$1,017,388.00, is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into a contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractor by Interstate Design & Construction Company for the public improvement of the Phase 2 continuation of the Residential Sound Insulation Program, Group "Z", hereby is approved:

MAP International
(MBE) \$283,227.00

Ressler Contracting
(FBE) \$64,000.00

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.
Nays: None.
Absent: None.

Resolution No. 261-99.

By Director Ricchiuto.
Resolved, by the Board of Control of the City of Cleveland that the bid of A & H Equipment Company for an estimated quantity of Leach Packer Parts (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two (2) years beginning with the date of execution of a contract, received on March 19, 1999, pursuant to the authority of Ordinance No. 2172-98, passed March 1, 1999, which on the basis of the estimated quantity would amount to approximately One Hundred Thirty Thousand and no/100 Dollars (\$130,000.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into 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. 1734
which shall be certified against such contract in the sum of Seven Thousand and no/100 Dollars (\$7,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.
Nays: None.
Absent: None.

Resolution No. 262-99.

By Director Guzman.
Resolved by the Board of Control of the City of Cleveland that the bid of Chestnut Ridge Foam for an estimated quantity of jail cell mattresses, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on February 24, 1999, pursuant to the authority of Ordinance No. 1954-98, passed December 14, 1998, which on the basis of the estimated quantity would amount to Eighteen Thousand, Seven Hundred Eighty-Seven and 54/100 Dollars (\$18,787.54), (1% 15 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 27968
130 Cr safeguard fire mattresses as specified, Item #1
168 Cr safeguard fire resistant mattresses, as specified, Item 2
which shall be certified against such contract in the sum of Eighteen Thousand, Seven Hundred Eighty-Seven and 54/100 Dollars (\$18,787.54).

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

requisitions separately certified against said contract.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 263-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Hamilton Farms for an estimated quantity of horse supplies, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on February 25, 1999, pursuant to the authority of Ordinance No. 1952-98, passed December 14, 1998, which on the basis of the estimated quantity would amount to Twenty Eight Thousand, Nine Hundred Seventy and 00/100 Dollars (\$28,970), (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 27971

60 tons of hay, as specified, Item #1
3 tons of straw, as specified, Item 2
20 tons of grain, as specified, Item 3
12 cartons of salt blocks, as specified, Item 4

which shall be certified against such contract in the sum of Fifteen Thousand, Thirty and 00/100 Dollars (\$15,030.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 264-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Kapco, Inc., for an estimated quantity of Reflective Sheeting and Sign Posts item number 2 and 3, for the Division of Traffic Engineering and Parking, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on October 15, 1998, pursuant to the authority of Ordinance No. 759-98, passed June 1, 1998, which on the basis of the estimated quantity would amount to Thirteen Thousand, Two Hundred Fifty and 00/100 Dollars (\$13,250), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 26668

Reflective sheeting 30" x 50 yd. White reflective punched for Gerber Sign Marking Equipment, Item 2, as specified

Cast Vinyl 30" x 50 yd. 9028 Dark Green punched for Gerber Sign Making Equipment Item 3, as specified which shall be certified against such contract in the sum of Four Thousand, Three Hundred Sixteen and 25/100 Dollars (\$4,316.25).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 265-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of 3-M Company, for an estimated quantity of Reflective Sheeting and Sign Posts item number 1, for the Division of Traffic Engineering and Parking, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on October 15, 1998, pursuant to the authority of Ordinance No. 759-98, passed June 1, 1998, which on the basis of the estimated quantity would amount to Thirteen Thousand, Six Hundred Eighty and 00/100 Dollars (\$13,680), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 26667

Reflective sheeting 24" x 50 yd. Yellow, Item 1, as specified which shall be certified against such contract in the sum of One Thousand, One Hundred Forty and 00/100 Dollars (\$1,140.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 266-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Signs and Blanks, Inc. for an estimated quantity of Reflective Sheeting and Sign Posts item numbers 4a, 4b, 4c and 4d, for the Division of Traffic Engineering and Parking, Department of Public Safety, for the period beginning with the date of execution of a contract and expiring October 31, 1999, received on October 15, 1998, pursuant to the authority of Ordinance No. 759-98, passed June 1, 1998, which on the basis of the estimated quantity would amount to

Twenty Three Thousand, One Forty-One and 00/100 Dollars (\$23,141), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 26669

Steel U-Channel sign posts 12 ft. length — 3# ft., Item 4b, as specified which shall be certified against such contract in the sum of Seven Thousand, Five Hundred Eighty-Two and 50/100 Dollars (\$7,582.50).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 267-99.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 126-04-099 located at 8313 Congress Court, S.E. 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, Greater Cleveland Habitat for Humanity 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 Greater Cleveland Habitat for Humanity

Incorporated for the sale and development of Permanent Parcel No. 126-04-099 located at 8313 Congress Court, S.E., 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 \$100.00, 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: None.

Nays: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.

Absent: None.

Resolution No. 268-99.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on April 7, 1999 for dewatered residuals (all items) for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 1944-98, passed December 14, 1998, are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 269-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Best Expressions, Inc., for the following: G.R.E.A.T. materials/promotional items (Items 1-4; 6, 8-12), for the Division of Police, Department of Public Safety, received on 29th day of April 1999, pursuant to the authority of Ordinance No. 183-99, passed March 29, 1999, which on the basis of the ordered quantity would amount of Forty Five Thousand, Six Hundred Fifty-Three and 50/100 Dollars (\$45,653.50), (Net 30 Days), is hereby approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into contract for said items.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 270-99.

By Director Jackson.

Whereas, pursuant to the authority of Section 133.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Board of Control, by its Resolution No. 356-96 adopted on May 29, 1996, established a schedule of rental rates for Cleveland Public Auditorium and Convention Center; and

Whereas, the City of Cleveland will be hosting the 1999 AAU Junior Olympic Games; and

Whereas, the Cleveland Convention Center will host various sporting competitions in conjunction with the 1999 AAU Junior Olympic Games, from July 30 through August 8, 1999; and

Whereas, the 1999 AAU Junior Olympic Games will attract hundreds of thousands of visitors to the City of Cleveland and will generate millions of dollars in tax and service revenues; and

Whereas, because of the competition to attract this event, the City must provide Convention Center space rent-free; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that notwithstanding and as an exception to the provisions of Resolution No. 356-96, adopted by this Board of Control on May 29, 1996, space(s) at the Cleveland Convention Center for the conduct of various competitions in conjunction with the 1999 AAU Junior Olympic Games to be held from July 30 through August 8, 1999 shall be provided at no charge.

Be it further resolved that any labor, materials and equipment supplied to the AAU Junior Olympic Games by the Cleveland Convention Center be charged at the prevailing rates, and that all other provisions of said Resolution No. 356-96 to which exception is not expressly taken hereby, shall remain in full force and effect.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 271-99.

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to enter into a concession agreement with APCOA, Inc. for the operation of the Gateway Garages consisting of the East Garage, located at 650 Huron Road, and the North Garage, located at 2151 Ontario Avenue, for a period not exceeding thirty (30) days commencing May 7, 1999, for such payments as is mutually acceptable to APCOA, Inc. and the Director of Parks, Recreation and Properties.

Be it further resolved that concession agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as he deems necessary to benefit and protect the public interest.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 272-99.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 126-04-099 located at 8313 Congress Court, S.E. 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, Greater Cleveland Habitat for Humanity 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 Greater Cleveland Habitat for Humanity Incorporated for the sale and development of Permanent Parcel No. 126-04-099 located at 8313 Congress Court, S.E., in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Acting Directors Gordon, Huth and Director Axelrod.

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, MAY 24, 1999

9:30 A.M.

Calendar No. 99-77: 5906-5912 West Clinton Avenue (Ward 17)

Neil and Marcia McReynolds, owners, appeal under Section 355.04 from the refusal to approve a lot split for the 100' x 104' lot located in a Two-Family District on the north side of West Clinton Avenue and west of West 58th Street, known as 5906 and 5912 West Clinton Avenue; said refusal being by Jomarie Wasik, Acting Commissioner of Engineering and Construction, and Hunter Morrison, Director of City Planning, under the authority of Section 355.04 of the Codified Ordinances.

Calendar No. 99-92: 3969 Lee Road, a.k.a. 3969-3975 Lee Road (Ward 1)

Tire Limited, owner, and Perfect Peace Baptist Church, tenant c/o Reverend Derrick Noel and Leandra Poe, agents, appeal to change the use of an existing 97' x 40' lease space of an existing 97' x 83' one-story masonry building, situated on a 42' x 104' parcel on the east side of Lee Road in a Local Retail Business District at 3969 Lee Road, a.k.a. 3969-3975 Lee Road, into a day care center for approximately 30 children, ages ranging from infancy to 5 years, and a staff of 7 employees, Monday through Friday between the hours of 8:30 am to 6:00 p.m., and to continue the existing use of the premises as a church during the weekend; said proposed change of use being contrary to the Business District Regulations of Section 343.01(b)(1), where except as otherwise provided in the Code, all uses permitted and as regulated in the least restricted Residence District adjacent to any part of such Local Retail Business District and the change in question being subject to review by the Board of Zoning Appeals as stated in the Residential District Regulations of Section 337.03 of the Codified Ordinances.

Calendar No. 99-93: 10643 St. Clair Avenue (Ward 8)

Kevin Spriggs, owner, appeals to change the use of an existing 28'-8" x 42'-4" one-story masonry building into an auto detailing shop situated on a 157' x 100' parcel located in a Local Retail District on the north side of St. Clair Avenue at 14603 St. Clair Avenue; said change of use being contrary to the Business District Regulations of Section 343.01 where an auto detailing shop is not permitted in a Local Retail District and the Semi-Industry District Regulations, where an auto detailing shop is permitted provided that it is not less than 100' from a residence district and contrary to the Landscaping and Screening Requirements where a 6' medium strip is required along St. Clair

Avenue 0' is proposed and a 0' landscaping strip is proposed along the northerly property line and a 10' strip is required as stated in Section 352.10 of the Codified Ordinances.

Calendar No. 99-94: 3100 Daisy Avenue (Ward 15)

Mustafa Hamid, owner, appeals to change the use of an existing two-story frame house with a 1-1/2-story frame addition into a day care center and one dwelling unit situated on a 37' x 140' parcel in a Two-Family District on the north side of Daisy Avenue at 3100 Daisy Avenue; said change of use being contrary to the Two-Family District Regulations of Section 337.03 where a day care in a Two-Family District requires approval by the Board of Zoning Appeals and to the Off-Street Loading and Parking Requirements where one parking space is required for each two employees as stated in Section 349.04(C) of the Codified Ordinances.

Calendar No. 99-95: 3401 East 53rd Street (Ward 12)

The Cleveland Catholic Diocese c/o Bishop Anthony M. Pilla, owner, and Andrej N. Lah, attorney, appeal to change the use of an existing 39' x 70' three-story masonry building into a residential facility for neglected or abused adolescent males ages 10-17 years, and situated on the west side of a 265' x 420' irregular shaped corner parcel in a Two-Family District on the southeasterly corner of Hamm Avenue and East 53rd Street at 3401 East 53rd Street; and subject to the Residential District Regulations governing One and Two Family Districts, wherein the proposed change of use requires Board of Zoning Appeals approval as stated in Sections 337.02 and 337.03 of the Codified Ordinances.

Calendar No. 99-96: 3488 West 58th Street (Ward 17)

Jose T. Henriquez, owner, appeals to change the use of an existing 24' x 39' 1-1/2 story frame, one dwelling house into a two dwelling house situated on a 35' x 55' parcel and located in a Two-Family District on the east side of West 58th Street at 3488 West 58th Street; said change of use being contrary to the Off-Street Parking and Loading requirements of Section 349.04(a) where 2 parking spaces are required and contrary to the Area Requirement Regulations of Section 355.04(b) where the lot area required is 6000 sq. ft. and 1,925 sq. ft. are provided and the maximum gross floor area allowed is 962.5 sq. ft. and 1,892.44 sq. ft. are proposed and contrary to the Yards and Courts Regulations of Section 357.08(2)(B)(1) where the depth of the rear yard shall be not less than 20' and 7' are proposed and Section 357.09 where 3' and 7' side yards are required for an aggregate 10' and 2'-9" and 8'-0" are proposed but subject to the non-conforming use limitations of Section 359.01(a) of the Codified Ordinances.

Calendar No. 99-128: 8611 Nevada Avenue (Ward 6)

Fairfax Homes Development L.P. c/o Vicki Eaton King, president, and Capri Homes c/o George Fragapane, prospective purchaser, appeal to erect an 18' x 36' one-family dwelling house with a 12' x 24' attached garage on a 40' x 158' corner parcel in a Multi-Family District on the northeast corner of East 86th Street and Nevada Avenue at 8611 Nevada Avenue; said construction being contrary to the Yards and Courts Regulations where no building shall be erected less than 10' from a main building on an adjoining lot, the proposed building to be approximately 8' from an existing building to the west of the property in question and 9.84' from a proposed new building at 8613 Nevada Avenue on the eastern portion of the property in question as stated in Section 357.09(b)(2) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, MAY 10, 1999

At the Meeting of the Board of Zoning Appeals on Monday, May 10, 1999, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 99-82: 2415 East 55th Street

Community Guidance, Inc., owner, and Fresh Start Inc., prospective purchaser, appealed to continue use as a correctional halfway house for 100 residents an existing 4-story masonry building on the southeast corner of Quincy Avenue and East 55th Street; said approval conditioned upon submission of written stipulation of terms for operation signed by council rep and Fresh Start Inc. and revised plans showing upgrades for landscaping and fencing.

Calendar No. 99-84: 798 East 185th Street

Dante Lavelli, owner, and Laura Robinson, prospective purchaser, appealed to change use of an existing 2-story masonry bank building into a Child Care Center on a corner parcel in a Local Retail Business District; approval conditioned upon submission of modified plan with board on board fencing opposite residential property.

Calendar No. 99-85: 3868 Carnegie Avenue

Charles Comella, owner, and Total Learning Center c/o James Jackson, tenant, appealed to change use of an existing two-story masonry office building into a Child Care Center in a General Retail business District.

Calendar No. 99-102: 2221 Professor Avenue

Primo Group, owner, and Mojo Restaurant, tenant c/o Gherre Herschman, agent, appealed to change use of an existing three-story, one dwelling unit, eight rooming occupancies, two stores and one office building into a restaurant on the first floor and offices on the second floor and parking for 10 cars on a corner parcel in a General Retail Business District with parking for 8 cars to be located on the northeast corner of Literary Road and Professor Avenue; conditioned upon all required parking agreements being submitted in writing with appropriate signatures.

The following appeals were **Denied**:

Calendar No. 99-83: 10902 Florian Avenue

Steve Gladstone, owner, and Reliable Customer Service c/o Rocco Sutura, agent, appealed to demolish an existing 24' x 8' first floor front porch and an existing 24' x 8' second floor front porch and to build a 24' x 8' enclosed room addition in place of each porch of an existing 2-dwelling house in a Two-Family District.

Calendar No. 99-53: 2925 East 75th Street, a.k.a. 7507-19 Kinsman Road

Lillian Rabah, owner, and Moorad H. Rabah, tenant, appealed to expand a nonconforming one-story masonry car wash building into a 30' x 60' one-story masonry car wash building on a 229' x 171' lot in a General Retail District.

Calendar No. 99-57: 1743-49 East 55th Street

Charles S. Smith, owner, appealed to change use of an existing two-story masonry store building in a Semi-Industry and Multi-Family District on a 179' x 150' parcel with a one-story masonry storage building to the south into a bar and lounge for assembly use and parking for 27 cars.

The following appeals were **Dismissed**:

Calendar No. 99-24: 1361 East Boulevard

Thomas Peters appealed to construct a 54' x 48' one-story masonry garage to the east of an existing 80' x 48' building in a Multi-Family District.

Calendar No. 99-79: 6605 Clark Avenue

Stuart J. Graines, appellant, and Paul M. Greenberger, attorney, appealed from a violation notice issued on March 2, 1999 by the Acting Commissioner of Environment and the Department of Public Health.

On Monday, May 10, 1999, in Executive Session:

The following appeals were heard on Monday, May 3, 1999, and said decisions to **GRANT** were approved

and adopted by the Board on May 10, 1999:

Calendar No. 99-59: 1829 East 55th Street

Service Station Equipment Company, owner, and Oriana House, Inc., prospective purchaser, appealed to renovate and change use of existing two-story masonry building located in a General Retail and Semi-Industry District into a correctional half-way house; approval conditioned upon absolute limit of 150 for occupancy; strict use as a community correction center for offenders who are returning to community life; that landscaping plans and exterior treatment of the building be subject to City Planning Commission and Building and Housing approvals.

Calendar No. 99-74: Appeal of Richard Seawright

Richard Seawright, appealed from being denied upon recommendation of Chief Martin Flask, C.P.D. a handgun registration and owner's identification card.

Calendar No. 99-78: 2146 West 5th Street

Tremont Ridge, Phase I, Limited Partnership, appealed to erect a 20' x 144' three-story two family house and a 20' x 20' detached private garage in a Multi-Family District.

Calendar No. 99-80: 4401 Brooks Road

Zaremba Cleveland Communities, owner, and Michael Caito, architect, appealed to construct an approximately 60' x 20' two-story club house in a One-Family District.

Calendar No. 99-47: Appeal of Chester P. Kuchinski

Chester P. Kuchinski, appealed from being denied upon recommendation of Chief Martin Flask, CPD, a handgun registration and handgun owner's identification card.

Calendar No. 99-55: 13021 Lorain Avenue

Jane F. King, owner, and Zaremba Group LLC, agent, and CVS Pharmacy, purchaser, appealed to construct a one-story drugstore building and a 55-car parking lot on a corner parcel in a General Retail Business District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

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, MAY 20, 1999

Meals for Prisoners, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 181-99, passed by the Council of the City of Cleveland, March 29, 1999.

May 5, 1999 and May 12, 1999

FRIDAY, MAY 21, 1999

Tree Maintenance, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2054-98, passed by the Council of the City of Cleveland, December 14, 1998.

Plumbing and Heating Supplies, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1956-98, passed by the Council of the City of Cleveland, December 7, 1998.

May 5, 1999 and May 12, 1999

WEDNESDAY, MAY 26, 1999

Income Tax Forms, for the Division of Taxation, Department of Finance, as authorized by Ordinance No. 1939-98, passed by the Council of the City of Cleveland, December 7, 1998.

Keypunch Services, for the Division of Taxation, Department of Finance, as authorized by Ordinance No. 360-99, passed by the Council of the City of Cleveland, March 29, 1999.

May 5, 1999 and May 12, 1999

FRIDAY, MAY 28, 1999

One (1) Cab and Chassis with Line Body/Bucket, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

May 5, 1999 and May 12, 1999

WEDNESDAY, JUNE 2, 1999

Phase 2 — Residential Sound Insulation Program (RSIP) 1999 — Group 4A, for the Department of Port Control, as authorized by Ordinance No. 469-98, passed by the Council of the City of Cleveland.

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 TUESDAY, MAY 18, 1999, AT 12:00 NOON LOCAL TIME, IN THE 2ND FLOOR MAIN CONFERENCE ROOM, ADMINISTRATION OFFICE, IN CLEVELAND HOPKINS INTERNATIONAL AIRPORT PASSENGER TERMINAL BUILDING.

May 5, 1999 and May 12, 1999

THURSDAY, JUNE 3, 1999

Wood Poles and Cross Arms, 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.

A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 20, 1999, 10:00 A.M., AT THE OFFICE OF CLEVELAND

PUBLIC POWER, 1300 LAKE-SIDE AVENUE.

Expansion of the Existing Telephone System for Various Cleveland Public Power Locations, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 919-96, passed by the Council of the City of Cleveland, June 18, 1996.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, MAY 18, 1999, 10:00 A.M., AT THE OFFICE OF CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE.

May 5, 1999 and May 12, 1999

WEDNESDAY, MAY 26, 1999

Summer Lunch Program, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 320-99, passed by the Council of the City of Cleveland, March 29, 1999.

May 12, 1999 and May 19, 1999

FRIDAY, MAY 28, 1999

Blaw Knox Paver Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 247-99, passed by the Council of the City of Cleveland.

Crane Carrier Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 177-99, passed by the Council of the City of Cleveland.

Caterpillar Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 177-99, passed by the Council of the City of Cleveland.

Grad-All Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 177-99, 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. 177-99, passed by the Council of the City of Cleveland.

Dewatered Residuals, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1936-96, passed by the Council of the City of Cleveland, December 26, 1996.

A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 20, 1999, 9:00 A.M., AT THE CROWN WATER PLANT, 955 CLAGUE ROAD, WESTLAKE, OHIO.

May 12, 1999 and May 19, 1999

WEDNESDAY, JUNE 2, 1999

Fasteners, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 706-99, passed by the Council of the City of Cleveland.

Paper and Cloth Wipers, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 712-99, passed by the Council of the City of Cleveland.

Jacobson Mower Parts, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 709-99, passed by the Council of the City of Cleveland.

May 12, 1999 and May 19, 1999

FRIDAY, JUNE 4, 1999

Reproduction and Mounting Services, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 714-99, passed by the Council of the City of Cleveland.

Rental and Laundry of Work Clothing, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 715-99, passed by the Council of the City of Cleveland.

Ford Truck Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 314-99, passed by the Council of the City of Cleveland.

Towing Services, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 315-99, passed by the Council of the City of Cleveland.

One (1) Cab and Chassis with Line Body/Bucket and Additional Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

May 12, 1999 and May 19, 1999

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 750-99.

By Councilman Patmon.

An emergency resolution withdrawing objection to the stock transfer of a C2 and C2X Liquor Permit to 1076 E. 105th St., 1st Fl., and repealing Res. No. 1775-98, objecting to said stock transfer.

Whereas, Council objected to the stock transfer of a C2 and C2X Liquor Permit to 1076 E.

105th St., 1st Fl., by Res. No. 1775-98, adopted by Council October 5, 1998; and

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

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

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

Section 1. That objection to the stock transfer of a C2 and C2X Liquor Permit to 1076 E. 105th St., 1st Fl., be and the same is hereby withdrawn and Res. No. 1775-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate stock transfer thereof.

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

Adopted April 26, 1999.

Effective May 5, 1999.

Res. No. 807-99.

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

An emergency resolution of condolence regarding the incident that occurred at Columbine High School in Littleton, Colorado.

Whereas, the Cleveland City Council is most grieved and saddened by the tragic event that occurred at Columbine High School in Littleton, Colorado, on Tuesday morning, April 20, 1999. The lives of twelve students and one teacher were tragically ended as a result of the senseless violence that was committed against them; and

Whereas, the following students; Cassie Bernal, Steven Robert Curnow, Corey Depooter, Kelly Fleming, Matthew Kechter, Daniel Mauser, Daniel Rohrbough, Rachel Scott, Isaiah Shoels, John Tomlin, Lauren Townsend, Kyle Velasquez, were all extremely gifted and talented with very promising futures; and

Whereas, William David Sanders was a dedicated business teacher who spent his professional career instructing and guiding the students at Columbine High School; and

Whereas, the Cleveland City Council shares in the grief and sorrow with the families, friends, and classmates of these individuals who so tragically lost their lives through the acts of violence that had occurred; and

Whereas, the Cleveland City Council is evermore committed on working together with safety officials and other public officials on ending

these horrific actions of violence that are taking the lives of our young people throughout our society, and

Whereas, the Cleveland City Council offers to the families of these individuals and to Columbine High School this resolution of condolence; now, therefore

Be it resolved that this Council extends sincere condolences to the families of those twelve students and one teacher whose promising lives were tragically ended, and to the students and staff of Columbine High School.

Be it further resolved, that the Clerk of Council be and she is hereby requested to transmit copies of the Resolution of Condolence to the Mayor of Littleton, Colorado for proper presentation.

Adopted May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Res. No. 808-99.

By Councilman Coats.

An emergency resolution acknowledging Workers Memorial Day and urging all employers and employees to ensure workplace safety.

Whereas, through passage of numerous resolutions, this Council of the City of Cleveland has recognized the right of employees to seek safe, fair and productive working conditions and to be remunerated equitably for their hard work; and

Whereas, the safety of workers should be the paramount concern in all business and industry; and

Whereas, this Council of the City of Cleveland acknowledges Workers Memorial Day, a day in remembrance of workers who have been fatally injured at work; now, therefore

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

Section 1. That the Council of the City of Cleveland is supportive of safe, productive working conditions for all workers in the City of Cleveland and acknowledges Workers Memorial Day, a day to remember workers who have been fatally injured during work. This Council urges all employers and employees to keep safety as the paramount concern in all businesses to ensure a workplace free from injury.

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 May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Res. No. 809-99.

By Councilman Britt.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D6 Liquor Permit to 12112 Mayfield Rd., 1st Fl. & Bsmt., and repealing Res. No. 1457-98 objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3 and D6 Liquor Permit to 12112 Mayfield Rd., 1st Fl. & Bsmt., by Res. No. 1457-98 adopted by Council on August 19, 1998; and

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

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

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

Section 1. That objection to the renewal of a D1, D2, D3 and D6 Liquor Permit to 12112 Mayfield Rd., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1457-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Res. No. 810-99.

By Councilman Britt.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor permit to 11919 Mayfield Rd., and repealing Res. No. 1459-98, objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 11919 Mayfield Rd., by Res. No. 1459-98, adopted August 19, 1998; and

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

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

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

Section 1. That objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 11919 Mayfield Rd., be and the same is hereby withdrawn and Res. No. 1459-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

from and after the earliest period allowed by law.

Adopted May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Res. No. 811-99.

By Councilman Britt.

An emergency resolution withdrawing objection to the transfer of ownership of a D5 and D6 Liquor Permit to 12113 Mayfield Rd., and repealing Res. No. 1458-98, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to 12113 Mayfield Rd., by Res. No. 1458-98, adopted by Council on August 19, 1998; and

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

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

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

Section 1. That objection to the renewal of a D5 and D6 Liquor Permit to 12113 Mayfield Rd., be and the same is hereby withdrawn and Res. No. 1458-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Res. No. 812-99.

By Councilman Britt.

An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 8502 Quincy Ave., an repealing Res. No. 1064-98, objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 8502 Quincy Ave., by Res. No. 1064-98, adopted June 8, 1998; and

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

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

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

Section 1. That objection to the issuance of a C1 Liquor Permit to 8502 Quincy Ave., be and the same is hereby withdrawn and Res. No. 1064-98, containing said objection,

be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

Adopted May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Res. No. 813-99.

By Councilmen Westbrook, Sweeney, Coats and Polensek.

An emergency resolution requiring the laying, re-laying and repairing of sidewalks, driveway aprons, curbs, gutters and/or castings on certain streets and any associated corner properties herein named in the City of Cleveland.

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

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

Section 1. That it is necessary to lay, re-lay and repair sidewalks, driveway aprons, curbs, gutters and/or castings, including adjustments of utility boxes, where necessary, in the City of Cleveland on the following streets, at the locations hereinafter named and between the points mentioned, including both the frontage and depth of corner lots where said streets intersect, be laid, re-layed and repaired, with either stone flagging or concrete, to the full width of the present sidewalks and curbing on the streets and any associated corner properties respectively:

West 93rd Street and West 95th Street — Madison Avenue to Willard Avenue

9801 Denison Avenue — Southwest corner of Denison Avenue and West 98th Street

3243 West 98th Street — Southeast corner of Denison Avenue and West 98th Street

2220 West 93rd Street — South side of Willard Avenue between West 93rd Street and West 95th Street

Endora — Between Hillsborough and Rudwick

Darwin Avenue — I90 ramp to East 152nd Street

Alcove — North and south sides of Euclid Avenue

East 145th Street — South of St. Clair Avenue

Cleveland Road — North of St. Clair Avenue

Catalpa Road — North of Euclid Avenue

East 176th — Villaview to Nottingham Road

East 177th — Villaview to Nottingham Road

Creekview — Nottingham Road to east end

Dillewood — 176th Street to east end

Nottingham Road — Villaview to Lakeshore Boulevard

Shelton Road — Nottingham Road to east end

Tiverton Road — Nottingham Road to east end

Sprengle Road — West 146th St. to West 143rd St. (Curb only)

Section 2. That the Director of Finance shall cause a written notice of the adoption of this resolution to be served upon the owner, agent of the owner, of each parcel of land abutting upon the sidewalk, driveway apron, curb, gutter, and/or casting to be laid or re-layed or repaired, in the manner provided by law for the service of summons in civil actions and in accordance with Section 164 of the City Charter of the City of Cleveland. A copy of the notice, with the time and manner of service endorsed thereon, signed by the person serving it shall be returned to the office of the Director of Finance and there filed and preserved. The said notice shall also provide that: if the sidewalk, driveway apron, curb, gutter, and/or casting are not laid, re-layed or repaired by the abutting owner, in accordance with the notice, within fifteen (15) days from service of notice or completion of the publication thereof, the City will proceed, through the appropriate department, to lay, re-lay or repair such sidewalk, driveway apron, curb, gutter, and/or casting, including adjustments of utility boxes, where necessary at the cost and expense of the owner of the property in front of which the same is laid, re-layed, repaired; and the cost and expense thereof, unless paid to the Director of Finance, will be assessed against the abutting property, and collected in the same manner as other assessments, as provided in Section 165 of the Charter of 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 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 May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1962-98.**By Councilman Sweeney.**

An emergency ordinance to amend Sections 337.23, 350.13 and 357.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, respectively, by Ordinance Nos. 1271-91, passed October 21, 1991, and 3076-A-89, passed December 10, 1990, and Ordinance No. 1740-97, passed November 24, 1997 relating to accessory uses and signs in residence districts, and yard encroachments permitted.

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

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

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

Section 337.23, as amended by Ordinance No. 1271-91, passed October 21, 1991,

Section 350.13, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, and

Section 357.13, as amended by Ordinance No. 1740-97, passed November 24, 1997

are hereby amended to read as follows:

Section 337.23 Accessory Uses in Residence Districts

(a) Permitted Accessory Uses. The following accessory uses and buildings are permitted in a Residence District. Such permitted accessory buildings shall be located on the rear half of the lot, a minimum of eighteen inches from all property lines and at least ten feet from any main building on an adjoining lot in a Residence District. Accessory buildings shall not occupy more than forty percent (40%) of the area of the required rear yard and, in the case of a corner lot, shall be located back of any required setback or specific building line. For side street yard regulations consult Sections 357.05 to 357.07.

(1) Within a main building, the office of a surgeon, physician, clergyman, architect, engineer, attorney or similar professional person residing in such main building and employing in the office not more than one nonresident office or laboratory assistant.

(2) Customary home occupation for gain carried on in the main building or in a rear building accessory thereto and requiring only customary home equipment; provided that no nonresident help is employed for that purpose, no trading in merchandise is carried on and no personal physical service is performed and, in a Limited One-Family District or in a One-Family District, no sign or other outward evidence of the occupation is displayed on the premises.

(3) In agricultural or undeveloped territory, farms, truck gardens, nurseries or greenhouses, and accessory stables, poultry enclosures, rabbit warrens and beehives conforming to the applicable limitations and restrictions included in Section 347.02, provided such enterprise is not operated for the sale of products not produced on the premises.

(4) Stables or enclosures for not more than four horses, and enclosures for poultry, pigeons, rabbits or bees, conforming in all locations to the applicable limitations and restrictions included in Section 347.02.

(5) Private incinerators for the burning of refuse and garbage produced on the same premises, provided that the construction is such as to assure immediate and complete combustion and freedom from offensive smoke, ash, unburned particles and odors, and a permit therefor is granted by the Commissioner of Environment.

(6) Except as provided in division (c)(7) of Section 349.13, a wall, fence or hedge within the limits of a required yard, provided that such wall, fence or hedge is not more than six feet six inches above the grade level of the land on both sides thereof when located immediately adjacent to the rear lot line, except where such rear lot line is also the side lot line of adjoining residential premises; and not more than six feet nor more than the least distance between such wall, fence or hedge and an existing or potential main building on an adjoining lot, above such grade level in another location, and further providing that all fences shall be erected so that the finished side faces out toward adjoining properties or streets, and the unfinished side, if any, faces toward the interior of the property on which such fence is to be erected. It is further provided that in the case of any parking lot authorized by ordinance or a variance granted thereon, an educational, religious, medical, community service or other similar institution a height of six feet six inches shall be permitted on any side.

(7) Garages and parking spaces for the occupants of the premises and, when the premises are used for other than residence purposes, for their employees, patrons and guests.

A. In a Dwelling House District the floor area of a private garage erected as an accessory building shall not exceed 650 square feet unless the lot area exceeds 4,800 square feet in which event the floor area may be increased in the ratio of one square foot for each twelve square feet of additional lot area.

B. In Multi-Family Districts, garages and parking spaces erected or established as accessory uses shall be subject to the restrictions specified in Sections 343.19 to 343.21 and Chapter 349.

(8) Garage Sale or other Residential Property Sales, as defined in Section 676B.01(a), as long as they conform to the provisions in Chapter 676B.

(9) Signs permitted in accordance with the requirements of Chapter 350.

(10) Any other accessory use customarily incident to a use authorized in a Residence District except that no use prohibited in a Local Retail Business District shall be permitted as an accessory use.

(b) Accessory Building Erected Prior to Erection of Main Building. An accessory building may be erected prior to the construction of the main building only if:

(1) The accessory building is erected on the rear half of the lot.

(2) The accessory building is so placed as not to prevent the practicable and conforming location of the main building.

(3) The main building is completed within two (2) years from the date of issuance of the permit for the accessory building.

Section 350.13 Signs for Residential Districts

Signs in Residential Districts and Residence-Office Districts, as well as signs for community facility uses permitted in these districts, shall be permitted as regulated below:

(a) Permitted Types, Number, Area and Height (Residential). Signs by use and structural type are permitted only in accordance with regulations presented in the schedule of Permitted Types, Number, Area and Height (Residential). Sign types not listed are prohibited except for political signs which are permitted as regulated in Section 350.11. Automatic changeable copy signs are prohibited in all Residence Districts. (All signs are permanent unless listed as temporary).

**SCHEDULE OF PERMITTED TYPES, NUMBER, AREA, & HEIGHT
(RESIDENTIAL)**

SIGNS BY USE TYPE	LAND USE CATEGORIES			
	1-2 FAMILY DWELLINGS	TOWNHOUSES (ROW HOUSES) ²	MULTI-FAMILY APARTMENTS	COMMUNITY FACILITY
NAMEPLATE	TYPES: wall or free-standing #: 2 per dwelling unit SF: 2 Ht: 3'	TYPES: wall #: 1 per dwelling unit SF: 2	Not Permitted	Not Permitted
INFORMATION	TYPES: wall or free standing #: minimum necessary as approved by Building Commissioner			
	SF: 1 Ht: 2'	SF: 4 Ht: 3'	SF: 4 Ht: 3'	SF: 4 Ht: 3'
IDENTIFICATION ¹	TYPES: wall, free-standing or canopy			
	#: 1 per vehicular entrance to a subdivision SF: 20 Ht: 5'	#: 1 per vehicular entrance SF: 20 Ht: 5'	#: 1 per vehicular ¹ entrance SF: 20 Ht: 5'	#: 1 per vehicular entrance SF: 40 Ht: 5'
DIRECTIONAL	Not Permitted	TYPES: wall or free standing #: minimum necessary as approved by Building Commissioner		
		SF: 4 Ht: 3'	SF: 4 Ht: 3'	SF: 4 Ht: 3'
REAL ESTATE (Temporary)	TYPES: free-standing or window #: 1 per lot SF: 6 Ht: 6'	TYPES: free-standing or window #: 1 per unit SF: 6 Ht: 6'	TYPES: wall, window or free-standing	
			SF: 32 Ht: 8'	SF: 32 Ht: 8'
DEVELOPMENT (Temporary)	TYPES: free-standing #: 1 per vehicular entrance to a subdivision SF: 48 Ht: 10'	TYPES: wall, window or free-standing		
		SF: 64 Ht: 10'	SF: 64 Ht: 10'	SF: 64 Ht: 10'
BULLETIN BOARD	Not Permitted	Not Permitted	Not Permitted	TYPES: wall or free-standing #: 1 per lot SF: 40 Ht: 8'

TYPE: Permitted signs by structural type
#: Maximum number of signs
SF: Maximum sign face area (in square ft.) per side of each sign
Ht.: Maximum height for free-standing signs

¹One additional identification sign not exceeding 10 square feet in area shall be permitted for each apartment building in a complex of two (2) or more such buildings.

²In any One-Family or Two-Family Residential District, such signs are permitted only for subdivisions of at least ten (10) lots.

(b) Location (Residential). Signs as permitted for residential and community facility uses shall conform with the location regulations presented in the Schedule of Location Regulations (Residential) in addition to the regulations of Section 350.08.

**SCHEDULE OF LOCATION REGULATIONS (RESIDENTIAL)
Free-Standing Sign Types**

Minimum Distance From	Nameplate Political & Information	Identification	Real Estate* & Development	Bulletin Board
All Lot Lines Occupied 1-2 Family Dwelling	5'	20'	20'	25'
	—	35'	75'	—

*Real estate signs for individual one-family, two-family and townhouse units shall be located a minimum distance of two (2) feet from every lot line and dwelling.

(c) Garage Sale and Open House Sign Regulations. Signs directing attention to a real estate open house or a sale of household items from a garage or house shall be permitted for one and two-family dwellings and townhouses (rowhouses) in accordance with the following regulations:

- (1) Maximum Number of signs: one (1) per lot or townhouse unit.
- (2) Permitted Sign Types: window or free-standing.
- (3) Maximum Sign Area: four (4) square feet per sign.
- (4) Maximum Height: four (4) feet for free-standing signs.
- (5) Location: five (5) feet minimum setback from every lot line.
- (6) Display Period: no more than three 4-day periods per year.

(d) Temporary Directional Signs: Signs directing attention to a real estate open house, garage sale or house auction, for a single-family, two-family or townhouse unit, may be displayed as free-standing signs on "tree lawn" areas in accordance with the following regulations:

- (1) Maximum Number of Signs: four (4) per event, with no more than two (2) per block for any single event.
- (2) Maximum Sign Area: two (2) square feet per sign.
- (3) Maximum Heights: three (3) feet.
- (4) Location: at least one (1) foot from curbs and sidewalks and only on corner lots or at street intersections.
- (5) Display Period: only on the days of the event and not more than three (3) 3-day periods per year for garage sales and house auctions and not more than two (2) days per week for open house events.
- (6) Consent: Temporary directional signs shall be displayed only with the consent of the owner of the property that immediately adjoins the tree lawn on which the sign is to be placed.
- (e) Signs or Accessory Business Uses. In any Multi-Family Residential District, a business or home occupation permitted as an accessory use may be identified by means of a permitted nameplate sign. Such sign may be displayed as either a wall or window sign not exceeding two (2) square feet in area and illuminated, if at all, by reflected light from a light source which is not visible from beyond the subject lot. No such signs, however, shall be permitted in a One-Family or Two-Family Residential District.
- (f) Office Buildings. Signs for office buildings in Residence-Office Districts shall be permitted in accordance with the regulations for retail uses as provided in Section 350.14.

Section 357.13 Yard Encroachments Permitted

Required yard spaces shall be maintained free and unobstructed except for trees and shrubbery, and, in interior side or rear yards, cloths, poles, arbors, garden trellis and similar accessories, and except that the following encroachments shall be permitted.

(a) Underground Garage or Accessory Space in Multi-Family Districts. Within the required yard spaces back of the setback building line in a Multi-Family District an underground garage or other accessory space may be constructed provided the height of such structure, including parapets, piers or railings, shall not exceed five feet above the grade level, and provided such structure does not prevent free access to the rear yard.

(b) Front Yard and Side Street Yard Encroachments. Except as restricted or limited by other provisions of this Zoning Code, the following front yard and side street yard encroachments shall be permitted in any use district:

(1) Front yard and side street yard encroachments permitted under Chapter 3109, and Chapter 3113, except that in a Dwelling House District no entrance canopy shall be erected, and no marquees or fixed or retractable awning shall project more than six feet beyond the building line or within ten feet of the street line.

(2) Steps and landings, and their appurtenant railings, balustrades and parapets, leading up or down to floor levels directly above or below the grade level.

(3) Except as provided in division (a)(6) of Section 337.23, fences, walls or hedges not more than fifty-four inches above grade level; provided that on a corner lot no wall, fence or other structure shall be erected and no hedge, shrub, tree or other vegetation shall be maintained which exceeds thirty inches above the sidewalk grades of the intersecting streets in the area bounded by the street lines or such corner lots and a line thirty feet from a point where such street lines intersect, and providing further, that the Board of Zoning Appeals may, after public hearing, permit the construction of a wall or fence not higher than ten feet above the grade level to enclose a public or private playground or any other area or structure which is the property of any agency or branch of government, where adjacent premises will not be substantially injured thereby. Notwithstanding Sections 329.04 and 357.14 of this Zoning Code, the Board of Zoning Appeals may, after public notice and hearing, permit the erection of structures between the street line and setback building line if such structures are needed to provide protection from crime for the occupants of a building or for property at a building. The Board shall determine if the proposed structures are needed by taking into account security conditions in the neighborhood, including the feasibility of alternative means of security, and by considering any detrimental effect the proposed structures will have on the property itself or on the neighborhood and any positive or mitigating effect created by the installation of landscaping or other design features which are not required by this code. The Board may approve a proposed design in part if the Board finds that only that part meets the requirements of this section. However, when in the discretion of the Zoning Administrator, the proposed corner fence will not block lines of sight and will be constructed of such material such as to not block lines of sight such as a metal chain link, he or she shall issue a permit for such corner fence provided that the fence shall not exceed fifty-four inches.

(4) Open porticos or porches projecting not more than six feet, enclosed porches or vestibules projecting not more than four feet and balconies projecting not more than three feet, provided they do not extend within ten feet of the street line and do not aggregate a vertical area in any story more than twenty percent of the area of the facade in that story.

(5) Structures permitted by division (a) of Section 3113.10, division (a) of Section 3113.13 and Section 3113.16 or where not so permitted, gasoline pump islands, sign poles or similar temporary and easily removable structures, provided that conditional and temporary permits therefor are granted, subject to appropriate conditions and safeguards by the Board after public notice and public hearing, and provided, further, that the erection, maintenance and use thereof do not conflict with the intent and purposes of this Zoning Code.

(c) Rear Yard and Interior Side Yard Encroachments. Except as restricted or limited by other provisions of this Zoning Code, the following rear yard and interior side yard encroachments shall be permitted in any use district:

(1) In rear yards only, accessory buildings and uses in connection with Residence Occupancy as defined and limited in Section 337.23, and similar accessory buildings and uses in connection with buildings of Institutional H Occupancy Classification. Accessory buildings or uses attached or forming part of a main building shall be permitted to encroach upon such rear yards to the extent permitted for detached accessory buildings or uses.

(2) Projections for architectural embellishment listed in Section 3109.08, provided that no main cornice or eaves shall project into a required yard more than two feet, measured horizontally, and no bar or oriel shall be constructed in a required interior side yard and none shall project into a required rear yard more than eighteen inches, and no other projection shall exceed the maximum permissible projection specified in Section 3109.08 or be so located as to materially obstruct natural light or ventilation.

(3) Fixed awnings, as permitted by Section 3109.10.

(4) Retractable awnings, as permitted by Section 3109.11.

(5) Steps, landings and their appurtenant railings, balustrades and parapets, leading up or down to floor levels directly above or below the grade level, not extending nearer than one foot to a rear or side lot line.

(6) Chimneys projecting not more than thirty-two inches, downspouts projecting not more than twelve inches, and ventilating ducts or pipes projecting not more than thirty-two inches and having a maximum aggregate cross-sectional area in any yard and at any level or 1,024 square inches.

(7) Fences, walls, hedges or other barriers, as regulated in division (a)(6) of Section 337.23.

(d) Temporary Structures. Temporary offices, bridges, barricades and similar structures required for and incident to building construction.

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

Section 337.23, as amended by Ordinance No. 1271-91, passed October 21, 1991,

Section 350.13, as amended by Ordinance No. 3076-A-89, passed December 10, 1990 and

Section 357.13, as amended by Ordinance No. 1740-97, passed November 24, 1997

are hereby repealed.

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

Passed May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2056-98.
By Councilmen Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Dubick Fixture & Supply, Inc. to provide economic development assistance to partially finance exterior and interior renovations of property at 6101 Euclid Avenue, Cleveland, Ohio, for First Steps Daycare.

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 an Empowerment Zone Business Opportunity contract with Dubick Fixture & Supply, Inc. to provide economic development assistance to partially finance exterior and interior renovations of property at 6101 Euclid Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan and grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 2056-98-A.

Section 3. That the Director of Economic Development shall, pursuant to the authority of Ordinance No. 82-96, passed April 1, 1996, put Economic Development Initiative Grant funds in an amount equal to the Loan Amount in the Empowerment Zone debt Service Reserve account created by that ordinance. Said grant funds shall be paid from Fund No. 18 SF 003.

Section 4. That the costs of said contract shall not exceed a Loan Amount of \$155,000 and a Rebate Amount of \$62,000. The Loan shall be paid from Fund Nos. 18 SF 001 and 18 SF 003 and the Rebate Amount shall be paid from Fund No. 18 SF 003, Request No. 23760.

Section 5. That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 6. 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. 18 SF 002.

Section 7. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited and expended from Fund No. 18 SF 004.

Section 8. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 9. That 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 May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2057-98.
By Councilmen Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Dubick Fixture & Supply, Inc. to provide economic development assistance to partially finance exterior and interior renovations of property at 6201 Euclid Avenue, Cleveland, Ohio, for renovation as a commercial showroom for Dubick Fixtures & Supply, Inc.

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 an Empowerment Zone Business Opportunity contract with Dubick Fixture & Supply, Inc. to provide economic development assistance to partially finance exterior and interior renovations of property at 6201 Euclid Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan and grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 2057-98-A.

Section 3. That the Director of Economic Development shall, pursuant to the authority of Ordinance No. 82-96, passed April 1, 1996, put Economic Development Initiative Grant funds in an amount equal to the Loan Amount in the Empowerment Zone debt Service Reserve account created by that ordinance. Said grant funds shall be paid from Fund No. 18 SF 003.

Section 4. That the costs of said contract shall not exceed a Loan Amount of \$93,000 and a Rebate Amount of \$62,000. The Loan shall be paid from Fund Nos. 18 SF 001 and 18 SF 003 and the Rebate Amount shall be paid from Fund No. 18 SF 003, Request No. 23760.

Section 5. That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 6. 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. 18 SF 002.

Section 7. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited and expended from Fund No. 18 SF 004.

Section 8. That the Director of Law is hereby authorized to prepare

said contract and such other documents as may be appropriate to complete the transaction.

Section 9. That 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 May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 177-99.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Crane carrier, Caterpillar gradall and Case equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written 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 Crane carrier, Caterpillar gradall and Case equipment parts, including labor if necessary in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (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 24159)

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

Passed May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 247-99.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Blaw Knox paver equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written 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 Blaw Knox paver equipment parts, including labor if necessary in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (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 24161)

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

Passed May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 248-99.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into contract without competitive bidding with E. J. Ward, Inc. for the purchase of spare replacement parts for the fuel control terminals and for telephone consultation needed to maintain the terminals, for the Division of Motor Vehicle Maintenance, Department of Public Service for a period not to exceed two years.

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than E.J. Ward, Inc. Therefore, the Director of Public Service is hereby authorized to make a written contract with said E.J. Ward, Inc. upon the basis of its proposal for the purchase of spare replacement parts for the fuel control terminals and for telephone consultation needed to maintain the terminals, for a two year period, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 300, Request No. 24160.

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

Passed May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 310-99.
By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into a Mutual Aid Agreement with The Cleveland Electric Illuminating Company for the interchange and use of personnel and equipment upon request during system emergencies.

Whereas, the prompt restoration of electric service during outages will benefit the health, safety and welfare of electric utility customers in the City of Cleveland; and

Whereas, electric service will be restored more promptly and efficiently through the execution of a Mutual Aid Agreement between Cleveland Public Power and The Cleveland Electric Illuminating Company; 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 to enter into a Mutual Aid Agreement with The Cleveland Electric Illuminating Company for emergency repair service and for emergency equipment, personnel and supplies during system emergencies.

Section 2. That the agreement authorized herein shall be consistent with the "Suggested Governing Principles" contained in File No. 310-99-A, and shall contain such other terms and conditions as the Director of Law deems appropriate to benefit and protect the public interest.

Section 3. That the costs, if any, related to the agreement authorized herein shall be paid from funds appropriated for the Division of

Cleveland Public Power, Department of Public Utilities.

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 May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 314-99.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials needed to repair and maintain Ford trucks, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written 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 labor and materials necessary to repair and maintain Ford trucks in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (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 24165)

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

Passed May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 315-99.
By Councilmen Sweeney and Johnson (by departmental request).
An emergency ordinance authorizing the purchase by requirement contract of towing services, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,
 Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Service is hereby authorized to make a written 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 towing services in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (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 24162)

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

Passed May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 316-99.
By Councilmen Sweeney and Johnson (by departmental request).
An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair frames and for vehicle alignments, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement con-

tract 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 labor and materials necessary to repair frames and for vehicle alignments in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (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 24164)

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

Passed May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 747-99.
By Councilmen Lewis, Cimperman, Dolan and Rybka.

An emergency ordinance to amend Section 1 of the Ordinance No. 1094-97, passed June 24, 1997 relating to the Richman Brothers Complex.

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. 1094-97, passed June 24, 1997, is hereby amended to read as follows:

Section 1. That the Director of Economic Development is hereby authorized to hire a consultant or firm of consultants, as approved in writing by the President of Council, to undertake a feasibility study for the Richman Brothers Complex project, including but not limited to the feasibility of utilizing the facility for municipal, county governmental and court-related services, and that this feasibility study shall be completed as expeditiously as possible. A copy of the feasibility report shall be provided to the President of Council upon completion.

Section 2. That existing Section 1 of Ordinance No. 1094-97, passed June 24, 1997, is hereby repealed.

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

Passed April 26, 1999.

Effective May 5, 1999.

Ord. No. 800-99.
By Councilmen Britt and Willis.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle Incorporated to stretch banners on Martin Luther King Jr. Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar Hill for the period from May 17, 1999 to June 15, 1999, inclusive, publicizing Parade the Circle Celebration.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to University Circle Incorporated to install, maintain and remove a banner on Martin Luther King Jr. Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar Hill for the period from May 17, 1999 to June 15, 1999, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 801-99.
By Councilmen Coats and Dolan.
An emergency ordinance directing the Director of Public Safety to donate fire alarm boxes no longer needed for municipal purposes to The Western Reserve Fire Museum at Cleveland Inc.

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

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

Section 1. That, notwithstanding any Ordinance or Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Safety shall inventory all fire alarm boxes in the City of Cleveland, and upon determination that any fire alarm box is no longer needed for municipal purposes, such fire alarm box shall be disposed of by donation of said fire alarm box to The Western Reserve Fire Museum at Cleveland Inc. The Director of Public Safety shall maintain the inventory and update it at least annually, with a copy to be provided to the Clerk of Council and to The Western Reserve Fire Museum at Cleveland Inc.

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 May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 802-99.

By Councilman Jackson.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Young Audiences to stretch two (2) banners on utility poles (by separate permission) on Carnegie Avenue for the period of May 3, 1999 to May 21, 1999, inclusive, to publicize their special performances.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Young Audiences, 2460 Fairmount Boulevard, Suite 307, Cleveland, Ohio 44106, to install, maintain and remove two (2) banners at Carnegie Avenue, to be attached to the fourth utility pole west of East 65th Street (N) Pole Number K-3-39 and the first utility pole west of East 65th Street (S) no

pole number (by separate permission) for the period of May 3, 1999 to May 21, 1999, inclusive. Said banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

Passed May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 803-99.

By Councilman Johnson (by departmental request).

An emergency ordinance to amend Section 42 of Ordinance No. 520-99, passed March 29, 1999, relating to compensation for various classifications.

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 42 of Ordinance No. 520-99, passed March 29, 1999, is hereby amended to read as follows:

Section 42. Hourly Rate — Crafts

Compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

		Effective Date	Minimum	Maximum
1.	Asbestos Worker	5-1-98	\$28.18	\$35.23
2.	Asphalt Construction Foreman	5-1-99	19.42	29.13
3.	Asphalt Raker	5-1-99	18.62	27.93
4.	Asphalt Tamper	5-1-99	18.62	27.93
5.	Boiler Maker	5-1-98	29.14	36.42
		10-1-97	27.74	34.67
6.	Bricklayer	5-1-98	24.89	31.11
7.	Bricklayer Foreman	5-1-98	25.89	32.11
8.	Bricklayer Helper	5-1-99	19.13	28.69
9.	Carpenter	5-1-98	24.63	30.79
10.	Carpenter Foreman	5-1-98	25.63	31.79
11.	Carpenter Apprentice	5-1-92	5.97	16.43
12.	Cement Finisher	5-1-98	25.06	31.32
13.	Cement Finisher Foreman	5-1-98	26.06	32.32
14.	Construction Equipment Operator — Group A	5-1-98	26.02	29.63
15.	Construction Equipment Operator — Group B	5-1-98	25.87	29.48
16.	Construction Equipment Operator — Group C	5-1-98	25.02	28.63
17.	Construction Equipment Operator — Group D	5-1-98	24.24	27.85
18.	Construction Equipment Operator — Group E	5-1-98	23.92	27.53
19.	Construction Equipment Operator — Oiler — Group F	5-1-98	17.79	21.40
20.	Curb Cutter	5-1-99	19.03	28.55
21.	Electrical Worker	5-1-98	28.46	35.57
22.	Electrical Worker Foreman	5-1-98	29.46	36.57
23.	Glazier	5-1-98	24.90	31.12
24.	Ironworker	5-1-98	27.50	34.38
25.	Ironworker Foreman	5-1-98	28.50	28.50
26.	Jackhammer Operator	5-1-99	18.62	27.93
27.	Master Mechanic	5-1-98	25.67	29.28
28.	Overhead Floodlight Maintenance Man	5-1-92	21.19	26.49
29.	Painter	5-1-98	24.13	30.16
30.	Painter — Apprentice	5-1-92	6.95	14.89

31.	Painter Foreman	5-1-98	25.13	31.16
32.	Paver	5-1-99	18.88	28.32
33.	Paving Foreman	5-1-99	19.42	29.13
34.	Pipefitter (Welder)	5-1-98	29.40	36.75
35.	Pipefitter Foreman	5-1-98	30.40	37.75
36.	Plasterer	5-1-98	24.62	30.78
37.	Plasterer Foreman.....	5-1-98	25.02	31.03
38.	Plumber (Welder)	5-1-98	28.90	36.13
39.	Plumber Foreman	5-1-98	29.90	37.13
40.	Roofer	5-1-98	25.38	31.72
41.	Sheet Metal Worker	5-1-98	27.07	33.84
42.	Sheet Metal Worker Foreman	5-1-98	28.07	34.84
43.	Sign Painter	5-1-94	22.55	25.61
44.	Sign Painter Unit Leader	5-1-94	23.55	26.61
45.	Spray Painter	5-1-94	20.22	23.34
46.	Superintendent of Construction Equipment	5-1-99	19.42	29.13

Section 2. That Section 42 of Ordinance No. 520-99, passed March 29, 1999, is hereby repealed.

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

Passed May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 804-99.

By Councilman Westbrook.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with VERIO for materials and services necessary to provide Internet access for Cleveland City Council.

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 Clerk of Council is hereby authorized to enter into an agreement with VERIO for materials and services necessary to provide high-speed, burstable access to the Internet for Cleveland City Council for a period of two years commencing June 1, 1999.

Section 2. That total cost for such services and purchases herein contemplated shall not exceed Twenty-Eight Thousand Two Hundred Ninety Dollars (\$28,290.00) and shall be paid Fund No. 01 SF 001.

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

Passed May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 805-99.

By Councilman Willis.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Hessler Neighborhood Association to stretch a banner on a utility pole (by separate permission) on Ford Drive for the period of May 17, 1999 to May 24, 1999, inclusive, to publicize the Hessler Street Fair.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Hessler Neighborhood Association, 11326 Hessler Road, Cleveland, Ohio 44106, to install, maintain and remove one (1) banner at 1961 Ford Drive (on the North side), to be attached to utility pole number NE4-22A1712, (by separate permission) for the period of May 17, 1999 to May 24, 1999, inclusive, publicizing the Hessler Street Fair. Said banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

Passed May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 806-99.

By Councilmen Willis and Robinson.

An emergency ordinance to amend Section 161.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 505-72, passed June 19, 1972, relating to designation of landmarks and landmarks districts.

Whereas, this ordinance constitutes an emergency measure provid-

ing 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 161.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 505-72, passed June 19, 1972, is hereby amended to read as follows:

Section 161.04 Designation of Landmarks and Landmarks Districts

(a) In considering the designating of any area, place, building, structure, work of art or similar object in the City as a landmark or landmark district, the Commission shall apply the following criteria with respect to such property:

(1) Its character, interest or value as part of the development, heritage or cultural characteristics of the City, State or the United States.

(2) Its location as a site of a significant historic event;

(3) Its identification with a person who significantly contributed to the culture and development of the City;

(4) Its exemplification of the cultural, economic, social or historic heritage of the City;

(5) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;

(6) Its embodiment of distinguishing characteristics of an architectural type or specimen;

(7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City;

(8) Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation;

(9) Its relationship to other distinctive areas which are eligible for preservation according to a plan based on a historic, cultural or architectural motif;

(10) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City.

(b) The Commission shall propose designations of any area, place, building, structure, work of art or similar object in the City as a landmark or landmark district, and thereupon take the following actions:

(1) The Landmarks Commission shall advise the City Planning Commission of the proposed designation and secure from the Planning Commission its recommendation with respect to the relationship of the proposed designation to the comprehensive plan of the City, its opinion as to the effect of the proposed designation upon the surrounding neighborhood and its opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection or modification of the proposed designation. The Planning Commission shall issue its written opinion to the Landmarks Commission no later than thirty (30) days after the proposed designation is referred to the Planning Commission. The recommendation shall become part of the official record concerning the proposed designation and shall be submitted by the Landmarks Commission along with its recommendation concerning the proposed designation to Council. The Landmarks Commission may make such modifications, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendation by the Planning Commission; the Landmarks Commission shall not be bound, however, by the recommendation by the Planning Commission.

(2) The Landmarks Commission shall thereafter notify the owner of such property of the proposed designation. Whenever possible, the Commission shall secure the owner's written consent for submittal of the proposed designation, together with its recommendation and findings of fact, to Council. In the event that the owner refuses or declines to give his written consent to the proposed designation, the Commission shall schedule a public hearing on the question of the proposed designation, setting forth a date, time and place and causing written notice to be given to the owner or any person having a legal or equitable interest in the property being proposed for designation. The Commission shall cause a legal notice to be published in a newspaper of general circulation in the City setting forth the nature of the hearing, the property involved and the date, time and place of the scheduled public hearing.

(3) The Commission shall conduct the public hearing as provided by division (b)(2) of this section and provide a reasonable opportunity for all interested parties to express their opinions under such rules as the Commission may adopt for the purpose of governing the proceedings of the hearings. Each speaker shall be fully identified as to name, address and the interests which he represents. The Commission shall make a determination with respect to the proposed designation in writing within fifteen days after the initial hearing date and shall notify any owner or any person having a legal or equitable interest in the property, as well as such other interested parties as may request a copy thereof. The Commission shall set forth in its recommendations such findings of fact which constitute the basis for its decision and shall transmit the recommendation concerning the proposed designation to Council.

(4) Council shall give due consideration to the findings and recommendations of the Commission, as well as such views as may have been expressed by persons participating in the hearing before the Commission, in addition to the recommendation of the City Planning Commission, in making its determination with respect to the proposed designation of any areas, places, buildings, structures, works of art and other similar objects as landmarks or landmark districts. Council may, in its discretion, hold public hearings on any such proposed designation, whether designation is proposed only with the consent of the owner, or after public hearings before the Commission. Upon its conclusion, Council may designate by ordinance the areas, places, buildings, structures, works of art and other similar objects as a landmark or landmark district.

(5) As soon as is reasonably possible, the Commission shall notify the Division of Building and Housing of the official designation. The Commission shall also file with the County Recorder of Deeds and the County Assessor a certified copy of the designation ordinance together with a notice briefly stating the fact of designation and a summary of the effects the designation will have. The Commission, further, shall send by registered mail a certified copy of the ordinance and a copy of the notice hereinabove described to the owner and any person having a legal or equitable interest in the property.

(6) Notwithstanding any provision of this chapter, Council may rescind

the designation of any area, place, building, structure, works of art or similar object as a landmark or landmark district by ordinance. Passage of such an ordinance shall relieve the owner of such area, place, building, structure, works of art or similar object from any duties or penalties contained in this chapter.

Section 2. That Section 161.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 505-72, passed June 19, 1972, is hereby repealed.

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

Passed May 3, 1999.

Awaiting the approval or disapproval of the Mayor.

COUNCIL COMMITTEE MEETINGS

Monday, May 10, 1999

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

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

Tuesday, May 11, 1999

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

Wednesday, May 12, 1999

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

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

Index

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

American Lung Association

American Lung Associations bike-a-thon — permit (O 842-99) 799

Banners

Cleveland Irish Cultural Festival — banner (O 841-99) 798
 Cuyahoga County Fair — banners (O 840-99) 798
 Hessler Neighborhood Association — banners — Hessler Street Fair (O 805-99)..... 824
 La Sagrada Familia Church — banners — La Sagrada Familia Church's Festival
 (O 839-99) 798
 University Circle Incorporated — banners — Parade the Circle Celebration
 (O 800-99) 822
 Young Audiences — banners — special performances (O 802-99) 823

Board of Control - Cleveland Hopkins International Airport Division

Keycards and accessories - contract pursuant to Ord. 355-98 to Grinnell Fire Protection Systems -
 Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 258-99)..... 809
 Residential Sound Insulation Program, Phase 2 Continuation (Group W) - contract pursuant to Ord. 930-95
 and 469-98 to Koch Corporation - Division of Cleveland Hopkins International Airport, Dept. of Port
 Control (BOC Res. 259-99) 809
 Residential Sound Insulation Program, Phase 2 Continuation (Group Z) - contract pursuant to Ord. 930-95
 and 469-98 to Interstate Design & Construction Company - Division of Cleveland Hopkins International
 Airport, Dept. of Port Control (BOC Res. 260-99) 809

Board of Control - Cleveland Municipal Court

Carpeting system - contract pursuant to Ord. 524-95 to DuPont Flooring Systems, Inc. - behalf of
 Cleveland Municipal Court, Dept. of Finance (BOC Res. 254-99)..... 808

Board of Control - Cleveland Public Power Division

Network Communications equipment - contract pursuant to Ord. 1071-93 to NEC Business Network
 Solutions, Inc. - Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 257-99) 809
 PC components and software - pursuant to Ord. 1071-93 - all bids rejected - Division of Cleveland
 Public Power, Dept. of Public Utilities (BOC Res. 256-99) 808

Board of Control - Community Development Department

Congress Court, S.E., 8313 (Ward 6) - PPN 126-04-099 - to Greater Cleveland Habitat for Humanity
 Incorporated (BOC Res. 272-99) 811
 Congress Court, S.E., 8313 (Ward 6) - PPN 126-04-099 - to Greater Cleveland Habitat for Humanity
 Incorporated - rejected (BOC Res. 267-99) 810

Board of Control - Concession Agreement

Gateway garages - contract pursuant to C.O. Sec. 183.04 to APCOA, Inc. - Dept. of Parks, Recreation
 and Properties (BOC Res. 271-99) 811

Board of Control - Convention Center and Stadium Division

AAU Junior Olympic Games, 1999 - exception to BOC Res. 356-96 - no charge for usage - Division of
 Convention Center and Stadium, Dept. of Parks, Recreation and Properties (BOC Res. 270-99) 811

Board of Control - Finance Department

Carpeting system - contract pursuant to Ord. 524-95 to DuPont Flooring Systems, Inc. - behalf of
 Cleveland Municipal Court, Dept. of Finance (BOC Res. 254-99)..... 808

Board of Control - Land Reutilization Program

Congress Court, S.E., 8313 (Ward 6) - PPN 126-04-099 - to Greater Cleveland Habitat for Humanity
 Incorporated (BOC Res. 272-99) 811

Congress Court, S.E., 8313 (Ward 6) - PPN 126-04-099 - to Greater Cleveland Habitat for Humanity
 Incorporated - rejected (BOC Res. 267-99) 810

Board of Control - Motor Vehicle Maintenance Division

Leach Packer parts - contract pursuant to Ord. 2172-98 to A & H Equipment Company - Division of
 Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 261-99) 809

Board of Control - Parks, Recreation and Properties Department

AAU Junior Olympic Games, 1999 - exception to BOC Res. 356-96 - no charge for usage - Division of
 Convention Center and Stadium, Dept. of Parks, Recreation and Properties (BOC Res. 270-99) 811

Gateway garages - contract pursuant to C.O. Sec. 183.04 to APCOA, Inc. - Dept. of Parks, Recreation
 and Properties (BOC Res. 271-99) 811

Board of Control - Police Division

G.R.E.A.T. materials / promotional items - contract pursuant to Ord. 183-99 to Best Expressions,
 Inc. - Division of Police, Dept. of Public Safety (BOC Res. 269-99) 811

Horse supplies - contract pursuant to Ord. 1952-98 to Hamilton Farms - Division of Police, Dept. of
 Public Safety (BOC Res. 263-99) 810

Mattresses, jail cell - contract pursuant to Ord. 1954-98 to Chestnut Ridge Foam - Division of Police,
 Dept. of Public Safety (BOC Res. 262-99) 809

Board of Control - Port Control Department

Keycards and accessories - contract pursuant to Ord. 355-98 to Grinnell Fire Protection Systems -
 Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 258-99) 809

Residential Sound Insulation Program, Phase 2 Continuation (Group W) - contract pursuant to
 Ord. 930-95 and 469-98 to Koch Corporation - Division of Cleveland Hopkins International Airport,
 Dept. of Port Control (BOC Res. 259-99) 809

Residential Sound Insulation Program, Phase 2 Continuation (Group Z) - contract pursuant to
 Ord. 930-95 and 469-98 to Interstate Design & Construction Company - Division of Cleveland
 Hopkins International Airport, Dept. of Port Control (BOC Res. 260-99) 809

Board of Control - Public Auditorium

AAU Junior Olympic Games, 1999 - exception to BOC Res. 356-96 - no charge for usage -
 Division of Convention Center and Stadium, Dept. of Parks, Recreation and Properties
 (BOC Res. 270-99) 811

Board of Control - Public Improvement Contracts

Carpeting system - contract pursuant to Ord. 524-95 to DuPont Flooring Systems, Inc. -
 behalf of Cleveland Municipal Court, Dept. of Finance (BOC Res. 254-99) 808

Residential Sound Insulation Program, Phase 2 Continuation (Group W) - contract pursuant to
 Ord. 930-95 and 469-98 to Koch Corporation - Division of Cleveland Hopkins International
 Airport, Dept. of Port Control (BOC Res. 259-99) 809

Residential Sound Insulation Program, Phase 2 Continuation (Group Z) - contract pursuant to
 Ord. 930-95 and 469-98 to Interstate Design & Construction Company - Division of Cleveland
 Hopkins International Airport, Dept. of Port Control (BOC Res. 260-99) 809

Board of Control - Public Safety Department

G.R.E.A.T. materials / promotional items - contract pursuant to Ord. 183-99 to Best
 Expressions, Inc. - Division of Police, Dept. of Public Safety (BOC Res. 269-99) 811

Horse supplies - contract pursuant to Ord. 1952-98 to Hamilton Farms - Division of Police,
 Dept. of Public Safety (BOC Res. 263-99) 810

Mattresses, jail cell - contract pursuant to Ord. 1954-98 to Chestnut Ridge Foam - Division of
 Police, Dept. of Public Safety (BOC Res. 262-99) 809

Reflective sheeting and sign posts - contract pursuant to Ord. 759-98 to Kapco, Inc. - Division
 of Traffic Engineering and Parking, Dept. of Public Safety (BOC Res. 264-99) 810

Reflective sheeting and sign posts - contract pursuant to Ord. 759-98 to 3-M Company - Division
 of Traffic Engineering and Parking, Dept. of Public Safety (BOC Res. 265-99) 810

Reflective sheeting and sign posts - contract pursuant to Ord. 759-98 to Signs and Blanks, Inc. -
 Division of Traffic Engineering and Parking, Dept. of Public Safety (BOC Res. 266-99) 810

Board of Control - Public Service Department

Leach Packer parts - contract pursuant to Ord. 2172-98 to A & H Equipment Company - Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 261-99) 809

Board of Control - Public Utilities Department

Dewatered residuals - pursuant to Ord. 1944-98 - all bids rejected - Division of Water, Dept. of Public Utilities (BOC Res. 268-99) 811

Network Communications equipment - contract pursuant to Ord. 1071-93 to NEC Business Network Solutions, Inc. - Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 257-99) 809

PC components and software - pursuant to Ord. 1071-93 - all bids rejected - Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 256-99) 808

Sewer maintenance appurtenances, castings - contract pursuant to C.O. Sec. 129-97 to East Jordon Iron Works, Inc. - Division of Water Pollution Control, Dept. of Public Utilities (BOC Res. 255-99) 808

Board of Control Requirement Contracts

Horse supplies - contract pursuant to Ord. 1952-98 to Hamilton Farms - Division of Police, Dept. of Public Safety (BOC Res. 263-99) 810

Keycards and accessories - contract pursuant to Ord. 355-98 to Grinnell Fire Protection Systems - Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 258-99) 809

Leach Packer parts - contract pursuant to Ord. 2172-98 to A & H Equipment Company - Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 261-99) 809

Mattresses, jail cell - contract pursuant to Ord. 1954-98 to Chestnut Ridge Foam - Division of Police, Dept. of Public Safety (BOC Res. 262-99) 809

Network Communications equipment - contract pursuant to Ord. 1071-93 to NEC Business Network Solutions, Inc. - Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 257-99) 809

Reflective sheeting and sign posts - contract pursuant to Ord. 759-98 to Kapco, Inc. - Division of Traffic Engineering and Parking, Dept. of Public Safety (BOC Res. 264-99) 810

Reflective sheeting and sign posts - contract pursuant to Ord. 759-98 to 3-M Company - Division of Traffic Engineering and Parking, Dept. of Public Safety (BOC Res. 265-99) 810

Reflective sheeting and sign posts - contract pursuant to Ord. 759-98 to Signs and Blanks, Inc. - Division of Traffic Engineering and Parking, Dept. of Public Safety (BOC Res. 266-99) 810

Sewer maintenance appurtenances, castings - contract pursuant to C.O. Sec. 129-97 to East Jordon Iron Works, Inc. - Division of Water Pollution Control, Dept. of Public Utilities (BOC Res. 255-99) 808

Board of Control Standard Purchase Contracts

G.R.E.A.T. materials / promotional items - contract pursuant to Ord. 183-99 to Best Expressions, Inc. - Division of Police, Dept. of Public Safety (BOC Res. 269-99) 811

Board of Control - Traffic Engineering and Parking Division

Reflective sheeting and sign posts - contract pursuant to Ord. 759-98 to Kapco, Inc. - Division of Traffic Engineering and Parking, Dept. of Public Safety (BOC Res. 264-99) 810

Reflective sheeting and sign posts - contract pursuant to Ord. 759-98 to 3-M Company - Division of Traffic Engineering and Parking, Dept. of Public Safety (BOC Res. 265-99) 810

Reflective sheeting and sign posts - contract pursuant to Ord. 759-98 to Signs and Blanks, Inc. - Division of Traffic Engineering and Parking, Dept. of Public Safety (BOC Res. 266-99) 810

Board of Control - Water Division

Dewatered residuals - pursuant to Ord. 1944-98 - all bids rejected - Division of Water, Dept. of Public Utilities (BOC Res. 268-99) 811

Board of Control - Water Pollution Control Division

Sewer maintenance appurtenances, castings - contract pursuant to C.O. Sec. 129-97 to East Jordon Iron Works, Inc. - Division of Water Pollution Control, Dept. of Public Utilities (BOC Res. 255-99) 808

Board of County Commissioners

Authorizing the Director of Parks, Recreation and Properties to amend the agreement with the Board of County Commissioners of Cuyahoga County, Ohio, to dedicate and sell one hundred and fifty additional plots in Highland Park Cemetery (O 586-99)..... 803

Board of Zoning Appeals - Report

Brooks Road, 4401 (Ward 2) - Zarembo Cleveland Communities, owner, c/o John Leonard, VP and Michael Caito, architect - appeal granted and adopted on 5/10/99 (Cal. 99-80) 813

Carnegie Avenue, 3868 (Ward 5) - Charles Comalla, owner and Total Learning Center, c/o James Jackson, tenant - appeal heard on 5/10/99 (Cal. 99-85) 812

Clark Avenue, 6605 (Ward 18) - Stuart J. Graines, appellant and Paul M. Greenberger, attorney - appeal dismissed on 5/10/99 (Cal. 99-79) 813

East 185th Street, 798 (Ward 11) - Dante Lavelli, owner and Laura Robinson, prospective purchaser - appeal heard on 5/10/99 (Cal. 99-84) 812

East 55th Street, 1743-1749 (Ward 7) - Charles S. Smith, owner - appeal heard on 5/10/99 (Cal. 99-57) 813

East 55th Street, 1829 (Ward 7) - Service Station Equipment Company, owner and Oriana House Inc., prospective purchaser, c/o Eric Drivdahl, agent - appeal granted and adopted on 5/10/99 (Cal. 99-59) 813

East 55th Street, 2415 (Ward 5) - Community Guidance, Inc., owner and Fresh Start Inc., prospective purchaser - appeal heard on 5/10/99 (Cal. 99-82) 812

East 75th Street, 2925 (a.k.a. 7507 Kinsman Road) (Ward 5) - Lillian Rabah, owner and Moorad H. Rabah, tenant - appeal heard on 5/10/99 (Cal. 99-53) 813

East Boulevard, 1361 (Ward 8) - Thomas Peters, owner - appeal dismissed on 5/10/99 (Cal. 99-24) 813

Florian Avenue, 10902 (Ward 19) - Steve Gladstone, owner and Reliable Customer Service, c/o Rocco Sutura, agent - appeal heard on 5/10/99 (Cal. 99-83) 813

Kuchinski, Charles P. - appeal granted and adopted on 5/10/99 (Cal. 99-47) 813

Lorain Road, 13021 (Ward 20) - Jane F. King, owner and Zarembo Group LLC, c/o John Wojtila, agent and CVS Pharmacy, purchaser - appeal granted and adopted on 5/10/99 (Cal. 99-55) 813

Professor Avenue, 2221 (Ward 13) - Primo Group, owner and Mojo Restaurant, tenant, c/o Gherre Herschman, agent - appeal heard on 5/10/99 (Cal. 99-102) 813

Seawright, Richard - appeal granted and adopted on 5/10/99 (Cal. 99-74) 813

West 5th Street, 2146 (Ward 13) - Tremont Ridge, Phase I, Limited Partnership, owner, c/o Keith Sutton - appeal granted and adopted on 5/10/99 (Cal. 99-78) 813

Board of Zoning Appeals - Schedule

Daisy Avenue, 3100 (Ward 15) - Mustafa Hamid, owner - appeal to be heard on 5/24/99 (Cal. 99-94) 812

East 53rd Street, 3401 (Ward 12) - The Cleveland Catholic Diocese, c/o Bishop Pilla, owner and Andrej N. Lah, attorney - appeal to be heard on 5/24/99 (Cal. 99-95) 812

Lee Road, 3969 (a.k.a. 3969-3975 Lee Road) (Ward 1) - Tire Limited, owner and Perfect Peace Baptist Church, tenant, c/o Rev. Derrick Noel and Leandra Poe, agents - appeal to be heard on 5/24/99 (Cal. 99-92) 812

Nevada Avenue, 8611 (Ward 6) - Fairfax Homes Development L.P., c/o Vicki Eaton King, president and Capri Homes, c/o George Fragapane, prospective purchaser - appeal to be heard on 5/24/99 (Cal. 99-128) 812

St. Clair Avenue, 10643 (Ward 8) - Kevin Spriggs, owner - appeal to be heard on 5/24/99 (Cal. 99-93) 812

West 58th Street, 3488 (Ward 17) - Jose T. Henriquez, owner - appeal to be heard on 5/24/99 (Cal. 99-96) 812

West Clinton Avenue, 5906-5912 (Ward 17) - Neil and Marcia McReynolds, owners - appeal to be heard on 5/24/99 (Cal. 99-77) 812

City of Cleveland Bids

Blaw Knox paver parts and labor - Division of Motor Vehicle Maintenance, Department of Public Service - per Ord. 247-99 - bid due May 28, 1999 (advertised 5/12/99 and 5/19/99) 814

Cab and chassis with line body/bucket - Division of Motor Vehicle Maintenance, Department of Public Service - per Ord. 1074-98 - bid due May 28, 1999 (advertised 5/5/99 and 5/12/99) 814

Cab and chassis with line body/bucket and additional equipment - Division of Motor Vehicle Maintenance, Department of Public Service - per Ord. 1074-98 - bid due June 4, 1999 (advertised 5/12/99 and 5/19/99) 814

Case equipment parts and labor - Division of Motor Vehicle Maintenance, Department of Public Service - per Ord. 177-99 - bid due May 28, 1999 (advertised 5/12/99 and 5/19/99) 814

Caterpillar parts and labor - Division of Motor Vehicle Maintenance, Department of Public Service - per Ord. 177-99 - bid due May 28, 1999 (advertised 5/12/99 and 5/19/99) 814

Crane Carrier parts and labor - Division of Motor Vehicle Maintenance, Department of Public Service - per Ord. 177-99 - bid due May 28, 1999 (advertised 5/12/99 and 5/19/99) 814

Dewatered residuals - Division of Water, Department of Public Utilities - per Ord. 1936-96 - bid due May 28, 1999 (advertised 5/12/99 and 5/19/99) 814

Fasteners - Department of Finance - per Ord. 706-99 - bid due June 2, 1999 (advertised 5/12/99 and 5/19/99) 814

Ford truck parts and labor - Division of Motor Vehicle Maintenance, Department of Public Service - per Ord. 314-99 - bid due June 4, 1999 (advertised 5/12/99 and 5/19/99) 814

Grad-All parts and labor - Division of Motor Vehicle Maintenance, Department of Public Service - per Ord. 177-99 - bid due May 28, 1999 (advertised 5/12/99 and 5/19/99) 814

Income Tax forms - Division of Taxation, Department of Finance - per Ord. 1939-98 - bid due May 26, 1999 (advertised 5/5/99 and 5/12/99) 814

Jacobson mower parts - Department of Finance - per Ord. 709-99 - bid due June 2, 1999 (advertised 5/12/99 and 5/19/99) 814

Keypunch services - Division of Taxation, Department of Finance - per Ord. 360-99 - bid due May 26, 1999 (advertised 5/5/99 and 5/12/99) 814

Meals for prisoners - Division of Police, Department of Public Safety - per Ord. 181-99 - bid due May 20, 1999 (advertised 5/5/99 and 5/12/99) 813

Paper and cloth wipers - Department of Finance - per Ord. 712-99 - bid due June 2, 1999 (advertised 5/12/99 and 5/19/99) 814

Plumbing and heating supplies - Division of Property Management, Department of Parks, Recreation and Properties - per Ord. 1956-98 - bid due May 21, 1999 (advertised 5/5/99 and 5/12/99)..... 814

Reproduction and mounting services - Department of Finance - per Ord. 714-99 - bid due June 4, 1999 (advertised 5/12/99 and 5/19/99) 814

Residential Sound Insulation Program (RSIP) 1999, Phase 2, Group 4A - Division of Cleveland Hopkins International Airport, Department of Port Control - per Ord. 469-98 - bid due June 2, 1999 (advertised 5/5/99 and 5/12/99) 814

Summer lunch program - Division of Recreation, Department of Parks, Recreation and Finance - per Ord. 320-99 - bid due May 26, 1999 (advertised 5/12/99 and 5/19/99) 814

Telephone system expansion of existing CPP locations - Department of Finance - per Ord. 919-96 - bid due June 3, 1999 (advertised 5/5/99 and 5/12/99) 814

Towing services - Division of Motor Vehicle Maintenance, Department of Public Service - per Ord. 315-99 - bid due June 4, 1999 (advertised 5/12/99 and 5/19/99)..... 814

Tree maintenance - Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties - per Ord. 2054-98 - bid due May 21, 1999 (advertised 5/5/99 and 5/12/99)..... 813

Wood poles and cross arms - Division of Cleveland Public Power, Department of Public Utilities - per C.O. Sec. 129.26 - bid due June 3, 1999 (advertised 5/5/99 and 5/12/99) 814

Work clothing - rental and laundry - Department of Finance - per Ord. 715-99 - bid due June 4, 1999 (advertised 5/12/99 and 5/19/99) 814

City Planning Commission

Authorizing the Director of Port Control to make alterations and modifications in Contract No. 50723 for constructing a parking facility at Cleveland Hopkins International Airport with Choice/Donley (O 364-99) 803

Authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Fund for the improvement - rehabilitation of Harvard Avenue (O 249-99) 803

Determining the method of making the public improvement of laying and re-laying and repairing sidewalks, driveway aprons, curbs, gutters and/or castings in the districts of the City (O 505-99) 803

Clerk of Council

Cleveland City Council — VERIO — Internet (O 804-99)..... 824

Cleveland Electric Illuminating Company

Authorizing the Director of Public Utilities to enter into a Mutual Aid Agreement with The Cleveland Electric Illuminating Company for the interchange and use of personnel and equipment upon request during system emergencies (O 310-99) 821

Authorizing the Director of Utilities to enter into contract with The Cleveland Electric Illuminating Company to provide for the purchase and sale of customer service equipment (O 511-99)..... 801-805

Cleveland Hopkins International Airport

Authorizing the Director of Port Control to employ professional consultants to provide design or design review services to create a detailed design for the westside cargo ramp at Cleveland Hopkins International Airport (O 253-99)..... 803

Authorizing the Director of Port Control to employ professional consultants to provide design services necessary to create detail design of the consolidated maintenance facility at Cleveland Hopkins International Airport (O 251-99)..... 803

Authorizing the Director of Port Control to make alterations and modifications in Contract No. 50723 for constructing a parking facility at Cleveland Hopkins International Airport with Choice/Donley (O 364-99) 803

Codified Ordinances

Amend Section 161.04 — landmarks and landmarks districts (O 806-99)..... 824
 Amend Sections 337.23 and 350.13 of Codified Ordinances relating to Accessory Uses and
 Signs in residence districts (O 1962-98)..... 817

Communications

Agenda for Public Hearing — May 2, 1999 — Board of Building Standards and Building
 Appeals (F 830-99) 795
 Euclid Corridor Update — Play House Square Center (F 829-99) 795

Community Development

East 71st Street, 1916 — sale or real property — Linda E. Highsmith (O 863-99) 797

Condolences

Bergman, Robert P. (R 851-99) 795
 Columbine High School Students and Teacher (R 807-99) 815
 Fuller, Robert L. Reverend (R 848-99) 795
 Glancz, Henry J. (R 852-99) 795
 Johnson, Craig (R 849-99) 795
 Rice, Lessie (R 847-99) 795
 Yanez, Roberto (R 850-99) 795

Congratulations

Bergholz, David (R 859-99) 795
 Berry, Dan and Elizabeth (R 853-99) 795
 Bishop, Thomas C. and Elizabeth A. (Post) (R 857-99) 795
 Collier, Rosa (R 862-99) 795
 Gillon, Dontez (R 856-99) 795
 Jesse, Jackson Reverend and members of religious delegation — congratulation — release
 of U.S. POWs from Yugoslavia (R 845-99) 800
 Kocab, Ken (R 855-99) 795
 Miklich, Anthony (R 858-99) 795
 Minter, Steven (R 861-99) 795
 Rev. Jesse Jackson (R 846-99) 800
 Smith, Matthew III (R 860-99) 795
 Stewart, George O. Pastor Rev. and First Lady Sister Lorraine Stewart (R 854-99) 795

Cuyahoga County Community Mental Health Board

Day care centers inspections — agreement or memorandum of understanding — Public Health
 Department (O 835-99) 796

Cuyahoga County Drug Abuse Services

Alcohol and drug treatment services — Medicaid- eligible individuals — Division
 of Health (O 836-99) 796

Cuyahoga County Mental Health Board

Day care centers inspections — agreement or memorandum of understanding — Public Health
 Department (O 835-99) 796

Day Care Centers

Day care centers inspections — agreement or memorandum of understanding — Public Health
 Department (O 835-99) 796

Drugs

Alcohol and drug treatment services — Medicaid- eligible individuals — Division
 of Health (O 836-99) 796

Economic Development Department

Amend Section 1 of Ordinance No. 1094-97 — Richman Brothers Complex (O 747-99).....	822
Authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Dubick Fixture & Supply, Inc. to provide economic development assistance - 6101 Euclid Avenue (O 2056-98).....	820
Authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Dubick Fixture and Supply, Inc. to provide economic development assistance - 6201 Euclid Avenue (O 2057-98)	820
Authorizing the Director of Economic Development to enter into a contract with Athersys, Inc. to provide economic development assistance to partially finance the acquisition equipment at 11000 Cedar Avenue (O 460-99)	803
Authorizing the Director of Economic Development to enter into a contract with Vesper Corporation to provide economic development assistance to partially finance the construction and acquisition of machinery and equipment (O 516-99).....	803
Avrina Avenue between East 79th Street and East 81st St— sell city-owned property no longer needed to Cleveland Gear Company (O 1418-98).....	803
Cleveland Industrial Park - Block A-3 — 4545 Johnston Parkway — sell City owned property — Scovil-Hanna Realty LLC (O 837-99).....	796
To amend Sections 2 and 3 of Ordinance No. 939-97, passed June 16, 1997, relating to economic development assistance contracts with Glenville Development Corporation (O 517-99)	803

Empowerment Zone

Authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Dubick Fixture & Supply, Inc. to provide economic development assistance - 6101 Euclid Avenue (O 2056-98).....	820
Authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Dubick Fixture and Supply, Inc. to provide economic development assistance - 6201 Euclid Avenue (O 2057-98)	820

Finance Department

Authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the northeast corner of St. Clair Avenue and East 105th Street (O 2052-98)	803
Authorizing the Director of Economic Development to enter into a contract with Vesper Corporation to provide economic development assistance to partially finance the construction and acquisition of machinery and equipment (O 516-99).....	803
Authorizing the Director of Economic Development to enter into a contract with Athersys, Inc. to provide economic development assistance to partially finance the acquisition equipment at 11000 Cedar Avenue (O 460-99)	803
Authorizing the Director of Port Control to employ professional consultants to provide design services necessary to create detail design of the consolidated maintenance facility at Cleveland Hopkins International Airport (O 251-99).....	803
Authorizing the Director of Port Control to make alterations and modifications in Contract No. 50723 for constructing a parking facility at Cleveland Hopkins International Airport with Choice/Donley (O 364-99)	803
Authorizing the Director of Public Service to enter into contract without competitive bidding with E.J. Ward, Inc. for the purchase of spare replacement parts for the fuel control terminals and for telephone consultation (O 248-99).....	821
Authorizing the Director of Public Service to employ professional consultants to provide geotechnical engineering, material testing, environment assessments and construction inspection seminars (O 365-99).....	801-804
Authorizing the Director of Public Service to employ professional consultants to provide architectural, engineering and other related service for the purpose of replacing or repairing roofs at various facilities (O 250-99).....	803
Authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Fund for the improvement - rehabilitation of Harvard Avenue (O 249-99)	803
Authorizing the Director of Public Utilities to enter into a Mutual Aid Agreement with The Cleveland Electric Illuminating Company for the interchange and use of personnel and equipment upon request during system emergencies (O 310-99)	821
Authorizing the Director of Public Utilities to employ professional consultants to provide assessment, developmental and training services to employees regarding Federal and State occupational regulations (O 453-99).....	801-804

Authorizing the Director of Public Utilities to employ professional consultants to provide engineering, environmental, safety, remediation and disposal, forensic investigations, and other services (O 452-99) 801-804

Authorizing the Director of Utilities to enter into contract with The Cleveland Electric Illuminating Company to provide for the purchase and sale of customer service equipment (O 511-99)..... 801-805

Authorizing the procurement by requirement contract of the rental of large capacity trucks with operators, for the Division of Streets, Department of Public Service (O 504-99) 801-805

Authorizing the purchase by requirement contract of anti-freeze, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years (O 503-99) 801-804

Authorizing the purchase by requirement contract of breath alcohol machines, for the Division of Police (O 368-99)..... 803

Authorizing the purchase by requirement contract of the transfer and disposal of bulk waste, for the Division of Waste Collection and Disposal, Department of Public Service (O 578-99)..... 801-806

Authorizing the purchase by requirement contract of labor and materials needed to repair and maintain Ford trucks, for the Division of Motor Vehicles, for a period not to exceed two years (O 314-99) 821

Authorizing the purchase by requirement contract of reclaimite asphalt rejuvenating agent, for the Division of Streets, Department of Public Service (O 458-99) 801-804

Authorizing the purchase by requirement contract of labor and materials necessary to repair frames and for vehicle alignments, for the Division of Motor Vehicle Maintenance, for a period not to exceed two years (O 316-99) 822

Authorizing the purchase by requirement contract of towing services, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the a period not to exceed two years (O 315-99) 822

Authorizing the purchase by requirement contract of labor and materials necessary for underwater inspection, cleaning, debris removal and occasional minor repair of submerged and water filled facilities - Utilities Department (O 509-99) 801-805

Authorizing the purchase by requirement contract of Blaw Knox paver equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years (O 247-99) 821

Authorizing the purchase by requirement contract of infrastructure cable and riser wire, including associated equipment, for the Division of Traffic Engineering and Parking (O 367-99) 803

Authorizing the purchase by requirement contract of the transfer and disposal of municipal solid waste, for the Division of Waste Collection and Disposal, Department of Public Service (O 577-99)..... 801-805

Authorizing the purchase by requirement contract of Crane carrier, Caterpillar grandall and Case equipment parts, including labor if necessary, for a period not to exceed two years (O 177-99) 820

Authorizing the purchase by requirement contract of the transfer and disposal of tires, for the Division of Waste Collection and Disposal, Department of Public Service (O 579-99) 802-807

Building materials (O 705-99)..... 802-808

CCA/MITIS computer system — professional consultants — maintenance and support services (O 638-99) 802-808

Determining the method of making the public improvement of rehabilitating chlorine handling systems at various water works plants, and authorizing the Director of Utilities to enter into contract for making such improvements (O 510-99) 801-805

Determining the method of making the public improvement of laying and re-laying and repairing sidewalks, driveway aprons, curbs, gutters and/or castings in the districts of the City (O 505-99) 803

Fasteners (O 706-99) 802-808

Fleet Washing (O 707-99)..... 802-808

Hand Tools and Hand Held Power Tools (O 708-99) 802-808

Jacobson mower parts (O 709-99) 802-808

Janitorial supplies (O 710-99) 802-808

Paint and paint supplies (O 711-99) 802-808

Paper and cloth wipers (O 712-99) 802-808

Plumbing supplies (O 713-99) 802-808

Rental and laundry service of work clothing (O 715-99)..... 802-808

Reproduction and mounting services (O 714-99) 802-808

To amend Sections 2 and 3 of Ordinance No. 939-97, passed June 16, 1997, relating to economic development assistance contracts with Glenville Development Corporation (O 517-99) 803

To amend title and Section 1 of Ordinance No. 1074-98, passed June 15, 1998, relating to the purchase by requirement contract of various on-road vehicles and off-road equipment (O 580-99).....	802-808
--	---------

Fire Division

Firefighters, Local 93 — Amend Section 28 of Ordinance No. 520-99 — compensation (O 838-99)	797
---	-----

Garage Sale

Amend Sections 337.23 and 350.13 of Codified Ordinances relating to Accessory Uses and Signs in residence districts (O 1962-98).....	817
--	-----

Glenville Development Corporation

To amend Sections 2 and 3 of Ordinance No. 939-97, passed June 16, 1997, relating to economic development assistance contracts with Glenville Development Corporation (O 517-99)	803
--	-----

Health Division

Alcohol and drug treatment services — Medicaid- eligible individuals — Division of Health (O 836-99).....	796
Day care centers inspections — agreement or memorandum of understanding — Public Health Department (O 835-99).....	796

Highland Park Cemetery

Authorizing the Director of Parks, Recreation and Properties to amend the agreement with the Board of County Commissioners of Cuyahoga County, Ohio, to dedicate and sell one hundred and fifty additional plots in Highland Park Cemetery (O 586-99).....	803
--	-----

Land Reutilization Program

East 71st Street, 1916 — sale or real property — Linda E. Highsmith (O 863-99)	797
--	-----

Landmark

Amend Section 161.04 — landmarks and landmarks districts (O 806-99).....	824
--	-----

Liquor Permits

Clark Avenue, 3612 - (Ward 14) — Transfer of Ownership (F 834-99)	795
East 105th Street, 1076 first floor — Withdrawing objection to stock transfer (R 750-99)	814
Euclid Avenue, 18027 (Ward 10) — Objecting to Issuance — Liquor Permit (R 843-99)	799
Euclid Avenue, 18027 - (Ward 10) — New Application (F 832-99)	795
Mayfield Road, 11919 — Withdrawing objection to renewal (R 810-99)	815
Mayfield Road, 12112 first floor and basement — withdrawing objection to renewal (R 809-99)	815
Mayfield Road, 12113 — withdrawing objection to transfer of ownership (R 811-99).....	816
Ohio Avenue, 15015 - (Ward 1) — New Application (F 831-99)	795
Quincy Avenue, 8502 — withdrawing objection to issuance (R 812-99).....	816
Sycamore Street, 2000 No. 190 - (Ward 14) — Transfer of Ownership (F 833-99).....	795

Memoranda of Understanding

Day care centers inspections — agreement or memorandum of understanding — Public Health Department (O 835-99).....	796
--	-----

Motor Vehicle Maintenance Division

Authorizing the Director of Public Service to enter into contract without competitive bidding with E.J. Ward, Inc. for the purchase of spare replacement parts for the fuel control terminals and for telephone consultation (O 248-99).....	821
Authorizing the purchase by requirement contract of Blaw Knox paver equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years (O 247-99).....	821

Authorizing the purchase by requirement contract of anti-freeze, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years (O 503-99) 801-804

Authorizing the purchase by requirement contract of labor and materials needed to repair and maintain Ford trucks, for the Division of Motor Vehicles, for a period not to exceed two years (O 314-99) 821

Authorizing the purchase by requirement contract of Crane carrier, Caterpillar grandall and Case equipment parts, including labor if necessary, for a period not to exceed two years (O 177-99) 820

Authorizing the purchase by requirement contract of labor and materials necessary to repair frames and for vehicle alignments, for the Division of Motor Vehicle Maintenance, for a period not to exceed two years (O 316-99) 822

Authorizing the purchase by requirement contract of towing services, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the a period not to exceed two years (O 315-99) 822

Ohio Legislature

Electric deregulation legislation — review and evaluate — Ohio Legislature (R 844-99) 799

Parks, Recreation and Properties Department

Authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the northeast corner of St. Clair Avenue and East 105th Street (O 2052-98) 803

Authorizing the Director of Parks, Recreation and Properties to amend the agreement with the Board of County Commissioners of Cuyahoga County, Ohio, to dedicate and sell one hundred and fifty additional plots in Highland Park Cemetery (O 586-99)..... 803

Permits

American Lung Associations bike-a-thon — permit (O 842-99) 799

Personnel and Human Resources Department

Amend Section 42 of Ordinance No. 520-99 — compensation (O 803-99) 823

Authorizing the Director of Personnel and Human Resources to enter into contract with Integrated Consulting Services to provide workers' compensation actuarial and auditing services (O 106-99) 802

Authorizing the Director of Personnel and Human Resources to enter into contract with Jerald A. Schneiberg, attorney at law, to provide workers compensation administrative hearing services (O 105-99) 802

Firefighters, Local 93 — Amend Section 28 of Ordinance No. 520-99 — compensation (O 838-99) 797

Police Division

Authorizing the purchase by requirement contract of breath alcohol machines, for the Division of Police (O 368-99)..... 803

Port Control Department

Authorizing the Director of Port Control to employ professional consultants to provide design services necessary to create detail design of the consolidated maintenance facility at Cleveland Hopkins International Airport (O 251-99)..... 803

Authorizing the Director of Port Control to employ professional consultants to provide design or design review services to create a detailed design for the westside cargo ramp at Cleveland Hopkins International Airport (O 253-99)..... 803

Authorizing the Director of Port Control to make alterations and modifications in Contract No. 50723 for constructing a parking facility at Cleveland Hopkins International Airport with Choice/Donley (O 364-99) 803

Purchases and Supplies Department

Authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the northeast corner of St. Clair Avenue and East 105th Street (O 2052-98) 803

Cleveland Industrial Park - Block A-3 — 4545 Johnston Parkway — sell City owned property — Scovil-Hanna Realty LLC (O 837-99)..... 796

Purchases/Contracts

Building materials (O 705-99)	802-808
Fasteners (O 706-99)	802-808
Fleet Washing (O 707-99).....	802-808
Hand Tools and Hand Held Power Tools (O 708-99)	802-808
Jacobson mower parts (O 709-99)	802-808
Janitorial supplies (O 710-99).....	802-808
Paint and paint supplies (O 711-99)	802-808
Paper and cloth wipers (O 712-99)	802-808
Plumbing supplies (O 713-99)	802-808
Rental and laundry service of work clothing (O 715-99).....	802-808
Reproduction and mounting services (O 714-99)	802-808

Real Estate

Avrina Avenue between East 79th Street and East 81st St sell city-owned property no longer needed to Cleveland Gear Company (O 1418-98).....	803
--	-----

Resolutions — Miscellaneous

Electric deregulation legislation — review and evaluate — Ohio Legislature (R 844-99)	799
Jesse, Jackson Reverend and members of religious delegation — congratulation — release of U.S. POWs from Yugoslavia (R 845-99)	800
Laying, re-laying and repairing of sidewalks, driveway aprons, curbs, gutters and/or castings on certain streets (R 813-99)	816
Workers Memorial Day (R 808-99).....	815

Richman Brothers Complex

Amend Section 1 of Ordinance No. 1094-97 — Richman Brothers Complex (O 747-99).....	822
---	-----

Safety Department

Authorizing the Director of Public Safety to apply for and accept a grant from the Office of Criminal Justice Services for the 1999 Curfew Enforcement Sweeps Program (O 97-99)	803
Authorizing the purchase by requirement contract of breath alcohol machines, for the Division of Police (O 368-99).....	803
Authorizing the purchase by requirement contract of infrastructure cable and riser wire, including associated equipment, for the Division of Traffic Engineering and Parking (O 367-99)	803
Fire alarm boxes — donation — The Western Reserve Fire Museum at Cleveland, Inc. — Public Safety Department (O 801-99)	822

Salaries

Amend Section 42 of Ordinance No. 520-99 — compensation (O 803-99)	823
Firefighters, Local 93 — Amend Section 28 of Ordinance No. 520-99 — compensation (O 838-99)	797

Service Department

Authorizing the Director of Public Service to enter into contract without competitive bidding with E.J. Ward, Inc. for the purchase of spare replacement parts for the fuel control terminals and for telephone consultation (O 248-99).....	821
Authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Fund for the improvement - rehabilitation of Harvard Avenue (O 249-99)	803
Authorizing the Director of Public Service to employ professional consultants to provide architectural, engineering and other related service for the purpose of replacing or repairing roofs at various facilities (O 250-99)	803
Authorizing the Director of Public Service to employ professional consultants to provide geotechnical engineering, material testing, environment assessments and construction inspection seminars (O 365-99).....	801-804
Authorizing the procurement by requirement contract of the rental of large capacity trucks with operators, for the Division of Streets, Department of Public Service (O 504-99)	801-805

Authorizing the purchase by requirement contract of the transfer and disposal of bulk waste, for the Division of Waste Collection and Disposal, Department of Public Service (O 578-99)..... 801-806

Authorizing the purchase by requirement contract of the transfer and disposal of municipal solid waste, for the Division of Waste Collection and Disposal, Department of Public Service (O 577-99)..... 801-805

Authorizing the purchase by requirement contract of anti-freeze, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years (O 503-99) 801-804

Authorizing the purchase by requirement contract of labor and materials necessary to repair frames and for vehicle alignments, for the Division of Motor Vehicle Maintenance, for a period not to exceed two years (O 316-99) 822

Authorizing the purchase by requirement contract of reclaimite asphalt rejuvenating agent, for the Division of Streets, Department of Public Service (O 458-99)..... 801-804

Authorizing the purchase by requirement contract of towing services, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the a period not to exceed two years (O 315-99) 822

Authorizing the purchase by requirement contract of Crane carrier, Caterpillar grandall and Case equipment parts, including labor if necessary, for a period not to exceed two years (O 177-99) 820

Authorizing the purchase by requirement contract of the transfer and disposal of tires, for the Division of Waste Collection and Disposal, Department of Public Service (O 579-99) 802-807

Authorizing the purchase by requirement contract of Blaw Knox paver equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years (O 247-99)..... 821

Authorizing the purchase by requirement contract of labor and materials needed to repair and maintain Ford trucks, for the Division of Motor Vehicles, for a period not to exceed two years (O 314-99) 821

Cleveland Irish Cultural Festival — banner (O 841-99) 798

Cuyahoga County Fair — banners (O 840-99) 798

Determining the method of making the public improvement of laying and re-laying and repairing sidewalks, driveway aprons, curbs, gutters and/or castings in the districts of the City (O 505-99) 803

Hessler Neighborhood Association — banners — Hessler Street Fair (O 805-99)..... 824

La Sagrada Familia Church — banners — La Sagrada Familia Church's Festival (O 839-99) 798

To amend title and Section 1 of Ordinance No. 1074-98, passed June 15, 1998, relating to the purchase by requirement contract of various on-road vehicles and off-road equipment (O 580-99)..... 802-808

University Circle Incorporated — banners — Parade the Circle Celebration (O 800-99) 822

Young Audiences — banners — special performances (O 802-99)..... 823

Signs

Amend Sections 337.23 and 350.13 of Codified Ordinances relating to Accessory Uses and Signs in residence districts (O 1962-98)..... 817

Streets Division

Authorizing the procurement by requirement contract of the rental of large capacity trucks with operators, for the Division of Streets, Department of Public Service (O 504-99) 801-805

Authorizing the purchase by requirement contract of reclaimite asphalt rejuvenating agent, for the Division of Streets, Department of Public Service (O 458-99)..... 801-804

Traffic Engineering and Parking Division

Authorizing the purchase by requirement contract of infrastructure cable and riser wire, including associated equipment, for the Division of Traffic Engineering and Parking (O 367-99) 803

Utilities Department

Authorizing the Director of Public Utilities to enter into a Mutual Aid Agreement with The Cleveland Electric Illuminating Company for the interchange and use of personnel and equipment upon request during system emergencies (O 310-99)..... 821

Authorizing the Director of Public Utilities to employ professional consultants to provide engineering, environmental, safety, remediation and disposal, forensic investigations, and other services (O 452-99)	801-804
Authorizing the Director of Public Utilities to employ professional consultants to provide assessment, developmental and training services to employees regarding Federal and State occupational regulations (O 453-99).....	801-804
Authorizing the Director of Utilities to enter into contract with The Cleveland Electric Illuminating Company to provide for the purchase and sale of customer service equipment (O 511-99).....	801-805
Authorizing the purchase by requirement contract of labor and materials necessary for underwater inspection, cleaning, debris removal and occasional minor repair of submerged and water filled facilities - Utilities Department (O 509-99)	801-805
Determining the method of making the public improvement of rehabilitating chlorine handling systems at various water works plants, and authorizing the Director of Utilities to enter into contract for making such improvements (O 510-99)	801-805

Vesper Corporation

Authorizing the Director of Economic Development to enter into a contract with Vesper Corporation to provide economic development assistance to partially finance the construction and acquisition of machinery and equipment (O 516-99).....	803
---	-----

Waste Collection and Disposal Division

Authorizing the purchase by requirement contract of the transfer and disposal of municipal solid waste, for the Division of Waste Collection and Disposal, Department of Public Service (O 577-99).....	801-805
Authorizing the purchase by requirement contract of the transfer and disposal of tires, for the Division of Waste Collection and Disposal, Department of Public Service (O 579-99)	802-807
Authorizing the purchase by requirement contract of the transfer and disposal of bulk waste, for the Division of Waste Collection and Disposal, Department of Public Service (O 578-99).....	801-806

Zoning Code

Amend Sections 337.23 and 350.13 of Codified Ordinances relating to Accessory Uses and Signs in residence districts (O 1962-98).....	817
--	-----