

The City Record

Official Publication of the City of Cleveland

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

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

Containing	PAGE
City Council	3
The Calendar	28
Board of Control	30
Civil Service	33
Board of Zoning Appeals	33
Board of Building Standards and Building Appeals	34
Public Notices	35
Public Hearings	35
City of Cleveland Bids	35
Adopted Resolutions and Ordinances	37
Committee Meetings	37
Index	37

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

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

Clerk of Council-Artha Woods, 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
Susan E. Axelrod, Executive Assistant for Communications and Support Services

Laura Ann Williams, Director, Office of Equal Opportunity
Milan T. Polacek, Executive Assistant for Legislative Affairs

DEPT. OF LAW - Sylvester Summers, Jr., Director, Lessie M. Milton, Chief Counsel, Room 106

George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch - Justice Center, 8th Flr., Court Towers, 1200 Ontario Street
Karen E. Martinez, 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 - Keith D. Schuster, Controller, Room 18
Information Systems Services - Hamid Manteghi, Commissioner, 1404 E. 9th St.

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

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

DEPT. OF PORT CONTROL - LaVonne Sheffield-McClain, Acting Director, Cleveland Hopkins International Airport, 5300 Riverside Drive; Cleveland Hopkins International Airport - Stephen Sheehan, Commissioner, Burke Lakefront Airport - Michael C. Barth, Commissioner

DEPT. OF PUBLIC SERVICE - Henry Guzmán, Director, Room 113

DIVISIONS - Waste Collection and Disposal - Larry Hines, Commissioner, 5600 Carnegie Avenue.
Streets - 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 - Kenneth Nobilio, Commissioner, Room 517

DEPT. OF PUBLIC HEALTH - Robert O. Staib, Director, Mural Building, 1925 St. Clair Avenue.

DIVISIONS - Health - Joyce Atwell-Joyce, Commissioner, Mural Building, 1925 St. Clair Avenue
Environment - Joseph W. Jasper, Jr., Commissioner, Mural Building, 1925 St. Clair Avenue
Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 Northfield Road

DEPT. OF PUBLIC SAFETY - William M. Denihan, Director, Room 230.

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

DEPT. OF PARKS, RECREATION & PROPERTIES - Oliver B. Spellman, Jr., Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.

DIVISIONS - Convention Center & Stadium - James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
Property Management - Vernon Robinson, Commissioner, E. 49th & Harvard

Parking Facilities - Alfred T. Miller, Jr., Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.

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

Recreation - Michael Cox, Acting Commissioner, Room 8

Research, Planning & Development - Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT - Terri Hamilton, Director, 3rd Floor, City Hall.

DIVISIONS - Administrative Services - Terrence Ross, Commissioner.
Neighborhood Services - Louise V. Jackson, Commissioner.
Neighborhood Development - Terri Hamilton, Commissioner.
Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.

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

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

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

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

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

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

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

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

BOARD OF REVISION OF ASSESSMENTS - Law Director Sylvester Summers, Jr., President; Finance Director Martin L. Carmody, Jr., Secretary; Council President Jay Westbrook.

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

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

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

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

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

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

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

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

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

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

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

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WEDNESDAY, FEBRUARY 25, 1998

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CITY COUNCIL

MONDAY, FEBRUARY 23, 1998

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

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

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

Also present were Directors Summers, Carmody, Denihan, Konicek, Guzman, Spellman, Hamilton, Nolan, Warren, Williams, Morrison and Acting Directors Sheffield-McClain, Atwell-Joyce.

Absent: Mayor White, Director Staib.

Pursuant to Ordinance No. 2926-76 the council meeting was opened with a prayer offered by Rev. Mark Ribbons, Pastor of Calvary Hill Baptist Church. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 266-98.

From the Department of Public Utilities re: Contract No. 50440 for work on Rehabilitation of the Exterior Surfaces of Four Water Towers, has been completed and accepted as of December 3, 1997. Received.

File No. 267-98.

From Vorys, Sater, Seymour and Pease LLP re: Cleveland Thermal Energy Corporation, Case No. 92-111-HT-AEC, Standard Steam Service Agreement with AT&T Corporation, letter dated February 13, 1998. Received.

File No. 268-98.

From Vorys, Sater, Seymour and Pease LLP re: Cleveland Thermal Energy Corporation, Case No. 92-111-HT-AEC, Standard Steam Service Agreement with 1220 Huron Mall Ltd., letter dated February 13, 1998. Received.

File No. 269-98.

From Vorys, Sater, Seymour and Pease LLP re: Cleveland Thermal Energy Corporation, Case No. 92-154-HT-AEC, Standard Steam Service Agreements for BOMA Members, letter dated February 12, 1998. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 270-98.

Re: New Application - 8774013 - T.N.T. Service II Inc. dba Duricas Montclair Sunoco, 2039 Broadview Road. (Ward 16). Received.

File No. 271-98.

Re: New Application - 8916833 - 3935 Gas Inc., 3935 West 130th Street. (Ward 19). Received.

File No. 272-98.

Re: New Application - 8109365 - Delia Inc. dba Quick Stop, 3271 West 46th Street. (Ward 14). Received.

File No. 273-98.

Re: Transfer of Ownership Application - 6540724 - Olooneys Inc. dba Red Apple Supermarket, 422 Eddy Road, first floor front. (Ward 9). Received.

File No. 274-98.

Re: Transfer of Ownership Application - 7702571 - Samia Inc. dba Convenience Deli, 863-71 East 93rd Street. (Ward 8). Received.

File No. 275-98.

Re: Transfer of Ownership and Location Application - 2175712 - John Dimmian, 383 East 156th Street. (Ward 11). Received.

File No. 276-98.

Re: Transfer of Ownership and Location Application - 6621826 - P.M.T., L.T.D., L.L.C., 2826 Franklin Boulevard. (Ward 14). Received.

File No. 277-98.

Re: Stock Transfer Application - 4000829 - Hotz Café Inc., 2529 West 10th Street, first floor and basement. (Ward 13). Received.

File No. 278-98.

Re: Stock Transfer Application - 4289981 - Jimmy's Old River Road Inc., 1061 Old River Road, first floor and patio. (Ward 13). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 335-98. Patrick Tyler Moore, Jr.

Res. No. 336-98. Lillian Renee Culbreath.

Res. No. 337-98. Mary Susnik.

Res. No. 338-98. Jessie DiCicco.

Res. No. 339-98. Gladys V. Blue.

CONGRATULATORY RESOLUTIONS

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

- Res. No. 340-98.** Lucy Mae Walters.
Res. No. 341-98. Janis Purdy.
Res. No. 342-98. Sergeant Michael Thomas.
Res. No. 343-98. Detective Kathleen Carlin.
Res. No. 344-98. Sergeant Albert Martin.
Res. No. 345-98. Joe and Midge Travagliante.
Res. No. 346-98. Mildred Srebeala.
Res. No. 347-98. Wayne Embry.

RESOLUTIONS OF RECOGNITION

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

- Res. No. 348-98.** Francis J. O'Neill, III.
Res. No. 349-98. Scott Koons.
Res. No. 350-98. Social Work Centennial Month.

RESOLUTION OF APPRECIATION

The rule was suspended and the following Resolution was adopted without objection.

- Res. No. 351-98.** Pearl T. Crain.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 286-98.
By Councilman Johnson (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of lumber, for the various divisions of City government, for a period not to exceed two years.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of lumber in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Finance. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 22988)

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

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

Ord. No. 287-98.
By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with the Legal Aid Society of Cleveland for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the Cleveland Municipal Court.

Whereas, in *Argersinger v. Hamlin* and *Scott v. Illinois*, the United States Supreme Court held that no indigent criminal defendant may be sentenced to a term of imprisonment unless he has been afforded the right to assistance of appointed counsel in his defense; and

Whereas, the City of Cleveland, through the Cleveland Municipal Court, is therefore obligated to provide an indigent defendant appointed counsel in order to permit the imposition of a sentence including a term of imprisonment; and

Whereas, it is the recommendation of the Cleveland Municipal Court, the district of which encompasses Bratenahl and the City of Cleveland, that such indigent defense should be provided by the Legal Aid Society of Cleveland; and

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

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

Section 1. That the Director of Finance, for the Cleveland Municipal Court, is hereby authorized and directed to enter into contract with the Legal Aid Society of Cleveland for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the period of one year beginning January 1, 1998 through December 31, 1998, at the estimated cost of \$857,500.00, payable from Fund No. 01-01-15-0320, Request No. 24751.

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 Finance and Law; Committee on Finance.

Ord. No. 288-98.
By Councilman Johnson (by departmental request).

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

two consecutive years.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of office supplies in the approximate amount as purchased during the preceding year, with one (1) option exercisable by the Director of Finance, to renew for an additional two-year consecutive term, and cancellable upon thirty days written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23241)

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

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

Ord. No. 289-98.
By Councilman Johnson (by departmental request).

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

Whereas, the State of Ohio is the sole source of state income tax data and

Whereas, the State of Ohio has provided 1996 Ohio income tax master file data to the City of Cleveland; 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 Finance is hereby directed to pay the sum of Eighteen Thousand Eight Hundred Thirty-Five Dollars and 76 Cents (\$18,835.76) to the treasurer of the State of Ohio from Fund

No. 81 SF 001, Request No. 21207, for extraction from the 1996 Ohio Individual Master File of taxpayer information relating to the communities served by the Central Collection Agency.

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 Finance and Law; Committee on Finance.

Ord. No. 290-98.
By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of commercial gases in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Finance. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 22987)

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

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

Ord. No. 291-98.
By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of standard wire in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Finance. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 22990)

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

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

Ord. No. 292-98.
By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of typewriter maintenance and repair in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Finance. Bids shall be taken in such manner as to permit an award to be made for all items as a single con-

tract, 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 22991)

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

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

Ord. No. 293-98.
By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of pole painting in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Finance. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 22992)

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

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

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

Ord. No. 294-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance giving consent of the City of Cleveland for the repair and resurfacing of Ridge Road from Brookpark Road to Denison Avenue to the County of Cuyahoga; 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.

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 declared to be in the public interest that the consent of the City of Cleveland is hereby given to the County of Cuyahoga (the "County") to construct the following improvements in accordance with plans, specifications and estimates approved by the County: The repair and resurfacing of Ridge Road from Brookpark Road to Denison Avenue (the "Improvement").

Section 2. That the City hereby proposes to cooperate with the County in the cost of the improvement to the extent of funds received by an allocation from the County Motor Vehicle License Tax Fund; and by applying to the Board of County Commissioners to use the License Tax fund for said improvement. If funds administered by the Ohio Public Works Commission are used for this improvement, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages.

Section 3. That the Director of Public Service is hereby authorized to enter into such agreements with the County as are necessary to complete the planning and construction of the Improvement.

Section 4. That upon completion of the Improvement, the City thereafter will:

a) Keep the affected highway open to traffic at all times;

b) Maintain the Improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance;

c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the County, hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the right-of-way;

d) Place and maintain all traffic control devices in accordance with the Ohio Manual of Uniform Traffic Control Devices pursuant to the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

e) Prohibit all parking within the limits of the roadway which is a part of the Improvement in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by City ordinance or resolution.

Section 5. a) That all existing streets and public rights-of-way within the City which are necessary for the Improvement shall be made available therefor.

b) That in the event any additional right-of-way is required for the Improvement, the County will arrange for the acquisition thereof.

c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement in accordance with applicable sections of the Ohio Revised Code.

d) That the street within the limits of the Improvement is hereby designated a through highway within the meaning of Section 4511.07(F) of the Ohio Revised Code.

e) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvement, that said companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement and that said companies have agreed to make such necessary rearrangements immediately after notification by the City or the County.

f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other City-owned utilities and appurtenances thereto which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that said rearrangements shall be done at such time as requested by the County.

g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

h) That the construction, reconstruction and rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by such utility rearrangement shall be performed in accordance with the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the County.

i) That the City hereby agrees that the County shall be and hereby is saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions a), b), e), f) and h), of this section.

j) That stop signs affecting the movement of traffic on any street within the limits of the Improvements shall be removed and no stop signs will be erected on same except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met.

k) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is hereby rescinded.

Section 6. That the Council of the City hereby requests the Board of Commissioners of the County to proceed with the Improvement.

Section 7. That the Director of Public Service is hereby authorized to enter into an agreement with the Board of Commissioners of the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

a) That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current County Engineer standards for construction of County roads and bridges.

b) That the County will arrange for the supervision and administration of the construction contract for the Improvement, and will review the construction plans for conformance with division a) of this section and make an inspection of the completed project.

c) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of such additional items is approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of said construction and of preliminary and design engineering therefor, but the City shall not be responsible for the cost of supervision of said additional construction.

d) That the City hereby agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project.

e) That if the project is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the aforesaid funds.

f) That within the corporate limits of the City, the City hereby agrees to contribute fifty percent (50%) of the cost of construction, construction supervision, right-of-way, and incidentals and forty percent (40%) of the cost of preparation of plans and specifications. That the City hereby agrees to deposit with the Treasurer of Cuyahoga County the City's share of the estimated cost of the project or the Director of Public Service is hereby authorized to enter into escrow agreement with the Board of County Commissioners prior to an award of a contract for the improvement.

Section 8. That the Director of Public Service is hereby authorized to apply to the County for an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project, and to enter into such agreements with the County as are necessary to finance the Improvement.

Section 9. That the Director of Public Service is hereby authorized to apply to the County Board of Commissioners for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept said funds and to file all papers and execute all documents necessary to receive said funds; and that said funds be and are hereby appropriated for the purposes set forth above.

Section 10. That the Clerk of Council is hereby authorized and directed to transmit to the Director of ODOT and to the County three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvement.

Section 11. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 295-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of asphalt concrete material, 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 the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of asphalt concrete material in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, 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 21340)

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

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

Ord. No. 296-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the procurement by requirement contract of large capacity trucks and operators, 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 the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of the rental of large capacity trucks and operators in the approximate amount as procured during the preceding year, to be procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial procurement thereunder, which procurement, together with all subsequent procurements, 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 21347)

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

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

Ord. No. 297-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of manhole risers, 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 the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of manhole risers in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, 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 21344)

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

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

Ord. No. 298-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of curb bumpers and plow blades, 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 the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of curb bumpers and plow blades in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, 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 peri-

od less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21346)

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

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

Ord. No. 209-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of gutter brooms and gutter broom sets, 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 the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of gutter brooms and gutter broom sets in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, 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 21339)

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

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

Ord. No. 300-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance to amend Sections 3 and 4 of Ordinance No. 1256-97, passed July 16, 1997, relating to the Ridge Road Transfer Station Rehabilitation Project.

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

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

Section 1. That Sections 3 and 4 of Ordinance No. 1256-97, passed July 16, 1997, are hereby amended to read, respectively, as follows:

Section 3. That, it is hereby determined to make the public improvement of rehabilitating the Ridge Road Transfer Station, including, paving, grading, drainage, curbing, sidewalks, lighting, streetscaping, traffic signals, and other necessary appurtenances (the "Improvement"), for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the Improvement.

Section 4. That the Director of Public Service is hereby authorized and directed to enter into contract for the making of the Improvement with the lowest responsible bidder after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

Section 2. That existing Sections 3 and 4 of Ordinance No. 1256-97, passed July 16, 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.

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

Ord. No. 301-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of guard rail elements, posts, end wings, and necessary hardware, 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 the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of guard rail elements, posts, end wings, and necessary hardware in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, 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 21337)

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

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

Ord. No. 302-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of emulsion and emulsion service management, 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 the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of emulsion and emulsion service management in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, 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 21345)

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

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

Ord. No. 303-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to cause payment of the City's share to the County of Cuyahoga for the cost of rehabilitating Lakewood Heights Boulevard from Alger Road to Berea Road.

Whereas, in Ordinance No. 2039-91, passed December 9, 1991, this Council gave consent to the Board of County Commissioners of Cuyahoga County, for the rehabilitation of Lakewood Heights Boulevard from Alger Road to Berea Road; and

Whereas, this Council authorized the City to cooperate with the County of Cuyahoga in the cost of the above-referenced improvement; and

Whereas, the City's share of the cost of said improvement is currently estimated as \$180,000.00; and

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

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

Section 1. That this Council hereby authorizes payment to the County of Cuyahoga of the City's share of the rehabilitation of Lakewood Heights Boulevard from Alger Road to Berea Road, from Fund Nos. 20 SF 342, 20 SF 322 and 20 SF 334, Request No. 21976.

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

Ord. No. 304-98.

By Councilman Jackson.

An emergency ordinance to vacate a portion of Prospect Court S.E. hereinafter described.

Whereas, on the 25th day of September, 1995 the Council of the City

of Cleveland adopted Resolution No. 1254-95 declaring its intention to vacate a portion of Prospect Ct. S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1254-95 has been served upon the owners of all the property abutting Prospect Ct. S.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 28th day of February, 1997, the Board of Revision of Assessments approved the vacation of Prospect Ct. S.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Prospect Ct. S.E., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of Prospect Ct. S.E., (20 feet wide), extending Westerly from a point 341.85 feet West of East 30th Street (60 feet wide) to the Easterly right-of-way line of the Inner Belt Freeway, so called, be and the same is hereby vacated.

Section 2. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Prospect Ct. S.E., herein provided by sending him a copy of this Ordinance.

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

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

Ord. No. 305-98.

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

An emergency ordinance to amend Section 1 of Ordinance No. 679-97, passed April 21, 1997, relating to vacating a portion of East 174th Street.

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. 679-97, passed April 21, 1997, is hereby amended to read as follows:

Section 1. That all that portion of East 174th Street, (40 feet wide), and its Easterly and Westerly turnouts extending Southerly from the Southerly line of Miles Ave. S.E. (86.00 feet wide), to the Easterly prolongation of Northerly line of Sublot Number 55 in the Miles-Melbourne Subdivision, **is hereby vacat-**

ed.

Section 2. That existing Section 1 of Ordinance No. 679-97, passed April 21, 1997, is hereby repealed.

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

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

Ord. No. 306-98.

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

An emergency ordinance to amend Section 1 of Ordinance No. 680-97, passed April 21, 1997, relating to vacating a portion of East 174th Street, East 175th Street and Manoa Avenue S.E.

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

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

Section 1. That the Section 1 of Ordinance No. 680-97, passed April 21, 1997, is hereby amended to read as follows:

Section 1. That all that portion of East 174th Street, (40 feet wide) extending Southerly from the Easterly prolongation of the Northerly line of Sublot No. 55 in the Miles-Melbourne Subdivision, recorded in Volume 96, page 39 of Cuyahoga County Records to that portion of Manoa Ave. S.E. vacated by the Council of the City of Cleveland by Ordinance 1809-77, passed August 29, 1977, AND

All that portion of East 175th Street, (40 feet wide) and its Southeasterly and Southwesterly turn-outs extending Southerly from the Westerly prolongation of the Northerly line of Sublot Number 26 in the Miles Melbourne Subdivision recorded in Volume 96, Page 39 of Cuyahoga County Records, to the Northerly line Manoa Ave. S.E. (40 feet wide), AND

All that portion of Manoa Ave. S.E. (40 feet wide) extending Easterly from the Easterly line of Manoa Ave. S.E. vacated by the Council of the City of Cleveland by Ordinance Number 1809-77, passed August 29, 1977, to the Westerly line of Manoa Ave. S.E. vacated by the Council of the City of Cleveland by Ordinance No. 171758, passed September 17, 1958, **is hereby vacated.**

Section 2. That existing Section 1 of Ordinance No. 680-97, passed April 21, 1997, is hereby repealed.

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

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

Ord. No. 307-98.
By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, relating to the acquisition boundaries of real property located in the vicinity of Cleveland Hopkins International Airport.

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

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

Section 1. That the title and Section 1 of Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase real property, including homes and/or parcels, located within the boundaries of Forestwood Avenue, Brysdale Avenue, Interstate 71 right-of-way, Springdale Avenue and Westport Avenue and West 198th Street in the City of Cleveland; authorizing the Director of Port Control to employ one or more consultants or one or more firms of consultants to provide professional services necessary to perform services including, but not limited to, architectural, engineering, noise measurement and administrative services for sound insulation of homes located in the vicinity of Cleveland Hopkins International Airport; determining the method of making the public improvement of construction for Phase II of the sound insulation improvement program for homes located in the vicinity of Hopkins Airport, and authorizing the Director of Port Control to enter into contract or contracts for the making of such improvements, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 1. That the Commissioner of Purchases and Supplies is hereby authorized to purchase all real property, including homes and/or parcels, located within the boundaries of Forestwood Avenue and Brysdale Avenue (north), Interstate 71 right-of-way (east), Springdale Avenue and Westport Avenue (south), and West 198th Street (west), as part of the City's noise abatement program, for the Division of Cleveland Hopkins International Airport, Department of Port Control, located within the following described area, provided that the grant agreement applicable to a particular parcel is executed prior to the purchase of that parcel:

**ACQUISITION BOUNDARIES
CLEVELAND HOPKINS
INTERNATIONAL AIRPORT**

Beginning on the centerline at Rocky River Drive S.W. (width varies) at its intersection with the Westerly prolongation of the Northerly line of the Riverview Subdivision No. 2 as shown by the recorded map in Volume 95, Page 38 of Cuyahoga County Records;

Thence Easterly along said Westerly prolongation and the Northerly line of said Riverview Subdivision No. 2 to its intersection with the Westerly right-of-way line of Interstate Route 71;

Thence Southwesterly along the Westerly right-of-way of said Interstate Route 71 to its intersection with the Southerly line of the Riverview Subdivision No. 2 as aforesaid;

Thence Westerly along the Southerly line of the aforesaid Riverview Subdivision No. 2 and its Westerly prolongation to the centerline of Rocky River Drive S.W.;

Thence Southerly along the centerline of said Rocky River Drive S.W. to its intersection with the Easterly prolongation of the Southerly line of the Conger-Helper Realty Company's Home Gardens Allotment as shown by the recorded map in Volume 63, Page 10 of Cuyahoga County Records;

Thence Westerly along the Easterly prolongation and the Southerly line of the said Conger-Helper Realty Company's Home Gardens Allotment and its Westerly prolongation to its intersection with the Easterly line of the C. & D. Southwest Subdivision;

Thence Southerly along the said C. & D. Southwest Subdivision to the Southeast corner of Sublot Number 71 in said Subdivision;

Thence Westerly along said Sublot Number 71 to its intersection with the Easterly line of West 198th Street (70 feet wide);

Thence Southerly along the Easterly line of said West 198th Street to its intersection with the Easterly prolongation of the Southerly line of Elsmere Avenue S.W. (50 feet wide);

Thence Westerly along the Easterly prolongation and the Southerly line of Elsmere Avenue S.W. to its intersection with the Southerly prolongation of the Westerly line of Sublot Number 130 in the C. & D. Southwest Subdivision as aforesaid;

Thence Northerly along the Southerly prolongation and the Westerly line of Sublot Number 130 through 145 both inclusive and the Northerly prolongation thereof to its intersection with the centerline of Midvale Avenue S.W. (50 feet wide);

Thence Easterly along the centerline of Midvale Avenue S.W. to its intersection with the centerline of West 198th Street as aforesaid;

Thence Northerly and Westerly along the centerline of said West 198th Street to its intersection with the centerline of Forestwood Avenue S.W.;

Thence Northerly along the centerline of said West 198th Street to its intersection with the Westerly prolongation of the Northerly line of Sublot Number 15 in the aforesaid C. & D. Southwest Subdivision;

Thence Easterly along the Westerly prolongation and the Northerly line of Sublot Number 15 through 34, both inclusive and the Easterly prolongation thereof to its intersection with the Northerly line of Sublot Number 1 in The West River Subdivision Number 1 as shown in Volume 159, Page 27 of Cuyahoga County Records;

Thence continuing Easterly along Sublot Numbers 1 through 37, both inclusive of said Subdivision, and the Easterly prolongation thereof to its intersection with the centerline of Rocky River Drive S.W.;

Thence Southerly along the centerline of said Rocky River Drive S.W. to the place of beginning.

Section 2. That the existing title and Section 1 of Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, are hereby repealed.

Section 3. That this ordinance is

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

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

Ord. No. 308-98.
By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with the International Women's Air & Space Museum for operation of a women's air and space museum and to operate a gift cart concession, and to enter into permits for operation of fund raisers by the International Women's Air & Space Museum, at Burke Lakefront Airport; and to repeal Ordinance No. 1088-97, passed July 16, 1997.

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

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

Section 1. That the Director of Port Control ("Director") is hereby authorized to enter into a Lease By Way of Concession ("Lease") with the International Women's Air & Space Museum (the "Lessee") for use and occupancy of (i) approximately 1,000 square feet of office space at Burke Lakefront Airport for operation of a women's air and space museum; (ii) certain space for operation of a gift cart concession; and (iii) certain wall and floor space in the main lobby and west concourse of the terminal building for museum exhibits. The term of the Lease shall be seven (7) years. Rent shall be as follows: \$8.50 per square foot for office space; 4% of gross revenues from gift cart concession for each year for years one through three of the term; the annual percentage rent for years four through six shall be negotiated prior to the end of the third year of the term; provided that, if no agreement as to percentage rent is reached, Lessee shall cease operations of gift cart concession until such time as agreement is reached. Lessee shall pay no rent for use of exhibit space. Lessee shall provide all maintenance, security and janitorial services related to the office space, gift cart and displays, and shall pay the cost of electricity used in the office space.

The Director is hereby further authorized to execute permits, as needed, authorizing Lessee to use the terminal building to raise funds for the museum. Lessee shall obtain such permits from the City authorizing such use prior to each fund raiser. The term of the permit shall not exceed twenty-four (24) consecutive hours. Lessee shall pay a permit fee to the City of \$200.00 per permit.

Section 2. That the Lease and permits herein authorized shall be prepared by the Director of Law and shall contain such additional terms and conditions as said Director deems necessary to protect and benefit the public interest.

Section 3. That Ordinance No. 1088-97, passed by City Council on July 16, 1997, 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.

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

Ord. No. 309-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into an amendment to Lease No. 31263 with Northwest Airlines, Inc. to provide for the deletion of certain space from the Lease, effective January 31, 1998, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized to enter into an amendment to Lease No. 31263 between the City and Northwest Airlines, Inc. ("Lessee"), to delete from Lessee's right and obligation under the lease 1,800 square feet, used for operation of the Northwest Airlines' WorldClub, effective January 31, 1998.

All other terms and conditions contained in the original lease shall remain the same.

Section 2. That the Amendment to the Lease herein authorized shall be prepared by the Director of Law and shall contain such terms and conditions as said Director deems necessary to protect and benefit the public interest.

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

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

Ord. No. 310-98.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of computer hardware, software, supplies, employee training, data programming and data conversion; and authorizing the Directors of Finance and Public Health to employ one or more computer consultants and data processors to provide professional services in conjunction with upgrading the Vital Statistics Computer system.

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

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

Section 1. That the Directors of Finance and Public Health are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: computer hardware, software, supplies, employee training, data programming and data conversion, in conjunction with upgrading the Vital Statistics Computer system, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Public Health.

Section 2. That the Directors of Finance and Public Health are hereby authorized and directed to employ by contract one or more computer and/or data processing consultants or one or more firms of computer and/or data processing consultants for the purpose of developing software and supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to assist in upgrading the Vital Statistics Computer system.

The selection of said consultant or consultants for such services shall be made by the Board of Control upon the nomination of the Directors of Finance and Public Health from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Directors of Finance and Public Health 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 Directors of Finance and Public Health and certified by the Director of Finance.

Section 4. That the cost of said purchases and professional services hereby authorized shall be paid from Fund No. 10 SF 001, Request No. 23239.

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

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

Ord. No. 311-98.

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

An emergency ordinance to amend Section 535.18 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 935-96, passed June 18, 1996, relating to rates for water sold through master meters.

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

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

Section 1. That the rates, rules and regulations relating to the operation of the Division of Water, Department of Public Utilities, for standby emergency water service to Portage County, as fixed by the Board of Control in Resolution No. 59-98, adopted by the Board of Con-

trol on February 4, 1998, be and the same are hereby approved.

Section 2. That Section 535.18 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 935-96, passed June 18, 1996, is hereby amended to read as follows:

Section 535.18 Rates for Water Sold Through Master Meters

(a) The rates to be charged for the sale of water measured through Master Meters shall be as follows:

(1) To the City of Cleveland Heights: beginning 4/4/96 through 12/31/96, \$16.36 per mcf; beginning 1/1/97 through 12/31/97, \$17.52 per mcf; beginning 1/1/98 through 12/31/98, \$18.71 per mcf; beginning 1/1/99 through 12/31/99, \$19.97 per mcf; beginning 1/1/00, \$21.28 per mcf.

(2) To the City of East Cleveland: beginning 4/4/96 through 12/31/96, \$14.04 per mcf; beginning 1/1/97 through 12/31/97, \$15.05 per mcf; beginning 1/1/98 through 12/31/98, \$16.09 per mcf; beginning 1/1/99 through 12/31/99, \$17.19 per mcf; beginning 1/1/00, \$18.34 per mcf.

(3) To the City of Lakewood: beginning 4/4/96 through 12/31/96, \$14.04 per mcf; beginning 1/1/97 through 12/31/97, \$15.05 per mcf; beginning 1/1/98 through 12/31/98, \$16.09 per mcf; beginning 1/1/99 through 12/31/99, \$17.19 per mcf; beginning 1/1/00, \$18.34 per mcf.

(4) To the City of Bedford: beginning 4/4/96 through 12/31/96, \$16.76 per mcf; beginning 1/1/97 through 12/31/97, \$17.92 per mcf; beginning 1/1/98 through 12/31/98, \$19.11 per mcf; beginning 1/1/99 through 12/31/99, \$20.37 per mcf; beginning 1/1/00, \$21.68 per mcf.

(5) To the Village of Chagrin Falls: beginning 4/4/96 through 12/31/96, \$18.91 per mcf; beginning 1/1/97 through 12/31/97, \$20.24 per mcf; beginning 1/1/98 through 12/31/98, \$21.61 per mcf; beginning 1/1/99 through 12/31/99, \$23.06 per mcf; beginning 1/1/00, \$24.57 per mcf.

(6) To the City of Berea: beginning 4/4/96 through 12/31/96, \$18.98 per mcf; beginning 1/1/97 through 12/31/97, \$20.14 per mcf; beginning 1/1/98 through 12/31/98, \$21.33 per mcf; beginning 1/1/99 through 12/31/99, \$22.59 per mcf; beginning 1/1/00, \$23.90 per mcf.

(7) To Lake County: beginning 4/4/96 through 12/31/96, \$18.23 per mcf; beginning 1/1/97 through 12/31/97, \$19.39 per mcf; beginning 1/1/98 through 12/31/98, \$20.58 per mcf; beginning 1/1/99 through 12/31/99, \$21.84 per mcf; beginning 1/1/00, \$23.15 per mcf.

(8) To Lorain County: beginning 4/4/96 through 12/31/96, \$18.98 per mcf; beginning 1/1/97 through 12/31/97, \$20.14 per mcf; beginning 1/1/98 through 12/31/98, \$21.33 per mcf; beginning 1/1/99 through 12/31/99, \$22.59 per mcf; beginning 1/1/00, \$23.90 per mcf.

(9) To the City of North Ridgeville: beginning 4/4/96 through 12/31/96, \$14.04 per mcf; beginning 1/1/97 through 12/31/97, \$15.05 per mcf; beginning 1/1/98 through 12/31/98, \$16.09 per mcf; beginning 1/1/99 through 12/31/99, \$17.19 per mcf; beginning 1/1/00, \$18.34 per mcf.

(10) To Geauga County: beginning 4/4/96 through 12/31/96, \$21.51 per mcf; beginning 1/1/97 through 12/31/97, \$22.84 per mcf; beginning 1/1/98 through 12/31/98, \$24.21 per mcf; beginning 1/1/99 through 12/31/99, \$25.66 per mcf; beginning

1/1/00, \$27.17 per mcf.

(11) To Medina County: beginning 4/4/96 through 12/31/96, \$21.51 per mcf; beginning 1/1/97 through 12/31/97, \$22.84 per mcf; beginning 1/1/98 through 12/31/98, \$24.21 per mcf; beginning 1/1/99 through 12/31/99, \$25.66 per mcf; beginning 1/1/00, \$27.17 per mcf.

(12) To the City of Hudson Village: beginning 4/4/96 through 12/31/96, \$21.51 per mcf; beginning 1/1/97 through 12/31/97, \$22.84 per mcf; beginning 1/1/98 through 12/31/98, \$24.21 per mcf; beginning 1/1/99 through 12/31/99, \$25.66 per mcf; beginning 1/1/00, \$27.17 per mcf.

(13) To Summit County: beginning 4/4/96 through 12/31/96, \$21.51 per mcf; beginning 1/1/97 through 12/31/97, \$22.84 per mcf; beginning 1/1/98 through 12/31/98, \$24.21 per mcf; beginning 1/1/99 through 12/31/99, \$25.66 per mcf; beginning 1/1/00, \$27.17 per mcf.

(14) To Portage County: beginning 1/1/98 through 12/31/98, \$24.21 per mcf; beginning 1/1/99 through 12/31/99, \$25.66 per mcf; beginning 1/1/00, \$27.17 per mcf.

(b) All bills for water so furnished shall be rendered monthly to the municipality or district to which water is so furnished, and if not paid within fifteen (15) days after the date of billing by the City of Cleveland, such bills shall be subject to a penalty of five percent added thereto. In the event that any monthly bill is not paid within four (4) months after written notice is given by the City of Cleveland, the City of Cleveland may, at its option, cease to furnish water to such municipality or district pending payment of any overdue amount.

(c) Rates for Standby Emergency Water Service. The rates to be charged for standby emergency water service shall consist of an annual standby fee of \$3600.00 per year in addition to the charge for consumption provided in division (a) of this section. Standby fees for standby emergency water service shall be payable in advance. All bills for water furnished under this section shall be rendered upon the termination of customer's emergency period or, if the duration of the emergency is longer than thirty days, in thirty day intervals. In the event that any standby fee is not paid in advance or any consumption bill is not paid within four months after written notice is given by the City of Cleveland, the City of Cleveland may at its option, cease to furnish standby emergency water service to such customer pending payment of any overdue amount.

Section 3. That existing Section 535.18 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 935-96, passed June 18, 1996 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.

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

Ord. No. 312-98.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating the Kinsman Water Tower and constructing a control room therein, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating the Kinsman Water Tower and constructing a control room therein, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Utilities is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 52 SF 001 and 52 SF 987, Request No. 24001.

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 Utilities, City Planning, Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

Ord. No. 315-98.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 431-97, passed May 19, 1997; to supplement said ordinance by adding new Section 2; and to renumber existing Section 3 thereof, relating to a grant from the Ohio Department of Health for the STD (Sexually Transmitted Disease testing) program.

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

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

Section 1. That the title and Section 1 of Ordinance No. 431-97, passed May 19, 1997, are hereby amended to read, respectively, as follows:

Authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1997-1998 STD (Sex-

ually Transmitted Disease testing) program and to enter into contract for the purchase of equipment and supplies necessary to implement the program.

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$278,570.00, and such funds as may become available, from the Ohio Department of Health, to conduct the 1997-1998 STD program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the existing title and Section 1 of Ordinance No. 431-97, passed May 19, 1997, are hereby repealed.

Section 3. That Ordinance No. 431-97, passed May 19, 1997, is hereby supplemented by adding new Section 2 to read as follows:

Section 2. That the Director of Public Health is hereby authorized to enter into contract for the purchase of equipment and supplies necessary to implement the program, and that said contract is payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

Section 4. That existing Section 2 of Ordinance No. 431-97, passed May 19, 1997, is hereby renumbered to new "Section 3".

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

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

Ord. No. 316-98.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Federation for Community Planning from Ohio Department of Health for the 1998 Immunization Action Plan Program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$115,707, and such other funds as they may become available during the grant year, from the Federation for Community Planning from Ohio Department of Health, to conduct the 1998 Immunization Action Plan Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the

purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 316-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

Ord. No. 317-98.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 1646-97, passed October 20, 1997, relating to a grant from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1998 Drug Prevention, Treatment and Intervention Program.

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

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

Section 1. That Section 1 of Ordinance No. 1646-97, passed October 20, 1997, is hereby amended to read as follows:

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$490,750.00, and such other funds as may become available during the grant term, from the Alcohol and Drug Addiction Services Board of Cuyahoga County, to conduct the 1998 Drug Prevention, Treatment and Intervention Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That existing Section 1 of Ordinance No. 1646-97, passed October 20, 1997, is hereby repealed.

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

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

Ord. No. 318-98.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 1998 Cuyahoga County Health Promotion Project.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$75,000 and such other funds as may become available during the grant year, from the Cuyahoga County Board of Health, to conduct the 1998 Cuyahoga County Health Promotion Project, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 318-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

Ord. No. 319-98.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Federation for Community Planning for the 1997-98 Health Services for Residents of Public Housing Program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$106,495.00, and such other funds as may become available during the grant term, from the Federation for Community Planning, to conduct the 1997-98 Health Services for Residents of Public Housing Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 319-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

Ord. No. 320-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of various items necessary to conduct the D.A.R.E. program, for the Division of Police, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various items necessary to conduct the D.A.R.E. program in city schools in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Police, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. 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 20114)

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

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

Ord. No. 321-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance to amend Section 4 of Ordinance No. 1282-96, passed October 14, 1996, relating to rehabilitating, renovating or otherwise improving City Hall and for the professional services necessary therefor.

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

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

Section 1. That Section 4 of Ordinance No. 1282-96, passed October 14, 1996, is hereby amended to read as follows:

Section 4. That the cost of said improvement and professional services hereby authorized shall be paid from Fund Nos. 10 SF 006, 20 SF 300, 20 SF 310, 20 SF 320, 20 SF 331 and 20 SF 340, Request No. 20559.

Section 2. That existing Section 4 of Ordinance No. 1282-96, passed October 14, 1996, is hereby repealed.

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

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

Ord. No. 322-98.

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

An emergency ordinance authorizing and directing the Directors of Economic Development and Parks, Recreation and Properties to enter into contract with the Thompson Design Group for the purpose of conducting a planning study for the West Side Market and the larger Market District.

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

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

Section 1. That the Directors of Economic Development and Parks, Recreation and Properties is hereby authorized and directed to enter into contract with the Thompson Design Group for professional services necessary to conduct a planning study of the West Side Market and larger Market District on the basis of its proposal dated January 16, 1998, in the total sum of \$51,500.00, payable from Fund No. 10 SF501, Request No. 24269, for the Departments of Economic Development and Parks, Recreation and Properties.

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 Economic Development, Parks, Recreation and Properties, Finance, Law; Committees on Community and Economic Development, Public Parks, Property, and Recreation, Finance.

Ord. No. 323-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5703, 5705, 5709, 5801, 5807 Quincy to St. Paul AME Zion Church.

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

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed 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). 118-28-081, 118-28-017, 118-28-018, 118-28-019, and 118-28-020, as more fully described in Section 2 below, to St. Paul AME Zion Church.

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

P. P. No. 118-28-081

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 26 in W.S. Chamberlain's Allotment of part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat in Volume 6, Page 14 of Cuyahoga County Records and being 20.5 feet front on the Northerly side of Quincy Avenue, S.E. and extending back 57 feet on the Easterly line, 56.5 feet on the Westerly line, which is also the Easterly line of East 57th Street and having a rear line of 20.5 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P. P. No. 118-28-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 26 in W.S. Chamberlain's Allotment of part of Original One Hundred Acre Lot No. 334 in said City and being 50 feet front on the Northerly side of Quincy Avenue, S.E., and extends back 150 feet deep along the Easterly side line of 57th Street, as shown by the recorded plat in Volume 6, Page 14, of Cuyahoga County Records of Maps, excepting from the above described parcel of land that part of Sublot No. 26 conveyed to Milton Curtis by deed dated July 12, 1945 and recorded in Volume 5880, Page 175 of Cuyahoga County Records.

P. P. No. 118-28-018

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 224 in W.S. Chamberlain's Subdivision of part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat in Volume 6 of Maps, Page 14 of Cuyahoga County Records, and forming a parcel of land 50 feet front on the Northerly side of Quincy Avenue, S.E. and extending back between parallel lines 150 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 118-28-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 225 in W.S. Chamberlain's Allotment of part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat of said Allotment in Volume 6 of Maps, Page 14 of Cuyahoga County Records. Said Sublot No. 225 has a frontage of 50 feet on the Northerly side of Quincy Avenue, S.E., (formerly Quincy Street), and extends back between parallel lines 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-28-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 226 in the W.S. Chamberlain's Allotment of part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat in Volume 6 of Maps, Page 14 of Cuyahoga County Records and being 50 feet front on the Northerly side of Quincy Avenue, S.E. (80 feet wide) and extending back of equal width 150 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That 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.

Ord. No. 324-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5804 and 5800 Denison Avenue, S.W., to Joseph J. and Daniel Mayo.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facili-

tate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 016-15-020 and 016-15-021, as more fully described in Section 2 below, to Joseph J. and Daniel Mayo.

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

P. P. No. 016-15-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 in the J. H. McArthur and F. W. Sears Subdivision of part of Original Brooklyn Township Lots Nos. 35 and 46, as shown by the recorded plat in Volume 14 of Maps, Page 4 of Cuyahoga County Records and having a frontage of 38.98 feet on the Northeastly side of Denison Avenue, S.W., and extending back between parallel lines 130 feet, excepting therefrom so much of the land which lies within the bounds of Denison Avenue, S.W. as widened, and shown by the Dedication Plat in Volume 33 of Maps, Page 17 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

P. P. No. 016-15-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 1 in J. H. McArthur and F. W. Sears Subdivision of part of Original Brooklyn Township Lots Nos. 35 and 46 as shown by the recorded plat in Volume 14 of Maps, Page 4 of Cuyahoga County Records, and being 38.98 feet front on the Northeastly side of Denison Avenue, SW 60 feet wide as now widened, and extending back between parallel lines about 123.11 feet deep along the Westerly side of West 58 Street, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances.

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 estab-

lished 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.

Ord. No. 325-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Marshall Ford West, or their designee, to provide economic development assistance to partially finance the acquisition and renovation of real property necessary to expand its operation located at 16100 Lorain Avenue, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Marshall Ford West, or their designee, to provide economic development assistance to partially finance the acquisition and renovation of real property necessary to expand its operation located at 16100 Lorain Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 325-98-A.

Section 3. That the costs of said contract shall not exceed Three Hundred Thousand Dollars (\$300,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 24265.

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

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

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

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

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

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

Ord. No. 326-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Accurate Instrument Service Co., or their designee, to provide economic development assistance to partially finance the acquisition and renovation of real property located at 4228 West 130th Street, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Accurate Instrument Service, Co., or their designee, to provide economic development assistance to partially finance the acquisition and renovation of real property located at 4228 West 130th Street, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 326-98-A.

Section 3. That the costs of said contract shall not exceed Twenty Four Thousand Dollars (\$24,000.00), and shall be paid from Fund No. 12 SF 954, Request No. 24267.

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

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 12 SF 958.

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

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

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

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

Ord. No. 327-98.
By Councilmen White, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with All My Children Day Care Center, Inc., or their designee, to provide economic development assistance to partially finance the renovation and expansion of its facilities located at 12715 and 12905 Miles Avenue.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with All My Children Day Care Center, Inc., or their designee, to provide economic development assistance to partially finance the renovation and expansion of its facilities located at 12715 and 12905 Miles Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 327-98-A.

Section 3. That the costs of said contract shall not exceed Eighty Thousand Dollars (\$80,000.00), and shall be paid from Fund No. 17 SF 003, Request No. 23342.

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

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 005.

Section 6. That the Director of Economic Development is hereby

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

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

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

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

Ord. No. 328-98.
By Councilmen Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Carotech, Inc., or their designee, to provide economic development assistance to partially finance the acquisition of land and construction of a new facility to be located on Walworth Avenue in the Walworth Run Industrial Park, Cleveland, Ohio 44102.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Carotech, Inc., or their designee, to provide economic development assistance to partially finance the acquisition of land and the construction of a new facility to be located on Walworth Avenue, in the Walworth Run Industrial Park, Cleveland, Ohio 44102.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 328-98-A.

Section 3. That the costs of said contract shall not exceed Four Hundred Thousand Dollars (\$400,000.00), and shall be paid from Fund Nos. 12 SF 954 and 17 SF 008, Request No. 24268.

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

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund Nos. 12 SF 958 and 17 SF006.

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

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

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

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

Ord. No. 329-98.
By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Western Reserve Area Agency on Aging for the 1998 Title III-B G.O.W., Supportive Services, Chore Worker Program.

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

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

Section 1. That the Director of Aging is hereby authorized to apply for and accept a grant in the amount of \$106,739, from the Western Reserve Area Agency on Aging, to conduct the 1998 Title III-B G.O.W., Supportive Services, Chore Worker Program, for the purposes set forth in the application and according thereto; that the Director of Aging is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 329-98-A, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$9,792.00, payable from Fund No. 01-20-01-0901, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

Ord. No. 334-98.

By Councilman Sweeney.

An emergency ordinance to amend Section 350.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 648-96, passed June 10, 1996, relating to signs for retail districts.

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

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

Section 1. That Section 350.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 648-96, passed June 10, 1996, is hereby amended to read as follows:

Section 350.14 Signs for Retail Districts

Signs for uses in University Retail, Local Retail, General Retail and Shopping Center Districts shall be permitted as regulated below:

(a) **Maximum Sign Face Area (Retail).** The maximum sign face area of all permanent building-mounted signs for each building or unit thereof shall be related to the width of the building or unit. (For lots without buildings or with unusually small buildings, see division (d) of Section 350.20.) Maximum sign face area, excluding the area of free-standing signs, shall be determined according to the measurement standards of Section 350.05 and the following formula where "W" is the width of frontage (in feet) of the building or unit thereof: $(W \times 1/5) + 25 = \text{SQUARE FEET OF SIGNAGE}$.

(b) **Permitted Types, Number, Area and Height (Retail).**

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

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

SIGNS BY USE TYPE	SIGNS BY STRUCTURAL TYPE				
	FREE-STANDING	WALL	WINDOW	CANOPY	PROJECTING
IDENTIFICATION OR BUSINESS ^{2, 3}	#: 1 per lot ⁴ SF: 50 ¹ Ht: 25'	SF: As regulated by formula		#: 1 per building unit SF: 6 if hanging from soffit	#: 1 per building unit SF: 12
DIRECTIONAL & INFORMATION ⁵	#: Minimum necessary as approved by Building Commissioner SF: 4 Ht: 3'	SF: 4	SF: 4	SF: 4	Not Permitted
REAL ESTATE (Temporary)	#: 1 per street frontage SF: 48 Ht: 10'	#: 1 per building side SF: 48	#: 1 per building unit SF: 12	Not Permitted	Not Permitted
DEVELOPMENT ⁶ (Temporary)	#: 2 per lot (total) SF: 96 Ht: 12'	SF: 96	SF: 12	Not Permitted	Not Permitted
TEMPORARY (Excluding Real Estate and Development)	As permitted in Section 350.12		SF: 25% of window area	As permitted in Section 350.12	

#: Maximum number of signs
 SF: Maximum sign area (in square ft.) per side of each sign
 Ht.: Maximum height for free-standing signs and roof signs
 Sign Area Formula: $(W \times 1.5) + 25 = \text{square feet}$

¹Except 75 sq. ft. maximum for establishments with a building frontage of 100-200 ft. and 100 sq. ft. maximum for establishments with a building frontage exceeding 200 ft. For shopping centers, see Section 350.14(d).

²Identification or business signs using animation, electronically-changeable copy or flashing lights are specifically prohibited for "adult entertainment uses," as defined in Section 343.11(a)[347.07(b)]

³Identification and business signs using animation or electronically-changeable copy are permitted in General Retail and Shopping Center districts as free-standing, wall or window signs and, for theatres, also as canopy signs.

⁴See division (b) of Section 350.20.

⁵For hospitals, colleges and other public facilities and institutions, directional and information signs may be permitted to a maximum area of 12 sq. ft. and a maximum height of 6 ft. as necessary in the determination of the Building Commissioner.

⁶In Local Retail Districts, wall and free-standing development signs shall be limited to 48 sq. ft. and 10 ft. in height (for free-standing signs).

(c) **Location (Retail).** Free-standing signs as permitted for retail uses shall conform with the location regulations presented in the Schedule of Location Regulations (Retail) in addition to the regulations of Section 350.08.

SCHEDULE OF LOCATION REGULATIONS (RETAIL)
Free-Standing Sign Types

Minimum Distance From	Identification/ Business	Real Estate & Development	Information & Political	Directional
Residential District Line	25'	25'	5'	5'
Street R.O.W. Line(s)	3'	3'	3'	1'
Side & Rear Lot Lines	5'	5'	5'	5'

(d) **Shopping Centers.** For purposes of this Chapter five (5) or more businesses located on a single lot and served by common parking or common vehicular entrances shall be classified as a "shopping center" and shall be permitted one (1) free-standing identification sign and one (1) wall identification sign in addition to other permitted signs and in accordance with the following regulations:

(1) **Contents.** Each shopping center identification sign shall display only the name of the center and, at the discretion of the shopping center owner, the name of one (1) business located within the center. In the case of an enclosed shopping mall, such free-standing sign may display the names of any business located within the mall and not directly served by an exclusive exterior entrance.

(2) **Size.** The maximum sign face area of a shopping center identification sign shall equal twenty (20) square feet for each 10,000 square feet of gross floor area but shall not exceed 125 square feet. All shopping centers, however, shall be permitted a sign of at least fifty (50) square feet.

(3) **Other Regulations.** All other regulations of this chapter applicable to identification signs shall apply to a shopping center identification sign.

(4) **Other Signs.** A lot displaying a shopping center identification sign may display no other free-standing identification or business signs.

(5) **Secondary Frontage.** One (1) additional shopping center identification free-standing sign and one (1) additional shopping center identification wall sign shall be permitted on a secondary street frontage with a vehicular entrance to the shopping center.

(6) **Outlets.** If a vehicular entrance or parking lot of a shopping center also serves a use located on a separate lot (i.e., "out lot"), the free-standing identification or business sign permitted for such lot shall be limited to a maximum of twenty-five (25) square feet in area and seven (7) feet in height.

(7) **Multi-Tenant Identification Signs.** Notwithstanding the restrictions of division (d)(1) of this section, a free-standing shopping center identification sign may display the name of the shopping center and up to ten (10) tenant names if the sign is no more than sixteen (16) feet in height, meets all other regulations of this code, and if, by the determination of the City Planning Commission, such sign is sufficiently legible and is designed to achieve a high degree of graphic and architectural quality, through use of appropriate colors and lettering and through use of such features as brick bases, columns and landscaping.

(e) **Gasoline Service Stations.** Signs for gasoline service stations shall conform with all regulations of this chapter except for the maximum sign area regulations of division (a) of Section 350.14 and any regulations which directly conflict with the regulations stated below:

(1) **Free-standing Business Sign.** Each station shall be permitted one (1) permanent free-standing business signs, with total sign face area of the panel or panels not exceeding one hundred (100) square feet. Such sign shall be limited to identifying the company name, management, fuel prices, and services offered.

(2) **Signs at Service Islands.** Stations shall be permitted information signs at fuel or other service islands which display information regarding type of service or are necessary in directing or instructing the motorist who has entered the station area. Signs not extending beyond the edges of fuel pumps are permitted and shall not be counted as business identification signs.

(3) **Wall and Canopy Signs.** Each station shall be permitted permanent identifications, business, directional and information signs displayed as wall or canopy signs and not exceeding one hundred (100) square feet in combined area. Non-opaque internally-illuminated canopy surfaces ("fascia") shall be considered as sign panels for purposes of sign area measurement.

(4) **Temporary Signs.** Temporary signs shall be permitted in accordance with the regulations of Section 350.12.

(f) **Drive-Through Restaurants.** For restaurants providing direct service to customers in motor vehicles, one (1) free-standing or wall-mounted "menu board" sign (limited to information regarding the restaurant's menu and related instructions) shall be permitted for each drive-through lane in addition to signs and sign area otherwise permitted. Such sign shall not exceed forty (40) square feet in area and six (6) feet in height and shall meet setback regulations applicable to free-standing identification signs (as specified in division (c) of this section).

(g) **Regulations for Larger Projecting Signs.** A projecting sign may exceed the otherwise maximum permitted size of twelve (12) square feet and the otherwise maximum permitted projection of four (4) feet from a building wall if such sign meets the following standards:

(1) Such sign shall be set back from the closest interior side lot line and the closest tenant party wall line at least one (1) foot for each one (1) square foot of sign area.

(2) Such sign shall in no case exceed thirty-six (36) square feet in area nor eight (8) feet in projection from the building wall and shall be set back at least two (2) feet from the outer edge of any street curb.

(3) No Building Permit shall be issued for such sign without approval of the City Planning Commission, which shall consider the design quality of the sign and its compatibility with the design character of the subject property and surrounding properties. In addition to considering such general design factors as placement, proportions, color, materials, and consistency with signs to be seen as a series, the City Planning Commission may specifically require use of non-rectangular, custom-shaped panels, exposed neon or reflected lighting, unobtrusive support structures, narrow-profile sign cabinets, or other design features necessary to ensure that a larger projecting sign will enhance the appearance of the building on which it is placed and the district in which it is located.

(4) At least five (5) working days prior to the City Planning Commission meeting at which approval under the regulations of this division will be considered, written notice shall be provided to the City Council member in whose ward the proposed sign is to be located.

(h) **Supplemental Regulations.** Signs in Retail Districts shall also conform to regulations of Section 350.20.

Section 2. That existing Section 350.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 648-96, passed June 10, 1996, is hereby repealed.

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

Referred to Directors of City Planning Commission, Law; Committees on City Planning, Legislation.

**FIRST READING
ORDINANCES REFERRED**

Ord. No. 330-98.

By Councilman Polensek.

An ordinance to change the Use District of lands on both sides of Lakeport Road, N.E. to Lakeshore Boulevard, N.E. approximately 345.80' southwest of Brazil Road, N.E. (Map Change No 1969, Sheet No. 7)

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

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

Beginning at the intersection of the southeasterly line of Sublot No. 518 in the East Shore Park (Kangesser Company) Allotment No. 2 as recorded in Volume 110, Page 37 of the Cuyahoga County Map Records and a line located approximately four hundred thirty nine and ninety seven hundredths (439.97) feet southwest of the northwesterly extension of the northeasterly line of Lakeport Road, N.E.; thence southeasterly along said line which is parallel to and approximately four hundred thirty nine and ninety seven hundredths (439.97) feet southwest of said northeasterly extension of said northeasterly line of Lakeport Road, N.E. and along its southeasterly extension to the center line of Lakeport Road, N.E.; thence southwest along said center line of Lakeport Road, N.E. to its intersection with the northwesterly prolongation of the southwesterly line of Parcel No. 4 of land conveyed to Janulis Enterprises Incorporated by deed recorded in Volume 11877, Page 729 of Cuyahoga County Records; thence southeasterly along the northwesterly prolongation and southwesterly line of said Parcel No. 4 about 211.20 feet to the southeasterly corner thereof; thence northeasterly along the southeasterly line of said Parcel No. 4 about 14.39 feet to an angle point therein. Said point also being the southwesterly corner of a parcel of land conveyed to Ann Perna by deed recorded in Volume 10140, Page 85 of Cuyahoga County Records; thence southeasterly along the southwesterly line of land so conveyed to Ann Perna about 239.82 feet to the centerline of Lakeshore Boulevard; thence southwesterly along said centerline of Lakeshore Boulevard to its intersection with the southeasterly prolongation of the northeasterly line of land conveyed to the Regional Sewer District by deed recorded in Volume 85-6255, Page 70 of Cuyahoga County Records; thence northwesterly along the southeasterly prolongation and the northeasterly line of land so conveyed to the Regional Sewer District to a northeasterly corner thereof; thence southwesterly along the northwesterly line of land so conveyed to the Regional Sewer District about 22 feet to a northwesterly corner thereof and an angle point in the easterly line of a parcel of land conveyed to the City of Cleveland by deed recorded in Volume 85-1526, Page 4 of Cuyahoga County Records; thence northwesterly, along said easterly line of land so conveyed to the City of Cleveland about 114.73 feet to an angle point therein; thence northeasterly along said easterly line of land so conveyed to the City of Cleveland about 37 feet to an angle point therein; thence northwesterly along said easterly line of land so conveyed to the City of Cleveland about 52 feet

to the southeasterly corner of Lakeport Road; thence northwesterly along the southwesterly line of Lakeport Road to the center line thereof; thence northeasterly along the centerline of said Lakeport Road to its intersection with the southeasterly prolongation of the northwesterly line of a parcel of land conveyed to the City of Cleveland by deed recorded in Volume 83-2044, Page 47 of Cuyahoga County Records; thence northwesterly along the southeasterly prolongation and the northeasterly line of land so conveyed to the City of Cleveland to an angle point therein; thence northwesterly along said northeasterly line of land so conveyed to the City of Cleveland about 27.29 feet to an angle point therein; thence northeasterly along said northeasterly line of land so conveyed to the City of Cleveland about 75.02 feet to the southeasterly line of the Kangesser Company's East Shore Park Subdivision No. 2 as shown by the recorded plat in Volume 110, Page 37 of the Cuyahoga County Records; thence northeasterly along the southeasterly line of said Kangesser Company's East Shore Park Subdivision No. 2 to the place of beginning,

and as outlined in red on the map hereto attached, be and the same are hereby changed to a Townhouse RA - 2 District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1969, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Referred to Directors of City Planning Commission, Law; Committee on City Planning.

Ord. No. 331-98.

By Councilman White.

An ordinance to change the Use and Area Districts of lands located southwest of Broadway and East 98 Street. (Map Change No. 1972, Sheet Nos. 6 & 10)

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

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

Situated in the City of Cleveland and the City of Garfield Heights, County of Cuyahoga and State of Ohio and known as being part of Original One Hundred Acre Lot Nos. 473 and 474 and is more particularly described as follows:

Beginning at an iron pin monument found (0.027 feet west) at the centerline intersection of Ella Avenue (40 feet wide) with the centerline of Turney Road (66 feet wide);

Thence South 24 degrees, 34 minutes, 13 seconds East along said centerline of Turney Road, 80.00 feet to a point;

Thence North 65 degrees, 25 minutes, 47 seconds East, 25.00 feet to O. M. No. 896 found;

Thence North 43 degrees, 02 minutes, 36 seconds East, 8.65 feet to a point in the Easterly right-of-way line of said Turney Road;

Thence continuing North 43 degrees, 02 minutes, 36 seconds East, 28.76 feet to a point;

Thence North 76 degrees, 33 minutes, 51 seconds East, 164.00 feet to a point;

Thence North 37 degrees, 28 minutes, 35 seconds East, 41.23 feet to a point;

Thence North 76 degrees, 41 minutes, 13 seconds East, 138.25 feet to a point;

Thence South 58 degrees, 46 minutes, 23 seconds East, 173.60 feet to a point;

Thence South 66 degrees, 55 minutes, 12 seconds East, 200.88 feet to a point;

Thence South 67 degrees, 18 minutes, 37 seconds East, 398.83 feet to a point;

Thence South 60 degrees, 07 minutes, 14 seconds East, 395.08 feet to a point;

Thence South 58 degrees, 06 minutes, 42 seconds East, 98.61 feet to a point;

Thence South 60 degrees, 39 minutes, 41 seconds East, 98.95 feet to a point;

Thence South 60 degrees, 29 minutes, 32 seconds East, 181.75 feet to a point and the Principle Place of Beginning of the parcel of land herein intended to be described:

COURSE I Thence South 20 degrees, 58 minutes, 12 seconds East, 725.00 feet to a point;

COURSE II Thence South 49 degrees, 55 minutes, 21 seconds East, 487.88 feet to a point in the Easterly Corporation Line of the City of Cleveland;

COURSE III Thence South 78 degrees, 40 minutes, 38 seconds East, 165.23 feet to a point;

COURSE IV Thence North 37 degrees, 31 minutes, 43 seconds East, 270.48 feet to a point in the Southwesterly right-of-way line of Broadway (width varies);

COURSE V Thence North 49 degrees, 23 minutes, 17 seconds West, 464.75 feet along said right-of-way line to an angle point therein;

COURSE VI Thence North 48 degrees, 50 minutes, 05 seconds West, 670.81 feet along said right-of-way line to an angle point therein;

COURSE VII Thence North 53 degrees, 09 minutes, 42 seconds West, 120.38 feet along said right-of-way line to a point;

COURSE VIII Thence South 36 degrees, 50 minutes, 18 seconds West, 9.02 feet to a point at the Principle Place of Beginning and containing 7.6729 acres of land (5.4573 acres in the City of Cleveland and 2.2156 acres in the City of Garfield Heights), as calculated and described in August, 1994 by Joseph Gutoskey, P.S. #7567 of Gutoskey & Associates, Inc. based upon a boundary survey prepared for the Ohio Department of Administrative Services by Wheeler and Melena, Inc. in March, 1989 and certified by John E. Daily, P. S. #5151, be the same, more or less, but subject to all legal highways. Bearings used herein are to an assumed meridian and are intended to indicate angles only.

Part of Permanent Parcel #544-01-001

Part of Permanent Parcel #134-17-002

and as outlined in red on the map hereto attached, be and the same are hereby changed to a Semi Industry Use District and a 'C' Area District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map

Change No. 1972, Sheet Nos. 6 & 10 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Referred to Directors of City Planning Commission, Law; Committee on City Planning.

Ord. No. 332-98.

By Councilman Westbrook.

An ordinance establishing the Lorain Station Historic Landmark District. (Map Change No. 1971, Sheets Nos. 1 & 2)

Whereas, the Cleveland Landmarks Commission has determined that the Lorain Station Historic Landmark District represents an important aspect of Cleveland's cultural, economic, social and historic heritage and in consideration of that history, its architecture and other features of the area, the Cleveland Landmarks Commission finds the proposed Lorain Station Historic Landmark District meets the criteria for landmark designation; and

Whereas, the owners of the properties within the boundaries of the proposed Lorain Station Historic Landmark District have been properly notified in accordance with Section 161.04 of the Codified Ordinances of the City of Cleveland, Ohio 1976, therefore,

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

Section 1. That the following area outlined in red on the map hereto attached be and the same is hereby designated the Lorain Station Historic Landmark District:

Beginning at the intersection of the northeasterly line of West Boulevard and the center line of Regina Avenue, N.W.; thence northeasterly along said center line of Regina Avenue, N.W. and along its northeasterly extension to the center line of West 101 Street; thence continuing northeasterly along the southwesterly extension of said center line of Regina Avenue, N.W. and along said center line of Regina Avenue, N.W. to its intersection with the westerly line of Sublot No. 1 in the Wensink Subdivision as recorded in Volume 23, Page 1 of the Cuyahoga County Map Records; thence northerly along said westerly line of said Sublot No. 1 to its intersection with the northerly line thereof; thence easterly along said northerly line of said Sublot No. 1 and along its easterly prolongation to the center line of West 100 Street; thence northerly along said center line of West 100 Street to its intersection with the westerly extension of the southerly line of Sublot No. 48 in said Wensink Subdivision; thence easterly along said westerly extension and along said southerly line of said Sublot No. 48 to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 48 to its intersection with the southerly line of Sublot No. 55 in said Wensink Subdivision; thence easterly along said southerly line of said Sublot No. 55 and along its easterly extension to the center line of West 99 Street; thence northerly along said center line of West 99 Street to its intersection with the westerly extension

of the southerly line of Sublot No. 80 in said Wensink Subdivision; thence easterly along said westerly extension and along said southerly line of said Sublot No. 80 to its intersection with a line located two hundred seven and twenty two hundredths (207.22) feet west of the westerly line of West 98 Street; thence northerly along said line which is parallel to and two hundred seven and twenty two hundredths (207.22) feet west of said westerly line of West 98 Street to its intersection with the southerly line of Theodore Avenue, N.W.; thence easterly along said southerly line of Theodore Avenue, N.W. and along its easterly extension to the center line of West 98 Street; thence southerly along said center line of West 98 Street to its intersection with the westerly extension of the southerly line of Sublot No. 5 in the Lorenzo Pfeil Non Recorded Subdivision; thence easterly along said westerly extension and along said southerly line of said Sublot No. 5 to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 5 to its intersection with the center line of a fourteen (14) foot unnamed alley; thence northeasterly along said center line of said fourteen (14) foot unnamed alley and along its northeasterly extension to the center line of West 97 Street; thence northerly along said center line of West 97 Street to its intersection with the westerly extension of the southerly line of Sublot No. 31 H. H. Pound Subdivision as recorded in Volume 44, Page 24 of the Cuyahoga County Map Records; thence easterly and northeasterly along said southerly and southeasterly line of said Sublot No. 31 to its intersection with the westerly line of Sublot No. 15 in the H. J. Sommer Subdivision as recorded in Volume 38, Page 4 of the Cuyahoga County Map Records; thence northerly along said westerly line of said Sublot No. 15 to its intersection with the northerly line thereof; thence easterly along said northerly line of said Sublot No. 15 and continuing easterly along the northerly line of Sublot No. 16 in said H. J. Sommer Subdivision and along its easterly extension to the center line of West 96 Street; thence northerly along said center line of West 96 Street to its intersection with the westerly extension of the center line of Sommer Court, N.W.; thence easterly along said westerly extension and along said center line of Sommer Court, N.W. and along its easterly extension to the center line of West 95 Street; thence northerly along said center line of West 95 Street to its intersection with the southwesterly extension of the center line of Harding Avenue, N.W.; thence northeasterly along said southwesterly extension and along said center line of Harding Avenue, N.W. and along its easterly extension to the center line of West 93 Street; thence southerly along said center line of West 93 Street to its intersection with the center line of Lorain Avenue; thence northeasterly along said center line of Lorain Avenue to its intersection with the northerly extension of the center line of West 90 Street; thence southerly along said northerly extension and along said center line of West 90 Street to its intersection with the easterly extension of the northerly line of Sublot No. 91 in the G.P. Geib Subdivision as recorded in Volume 16, Page 27 of the Cuyahoga

County Map Records; thence westerly along said easterly extension and along said northerly line of said Sublot No. 91 to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 91 to its intersection with the center line of Henley Avenue, S.W.; thence southwesterly and westerly along said center line of Henley Avenue, S.W. and along its westerly extension to the center line of West 92 Street; thence southerly along said center line of West 92 Street to its intersection with the northeasterly extension of the center line of Henley Avenue, S.W.; thence southwesterly along said northeasterly extension and southwesterly and westerly along said center line of Henley Avenue, S.W. and along its westerly extension to the center line of West 94 Street; thence southerly along said center line of West 94 Street to its intersection with the northeasterly extension of the center line of Henley Avenue, S.W.; thence southwesterly along said northeasterly extension and along said center line of Henley Avenue, S.W. and along its southwesterly extension to the center line of West 95 Street and continuing southwesterly along the northeasterly extension of the center line of Henley Avenue, S.W. and along said center line of Henley Avenue, S.W. and along its southwesterly extension to the center line of West 97 Street; thence northerly along said center line of West 97 Street to its intersection with the northeasterly extension of the center line of Henley Avenue, S.W.; thence southwesterly along said northeasterly extension and southwesterly, southerly and westerly along said center line of Henley Avenue, S.W. and along its westerly extension to the center line of West 98 Street; thence southerly along said center line of West 98 Street to its intersection with the easterly extension of the center line of Henley Avenue, S.W.; thence westerly along said easterly extension and along said center line of Henley Avenue, S.W. and along its southwesterly extension to the center line of West 99 Street; thence southerly along said center line of West 99 Street to its intersection with the easterly extension of the center line of Henley Avenue, S.W.; thence westerly along said easterly extension and along said center line of Henley Avenue, S.W. to its intersection with the northerly line of Sublot No. 17 in the Anna Weitz Subdivision as recorded in Volume 23, Page 21 of the Cuyahoga County Map Records; thence westerly along said northerly line of said Sublot No. 17 to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 17 to its intersection with the northerly line of Sublot No. 16 in said Anna Weitz Subdivision; thence westerly along said northerly line of said Sublot No. 16 and continuing westerly along the northerly line of Sublot No. 15 in said Anna Weitz Subdivision to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 15 and along its southerly extension to the center line of Denison Avenue, S.W.; thence northwesterly along said center line of Denison Avenue, S.W. to the center line of West 100 Street; thence southerly along said center line of West 100 Street to its intersection with the easterly extension

of a line located forty three (43) feet north of the northerly line of Sublot No. 131 in the Hill Crest Subdivision as recorded in Volume 41, Page 8 of the Cuyahoga County Map Records; thence westerly along said easterly extension and along said line which is parallel to and forty three (43) feet north of said northerly line of said Sublot No. 131 to its intersection with the northerly extension of the westerly line of said Sublot No. 131; thence southerly along said northerly extension and along said westerly line of said Sublot No. 131 and continuing southerly along the westerly lines of Sublots Nos. 132 and 133 in said Hill Crest Subdivision to its intersection with the southerly line of Sublot No. 8 in the Cyrus Bosworth Subdivision as recorded in Volume 14, Page 21 of the Cuyahoga County Map Records; thence westerly along said southerly line of said Sublot No. 8 and along its westerly extension to its intersection with the northeasterly line of West Boulevard; thence northwesterly along said northeasterly line of West Boulevard and along its northwesterly prolongation to the place of beginning.

Section 2. That the designation of the area set forth in Section 1 hereof as the Lorain Station Historic Landmark District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission. Further, a copy of map attached hereto shall be available for public inspection in the office of the Cleveland Landmarks Commission.

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

Referred to Directors of City Planning Commission, Law; Committee on City Planning.

Ord. No. 333-98.
By Councilmen Zone and Westbrook.

An ordinance establishing the West 117 Street/Berea Road Business Revitalization District, (BRD) (Map Change No. 1946, Sheets Nos. 1 & 2)

Whereas, the Board of Trustees of Westown Community Development Corporation (Westown CDC) and Western-Elmwood-Berea Corporation (WEBCO) have submitted a written request dated May 19, 1997 to the City Planning Commission to establish a Business Revitalization District in accordance with the procedures outlined in Chapter 303 of the Codified Ordinances of the City of Cleveland; and

Whereas, such request is accompanied by a map identifying the boundaries of the proposed district; and

Whereas, the City Planning Commission has determined that the proposed District meets the criteria for designation set forth in Section 303.04 of Chapter 303 of the Codified Ordinances of the City of Cleveland, Ohio 1976; therefore,

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

Section 1. That the following area, further defined and outlined on the map hereto attached, be and the same is hereby designated the West 117 Street-Berea Road Business Revitalization District.

Beginning at the intersection of the southerly property line of the New York Central Railroad tracks

and the center line of West 114 Street; thence southerly along said center line of West 114 Street to the center line of Western Avenue, N.W.; thence westerly along said center line of Western Avenue, N.W. to its intersection with the northerly extension of a line located one hundred twenty (120) feet west of the westerly line of West 116 Street; thence southerly along said northerly extension and along said line which is parallel to and one hundred twenty (120) feet west of said westerly line of West 116 Street and along its southerly extension to the center line of Belmont Avenue, N.W.; thence westerly along said center line of Belmont Avenue, N.W. to its intersection with the center line of Elmwood Avenue, N.W.; thence northerly along said center line of Elmwood Avenue, N.W. to its intersection with the center line of Sector Avenue, N.W.; thence westerly along said center line of Sector Avenue, N.W. to its intersection with the southerly extension of the westerly line of Sublot No. 7 in the A. J. Marvin Subdivision as recorded in Volume 18, Page 20 of the Cuyahoga County Map Records (said westerly line of said Sublot No. 7 being located approximately three hundred fourteen (314) feet west of the westerly line of West 117 Street); thence northerly along said southerly extension and along said westerly line of said Sublot No. 7 to its intersection with a line located one hundred twenty five (125) feet north of the northerly line of Sector Avenue, N.W.; thence westerly along said line which is parallel to and one hundred twenty five (125) feet north of said northerly line of Sector Avenue, N.W. and along its westerly extension to the center line of West 121 Street; thence northerly along said center line of West 121 Street and continuing northerly along the northerly prolongation of West 121 Street to its intersection with the center line of Berea Road, N.W.; thence northeasterly along said center line of Berea Road, N.W. to its intersection with said center line of West 114 Street; thence southerly along said center line of West 114 Street to the place of beginning.

Section 2. That the designation of the area set forth in Section 1 hereof as the West 117 Street-Berea Road Business Revitalization District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Referred to Directors of City Planning Commission, Law; Committee on City Planning.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 279-98.

By Councilman Robinson.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 3. (Walter Goddard, III)

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

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 3; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 3; Walter Goddard, III.

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

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

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

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

The Rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 280-97.

By Councilman White.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4147 East 114th Street to Cleveland Housing Network Incorporated or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 136-19-079, as more fully described in Section 2 below, to Cleveland Housing Network Incorporated or designee.

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

P.P. No. 136-19-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 37 in William Jantzen's Subdivision of part of Original One Hundred Acre Lot No. 467, as shown by the recorded plat in Volume 15 of Maps, Page 24 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 114th Street, and extending back of equal width 142 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

The Rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 281-98.

By Councilman Willis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located north of St. Clair on Lakeview and Parklawn Avenues to Northeastern Neighborhood Development Corporation or designee.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the 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 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. 110-01-055 as more fully described in Section 2 below to Northeastern Neighborhood Development Corporation or designee.

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

P.P. No. 110-01-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 363 and bounded and described as follows:

Beginning on the Northeasterly line of Lakeview Road, N.E., at the most Southerly corner of land conveyed to Ethel Kader by deed dated June 11, 1945, and recorded in Volume 5878, Page 62 of Cuyahoga County Records; thence Southeasterly along the Northeasterly line of Lakeview Road, N.E., 55 feet to the most Westerly corner of land conveyed to Frank J. Kicielinski and Frances Kicielinski by deed dated December 30, 1944, and recorded in Volume 5838, Page 264 of Cuyahoga County Records; thence Northeasterly along the Northwesterly line of land so conveyed to Frank J. and Frances Kicielinski, 100 feet to the most Northerly corner thereof; thence Northwesterly and parallel with the Northeasterly line of Lakeview Road, N.E., 55 feet to the most Easterly corner of land conveyed to Ethel Kadar, by deed aforesaid; thence Southwesterly along the Southeasterly line of land so conveyed to Ethel Kadar, 100 feet to the place of beginning, be the same more or less, but subject to all legal highways

Also subject to all zoning ordinances, if any.

Section 3. That 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. 110-18-022 as more fully described in Section 4 below, to Northeastern Neighborhood Development Corporation or designee.

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

P.P. No. 110-18-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 22 in the Parklawn Improvement Company's Parklawn Subdivision of part of Original One Hundred Acre Lot No. 371, as shown by the recorded plat in Volume 91 of Maps, Page 37 of Cuyahoga County Records and being 33.06 feet front plus arc front on the Easterly line of Lakeview Road N.E., and extending back of equal width, 117.91 feet deep on the Southerly line, 108.25 plus arc deep along the Southerly side of Parklawn Drive, N.E., and 50 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-18-027 as

more fully described in Section 6 below, Northeastern Neighborhood Development Corporation or designee.

Section 6. That the real property to be sold pursuant to Section 5 of this Ordinance is more fully described as follows:

P.P. No. 110-18-027

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 371 and bounded and described as follows:

Beginning on the Easterly line of Lakeview Road, N.E., 255 and 84/100 feet Southerly (measured along said Easterly line), from its point of intersection with the Northerly line of land conveyed to Henry Schneider by deed dated April 14, 1870 and recorded in Volume 175, Page 69 of Cuyahoga County Records; thence so 8°-46'-43" East along said Easterly line of Lakeview Road, N.E., 51 and 16/100 feet; thence North 81°-13'-17" East 150 feet to the Westerly line of land conveyed to the City of Cleveland by deed dated May 17, 1915 and recorded in Volume 1657, Page 470 of Cuyahoga County Records; thence North 8°-46'-43" West along said Westerly line of land so conveyed to the City of Cleveland, 51 and 16/100 feet thence South 81°-13'-17" West 150 feet to the place of beginning and being further known as Sublot No. 6 in the Templar Realty Company's proposed Subdivision of part of Original One Hundred Acre Lot No. 371 according to a survey made by A.A. Soffen, Civil Engineer, November 1922, be the same more or less, but subject to all legal highways.

Easement recorded in Volume 1657, pt 470 of Cuyahoga County Records.

Easement recorded in Volume 2882, Page 383 of Cuyahoga County Records.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-18-033 as more fully described in Section 8 below, to Northeastern Neighborhood Development Corporation or designee.

Section 8. That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P.P. No. 110-18-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4, Parklawn Subdivision, Plat Book 91, Page 37, Cuyahoga County Records, 45 feet front on the Northerly side of Parklawn Avenue, 130.81 feet on the Easterly line, 130.53 feet on the Westerly line, 45 feet in the rear, be the same more or less, but subject to all legal highways.

Subject to covenants, conditions and restrictions, Plat Book 91, Page 37 and Deed Book 1265, Page 312.

Subject to Zoning Ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-18-034 as more fully described in Section 10 below, to Northeastern Neighborhood Development Corporation or designee.

Section 10. That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P.P. No. 110-18-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 5, Parklawn Subdivision, Plat Book 91, Page 27 of Cuyahoga County Records, 45 feet on the Northerly side of Parklawn Drive, 130.81 feet on the Westerly line, 131.08 feet on the Easterly line, 45 feet rear, be the same more or less, but subject to all legal highways.

Subject to covenants, conditions and restrictions, Plat Book 91, 37 and Deed Book 1265, Page 312.

Zoning Ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-18-036 as more fully described in Section 12 below, to Northeastern Neighborhood Development Corporation or designee.

Section 12. That the real property to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P.P. No. 110-18-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 7 in the Parklawn Improvement Company's Parklawn Subdivision of part of Original One Hundred Acre Lot No. 371, as shown by the recorded plat in Volume 91 of Maps, Page 37 of Cuyahoga County Records and being 45 feet front on the Northerly side of Parklawn Drive, N.E. and extending back 131.63 feet on the Easterly line, 131.36 feet on the Westerly line and having a rear line of 45 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-18-037 as more fully described in Section 14 below, to Northeastern Neighborhood Development Corporation or designee.

Section 14. That the real property to be sold pursuant to Section 13 of this Ordinance is more fully described as follows:

P.P. No. 110-18-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 8 and the Southwest part of Sublot No. 9 in the Parklawn Subdivision of part of Original One Hundred Acre Lot No. 371 as shown by the recorded plat in Volume 91 of Maps, Page 37 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning in the Northerly line of Parklawn Drive, N.E. at the Southwesterly corner of said Sublot No. 8; thence Easterly along the said Northerly line of Parklawn Drive, N.E., 45 feet to a point; thence Northerly about 132.31 feet to the Northwesterly corner of said Sublot No. 9; thence Westerly along the Northerly line of said Sublot No. 8,

50 feet to the Northwesterly corner of said Sublot No. 8; thence Southerly long the Westerly line of said Sublot No. 8, 131.63 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-18-038 as more fully described in Section 16 below, to Northeastern Neighborhood Development Corporation or designee.

Section 16. That the real property to be sold pursuant to Section 15 of this Ordinance is more fully described as follows:

P.P. No. 110-18-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 9 and the Westerly 15 feet of Sublot No. 10 in the Parklawn Improvement Company's Parklawn Subdivision of part of Original One Hundred Acre Lot No. 371, as shown by the recorded plat in Volume 91 of Maps, Page 37 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Northerly line of Parklawn N.E. at a point distant 5 feet Easterly, along the said Northerly line of Parklawn Drive, N.E., which is also the Southerly line of said Sublot Nos. 9 and 10, 50 feet to a point; thence Northeasterly parallel with the Northwesterly line of said Sublot No. 10 about 136 feet to a point in the Northerly line of said Sublot No. 10; thence Westerly along the Northerly line of said Sublot Nos. 9 and 10, 75 feet to the Northwesterly corner of said Sublot No. 9; thence Southerly about 132 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Plat recorded in Volume 91, Page 37 of Cuyahoga County Records shows:

Recital of restrictions.

12' Building line in front of captioned premises.

20' Building line in rear of captioned premises.

Subject to zoning ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-18-040 as more fully described in Section 18 below, to Northeastern Neighborhood Development Corporation or designee.

Section 18. That the real property to be sold pursuant to Section 17 of this Ordinance is more fully described as follows:

P.P. No. 110-18-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 11 and 12 in the Parklawn Improvement Company's Parklawn Subdivision of part of Original One Hundred Acre Lot No. 371, as shown by the recorded plat in Volume 91 of Maps, Page 37 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northeasterly line of Parklawn Drive, N.E., at a point distant 25 feet Southeasterly measured along said Northeasterly line from the most Westerly corner

of said Sublot No. 11; thence Southwesterly along said Northeasterly line of Parklawn Drive, N.E., 50 feet to a point; thence Northeasterly in a direct line about 125 feet to the most Easterly corner of said Sublot No. 12; thence Northwesterly along the Northeasterly line of said Sublots Nos. 11 and 12, 110 feet to an angle; thence Northwesterly along the Northeasterly line of said Sublot No. 11, 30.41 feet to the most Northerly corner of said Sublot No. 11; thence Southwesterly in a direct line about 125 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-18-041 as more fully described in Section 20 below, to Northeastern Neighborhood Development Corporation or designee.

Section 20. That the real property to be sold pursuant to Section 19 of this Ordinance is more fully described as follows:

P.P. No. 110-18-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 12 and 13 in the Parklawn Improvement Company's Parklawn Subdivision of part of Original One Hundred Acre Lot No. 371, as shown by the recorded plat of said Subdivision in Volume 91 of Maps, Page 37 of Cuyahoga County Records, and being bounded and described as follows:

Being in the Northeasterly line of Parklawn Drive, N.E., at a point distant 10 feet Northwesterly (measured along said Northeasterly line) from the most Southerly corner of said Sublot No. 12; thence Southwesterly along said Northeasterly line of Parklawn Drive, N.E., 50 feet to a point; thence Northeasterly in a direct line about 143 feet to the most Easterly corner of said Sublot No. 13; thence Northwesterly along the Northeasterly line of said Sublot No. 13, 70 feet to the most Northerly corner thereof; thence Southwesterly in a direct line about 125 feet to the place of beginning, appears by said plat.

Also subject to zoning ordinances, if any.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 111-01-088 as more fully described in Section 22 below, to Northeastern Neighborhood Development Corporation or designee.

Section 22. That the real property to be sold pursuant to Section 21 of this Ordinance is more fully described as follows:

P.P. No. 111-01-088

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4 in the Keiper Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 363, as shown by the recorded plat in Volume 62 of Maps, Page 22 of Cuyahoga County Record, and being 40 feet front on the Easterly side of East 110th Street and extending back of equal width, 101.14 feet deep on the Southerly line, 99.21 feet deep on the Northerly line and

40.06 feet wide in the rear, be the same more or less but subject to all legal highways.

Subject to restrictions in Volume 1266, Page 281 and restrictions in Volume 2431, Page 304 of Cuyahoga County Records.

Subject to Joint Drive Agreement Volume 5882, Page 672 and Drive-way Easement Volume 13601, Page 931 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 111-02-002 as more fully described in Section 24 below, to Northeastern Neighborhood Development Corporation or designee.

Section 24. That the real property to be sold pursuant to Section 23 of this Ordinance is more fully described as follows:

P.P. No. 111-02-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 in the Keiper Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 363, as shown by the recorded plat in Volume 62 of Maps, Page 22 of Cuyahoga County Records, and being 42 feet front on the Easterly side of East 110th Street and extending back between parallel lines 96.45 feet deep on the Southerly line, about 95 feet deep on the Northerly line and 42.03 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 25 That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 111-02-004 as more fully described in Section 26 below, to Northeastern Neighborhood Development Corporation or designee.

Section 26. That the real property to be sold pursuant to Section 25 of this Ordinance is more fully described as follows:

P.P. No. 111-02-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly part of Sublot No. 1 in the Keiper Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 363 as shown by the recorded plat in Volume 62 of Maps, Page 22 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 110th Street at a point 42 feet Northerly (measured along said Easterly line) from its point of intersection with the Southerly line of said Sublot; thence Easterly parallel with the Southerly line of said Sublot, about 95 feet to the Easterly line of said Sublot; thence Northerly along the Easterly line of said Sublot .04 feet to the Southerly end of a curvature in said Easterly line of said Sublot; thence Northwesterly along the Northeast-erly line of said Sublot on a curved line deflecting to the left, said curved line having a radius of 57.94 feet and a chord which bears North 45° 59' 23" West, 80.54 feet, a distance of 89.05 feet to the Westerly end of said curved line; thence Westerly along the Northerly line

of said Sublot, 37.07 feet to said Easterly line of East 110th Street; thence Southerly along said Easterly line of East 110th Street, 56.01 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 27. 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 28. 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 29. 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 30. 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 313-98.

By Councilman Westbrook.

An emergency ordinance to amend Section 171.62 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1123-90, passed May 7, 1990, and to repeal Section 171.621 thereof, as amended by Ordinance No. 56-93, passed January 11, 1993, relating to councilmanic and clerk's assistants.

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 171.62 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1123-90, passed May 7, 1990, is hereby amended to read as follows:

Section 171.62 Benefits for Councilmanic Assistants and Clerk's Assistants

All Councilmanic Assistants and Clerk's Assistants who are chosen by the Council of the City pursuant to Section 31 of the Charter of the City and are employed part-time shall be

entitled to the benefits described in Sections 171.32, 171.33 and 171.60 of these Codified Ordinances.

Section 2. That existing Section 171.62 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1123-90, passed May 7, 1990, is hereby repealed.

Section 3. That Section 171.621 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 56-93, passed January 11, 1993, is hereby repealed.

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

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

The Rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 314-98.

By Councilman Jones.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 19. (Phillip Priester — 13820 Lorain Avenue).

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to peddle upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 19; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 19, at the locations specified: Phillip Priester — 13820 Lorain Avenue.

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

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

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

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

The Rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

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

Res. No. 282-98.

By Councilman Willis.

An emergency resolution objecting to the ownership of a C2, C2X and D6 Liquor Permit to 422 Eddy Rd. 1st Fl. Front.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2, C2X and D6 Liquor Permit from Permit No. 2847774, 422 Eddy Rd. Inc., DBA Muffs Delicatessen, 422 Eddy Rd. 1st Fl. Front, Cleveland, Ohio 44108, to Permit No. 6540724, Olooneys Inc. DBARed Apple Supermarket, 422 Eddy Rd. 1st Fl. Front, Cleveland, Ohio 44108; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit from Permit No. 2847774, 422 Eddy Rd. Inc., DBA Muffs Delicatessen, 422 Eddy Rd. 1st Fl. Front, Cleveland, Ohio 44108, to Permit No. 6540724, Olooneys Inc. DBARed Apple Supermarket, 422 Eddy Rd. 1st Fl. Front, Cleveland, Ohio 44108; 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 283-98.

By Councilman Melena.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 3250 W. 65th St. SW Bldg.

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. 47246153297, Kmart Corp., DBA Kmart 3292, 3250 W. 65th St. SW Bldg., Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 of a Liquor Permit to Permit No. 47246153297, Kmart Corp., DBAKmart 3292, 3250 W. 65th St. SW Bldg., Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 284-98.

By Councilman Lewis.

An emergency resolution withdrawing objection to the transfer of ownership and location of a D5 Liquor Permit to 1601-03 E. 79th Street, and repealing Res. No. 1345-97, objecting to said transfer of ownership and location.

Whereas, this Council objected to the transfer of ownership and location of a D5 Liquor Permit to 1601-03 E. 79th St., by Res. No. 1345-97, adopted July 16, 1997; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and location and consents to said transfer of ownership and location based upon and pursuant to a cooperation agreement signed February 19, 1998, a copy of which is in the file for this address in the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership and location of a D5 Liquor Permit to 1601-03 E. 79th St., be and the same is hereby withdrawn and Res. No. 1345-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership and location thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 285-98.

By Councilman Lewis.

An emergency resolution withdrawing objection to the transfer of ownership of C2 and C2X Liquor Permit to 5300 Superior Avenue & Gas Pumps, and repealing Res. No. 1346-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 5300 Superior Avenue, by Res. No. 1346-97, adopted July 16, 1997; and

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

to said transfer of ownership based upon and pursuant to a cooperation agreement signed February 19, 1998, a copy of which is in the file for this address in the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 5300 Superior Avenue, be and the same is hereby withdrawn and Res. No. 1346-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

SECOND READING EMERGENCY ORDINANCES

Ord. No. 1290-97.

By Councilmen Smith, Rybka and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide engineering and other services necessary to provide program and construction management for the five-year capital improvement program at Cleveland Hopkins International Airport.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Recommended by Committees on Aviation and Transportation, 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 and directing the Director of Port Control to enter into contract with Parsons Infrastructure & Technology Group, Inc. for program and construction management for the five-year capital improvement program, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 1. That the Director of Port Control is hereby authorized and directed to enter into contract with Parsons Infrastructure & Technology Group, Inc. for professional services necessary to provide program and construction management for the five-year capital improvement program at Cleveland Hopkins International Airport, in the total sum not to exceed \$6,500,000.00, for the Division of Cleveland Hopkins International Airport, Department of Port Control."

2. Insert the following three whereas clauses before the existing one:

"Whereas, the Department of Port Control has solicited proposals to hire a professional consultant to provide program and construction management for the five-year capital program at Cleveland Hopkins International Airport; and

Whereas, the Department of Port Control has determined, following established procedures for selecting consultants, to award the contract to Parsons Infrastructure & Technology Group, Inc.; and

Whereas, this Council joins with the Department of Port Control in the selection of Parsons Infrastructure & Technology Group, Inc. to perform the services; and"

Amendments agreed to.

Ord. No. 1781-97.

By Councilman Cimperman.

An emergency ordinance to vacate a portion of Stuber Court N.E. hereinafter described.

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

1. In Section 1, at the end, strike the period and insert in lieu thereof **", is hereby vacated."**

Amendment agreed to.

Ord. No. 1932-97.

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

An emergency ordinance establishing a Community Reinvestment Area in the area of 5114 Herman Avenue, pursuant to Section 3735.65 *et seq.* of the Ohio Revised Code, and making certain finding and determinations in connection therewith.

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

Ord. No. 2030-97.

By Councilman Skrha.

An emergency ordinance to vacate a portion of West 6th Street, hereinafter described.

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

1. In Section 1, at the end, strike the period and insert **", is hereby vacated."**

Amendment agreed to.

Ord. No. 2074-97.

By Councilmen Coats, Rybka, and Westbrook (by departmental request).

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of Payne Avenue from East 13th Street to East 55th Street to the County of Cuyahoga; 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.

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

Ord. No. 2103-97.

By Councilmen Britt and Johnson (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Health

Hill Hospital for Children to encroach into the public right-of-way on Martin Luther King, Jr. Boulevard and Shaker Boulevard to construct, use and maintain hospital identification banners to be hung on Cleveland Electric Illuminating Company utility poles (by separate permission).

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

1. Amend the title to read as follows:

"An emergency ordinance to repeal Ordinance No. 2023-97, passed January 26, 1998, and authorizing the Director of Public Service to issue a permit to Health Hill Hospital for Children to encroach into the public right-of-way on Martin Luther King, Jr. Boulevard and Shaker Boulevard to construct, use and maintain hospital identification banners to be hung on Cleveland Electric Illuminating Company utility poles.

2. Amend Section 1 to read as follows:

"That Ordinance No. 2023-97, passed January 26, 1998, be and is hereby repealed."

3. Renumber existing Sections 1, 2, 3, and 4 to Sections 2, 3, 4, and 5, respectively.

Amendment agreed to.

Ord. No. 2152-97.

By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of Hepatitis-B Vaccine Adult vaccines, for the various divisions of the Department of Public Safety.

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

Ord. No. 2188-97.

By Councilmen Moran, Polensek and Willis (by departmental request).

An emergency ordinance to establish No Right Turn at the specific intersection in the City of Cleveland listed herein, and to amend the schedule on file with the Clerk of Council, File No. 106-76, pursuant to Section 413.10 of the Codified Ordinances of Cleveland, Ohio 1976, relating to No Right Turns during certain hours.

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

Ord. No. 144-98.

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

An emergency ordinance authorizing the Director of Public Utilities and the Director of Parks, Recreation and Properties to enter into an amendment to City Contract No. 25845 with the State of Ohio to facilitate expansion of the Cleveland Public Power West 41st Street Substation, and authorizing the interdepartmental transfer of property relating thereto.

Approved by Directors of Public Utilities, Parks, Recreation and Properties, Finance, Law; Recommended by Committees on Public Parks, Property, and Recreation, Finance.

**SECOND READING
EMERGENCY RESOLUTIONS**

Res. No. 630-97.

By Councilman Britt (by request).
An emergency resolution declaring the intention to vacate a portion of East 96th Street.

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

Res. No. 2157-97.

By Councilman Sweeney (by request).

An emergency resolution declaring the intention to vacate a portion of Hilltop Drive, S.W.

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

Res. No. 2203-97.

By Councilman Patmon (by request).

An emergency resolution declaring the intention to vacate a portion of Elk Avenue N.E.

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

Res. No. 89-98.

By Councilman Sweeney (by request).

An emergency resolution declaring the intention to vacate portions of W. 200 St., W. 198 St., W. 191 St., Wagner Pl., Maplewood Ave., and Elsmere Ave.

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

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 988-97.

By Mayor White and Councilmen Robinson, Patmon, White, Patmon, Willis and Jones.

An emergency ordinance to enact Sections 680A.01, 680A.02 and 680A.99 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to restricting the placement or display of outdoor advertisements for cigarettes, and providing a penalty.

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

1. In the title, line 2; and in Section 1, line 3, strike "680A.02".

2. In Section 1, line 1, after "That" insert the following: ", for the reasons stated in the 'Whereas' clauses and based upon the reports, studies and other data as to cigarette usage and cigarette advertising contained in File No. 988-97-A.".

3. In Section 1, strike "Section 680A.02" in its entirety.

4. Insert new Sections 3, 4 and 5, to read, respectively, as follows:

"Section 3. The Director of Finance shall separately account for the fines collected for violations of Chapter 680A. A like amount will be appropriated and available, when authorized by the Council, to pay for

programs sponsored by agencies such as the American Cancer Society, American Lung Association and Drug Hotline, for the prevention and treatment of alcoholism and cigarette smoking.

Section 4. That, should any litigation result from the passage of this ordinance, the Director of Law shall update the Council President on a quarterly basis regarding the status of the litigation and, should it become the intention of the Director of Law to employ outside counsel to defend interests of the City in such litigation, the Director shall notify the Council President forthwith.

Section 5. That the Chairman of the Council Committee on Finance is hereby directed to conduct a committee hearing on or about the first anniversary of the passage of this ordinance in order to discuss the effectiveness and enforcement of this ordinance."

5. Renumber existing Section 3 to new "Section 6".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 18. Nays 2. Those voting yea were: Councilmen Westbrook, Britt, Cimperman, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Moran, Polensek, Robinson, Rybka, Sweeney, White, Willis, Zone. Those voting nay: Councilmen Dolan and Melena. Absent: Councilman Patmon.

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. 989-97.

By Mayor White and Councilmen Robinson, Patmon, White, Patmon, Willis and Jones.

An emergency ordinance to enact Sections 680B.01, 680B.02 and 680B.99 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to restricting the placement or display of outdoor advertisements for alcoholic beverages, and providing a penalty.

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

1. In Section 1, in Section 680B.01, delete division (b)(3) in its entirety and insert in lieu thereof the following:

"(b)(3) Any sign placed in conformity with division (F) of Section 4301:1-1-44 of the Ohio Administrative Code. Nothing in this section, however, shall abrogate any ordinance, rule or regulation of the City concerning the total area of window space that may be devoted to interior signs."

2. In the title, line 2; and in Section 1, line 3, strike "680B.02".

3. In Section 1, line 1, after "That" insert the following: ", for the reasons stated in the 'Whereas' clauses and based upon the reports, studies and other data as to alcoholic beverage usage and alcoholic beverage advertising contained in File No. 988-97-A.".

4. In Section 1, strike "Section 680B.02" in its entirety.

5. Insert new Sections 3, 4 and 5, to read, respectively, as follows:

"Section 3. The Director of Finance shall separately account for the fines collected for violations of Chapter 680B. A like amount will be appropriated and available, when

authorized by the Council, to pay for programs sponsored by agencies such as the American Cancer Society, American Lung Association and Drug Hotline, for the prevention and treatment of alcoholism and cigarette smoking.

Section 4. That, should any litigation result from the passage of this ordinance, the Director of Law shall update the Council President on a quarterly basis regarding the status of the litigation and, should it become the intention of the Director of Law to employ outside counsel to defend interests of the City in such litigation, the Director shall notify the Council President forthwith.

Section 5. That the Chairman of the Council Committee on Finance is hereby directed to conduct a committee hearing on or about the first anniversary of the passage of this ordinance in order to discuss the effectiveness and enforcement of this ordinance."

5. Renumber existing Section 3 to new "Section 6".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read third time in full. Passed. Yeas 18. Nays 2. Those voting yea were: Councilmen Westbrook, Britt, Cimperman, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Moran, Polensek, Robinson, Rybka, Sweeney, White, Willis, Zone. Those voting nay: Councilmen Dolan and Melena. Absent: Councilman Patmon.

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
ORDINANCE PASSED**

Ord. No. 2024-97.

By Councilmen Coats, Rybka and Westbrook (by departmental request).

An emergency ordinance determining the method of making the public improvement of repairing or replacing the retaining wall at West 61st Street, including contiguous improvements; authorizing the Director of Public Service to employ professional design services to design the public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

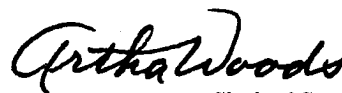
Read third time. Passed. Yeas 20. Nays 0.

MOTION

By Councilman Coats, seconded by Councilman Polensek and unanimously carried, that the absence of Councilman William W. Patmon be and is hereby authorized.

MOTION

The Council adjourned at 8:55 p.m. to meet on Monday, March 2, 1998 at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

ORDINANCES

Ord. No. 1290-97.

By Councilmen Smith, Rybka and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Port Control to enter into contract with Parsons Infrastructure & Technology Group, Inc. for program and construction management for the five-year capital improvement program, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Whereas, the Department of Port Control has solicited proposals to hire a professional consultant to provide program and construction management for the five-year capital program at Cleveland Hopkins International Airport; and

Whereas, the Department of Port Control has determined, following established procedures for selecting consultants, to award the contract to Parsons Infrastructure & Technology Group, Inc.; and

Whereas, this Council joins with the Department of Port Control in the selection of Parsons Infrastructure & Technology Group, Inc. to perform the services; and

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to enter into contract with Parsons Infrastructure & Technology Group, Inc. for professional services necessary to provide program and construction management for the five-year capital improvement program at Cleveland Hopkins International Airport, in the total sum not to exceed \$6,500,000.00, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 2. That the costs for such services herein contemplated shall be paid from the proceeds of the sale of the general airport revenue bonds of the City of Cleveland authorized by Ordinance No. 923-97, passed June 9, 1997, and from any fund or subfunds to which any federal grants for said contract are credited, Request No. 22520.

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. 1781-97.

By Councilman Skrha.

An emergency ordinance to vacate a portion of Stuber Court N.E. hereinafter described.

Whereas, on the 14th day of August, 1996 the Council of the City of Cleveland adopted Resolution No. 1114-96 declaring its intention to vacate a portion of Stuber Ct. N.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1114-96 has been served upon the owners of all the property abutting Stuber Ct. N.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 28th day of August, 1997, the Board of Revision of Assessments approved the vacation of Stuber Ct. N.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Stuber Ct. N.E., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of Stuber Ct. N.E., (15 and 16 feet wide), beginning on its Northerly line, at its intersection with the Westerly line of E. 30th Street (66 feet wide); thence Southwest along its Northerly line (114 feet) to a point; thence Southeast along its Westerly line (38.76 feet) to a point on its Easterly line; thence Northwest along its Easterly line (24.62 feet) to a point; thence Northeast along its Easterly line (98 feet) to the Westerly line of E. 30th St. as aforesaid; thence Northwest (15 feet) to the place of beginning, **is hereby vacated.**

Section 2. That there be and hereby is reserved to the City of Cleveland an easement for existing Division of Light and Power equipment. The description of easement is as follows:

That portion of Stuber Ct. N.E., described as follows:

Beginning on the Northerly line of Stuber Ct. N.E., at its intersection with the Westerly line of E. 30th St. (66 feet wide); thence Southwest along its Northerly line (114 feet) to a point; thence Southeast along its Westerly line (38.76 feet) to a point; thence Northeast (16.02 feet) to a point on its Easterly line (24.62 feet) to a point; thence Northeast along its Southerly line (98 feet), to the Westerly line of E. 30 St. as aforesaid; thence Northwest (15 feet) to the place of beginning.

That no structures shall be hereafter erected on the premises described in this easement except those constructed in accordance with the approval of, and in compliance with, plans approved by the Commissioner of the Division of Light and Power, of the City of Cleveland.

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Stuber Ct. N.E., herein provided by sending him a copy of this Ordinance.

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

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

Ord. No. 1932-97.

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

An emergency ordinance establishing a Community Reinvestment Area in the area of 5114 Herman Avenue, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain finding and determinations in connection therewith.

Ord. No. 2030-97.

By Councilman Skrha.

An emergency ordinance to vacate a portion of West 6th Street, hereinafter described.

Whereas, on the 2nd day of June 1997 the Council of the City of Cleveland adopted Resolution No. 976-97 declaring its intention to vacate a portion of West 6th Street, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 976-97 has been served upon the owners of all the property abutting West 6th Street, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 24th day of September, 1997, the Board of Revision of Assessments approved the vacation of West 6th Street, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating West 6th Street, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of the following described real property: Located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion beginning on the Southwesterly line of said WEST 6TH STREET (99.00 feet wide) at the most Southerly corner of that portion of said West 6th Street vacated by Ordinance Number 829-75, passed May 12, 1975, shown by the recorded plat in Volume 216 of Maps, Page 13 of Cuyahoga County Records; thence South 33°-56'-25" East, along said Southwesterly line of West 6th Street about 82.74 feet to an iron pin at the Southeasterly corner of a parcel of land conveyed to Bardons & Oliver, by deed date June 25, 1979 and recorded in Volume 15058, Page 819 of Cuyahoga County Records; thence North 41°-25'-14" East, a distance of 102.32 feet to an iron pin in the North-easterly line of West 6th Street; thence North 33°-56'-25" West along said Northeasterly line, about 56.88 feet to Southwesterly corner of the portion of West 6th Street vacated as aforesaid; thence South 56°-03'-35" West, and along the Southeasterly line of West 6th Street as vacated, 99.00 feet to the place of beginning, **is hereby vacated.**

Section 2. That there be and hereby is reserved to the City of Cleveland an easement for existing Divi-

sion of Water and Heat. The description of easement is as follows:

That portion of the following described real property: Located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion beginning on the Southwesterly line of said WEST 6TH STREET (99.00 feet wide) at the most Southerly corner of that portion of said West 6th Street vacated by Ordinance Number 829-75, passed May 12, 1975, shown by the recorded plat in Volume 216 of Maps, Page 13 of Cuyahoga County Records; thence South 33°-56'-25" East, along said Southwesterly line of West 6th Street about 82.74 feet to an iron pin at the Southeasterly corner of a parcel of land conveyed to Bardons & Oliver, by deed date June 25, 1979 and recorded in Volume 15058, Page 819 of Cuyahoga County Records; thence North 41°-25'-14" East, a distance of 102-32 feet to an iron pin in the

Northeasterly line of West 6th Street; thence North 33°-56'-25" West along said Northeasterly line, about 56.88 feet to the Southeasterly corner of that portion of West 6th Street vacated as aforesaid; thence South 56°-03'-35" West, and along the Southeasterly line of West 6th Street as vacated, 99.00 feet to the place of beginning.

That no structures shall be hereafter erected on the premises described in this easement except those constructed in accordance with the approval of, and in compliance with plans approved by the Commissioner of the Division of Water and Heat of the City of Cleveland.

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of West 6th Street, herein provided by sending him a copy of this Ordinance.

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

Ord. No. 2074-97.

By Councilmen Coats, Rybka, and Westbrook (by departmental request).

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of Payne Avenue from East 13th Street to East 55th Street to the County of Cuyahoga; 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.

Ord. No. 2103-97.

By Councilmen Britt and Johnson (by request).

An emergency ordinance to repeal Ordinance No. 2023-97, passed January 26, 1998, and authorizing the Director of Public Service to issue a permit to Health Hill Hospital for Children to encroach into the public right-of-way on Martin Luther King, Jr. Boulevard and Shaker Boulevard to construct, use and maintain hospital identification banners to be hung on Cleveland Electric Illuminating Company utility poles.

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 Ordinance No. 2023-97, passed January 26, 1998, be and is hereby repealed.

Section 2. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Health Hill Hospital for Children, 2801 Martin Luther King, Jr. Drive, Cleveland, Ohio 44104-3865, its successors and assigns, for the construction, maintenance and use of approximately eleven (11) hospital identification banners, to be hung on Cleveland Electrical Illuminating Company utility poles (by separate permission), which banners will encroach into the public right-of-way of Martin Luther King, Jr., Boulevard and Shaker Boulevard, and are more fully described as follows:

<u>POLE LOCATION:</u>	<u>POLE NUMBER:</u>	<u>OWNER / POLE TYPE:</u>
Five (5) Poles on the north side of the eastbound lanes of Shaker Blvd. beginning at the corner of Shaker & MLK & extending east on Shaker Blvd.	No tag or # No tag or # No tag or # #548839 #548840	C.E.I. / Streetlight C.E.I. / Streetlight C.E.I. / Streetlight C.E.I. / Streetlight C.E.I. / Streetlight
One (1) pole on the extreme southeast corner of MLK & Shaker Blvd.	No tag or #	City of Cleveland/ Traffic Signal
Two (2) poles on the easterly side of MLK southerly from Shaker Blvd. proceeding southerly toward Buckeye Rd.	#539752 #539560	C.E.I. / Streetlight C.E.I. / Streetlight
One (1) pole on the extreme southwest corner of MLK & Shaker Blvd.	#701856	C.E.I. / Streetlight
Two (2) poles on the westerly side of MLK southerly from Shaker Blvd. proceeding southerly toward Buckeye Rd.	#539753 #45259	C.E.I. / Streetlight C.E.I. / Streetlight

Section 3. That said banners will be located within the public right-of-way of Martin Luther King, Jr. Boulevard and Shaker Boulevard and shall be constructed in accordance with plans and specifications approved by the City Commissioner of Engineering and Construction.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Ord. No. 2152-97.

By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of Hepatitis-B Vaccine Adult vaccines, for the various divisions of the Department of Public Safety.

Ord. No. 2188-97.

By Councilmen Moran, Polensek and Willis (by departmental request).

An emergency ordinance to establish No Right Turn at the specific intersection in the City of Cleveland listed herein, and to amend the schedule on file with the Clerk of Council, File No. 106-76, pursuant to Section 413.10 of the Codified Ordinances of Cleveland, Ohio 1976, relating to No Right Turns during certain hours.

Ord. No. 144-98.

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

An emergency ordinance authorizing the Director of Public Utilities and the Director of Parks, Recreation and Properties to enter into an amendment to City Contract No. 25845 with the State of Ohio to facilitate expansion of the Cleveland Public Power West 41st Street Substation, and authorizing the interdepartmental transfer of property relating thereto.

RESOLUTIONS**Res. No. 630-97.**

By Councilman Britt (by request).
An emergency resolution declaring the intention to vacate a portion of East 96th Street.

Res. No. 2157-97.

By Councilman Sweeney (by request).
An emergency resolution declaring the intention to vacate a portion of Hilltop Drive, S.W.

Res. No. 2203-97.

By Councilman Patmon (by request).
An emergency resolution declaring the intention to vacate a portion of Elk Avenue N.E.

Res. No. 89-98.

By Councilman Sweeney (by request).
An emergency resolution declaring the intention to vacate portions of W. 200 St., W. 198 St., W. 191 St., Wagner Pl., Maplewood Ave., and Elsmere Ave.

BOARD OF CONTROL

February 18, 1998

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

Present: Mayor White, Director Summers, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Acting Director Alexander.

Absent: None.

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

On motion, the following resolutions were adopted.

Resolution No. 93-98.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Interstate Gas Supply, Inc. for an estimated quantity of natural gas (all items) for the Division of various divisions of City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract, received on February 4th, 1998, pursuant to the authority of Ordinance No. 1636-97, passed October 13th, 1997, which on the basis of the estimated quantity would amount to One Million Two Hundred Seventy-Three Thousand Seven Hundred Forty Five and 70/100 Dollars (\$1,273,745.70), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No.

which shall be certified against such contract in the sum of Dollars (\$).

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, Director Summers, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Directors Spellman, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.

Absent: Acting Director Terry.

Resolution No. 94-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Wesco Distribution, Inc., for an estimated quantity of FRE Conduit and Fittings, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 8th day of January 1998, pursuant to Section 129.26 of the Codified Ordinances of Cleveland, Ohio, on the basis of the estimated quantity would amount to Forty One Thousand Eight Hundred Sixty Nine and 76/100 Dollars (\$41,869.76), (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. 10080

which shall be certified against such contract in the sum of Three Thousand Six Hundred Thirty Eight and 88/100 Dollars (\$3,638.88).

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, Director Summers, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 95-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of J & S Landscape Co. for an estimated quantity of labor and materials to repair tree lawns (all items) for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 31st day of December, 1997, pursuant to the authority of Ordinance No. 809-97, passed June 9, 1997 on the basis of the estimated quantity would amount to Five Hundred Eighty Five Thousand Nine Hundred Seventy Five Dollars (\$585,975.00) (5% 10 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. 01676

which shall be certified against such contract in the sum of Thirty Thousand Dollars (\$30,000.00).

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, Director Summers, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 96-98.

By Acting Director Sheffield-McClain.

Whereas, pursuant to Ordinance No. 929-95, passed by the Cleveland City Council on June 12, 1995, and Board of Control Resolution No. 264-96, adopted April 24, 1996, the City entered into an agreement with O.R. Colan Associates, Inc. ("Consultant" FBE/DBE) to provide professional consulting services for acquisition/relocation services for 94 single residences at Cleveland Hopkins International Airport for the Department of Port Control, Contract No. 49852; and,

Whereas, pursuant to Board of Control Resolution No. 750-96, adopted October 23, 1996, the City entered into first amendment to Contract No. 49852 increasing the number of homes to be acquired, and increasing the contract from an amount not to exceed One Million Three Hundred Eighty-Six and 96/100 (\$1,373,086.96) to an amount not to exceed One Million Eight Hundred Seventy-Seven Thousand Five Hundred Twenty-Four and 29/100 (\$1,877,524.28); and,

Whereas, pursuant to Board of Control Resolution No. 625-97 adopted August 6, 1997, the City entered

into a second amendment to Contract No. 49852 increasing the number of homes to be acquired, and increasing the contract from an amount not to exceed One Million Eight Hundred Seventy-Seven Thousand Five Hundred Twenty-Four and 28/100 (\$1,877,524.28) to an amount not to exceed One Million Nine Hundred Eighty-Nine Thousand Nine Hundred Ten and 36/100 (\$1,989,910.36); and,

Whereas, pursuant to Board of Control Resolution No. 0004-98 adopted January 7, 1998, the City entered into a third amendment to contract No. 49852 to provide removal and disposal of larger quantities of asbestos containing materials and increasing the contract from an amount not to exceed One Million Nine Hundred Eighty-Nine Thousand Nine Hundred Ten and 36/100 (\$1,989,910.36) to an amount not to exceed Two Million One Hundred Sixty-Six Thousand Nine Hundred Ten and no/100 (\$2,166,910.00) and,

Whereas, it is necessary to make an addition to the scope of work to provide services for key acquisition, relocation and property management services for up to two hundred and five (205) more parcels, now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is hereby authorized to enter into a fourth amendment between the City of Cleveland and O.R. Colan Associates, Inc. ("Consultant"), Contract No. 49852, for an addition to the scope of work based on the Consultant's letter dated January 16, 1998. The amount to be paid for all services shall be increased from an amount not to exceed Two Million One Hundred Sixty-Six Thousand Nine Hundred Ten and no/100 Dollars (\$2,166,910.00) to an amount not to exceed Five Million Three Hundred Three Thousand Three Hundred Three and 10/100 Dollars (\$5,303,303.10).

Be it further resolved, that the Director of Port Control is hereby authorized to complete and execute and documents necessary and appropriate to effect the amendment hereby authorized.

Yeas: Mayor White, Director Summers, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 98-98.

By Acting Director Sheffield-McClain.

Resolved, by the Board of Control of the City of Cleveland that the bid of Edwards Tree Service, Inc. for an estimated quantity of the rental of tree trimming equipment and tree trimming equipment w/operators (Items Nos. 1 through 10), for the various divisions of the Department of Port Control, for the period for a period of two (2) years commencing with the execution of contract, received on the 4th day of December, 1997, pursuant to the authority of Ordinance No. 800-97, passed June 16, 1997, which on the basis of the estimated quantity would amount to One Hundred Eight Thousand Nine Hundred Fifty-Seven and 60/100 (\$108,957.60) Dollars, (1% 30 Days), 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. 098958

which shall be certified against such contract in the sum of Twenty-One Thousand Eight Hundred and no/100 (\$21,800.00) 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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Edwards Tree Service, Inc. for the rental of tree trimming equipment and tree trimming equipment w/operators for the various divisions of the Department of Port Control is hereby approved:

SUBCONTRACTOR SERVICE & SUPPLIES

American Merchandising
Services, Inc.
(MBE - 30%)

Fuel

Yeas: Mayor White, Director Summers, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 99-98.

By Director Guzman.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to authority of Ordinance No. 1242-92, passed by the Council of the City of Cleveland June 15, 1992, the firm of Karl R. Rohrer Associates Inc. ("Consultant") is hereby selected upon the nomination of the Director of Public Service, determined after a full and complete canvass by the Director of Public Service as the firm of engineering consultants to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City in order to provide engineering services for the rehabilitation and/or reconstruction of the West 44th Street Bridge over Greater Cleveland Regional Transit Authority and Norfolk Southern Corp. railroad tracks, City Bridge No. 1:052M.

Be it further resolved that the Director of Public Service hereby is authorized to enter into contract with said Consultant, based upon its proposal dated June 13, 1997, as clarified by its letter dated October 15, 1997, provided that compensation to be paid shall not exceed \$164,274.33, which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subconsultants by Karl R. Rohrer Associates Inc. for the contract herein authorized is hereby approved:

Infrastructure Services, Inc.
(MBE) - \$35,366.00 21.53%

Resource International
(FBE) - \$16,418.20 9.99%

Yeas: Mayor White, Director Summers, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 100-98.

By Director Guzman.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to authority of Ordinance No. 1242-92, passed by the Council of the City of Cleveland June 15, 1992, the firm of Euthenics Inc. ("Consultant") is hereby selected upon the nomination of the Director of Public Service, determined after a full and complete canvass, by the Director of Public Service as the firm of engineering consultants to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City in order to provide engineering services for the rehabilitation and/or reconstruction of the West 74th Street Bridge over Greater Cleveland Regional Transit Authority and Norfolk Southern Corp. railroad tracks, City Bridge No. 1:063M.

Be it further resolved that the Director of Public Service hereby is authorized to enter into contract with said Consultant, based upon its proposal dated June 13, 1997, as clarified by its letter dated October 17, 1997, provided that compensation to be paid shall not exceed \$163,235.00, which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subconsultants by Euthenics Inc. for the contract authorized herein is hereby approved:

Central Engineering, Inc.
(MBE) - \$38,500.00 23.58%

Prime Engineering, Inc.
(MBE) - \$5,171.00 3.17%

Resource International
(FBE) - \$9,534.00 5.84%

Alpha - Omega Environmental Co.
(MBE) \$500.00 0.31%

Yeas: Mayor White, Director Summers, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 101-98.

By Director Denihan.

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 921-97, adopted by the Board of Control of the City of Cleveland on November 5, 1997 is hereby rescinded.

Be it further resolved, that all bids received on September 18, 1997, for an estimated quantity of uniform clothing, items nos. 4, 27, and 123 for the Division of Police, Department

of Public Safety, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, are hereby rejected.

Yeas: Mayor White, Director Summers, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 102-98.

By Director Spellman.

Whereas, pursuant to the authority of the Codified Ordinances, Sections 133.23 and 133.33, the Commissioner of Parking Facilities has the authority to collect such charges and fees for all City off-street parking facilities as may be established by the Board of Control; and

Whereas, the Commissioner of Parking Facilities desires to increase the fees at the Gateway garages; and

Whereas, the fee increase will result in additional monthly gross revenues from transient and monthly charges in the amount of Fourteen Thousand Seven Hundred Dollars (\$14,700); and

Whereas, the increase in the special events fee will result in additional annual gross revenues in the amount of Three Hundred Thousand Dollars (\$300,000); now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, effective April 1, 1998, the Commissioner of Parking Facilities shall cause to be collected fees and charges to be increased at the Gateway garages in accordance with the following schedule:

East Garage	Current	Proposed
Each 15 Minutes	\$ 1.00	\$ 1.00
Maximum	6.00	6.00
Early Bird	3.00	3.25
Weekends	2.00	2.00
Monthly	50.00	55.00
Special Event	8.00	10.00

North Garage

Each 15 Minutes	\$ 1.00	\$ 1.00
Maximum	6.00	6.00
Early Bird	4.00	4.25
Weekends	2.00	2.00
Monthly	70.00	75.00
Special Event	8.00	10.00

Yeas: Mayor White, Director Summers, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 103-98.

By Director Spellman.

Whereas, pursuant to Section 133.24 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Parks, Recreation and Properties may, with the approval of the Board of Control, allow an entity to maintain, improve, and adopt real property belonging to the City and not in the charge of another department; and

Whereas, the City is the owner of certain real property located at Kirkland Park on East 49th Street and the Shoreway, and the future Donald Gray Gardens at the Cleveland Stadium; and

Whereas, this property is currently under the control of the Director of Parks, Recreation and Properties; and

Whereas, the Western Cuyahoga Audubon Society has expressed an interest in improving and maintaining this property for the enjoyment of all citizens; and

Whereas, it is in the best interest of the City to enter into an agreement to arrange for the care and maintenance of this property by the Western Cuyahoga Audubon Society; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Section 133.24 of the Codified Ordinances of the City of Cleveland, Ohio 1976, the Director of Parks, Recreation and Properties ("Director") is hereby authorized to enter into an agreement allowing the Western Cuyahoga Audubon Society to maintain, improve, and adopt property located at Kirkland Park on East 49th Street and the Shoreway, and the future Donald Gray Gardens at the Cleveland Stadium, for a period of one (1) year, subject to revocation by the Director. This agreement shall be renewable from year to year unless terminated by either party.

Be it further resolved that, pursuant to said Section 133.24, the adoption of said property shall not be construed as the conveyance of any right, title or interest in public property, but merely as a grant of privilege, revocable at the will of the Director, to perform all routine maintenance and to make only such improvements as are approved by said Director.

Yeas: Mayor White, Director Summers, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Directors Spellman, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 104-98.

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel Nos. 135-16-024, 135-18-118, 135-19-091, 136-13-041, 136-13-042, 136-13-058, 136-13-060, 136-13-064, 136-13-086, 136-13-095, 136-14-017, 136-15-045, 136-15-065, 136-16-071, 136-16-081, 136-16-109, 136-17-079, 136-17-093, 136-17-116 and 136-20-043 under said Land Reutilization Program; and

Whereas, Ordinance No. 254-98 passed February 9, 1998 authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Union Miles Development Corporation or its designee has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 254-98 passed February 9, 1998 by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Union Miles Development Corporation or its designee for the sale and development of Permanent Parcel Nos. 135-16-024, 135-18-118, 135-19-091, 136-13-041, 136-13-042, 136-13-058, 136-13-060, 136-13-064, 136-13-086, 136-13-095, 136-14-017, 136-15-045, 136-15-065, 136-16-071, 136-16-081, 136-16-

109, 136-17-079, 136-17-093, 136-17-116 and 136-20-043, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 (each), which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Director Summers, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 105-98.

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel Nos. 107-03-002, 107-03-008, 107-04-012, 107-04-013 and 107-04-030 under said Land Reutilization Program; and

Whereas, Ordinance No. 253-98 passed February 9, 1998 authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Famicos Foundation or its designee has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 253-98 passed February 9, 1998 by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Famicos Foundation or its designee for the sale and development of Permanent Parcel Nos. 107-03-002, 107-03-008, 107-04-012, 107-04-013 and 107-04-030, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 (each), which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Director Summers, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 106-98.

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel Nos. 119-26-051, 119-26-056, 119-26-057, 119-26-050, 119-26-078, 119-26-079, 119-27-003, 119-27-004, 119-27-005, 119-27-053, 119-27-062, 119-27-110, 119-28-082, 121-18-028, 126-01-028,

126-01-079, 126-01-124, 126-01-134, 126-01-135, 126-01-142, 126-01-156, 126-02-038, 126-02-041, 126-03-040, 126-03-047, 126-03-061, 126-04-007, 126-04-081, 126-08-061 and 126-08-062 under said Land Reutilization Program; and

Whereas, Ordinance No. 252-98 passed February 9, 1998 authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Fairfax Renaissance Development Corporation or its designee has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 252-98 passed February 9, 1998 by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Fairfax Renaissance Development Corporation or its designee for the sale and development of Permanent Parcel Nos. 119-26-051, 119-26-056, 119-26-057, 119-26-050, 119-26-078, 119-26-079, 119-27-003, 119-27-004, 119-27-005, 119-27-053, 119-27-062, 119-27-110, 119-28-082, 121-18-028, 126-01-028, 126-01-079, 126-01-124, 126-01-134, 126-01-135, 126-01-142, 126-01-156, 126-02-038, 126-02-041, 126-03-040, 126-03-047, 126-03-061, 126-04-007, 126-04-081, 126-08-061 and 126-08-062, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 (each), which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Director Summers, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 107-98.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel Nos. 007-07-012 and 007-07-139 located at 3706 Siam and 2225 West 38th Street in Ward 14; and

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

Whereas, Francisco and Mercedes Torres, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcels; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;
2. The parcels are either less than 4,800 square feet or less than 40 feet frontage;
3. The proposed purchasers of said parcels are neither tax delinquent

nor in violation of the building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Francisco and Mercedes Torres for the sale and development of Permanent Parcel Nos. 007-07-012 and 007-07-139 located at 3706 Siam and 2225 West 38th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Director Summers, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

AMY M. WAINRIGHT,
Acting Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 9, 1998

9:30 A.M.

Calendar No. 98-21: 9600 Carnegie Avenue

The Cleveland Clinic Foundation, owner, c/o Richard T. Mitchell appeals, to erect a 20,820 sq. ft. one story biological research building on

the present site of East 96th Street north of Cedar Avenue, located in a Local Retail and General Retail District at 9600 Carnegie Avenue; said use being contrary to Sections 343.01 and 327.02 of the Codified Ordinances.

Calendar No. 98-22: 4379 Fulton Road

Debra Mosolovich, owner, appeals to enclose the existing 8' x 24' one-story porch at the front of an existing two-family dwelling unit in a Two-Family District located on a 40' x 130' lot at 4379 Fulton Avenue; said enclosure to be contrary to the enclosure encroachment provisions of Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 98-25: Appeal of

Edward T. King
Edward T. King, appeals under Section 76-6 of the Charter of the City of Cleveland and Section 443.131 (g) of the Codified Ordinances from the revocation of the license to operate a taxicab by Robert J. Schneider, the Commissioner of Assessments and Licenses, upon the recommendation of William M. Denihan, the Director of Public Safety.

Calendar No. 98-26: 12821 McGowan Avenue

D.J.D. Investment Company owner, appeals, to change the use of a one-family dwelling to a two-family dwelling use on a 35' x 109' lot located in a One-Family District on the southerly side of McGowan Avenue, at 12821 McGowan Avenue; said use being contrary to the residence limitations of Section 337.02(a), and the interior side yard at the east property line being 2' x 4" instead of 8' x 0" as required by Section 357.09(b)(2)C, but subject to the substitution limitations of Section 359.01(a) of the Codified Ordinances.

Calendar No. 98-27: 3400 Vega Avenue

Cleveland Paper Stock, owner, and c/o Richard Ryan, appeals, under authority of Section 203.07 and the Charter of the City of Cleveland from the issuance of the violation notice on July 21, 1997 by Joseph W. Jasper Jr., Commissioner of the City of Cleveland Division of the Environment relating to insufficient container for refuse at 3400 Vega Avenue; the 310' x 550' irregular shaped parcel is located in a General Industry District at 3400 Vega Avenue.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 23, 1998

At the Meeting of the Board of Zoning Appeals on Tuesday, February 17, 1998, the following appeals were heard by the Board, and, on Monday, February 23, 1998 were decided by the Board.

The following appeals were **Granted**:

Calendar No. 97-268: 2018 W. 99th Street

Marlene Medley, owner, appealed, to enclose the 24' x 7' first and second floor open front porches. (appeal heard on February 2, 1998)

Calendar No. 98-01: Appeal of Clyde W. Garner

Clyde W. Garner, appealed, under Section 76-6 of the Charter of the City of Cleveland and Section 403.03 of the Codified Ordinances from the revocation of the license to operate a taxicab.

Calendar No. 98-08: 4261 Fulton Parkway

Charter One Bank FSB, owner, c/o Jim Zeller, appealed, to construct an additional parking area.

Calendar No. 98-23: 13107 Miles Avenue

Rite Aid Corporation, owner, and tenant c/o Greg Hopkins, appealed, to erect a 84' x 128' one and one half story masonry retail store building and construct a 45 car accessory off street parking lot.

The following appeal was **Refused**:

Calendar No. 97-219: 2210 E. 89th Street

Edward Horton, owner, appealed, to change use to a rooming house/boarding house (Group Home) for 10-16 persons the 25' x 55' three-story frame nonconforming three dwelling unit apartment house.

The following appeals were **Postponed**:

Calendar No. 97-265: 15408 Holmes Avenue to March 23, 1998.**Calendar No. 98-13:** 4201 Jennings Road to March 23, 1998.

The following appeal was **Withdrawn**:

Calendar No. 98-15: 1310 West 116th Street

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
February 18, 1998

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action the subject meeting is given for publication in the City Record:

* * *

Dockets A-141-97 to A-167-97.

RE: Appeal of First Vanguard Corporation, Owner of the Properties located on the premises known as (Various Addresses) from a NOTICE OF VIOLATION - RES. MAINTENANCE of the Commissioner of the Division of Building and Housing dated May 28, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the properties located at various addresses to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

Dockets A-355-97 to A-369-97.

RE: Appeal of Vanguard Phase I Company, Owner of the Properties located on the premises known as (Various Addresses) from a NOTICE OF VIOLATION - NO PERMIT of the Commissioner of the Division of Building and Housing dated September 9, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the properties located at various addresses to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-401-97.

RE: Appeal of Associated Estates Management Co., Owner of the Property located on the premises known as 2250 Community College Avenue from a NOTICE OF VIOLATION - RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated November 11, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until July 1, 1998 in which to complete abatement of the violations; the property is REMANDED at this time to the Division of Building and Housing for supervision and to require action after July 1, 1998. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

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

* * *

Docket A-24-98.

RE: Appeal of Epp Marsh, Owner of the Property located on the premises known as 13838 St. Clair Avenue from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated December 29, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action this date; the Docket will be rescheduled for March 4, 1998.

* * *

Docket A-25-98.

RE: Appeal of Jacobs Investments, Owner of the Property located on the premises known as 624 West St. Clair Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated February 2, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance (Section 313.0) and recognize the presented construction with the concrete topping as equivalent to a one-hour rating, noting that the building is alarmed and fully sprinkled; and to grant the variance to

the exiting (Section 1006.3) as being permissible through the courtyard and alley to the street, noting that there is a legal easement. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

Docket A-27-98.

RE: Appeal of Cheryl L. Tira, Owner of the Residential Property located on the premises known as 10205 Edgewater Drive from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated February 6, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the third floor to be used with a single means of egress, with the provision that a rope ladder be installed for emergency exit out of the proposed dorm; that the smoke detector system be extended to the third floor; that plans be submitted showing the floor plans conforming to the existence of the stairway through all floors and that the occupancy of the third floor be restricted to **adults only**. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket A-30-98.

RE: Appeal of Fairview Hospital, Owner of the Property located on the premises known as 18101 Lorain Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated February 2, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action required by the Board at this time; the Docket will remain open for possible appeal, should one occur.

* * *

Docket A-31-98.

RE: Appeal of Gregory Noeth, Owner of the Residential Property located on the premises known as 4672 Hilland Road from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated February 17, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the third floor to be occupied as a bedroom as indicated on the plans, with the provision that a rope ladder be installed at the windows for emergency egress and that smoke detectors be extended to the third floor and that occupancy be limited to **adults only**. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Saunders and seconded by Mr. Bowes for Approval and Adoption of the Resolution as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

- A-387-98—Janet Anderson
- A-405-97—Contimortgage Corporation
- A-406-97—Elgin Furniture & Appliance, Inc.
- A-407-97—Alfred Kuklinski
- L-1-98—Michael Gillespie
- L-2-98—William R. Gardner
- A-1-98—Martin J. McBride
- A-4-98—Walter Koonce
- A-18-98—Charles C. Scott

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

* * *

APPROVAL OF MINUTES:

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

February 4, 1998

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

INFORMAL HEARING:
COLONIAL & EUCLID ARCADES
— REHABILITATION THEREOF.

* * *

JOSEPH F. DENK,
 CHAIRMAN

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, MARCH 5, 1998

Bid Package #12 — Finish Paving for the Consolidated Rental Car Facility, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 561-97, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, FEBRUARY 26, 1998, 11:00 A.M. IN THE SHERATON HOTEL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT.

February 11, 1998, February 18, 1998 and February 25, 1998

WEDNESDAY, MARCH 4, 1998

Landscaping for the Consolidated Rental Car Facility, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 561-97, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, FEBRUARY 26, 1998, 11:00 A.M. IN THE SHERATON HOTEL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT.

February 18, 1998 and February 25, 1998

THURSDAY, MARCH 5, 1998

Rental of One (1) Concrete Rock Saw, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2181-97, passed by the Council of the City of Cleveland.

Labor and Materials to Fabricate Ring and Pinion Gears, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2147-97, passed by the Council of the City of Cleveland.

February 18, 1998 and February 25, 1998

FRIDAY, MARCH 6, 1998

Automotive Paint, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 642-96, passed by the Council of the City of Cleveland, May 13, 1996.

February 18, 1998 and February 25, 1998

WEDNESDAY, MARCH 11, 1998

Installation and Maintenance of City Telephones, Products and Ancillary Equipment, for the Department of Finance, as authorized by Ordinance No. 1174-97, passed by the Council of the City of Cleveland, July 16, 1997.

February 18, 1998 and February 25, 1998

THURSDAY, MARCH 12, 1998

The Reconstruction of the Bridge Railing and the Abutments, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1643-97, passed by the Council of the City of Cleveland, September 15, 1997.

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

Meters and Metering Equipment, 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.

Ballistic Vests, Helmets and Shields, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1167-97, passed by the Council of the City of Cleveland, August 13, 1997.

February 18, 1998 and February 25, 1998

FRIDAY, MARCH 13, 1998

One (1) Tractor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 666-97, passed by the Council of the City of Cleveland, June 2, 1997.

Runway Broom Heads, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

One (1) Boom Truck, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 2557-89, passed by the Council of the City of Cleveland, November 13, 1989.

Lawn Tractors, Front Cutter Mowers, Traffic Scooters and Vacuum Sidewalk Sweeper/Litter Vacuum, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

February 18, 1998 and February 25, 1998

FRIDAY, MARCH 20, 1998

New Cleveland Browns NFL Football Stadium — Bid Package No. 11 — Seating, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

BID DOCUMENTS CAN BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES FOR THE NON-REFUNDABLE COST OF ONE HUNDRED FIFTY DOLLARS (\$150.00) CERTIFIED CHECK ONLY. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER TO OBTAIN PLANS AND SPECIFICATIONS.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, MARCH 3, 1998, 10:00 A.M. IN ROOM 211 OF THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO.

Building Materials, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 2205-96, passed by the Council of the City of Cleveland, January 13, 1997.

Hand Tools and Hand Power Tools, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 2209-96, passed by the Council of the City of Cleveland, January 13, 1997.

February 18, 1998 and February 25, 1998

WEDNESDAY, MARCH 11, 1998

Mail B — Hanna Pavilion Tree Replacement/Irrigation, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 714-95, passed by the Council of the City of Cleveland, June 19, 1995.

A DEPOSIT OF TWENTY FIVE DOLLARS (\$25.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN (15) DAYS AFTER THE BID OPENING DATE.

GYM Floor Refinishing, for the Division of Parks, Recreation and Properties, as authorized by Ordinance No. 162-97, passed by the Council of the City of Cleveland, April 21, 1997.

February 25, 1998 and March 4, 1998

FRIDAY, MARCH 13, 1998

Printers, for the Department of Public Safety, as authorized by Ordinance No. 2458-92, passed by the Council of the City of Cleveland, January 25, 1993.

Blaw Knox Paver Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 72-98, passed by the Council of the City of Cleveland, February 9, 1998.

Leach Packers Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 74-98, passed by the Council of City of Cleveland, February 9, 1998.

Auto/Truck Spring Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 75-98, passed by the Council of the City of Cleveland, February 9, 1998.

February 25, 1998 and March 4, 1998

WEDNESDAY, MARCH 18, 1998

Lamps, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2206-96, passed by the Council of the City of Cleveland, January 13, 1997.

Vitrified Clay Pipe, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by the Section 129.27 of the Codified Ordinances of the City of Cleveland, 1976.

Slabs, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.27 of the Codified Ordinances of the City of Cleveland, 1976.

Castings, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.27 of the Codified Ordinances of the City of Cleveland, 1976.

February 25, 1998 and March 4, 1998

THURSDAY, MARCH 19, 1998

Ridge Road Transfer Station Renovation, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1256-97, passed by the Council of the City of Cleveland.

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

A PRE-BID MEETING WILL BE HELD ON TUESDAY, MARCH 10, 1998, 10:00 A.M. AT THE RIDGE ROAD TRANSFER STATION, 3727 RIDGE ROAD, CLEVELAND, OHIO.

Cleveland City Hall Balcony Drains - Phase II, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1282-96, passed by the Council of the City of Cleveland.

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

A PRE-BID MEETING WILL BE HELD ON THURSDAY, MARCH 12, 1998, 10:00 A.M. IN CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, DIVISION OF ARCHITECTURE, ROOM 517.

Pharmaceutical Supplies, for the Division of Health, Department of Public Health, as authorized by Ordinance No. 432-97, passed by the Council of the City of Cleveland, May 19, 1997.

Manhole Covers and Parts, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, 1976.

Copper Pipe, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, 1976.

February 25, 1998 and March 4, 1998

FRIDAY, MARCH 20, 1998

Mowers with Trailers, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

New Cleveland Browns NFL Football Stadium — Bid Package No. 8F — Sports Lighting and Control, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES FOR THE NON-REFUNDABLE COST OF ONE HUNDRED FIFTY DOLLARS (\$150.00) CERTIFIED OR CASHIER'S CHECK ONLY.

A MANDATORY PRE-BID MEETING WILL BE HELD ON MONDAY, MARCH 9, 1998, 10:00 A.M. IN ROOM 211 OF THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO.

February 25, 1998 and March 4, 1998

FRIDAY, MARCH 27, 1998

New Cleveland Browns NFL Football Stadium — Bid Package No. 8E — Fire Alarm/Cable Tray, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES FOR THE NON-REFUNDABLE COST OF ONE HUNDRED FIFTY DOLLARS (\$150.00) CERTIFIED OR CASHIER'S CHECK ONLY.

A MANDATORY PRE-BID MEETING WILL BE HELD ON WEDNESDAY, MARCH 11, 1998, 10:00 A.M. IN ROOM 211 OF THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO.

February 25, 1998 and March 4, 1998

FRIDAY, APRIL 3, 1998

New Cleveland Browns NFL Football Stadium — Bid Package No. 14 — Signage and Graphics, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE **PURCHASED** IN THE DIVISION OF PURCHASES AND SUPPLIES FOR THE **NON-REFUNDABLE COST OF FIFTY DOLLARS (\$50.00) CERTIFIED OR CASHIER'S CHECK ONLY.** A **MANDATORY PRE-BID MEETING** WILL BE HELD ON THURSDAY, MARCH 12, 1998, 10:00 A.M. IN ROOM 211 OF THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO.

February 25, 1998 and March 4, 1998

ADOPTED RESOLUTIONS AND ORDINANCES

REPRINT

Ord. No. 1639-97.
By Councilmen Smith and Westbrook (by departmental request).
An emergency ordinance authorizing the Director of Port Control to enter into supplements to the Master Site Lease between the City and the Federal Aviation Administration ("FAA") and to enter into subsequent supplements with the FAA to install, operate and maintain radar facilities, instrument landing systems and other air navigational aids on certain premises at Cleveland Hopkins International Airport (the "Airport") and on certain premises contiguous to the Airport.

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

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

Section 1. That the Director of Port Control is hereby authorized to enter into supplements to the Master Site Lease between the City and the Federal Aviation Administration ("FAA"), Master Site Lease No. DTFA14-89-L-R700, as found in File No. 1096-90-A, filed with the Clerk of Council. Any supplements shall be approved by the Director of Law and shall contain such terms and conditions as said Director deems necessary to protect and benefit the public interest.

Section 2. That the Director of Port Control is further authorized to enter into subsequent supplements with the FAA to install, operate and maintain radar facilities, instrument landing systems, and other air navigational aids on certain premises at the Airport and on certain other premises contiguous to the Airport in which the City has obtained an interest to install said air navigational aids. Any subsequent supplements as described above shall be entered into with the United States of America without charge in consideration of the benefits said air navigational aids will provide to the City at the Airport. The Director of Law shall approve all subsequent agreements and such agreements shall contain any

other terms and conditions as said Director deems necessary to protect and benefit the public interest.

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

Passed February 9, 1998.
 Effective February 13, 1998.

COUNCIL COMMITTEE MEETINGS

Tuesday, February 17, 1998

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

Wednesday, February 18, 1998

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

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

Index to Council Proceedings

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

Ageing Department

Chore Worker Program — accept grant in the amount of \$106,739 from Western Reserve Area Agency on Aging — \$9,792.00 City matching share. (O 329-98)..... 240

Alcohol and Drug Addiction Services Board

Amend Section 1 of Ordinance No. 1646-97, passed October 20, 1997 - relating to a grant from Alcohol and Drug Addiction Services Board of Cuyahoga County for 1998 Drug Prevention, Treatment and Intervention Program. (O 317-98) 237

Appreciation

Crain, Pearl T. (R 351-98) 228

Banners

Martin Luther King, Jr. Boulevard and Shaker Boulevard — Health Hill Hospital for Children — banners on CPP and CEI poles (O 2103-97) 252

Billboards

Enact Sections 680A.01, 680A.02 and 680A.99 — relating to restricting the placement or display of outdoor advertisements for cigarettes, providing a penalty (O 988-97)..... 251
 Enact Sections 680B.01, 680B.02 and 680B.99 — relating to restricting the placement or display of outdoor advertisements for alcoholic beverages, providing a penalty (O 989-97) 251

Burke Lakefront Airport

- Authorizing Director of Port Control - Lease By Way of Concession - International Women's Air & Space Museum for operation of museum and concession - and to enter into permits for fund raisers at Burke Lakefront Airport - repeal Ordinance (O 308-98) 234

City Clerk's Office

- Amend Section 171.62 of the Codified Ordinances of Cleveland, Ohio 1976 - relating to councilmanic and clerk's assistants. (O 313-98)..... 248

City Council

- Amend Section 171.62 of the Codified Ordinances of Cleveland, Ohio 1976 - relating to councilmanic and clerk's assistants. (O 313-98)..... 248

City Planning Commission

- Authorizing the sale of real property - Land Reutilization Program - 4147 East 114th Street - Cleveland Housing Network Incorporated or designee. (O 280-98)..... 245
- Authorizing the sale of real property - Land Reutilization Program - Lakeview and Parklawn Avenues - Northeast Neighborhood Development Corporation or designee. (O 281-98) 246
- Enact Sections 680A.01, 680A.02 and 680A.99 — relating to restricting the placement or display of outdoor advertisements for cigarettes, providing a penalty (O 988-97)..... 251
- Enact Sections 680B.01, 680B.02 and 680B.99 — relating to restricting the placement or display of outdoor advertisements for alcoholic beverages, providing a penalty (O 989-97) 251
- Vacate a portion of Stuber Court N.E. (O 1781-97) 250-252

City Planning Department

- Broadway and East 98th Street, lands southwest of — change use and area districts of lands (O 331-98)..... 243
- Lakeport Road, N. E. to Lakeshore Boulevard, N. E. southwest of Brazil Road, N. E.— change use district of lands. (O 330-98) 243
- Lorain Station Historic Landmark District — establish as a landmark (O 332-98)..... 244
- West 117th Street / Berea Road — establish as a Business Revitalization District. (O 333-98) 245

Clerk of Council

- Section 413.10 — Establish No Right "Turn in Ward 14 at the intersection of State and Oakpark all directions — amend File No. 106-76 in the Clerk of Council's Office . . (O 2188-97) 250-254

Cleveland Hopkins International Airport (CHIA)

- Amend title and Section 1 of Ordinance No. 930-95, passed June 19, 1995 - as amended by Ordinance No. 2150-95, passed December 18, 1995 - relating to acquisition boundaries - real property - vicinity of Cleveland Hopkins International Air (O 307-98) 234
- Authorizing the Director of Port Control - to enter into an amendment to Lease No. 31263 - Northwest Airlines, Inc. for the Division of Cleveland Hopkins International Airport. (O 309-98) 235

Cleveland Municipal Court

- Authorizing and Directing - Director of Finance - on behalf of Cleveland Municipal Court - enter into contract with Legal Aid Society of Cleveland - legal services necessary to defend indigents charged with violation of City ordinances. (O 287-98) 228

Cleveland Public Power

- West 41st Street Substation — expansion — interdepartmental transfer of property — amend City Contract No. 25845, (O 144-98)..... 250-254

Codified Ordinances

Amend Section 171.62 of the Codified Ordinances of Cleveland, Ohio 1976 - relating to councilmanic and clerk's assistants. (O 313-98)..... 248

Enact Sections 680A.01, 680A.02 and 680A.99 — relating to restricting the placement or display of outdoor advertisements for cigarettes, providing a penalty (O 988-97)..... 251

Enact Sections 680B.01, 680B.02 and 680B.99 — relating to restricting the placement or display of outdoor advertisements for alcoholic beverages, providing a penalty (O 989-97) 251

Section 413.10 —Establish No Right “Turn in Ward 14 at the intersection of State and Oakpark all directions — amend File No. 106-76 in the Clerk of Council's Office . - (O 2188-97) 250-254

Signs for retail districts — amend Sec. 350-14 of Codified Ordinances. (O 334-98)..... 241

Communications

Cleveland Thermal Energy Corporation, Case No. 92- 154-HT-AEC, Standard Steam Service Agreements for BOMA Members from Vorys, Sater, Seymour and Pease LLP. (F 269-98) 227

Cleveland Thermal Energy Corporation, Case No. 92- 111-HT-AEC, Standard Steam Service Agreement with AT&T Corporation from Vorys, Sater, Seymour and Pease LLP. (F 267-98) 227

Cleveland Thermal Energy Corporation, Case No. 92- 111-HT-AEC, Standard Steam Service Agreement with 1220 Huron Mall Ltd., from Vorys, Sater, Seymour and Pease LLP. (F 268-98) 227

Contract No. 50440 - Rehabilitation of the Exterior Surfaces of Four Water Towers - completed and accepted as of December 3, 1998. (F 266-98) 227

Community Development

Authorizing the sale of real property - Land Reutilization Program - 4147 East 114th Street - Cleveland Housing Network Incorporated or designee. (O 280-98)..... 245

Authorizing the sale of real property - Land Reutilization Program - Lakeview and Parklawn Avenues - Northeast Neighborhood Development Corporation or designee. (O 281-98) 246

Community Reinvestment Area

Community Reinvestment Area — establish in the area of 5114 Herman Avenue (Ward 17). (O 1932-97) 250-252

Condolences

Blue, Gladys V. (R 339-98)..... 227

Culbreath, Lillian Renee (R 336-98) 227

DiCicco, Jessie (R 338-98)..... 227

Moore, Patrick Tyler, Jr. (R 335-98)..... 227

Susnik, Mary (R 337-98) 227

Congratulations

Detective Carlin, Kathleen (R 343-98) 228

Embry, Wayne (R 347-98)..... 228

Purdy, Janis (R 341-98)..... 228

Sergeant Martin, Albert (R 344-98) 228

Sergeant Thomas, Michael (R 342-98)..... 228

Srebeala, Mildred (R 346-98) 228

Travagliante, Joe and Midge (R 345-98) 228

Walters, Lucy Mae (R 340-98)..... 228

Cuyahoga County

Payne Avenue from East 13th Street to East 55th — give consent to Cuyahoga County to rehabilitate — apply and accept allocations from County Motor Vehicle License Tax Funds (O 2074-97) 253

Cuyahoga County Board of Health

Authorizing Director of Public Health to apply for and accept a grant - Cuyahoga County Board of Health - for the 1998 Cuyahoga County Health Promotion Project. (O 318-98) 237

Cuyahoga County Health Promotion Project

Authorizing Director of Public Health to apply for and accept a grant - Cuyahoga County Board of Health - for the 1998 Cuyahoga County Health Promotion Project. (O 318-98)	237
--	-----

Economic Development Department

Accurate Instrument Service, Co., — 4228 West 130th Street — provide partial economic development assistance for acquisition and renovation of property — \$24,000.00. (O 326-98)	239
All My Children Day Care Center — 12715 and 12905 Miles Avenue — \$80,000.00 — provide economic development assistance to partially finance renovation and expansion of their facility. (O 327-98)	240
Carotech, Inc. — Walworth Run Industrial Park — \$400,000.00. — provide economic development assistance to partially finance acquisition of land and construction of new facility. (O 328-98).....	240
Marshall Ford West — 16100 Lorain Avenue — provide partial economic development assistance — \$300,000.00. (O 325-98)	239
Planning study — West Side Market and the larger Market District — contract — Thompson Design Group (O 322-98).....	238

Encroachments

Martin Luther King, Jr. Boulevard and Shaker Boulevard — Health Hill Hospital for Children — banners on CPP and CEI poles (O 2103-97)	252
---	-----

Federation for Community Planning

Authorizing Director of Public Health - apply for and accept a grant - Federation for Community Planning - Ohio Department of Health - 1998 Immunization Action Plan Program. (O 316-98)	236
Authorizing Director of Public Health to apply for and accept a grant - Federation for Community Planning - 1997-98 Health Services for Residents of Public Housing Program. (O 319-98)	237

Finance Department

Authorizing and Directing - Director of Finance - on behalf of Cleveland Municipal Court - enter into contract with Legal Aid Society of Cleveland - legal services necessary to defend indigents charged with violation of City ordinances. (O 287-98).....	228
Authorizing and Directing - Director of Finance- pay cost of extraction -1996 Ohio income tax master file data. (O 289-98).....	228
Authorizing and Directing - purchase by requirement contract - standard wire - various divisions - not to exceed two years. (O 291-98).....	229
Authorizing and Directing - purchase by requirement contract - typewriter maintenance and repair - various divisions - not to exceed two years. (O 292-98).....	229
Authorizing and Directing - purchase by requirement contract - commercial gases - various divisions - not to exceed two years. (O 290-98).....	229
Authorizing and Directing - purchase by requirement contract - pole painting - various divisions - not to exceed two years. (O 293-98).....	229
Authorizing and Directing - purchase by requirement contract of office supplies - various divisions of City government - period of one year with one option to renew for two consecutive years. (O 288-98)	228
Authorizing and Directing - purchase by requirement contract of lumber - various divisions of City government - not to exceed two years. (O 286-98)	228
Master Site Lease between City and Federal Aviation — enter into subsequent agreements with the FAA to install, operate and maintain radar facilities (O 1639-97)	261-R
Purchase by contract - computer hardware, software, supplies, employee training, data programming and data conversion; authorizing Directors of Finance and Public Health - employ computer consultants and data processors - professional (O 310-98)	235

Land Reutilization Program

Authorizing the sale of real property - Land Reutilization Program - 4147 East 114th Street - Cleveland Housing Network Incorporated or designee. (O 280-98).....	245
Authorizing the sale of real property - Land Reutilization Program - Lakeview and Parklawn Avenues - Northeast Neighborhood Development Corporation or designee. (O 281-98)	246
Denison Avenue, S. W., 5804 and 5800 (Ward 17) — sell to Joseph J. and Daniel Mayo. (O 324-98)	238
Quincy Avenue, 5703, 5705, 5709, 5801, and 5807 (Ward 5) — sell to St. Paul AME Zion Church. (O 323-98).....	238

Landmarks Commission

Lorain Station Historic Landmark District — establish as a landmark (O 332-98)..... 244

Legal Aid Society

Authorizing and Directing - Director of Finance - on behalf of Cleveland Municipal Court
 - enter into contract with Legal Aid Society of Cleveland - legal services necessary
 to defert indigents charged with violation of City ordinances. (O 287-98)..... 228

Liquor Permits

3250 West 65th Street, SW Bldg. - Objecting. (R 283-98) 249
 422 Eddy Rd., 1st Floor Front - Objecting to the transfer of ownership. (R 282-98) 249
 Broadview Road, 2039 (Ward 16)- New Application. (F 270-98) 227
 East 156th Street, 383 (Ward 11) - Transfer of Ownership and Location Application.
 (F 275-98) 227
 East 79th Street, 1601-03 - withdrawing objection - repealing Res. No. 1345-97.
 (R 284-98) 249
 East 93rd Street, 863-71 (Ward 8) - Transfer of Ownership Application. (F 274-98) 227
 Eddy Road, 422, first floor front, (Ward 9) Trains- Ferro of Ownership Application.
 (F 273-98) 227
 Franklin Blvd., 2826 (Ward 14) - Transfer of Ownership and Location Application.
 (F 276-98) 227
 Old River Road, 1061, first floor and patio (Ward 13) - Stock Transfer Application.
 (F 278-98) 227
 Superior Avenue, 5300 & Gas Pumps - withdrawing objection - repealing Res. No. 1346-97.
 (R 285-98) 249
 West 10th Street, 2529, first floor and basement - (Ward 13) - Stock Transfer Application.
 (F 277-98) 227
 West 130th Street, 3935 (Ward 19) - New Application. (F 271-98)..... 227
 West 46th Street, 3271 (Ward 14) - New Application. (F 272-98)..... 227

Motor Vehicle License Tax

Payne Avenue from East 13th Street to East 55th — give consent to Cuyahoga County
 to rehabilitate — apply and accept allocations from County Motor Vehicle License
 Tax Funds (O 2074-97) 253

No Right Turn

Section 413.10 —Establish No Right “Turn in Ward 14 at the intersection of State
 and Oakpark all directions — amend File No. 106-76 in the Clerk of Council's Office
 . - (O 2188-97) 250-254

Ohio Revised Code

Community Reinvestment Area — establish in the area of 5114 Herman Avenue (Ward 17).
 (O 1932-97) 250-252

Parks, Recreation and Properties Department

City Hall — professional services to rehabilitate, renovate and improve — amend Section
 4 of Ord. No. 1282-96 (O 321-98) 237
 Planning study — West Side Market and the larger Market District — contract — Thompson
 Design Group (O 322-98)..... 238
 West 41st Street Substation — expansion — interdepartmental transfer of property
 — amend City Contract No. 25845, (O 144-98)..... 250-254

Peddlers

Engage in peddling in Ward 3 - Walter Goddard III (O 279-98)..... 245
 Phillip Priester — permit to peddle in Ward 19. (O 314-98)..... 248

Police Division

D.A.R.E. Program — purchase by contract necessary items to conduct program — Police
 Division (O 320-98)..... 237

Port Control Department

Amend title and Section 1 of Ordinance No. 930-95, passed June 19, 1995 - as amended by Ordinance No. 2150-95, passed December 18, 1995 - relating to acquisition boundaries - real property - vicinity of Cleveland Hopkins International Air (O 307-98)	234
Authorizing Director of Port Control - Lease By Way of Concession - International Women's Air & Space Museum for operation of museum and concession - and to enter into permits for fund raisers at Burke Lakefront Airport - repeal Ordinance (O 308-98)	234
Authorizing the Director of Port Control - to enter into an amendment to Lease No. 31263 - Northwest Airlines, Inc. for the Division of Cleveland Hopkins International Airport. (O 309-98)	235
Employ one or more professional consultants to provide engineering and other services — provide program and construction management for five-year capital improvement program (O 1290-97)	250-252
Master Site Lease between City and Federal Aviation — enter into subsequent agreements with the FAA to install, operate and maintain radar facilities (O 1639-97)	261-R

Public Health Department

Amend Section 1 of Ordinance No. 1646-97, passed October 20, 1997 - relating to a grant from Alcohol and Drug Addiction Services Board of Cuyahoga County for 1998 Drug Prevention, Treatment and Intervention Program. (O 317-98)	237
Amend title and Section 1 of Ordinance No. 431-97, passed May 19, 1997 - supplement said ordinance - relating to grant from the Ohio Department of Health for the STD (Sexually Transmitted Disease testing) program. (O 315-98)	236
Authorizing Director of Public Health - apply for and accept a grant - Federation for Community Planning - Ohio Department of Health - 1998 Immunization Action Plan Program. (O 316-98)	236
Authorizing Director of Public Health to apply for and accept a grant - Federation for Community Planning - 1997-98 Health Services for Residents of Public Housing Program. (O 319-98)	237
Authorizing Director of Public Health to apply for and accept a grant - Cuyahoga County Board of Health - for the 1998 Cuyahoga County Health Promotion Project. (O 318-98)	237
Enact Sections 680A.01, 680A.02 and 680A.99 — relating to restricting the placement or display of outdoor advertisements for cigarettes, providing a penalty (O 988-97)	251
Enact Sections 680B.01, 680B.02 and 680B.99 — relating to restricting the placement or display of outdoor advertisements for alcoholic beverages, providing a penalty (O 989-97)	251
Purchase by contract - computer hardware, software, supplies, employee training, data programming and data conversion; authorizing Directors of Finance and Public Health - employ computer consultants and data processors - professional (O 310-98)	235

Recognitions

Koons, Scott (R 349-98)	228
O'Neill, Francis J., III (R 348-98)	228
Social Work Centennial Month (R 350-98)	228

Safety Department

D.A.R.E. Program — purchase by contract necessary items to conduct program — Police Division (O 320-98)	237
Enact Sections 680A.01, 680A.02 and 680A.99 — relating to restricting the placement or display of outdoor advertisements for cigarettes, providing a penalty (O 988-97)	251
Enact Sections 680B.01, 680B.02 and 680B.99 — relating to restricting the placement or display of outdoor advertisements for alcoholic beverages, providing a penalty (O 989-97)	251
Hepatitis-B Vaccine Adult vaccines — Safety Department (O 2152-97)	250-254

Service Department

Amend Sections 3 and 4 of Ordinance No. 1256-97, passed July 16, 1997 - relating to Ridge Road Transfer Station Rehabilitation Project. (O 300-98)	232
Authorizing and Directing - Director of Public Service - cause payment of City's share to County of Cuyahoga for cost of rehabilitating Lakewood Heights Boulevard. (O 303-98)	233
Authorizing and Directing - procurement by requirement contract - rental of large capacity trucks and operators - Division of Streets - Department of Public Service. (O 296-98)	231
Authorizing and Directing - purchase by requirement contract - gutter brooms and gutter broom sets - Division of Streets - Department of Public Service. (O 299-98)	232

Authorizing and Directing - purchase by requirement contract - manhole risers - Division of Streets - Department of Public Service. (O 297-98)..... 231

Authorizing and Directing - purchase by requirement contract - asphalt concrete material - Division of Streets - Department of Public Service. (O 295-98)..... 231

Authorizing and Directing - purchase by requirement contract - curb bumpers and plow blades - Division of Streets - Department of Public Service. (O 298-98)..... 231

Authorizing and Directing - purchase by requirement contract - emulsion and emulsion service management - Division of Streets - Department of Public Service. (O 302-98) 232

Authorizing and directing - purchase by requirement contract - guard rail elements, posts, end wings and necessary hardware - Division of Streets - Department of Public Service. (O 301-98) 232

Giving consent - City of Cleveland - repair and resurfacing of Ridge Road - authorizing Public Service Director to enter into agreements and apply for allocation of County Motor Vehicle License Tax Funds. (O 294-98)..... 230

Payne Avenue from East 13th Street to East 55th — give consent to Cuyahoga County to rehabilitate — apply and accept allocations from County Motor Vehicle License Tax Funds (O 2074-97) 253

Retaining wall at W. 61st Street — repair or replace — contiguous improvements — employ professional design services — acquire right-of-way purposes of such real property — public improvement (O 2024-97) 251

Vacate a portion of Stuber Court N.E. (O 1781-97) 250-252

Signs

Signs for retail districts — amend Sec. 350-14 of Codified Ordinances. (O 334-98)..... 241

Street—Vacation

Hilltop Drive, S.W.—portion of (R 2157-97) 251-254

Streets - Vacation

Amend Section 1 of Ordinance No. 680-97 - passed April 21, 1997 - relating to vacating a portion of East 174th Street, East 175th Street and Manoa Avenue S.E. (O 306-98) 233

Amend Section 1 of Ordinance No. 679-97, passed April 21, 1997 - relating to vacating a portion of East 174th Street. (O 305-98)..... 233

East 96th Street — vacation (R 630-97) 251-254

Elk Avenue, N. E., — intention to vacate a portion (R 2203-97) 251-254

Prospect Court, S.E.- vacate a portion of. (O 304-98)..... 233

West 200th Street, West 198th Street, West 191st Street, Wagner Place, Maplewood Avenue, and Elsmere Avenue (Ward 20) — intention to vacate portions of. (R 89-98) 251-254

West 6th Street — vacate a portion of (O 2030-97)..... 250-252

Utilities Department

Amend Section 535.18 of Codified Ordinances, Cleveland, Ohio 1976, as amended by Ordinance No. 935-96 passed June 18, 1996 - relating to rates for water sold through master meters. (O 311-98)..... 235

Determining method of making public improvement - rehabilitating Kinsman Water Tower and authorizing Director of Public Utilities - enter into contract for such improvement. (O 312-98) 236

West 41st Street Substation — expansion — interdepartmental transfer of property — amend City Contract No. 25845, (O 144-98)..... 250-254

West Side Market

Planning study — West Side Market and the larger Market District — contract — Thompson Design Group (O 322-98)..... 238

Western Reserve Area Agency on Aging

Chore Worker Program — accept grant in the amount of \$106,739 from Western Reserve Area Agency on Aging — \$9,792.00 City matching share. (O 329-98)..... 240

Zoning

Broadway and East 98th Street, lands southwest of — change use and area districts of lands (O 331-98)..... 243

Lakeport Road, N. E. to Lakeshore Boulevard, N. E. southwest of Brazil Road, N. E.— change use district of lands. (O 330-98) 243

West 117th Street / Berea Road — establish as a Business Revitalization District. (O 333-98) 245